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Student Code of Conduct

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I. Introduction

A. Purpose

Pima Community College (the “College”) promotes the exchange of knowledge in an environment that encourages reasoned discourse, intellectual honesty, and respect for the rights of all persons. In support of this goal, the primary purpose of the following Student Code of Conduct (“Code of Conduct” or “Code”) is to educate and guide students to understand their responsibilities in regard to appropriate behavior and respect for others in the College community.

B. Jurisdiction

This Code of Conduct governs all conduct of a College student that: (a) occurs on College property; (b) occurs at a College sponsored, sanctioned or supervised event or activity, regardless of the location of the event or activity and inclusive of travel, lodging and unscheduled time in between sessions of the event or activity; and/or (c) adversely affects the operation of the College, regardless of when or where the conduct occurs.

C. Definitions

“**College IT Systems**” means College owned or controlled telephones, computers, software, network devices, servers, printers and other College owned or controlled technology equipment, including both hardware and software. This includes the College’s website “pima.edu,” email with a pima.edu domain name, and/or email transmitted on College servers.

“**Day**” means normal College business day, not including Saturday, Sunday, any officially recognized College employee holiday, or any day the College is closed.

“VPSD” means the Vice President of Student Development at the College campus where an alleged Code of Conduct violation occurs, or a Vice President of Student Development from another College campus designated to be responsible for the matter. If an alleged Code of conduct violation occurs in relation to an off-campus course or activity, VPSD means the Vice President of Student Development responsible for the off-campus course or activity or a Vice President of Student Development from another College campus designated to be responsible for the matter.

“President” means the President at the College campus where an alleged Code of Conduct violation occurs, or a President from another College campus designated to be responsible for the matter. If an alleged Code of Conduct violation occurs in relation to an off-campus course or activity, “President” means the President at the College campus responsible for the off-campus course or activity, or a President from another College campus designated to be responsible for the matter.

“SPG” means a College Standard Practice Guide.

“Student” means a person who (1) has been charged with a Code of Conduct violation and (2) is either (a) admitted to the College as a student or (b) registered or participating in College continuing education classes.

D. Questions Concerning Interpretation or Application of Code of Conduct

Any questions that arise concerning the interpretation or application of this Code of Conduct should be addressed to the Assistant Vice Chancellor of Student Services or his/her designee.

II. Code Violations

A. Academic Ethics Violations

A student shall not:

1. Copy from another student’s test/quiz paper or knowingly allow one’s own test/quiz paper to be copied.
2. Use materials during a test/quiz that were not clearly authorized by the person giving the test/quiz.
3. Collaborate with another student during a test/quiz without permission.
4. Knowingly use, buy, sell, offer, transport, or solicit any of the contents of a test/quiz.
5. Take a test/quiz for another student or permit another student to take a test/quiz in one’s place.

6. Bribe or attempt to bribe another person to obtain a passing grade or a better grade on a test/quiz or for a course.
7. Intentionally misstate facts or events on a graded exercise or assignment in a manner that affects the grade.
8. Engage in plagiarism, which includes representing the work of another person as one's own, including information downloaded from the Internet. The use of another person's words, ideas, or information without proper acknowledgement also constitutes plagiarism.
9. Obtain from or give to another student unauthorized assistance on any course work.
10. Compromise instructional and test/quiz materials by acquiring, using, or providing to others unauthorized instructional and/or testing/quizzing materials.

B. Violations Other Than Academic Ethics Violations

Disruption, Assault and Related Offenses

A student shall not:

1. Disrupt any educational activity or process including, but not limited to, interrupting, impeding, or causing the interruption or impediment of any class, lab, administrative activity, or other College activity or event.
2. Disturb the peace of the College by, among other things, fighting, causing excessive noise, or engaging in indecent or obscene behavior.
3. Initiate, cause or contribute to any false warning or false report of a fire, explosion, emergency or crime.
4. Endanger, threaten to cause physical harm to, or cause actual physical harm to (a) another person, (b) College property, or (c) the property of another person. This section is intended to include (a) a student who threatens to cause harm to himself/herself and (b) all conduct or communications that a reasonable person would interpret as a serious expression of intent to cause physical harm to a person or damage to a person's property.

Offenses Involving False Reports or Presentation of a False Document

A student shall not:

5. Obtain College goods or services by making a false statement or by using or presenting a false or unauthorized document or a false identification card or paper.

Tobacco, Alcohol and Drug Offenses

A student shall not:

6. Smoke or chew tobacco in College buildings or other areas where such conduct is prohibited by law or College SPG 2303-AA.
7. Smoke or chew tobacco at a College event or activity that does not occur on College property when such conduct is not permitted at the event or activity.
8. Consume, transfer, sell, possess or be under the influence of an alcoholic beverage while (a) on College property or (b) at a College event or activity when such conduct is not permitted at the event or activity.
9. Consume, transfer, sell, possess or be under the influence of any controlled substance, illegal drug, or imitation controlled substance or possess legally prohibited drug paraphernalia. Notwithstanding the above, a student is not in violation of this Code provision if the student possesses or uses prescription medication that is prescribed to the student and is used only in conformance with the prescription.
10. Drive on College property or in connection with a College event or activity while under the influence of alcohol or drugs.

Offenses Involving College IT Systems (Computers, Networks and Telephones)

A student shall not:

11. Circumvent any College IT system security feature including hacking, probing, or attempting to break into other users' accounts.
12. In connection with a College IT system, obtain or use another person's account name, username or password unless specifically authorized to do so by a College administrator.
13. In connection with a College IT system, create, use or transmit a computer virus, worm, spyware or other type of malicious software.
14. In connection with a College IT system, allow another person to use one's account name, username or password unless specifically authorized to do so by a College administrator.
15. Alter, disrupt, or reconfigure any College IT system unless specifically authorized to do so by a College administrator. This prohibition includes (a) the unauthorized introduction of any new hardware, software, network device or telephone on a College IT system; (b) the unauthorized removal or reconfiguration of any College hardware, software, network device, or telephone from a College IT system; and (c) the unauthorized running of an IT server, whether virtual or physical, on any College IT system network.

16. Use a College IT system to access, view, download, create, store, send, or forward sexually inappropriate materials of the type referenced in A.R.S. §38-448(A).
17. In connection with a College IT system, forge email or other electronic information or engage in any other conduct that is inappropriate or degrades the accuracy of student or other College data.
18. Engage in unauthorized access of any College IT system, any student data, or any other College data.
19. Access, view, download, create, store, send, or forward spam, pranks, pornographic or obscene images or words, or harassing, vulgar, threatening or intimidating messages on a College IT system.
20. Illegally download copyrighted material or violate any software license agreement or intellectual property rights in any College-related context.

Discrimination, Harassment, and Sexual Offenses

A student shall not:

21. Engage in discriminatory conduct against a member of the College community on the basis of age, ethnicity, gender, disability, color, national origin, race, religion, sexual orientation or veteran status.
22. Engage in sexual harassment against a member of the College community, including, but not limited to, engaging in unwelcome physical and/or sexual contact or other conduct of a sexual nature that a reasonable person would know is unwelcome. Such conduct could include (a) repeated sexual advances, or propositions; (b) verbal harassment of a sexual nature, including lewd comments and/or sexual jokes or references; and/or (c) demeaning, insulting, intimidating, or sexually suggestive comments about an individual's dress or body. (See [Board Policy BP1503](#).)
23. Engage in harassing conduct that a reasonable person would understand to be unwelcome or offensive, including, but not limited to, stalking or bullying. Stalking means following another person or making repeated contacts with another person in a manner that would cause a reasonable person to fear for their safety or the safety of their immediate family members or acquaintances. Bullying means engaging in conduct that involves physical assaults or threats of physical assault, intimidation, and/or harassment where the purpose or effect of the conduct is to exert dominance over another person.
24. Engage in any illegal sexual offense, including, but not limited to, sexual assault, public sexual indecency, or indecent exposure.

Offenses Involving Weapons

A student shall not:

25. Use, possess, display, or store any weapon, dangerous instrument, explosive material or device, fireworks, bomb-making materials or dangerous chemical on College property, or at a College activity or event, unless specifically authorized by (a) an Arizona or federal statute governing law enforcement officers; (b) a written document signed by the campus President in situations where the weapon, dangerous instrument, or dangerous material is used for an academic, law enforcement, or other legitimate purpose and the presence of the item does not present an undue risk to the College community; or (c) A.R.S. §12-781, which provides that a person may store or transport a legally possessed firearm inside that person's locked and privately owned motor vehicle or inside a locked compartment on that person's privately owned motorcycle. Such firearm must not be visible from the outside of the motor vehicle or motorcycle.

Property and Related Offenses

A student shall not:

26. Misuse, steal, misappropriate, or use or access without permission, property, data, records, equipment or services belonging to the College or to another person or entity.
27. Possess property one knows or has reason to believe is stolen or misappropriated.
28. Damage, destroy, or deface property, data, records or equipment belonging to the College or to another person or entity, including, but not limited to, taking down or defacing College authorized posters, handbills, or notices posted on College property, and damaging or defacing library materials.
29. Enter or occupy any College building, grounds, vehicle, or facility without proper authorization from a College employee to do so.
30. Block an entry to or exit from College property or a College event or activity without proper authorization from a College employee to do so.
31. Litter on College property or at a College activity or event.
32. Use, distribute, duplicate, modify, or possess any keys or pass cards issued for any building, facility, room, or other College property without authorization from the College to do so.

Offenses Involving the Violation of a Local, State or Federal Law

A student shall not:

33. Violate any local, state or federal law.
34. Violate the copyright laws. (See [SPG Guide2701/AA](#) Copyright Practice and Compliance.)

Offenses Involving the Violation of a College or College-Related Policy, Regulation, Rule, SPG or Directive

A student shall not:

35. Violate any College policy, regulation, or SPG.
36. Violate any College traffic or parking rule or regulation.
37. Fail to comply with the directions of College officials or agents, including law enforcement or security officers, acting in good faith in the performance of their duties. This includes failing to appear before a College administrator when directed to do so. This section is not intended to prohibit the lawful assertion of an individual's Fifth Amendment right against self-incrimination.
38. Violate any rule, regulation or standard of conduct that (a) is imposed by a College or College-related club, team or organization of which the student is a member, or (b) applies to a College or College-related academic, athletic and/or other curricular or extracurricular activity or program if the student is participating in the activity or program.

Offenses Related to Disciplinary Sanctions and Proceedings

A student shall not:

39. Violate the terms of any disciplinary sanction imposed on him/her as a result of a Code violation.
40. Interfere with any College student or employee disciplinary process, including, but not limited to, tampering with physical evidence, providing false testimony at a disciplinary meeting or hearing, or requesting or inducing another person to provide false information or withhold information at a meeting or hearing.

Miscellaneous Offenses

A student shall not:

41. Fail to obtain approval from the Office of Student Life prior to (a) posting or distributing information of any kind on College property or at a College event or activity; (b) engaging in

commercial solicitation on College property or at a College event or activity; or (c) selling merchandise on College property or at a College event or activity unless specifically authorized by the College to do so.

42. Fail to reasonably supervise, and provide for the care of, a minor child in the custody or control of the student when the minor child is on College property or at a College event or activity.

Attempted Misconduct and Conspiracy Offenses

A student shall not:

43. Attempt to engage in conduct prohibited by this Code of Conduct. A student who engages in attempted misconduct can be disciplined to the same extent as if the student completed the prohibited act.
44. Join with others in a conspiracy to engage in conduct prohibited by this Code of Conduct. A student engages in a conspiracy when the student (a) agrees with others to engage in a plan or scheme that violates the Code and (b) undertakes one or more actions in furtherance of the agreement. A student who conspires with others to engage in conduct prohibited by the Code can be disciplined to the same extent as if the student alone engaged in the prohibited conduct, regardless of whether or not the conspiracy was completed.

III. Code Sanctions

A. Definition of Sanctions

Sanctions are disciplinary penalties that may be imposed on a student following a determination that the student has engaged in one or more Code violations described in section II. An exception to the above is an immediate suspension, which is a sanction that may be imposed prior to a determination that a Code violation has occurred.

B. Sanctions Determined on a Case-by-Case Basis

The determination of what sanctions may be warranted in a given situation will be based on the specifics of that situation and the student's prior disciplinary record.

C. Employees Authorized to Impose Sanctions

Employees authorized to impose sanctions include, and are limited to, the following:

1. An instructor may impose academic ethics sanctions for an academic ethics violation involving the instructor's course. (See subsection III (D).)

2. A Vice President of Student Development (VPSD) may impose sanctions other than academic ethics sanctions. (See subsection III(E).) A President may impose sanctions in an appeal decision. (See subsection IV(C).)
3. A College Department of Public Safety Officer (DPS Officer) may impose an immediate suspension, provided, however, that nothing in this paragraph is intended to restrict the Officer's traditional authority to protect the peace and/or enforce applicable criminal and traffic laws. (See section V.)

D. Academic Ethics Sanctions

Academic ethics sanctions mean either or both of the following:

1. **Warning:** A warning admonishes a student for an academic ethics violation and warns the student not to commit further violations. A warning must be in writing but does not become part of the student's permanent record.
2. **Loss of Credit or Grade Reduction on an Assignment:** A student may be given a lowered or failing grade (including a grade of zero or no credit) on an assignment, test/quiz or project which was the subject of an academic ethics violation.

E. Sanctions Other Than Academic Ethics Sanctions

Sanctions other than academic sanctions mean any one or more of the sanctions set out below. Where appropriate, a student may be subject to more than one sanction. For example a student may be on probation, have an obligation to pay restitution, and be on a behavior contract at the same time:

1. **Warning:** A warning admonishes a student for a Code of Conduct violation and warns the student not to commit further violations. A warning must be in writing but does not become part of the student's permanent record.
2. **Agreed-Upon Behavior Contract:** In situations where a student and VPSD can agree on the consequences that should result from the student's Code of Conduct violation, the agreed-upon consequences can be set out in a document titled "Behavior Contract."
3. **Reprimand:** A reprimand admonishes a student for a Code of Conduct violation and warns the student not to commit further violations. A reprimand must be in writing and becomes part of the student's permanent record.
4. **Probation:** Probation is a written directive to comply strictly with the Code of Conduct for a specified period of time. A student on probation is permitted to continue with his or her coursework and attend College events and activities, but is warned that any further Code violation may result in the imposition of more severe sanctions, including possible suspension or expulsion.

5. **Immediate Suspension:** An immediate suspension is a suspension imposed by a VPSD or College DPS Officer on a student prior to the student's receipt of due process procedures. (See section V.)
6. **Mandated Withdrawal:** A mandated withdrawal is a sanction where the student is withdrawn from a class or classes or from a College program. Withdrawal of a student from a College program can be for a specified amount of time not to exceed eighteen (18) months or can be permanent.
7. **Suspension:** Suspension is a sanction that, for a specified period of time, (a) requires a student not to be on any College campus or property; (b) excludes the student from all College academic courses and activities; and (c) prohibits the student from attending or participating in any College event or activity, regardless of location. A suspension shall not exceed eighteen (18) months in length. In appropriate situations, a limited suspension may be imposed. A limited suspension is one that restricts a student from some, but not all, academic classes. A suspension is a limited suspension only if it is expressly referenced as such in the decision that imposes the suspension. A student's readmission following a suspension may be conditioned on compliance with specified conditions.
8. **Expulsion:** Expulsion is the permanent exclusion of a student from (a) all College campuses and property; (b) all academic courses and activities of the College; and (c) the right to attend or participate in any College function or activity, regardless of location.
9. **Degree or Certificate Revocation:** Degree or certificate revocation is a sanction where the College revokes a degree, certificate or other academic recognition previously awarded by the College to a student. Notice of any degree revocation appears on the student's transcript. If the College previously communicated the award of a degree, certificate or other academic recognition to another person or entity, the College may provide notice of the revocation to that person or entity.
10. **Restitution:** Restitution involves the payment of monies to the College or to one or more persons, groups, or organizations to compensate the person(s), group(s), or organization(s) for damage to property or costs incurred as a result of the student's Code violation. Before requiring restitution in a Code matter that also involves separate criminal charges, a VPSD shall consult with the Chief of Police.
11. **Access Restrictions:** Access Restrictions are restrictions on a student's ability to attend or access specific services, facilities, and/or extracurricular activities or events. An access restriction shall not include prohibiting a student from attending a class or classes in which the student is enrolled.
12. **Service and Related Activities:** A student may be required to complete an educational program at the student's expense, write a paper or letter of apology, or engage in community service appropriate to a specific Code violation.

13. **Administrative Hold:** An administrative hold is a sanction that precludes a student from registering, receiving transcripts, or graduating until clearance has been received from a campus President or VPSD based on the student's completion of specified conditions, such as the return of property, completion of community service obligations, payment of restitution, etc. An administrative hold may only be imposed on a student in two circumstances. The first circumstance is when the student has received one of the following disciplinary sanctions: (a) an immediate suspension, (b) a suspension other than an immediate suspension that is scheduled to continue for more than three (3) days, (c) withdrawal of the student from a class or classes, or from a College program, (d) an expulsion, or (e) a degree or certificate revocation. The second circumstance is when a campus President or VPSD determines, in the President or VPSD's discretion based on the circumstances of a particular situation, that an administrative hold is warranted.

IV. Due Process Procedures

A. Incident Reports

1. **Reporting Alleged Code of Conduct Violations and Preparation of Incident Reports:** In the case of an emergency involving violent or threatening student conduct, including a student's threat to injure himself/herself, College employees, students, and visitors are strongly encouraged to immediately contact the College's Department of Public Safety (DPS) by dialing 206-2700 or 911.

In cases that do not involve an emergency, College employees, students and visitors may report a possible Code of Conduct violation by completing a College incident report form and notifying a VPSD. An incident report form may be obtained in any VPSD's office. Also an incident report form is attached.

If allegations of misconduct are received by a VPSD in any written form other than on an incident report form, the VPSD shall transfer the relevant information to an incident report form. In addition, a VPSD may independently initiate an incident report based on his/her communications with others or on written documents such as media reports, police reports, emails, letters, or other written documents.

2. **Contents of Incident Report:** An incident report should, to the extent reasonably possible, set out specific facts, including specific names(s), date(s), location(s) and descriptions of the alleged act(s) of misconduct.
3. **Time Limit:** An incident report should be submitted as soon as reasonably possible after alleged student misconduct occurs. Although there is no strict time limit after which an incident report may not be filed, an incident report that is submitted more than five (5) days after the alleged student misconduct may or may not be reviewed or otherwise processed, at the discretion of the VPSD.

4. **Entry of an Incident Report and Resolution Thereof into the Code of Conduct Log:** Upon receipt or preparation of an incident report, the VPSD shall within twenty-four (24) hours enter the information into the Code of Conduct Log and check to see if there are any other disciplinary matters involving the student. Upon final resolution of the allegations referenced in the incident report, the VPSD shall enter into the Code of Conduct Log how the disciplinary matter was concluded.
5. **Consultation with the College's EEO Office Concerning Certain Incident Reports:** The VPSD shall consult with the College's EEO Office following the receipt or preparation of an incident report when: (a) the report includes allegations of discrimination, sexual harassment, or other type of harassment, or (b) the VPSD reasonably believes that the student's alleged misconduct may be the result of a disability.
6. **Notice to Student Behavior Assessment Committee of Certain Incident Reports:** The VPSD will provide a copy of an incident report to the Student Behavior Assessment Committee, with a copy to the President, in those matters identified in subsection VI (E) below.

B. The Review Process

1. Overview of Review Process

In the Review Process, the VPSD determines whether a student has violated the Code, and if so, determines the sanction(s) to be imposed as a result of the violation(s).

2. Review Process Procedures

The Review Process shall include the following:

- a. The VPSD shall, within five (5) days of preparing an incident report or receiving an incident report, notify the student of the alleged misconduct and set a meeting (Review Meeting) with the student to discuss the allegations. The notice shall specify a time, date, and place of the Review Meeting. The specified meeting date shall be not less than two (2) nor more than five (5) days following the date the notice is sent to the student. Additional requirements concerning the notice are provided in subsections VII (A)&(B) below.
- b. Either prior to or following the Review Meeting, the VPSD may conduct whatever additional review of the allegations of misconduct the VPSD deems necessary.
- c. The student may be accompanied at the Review Meeting by a person who is a non-lawyer provided such person's attendance will not unreasonably delay the meeting.
- d. At the Review Meeting, the student shall be offered the opportunity to discuss with and/or present to the VPSD any information the student desires concerning his/her version of the events related to the alleged misconduct.

3. Review Decision

Within five (5) days following the conclusion of the Review Meeting, the VPSD shall prepare and distribute a written decision (Review Decision) as follows:

- a. If the VPSD is unable to conclude that the student violated the Code, the Review Decision shall so indicate and the Review Process shall be closed. Review Decision form attached.
- b. If the VPSD's determination is that the student engaged in misconduct, the Review Decision shall:
 - i. Specify the Code violation(s) and the sanction(s) being imposed.
 - ii. State that the student has the option of requesting an Appeal and describe how the student would file the appeal request in cases where an appeal is available to the student. Whether an appeal is available to the student is based on the type and severity of the sanctions being imposed. (See subsections IV (B)(4) & (5).) Review Decision form attached.
 - iii. State that the Review Decision is final in cases where an appeal is not available to the student. If an appeal is not available, see Review Decision form attached.
 - iv. State that the VPSD reserves the option to modify his/her decision based on determinations or recommendations of the Student Behavior Assessment Committee in cases that have been referred to the Committee.
- c. A copy of the Review Decision shall be provided to the student, the President, the Executive Director of Financial Aid, and the Assistant Vice Chancellor of Student Services.
- d. A copy of the Review Decision shall also be provided to the members of the Student Behavior Assessment Committee in cases that have been referred to the Committee.

4. Appeal of Review Decisions in Limited Situations

Following the Review Process, a student may request and is entitled to be provided an appeal only if one or more of the following sanctions were imposed as a result of the Review: (a) a suspension for more than fifteen percent (15%) of the class sessions for a course, (b) mandated withdrawal of the student from one or more courses or a College program, (d) an expulsion, or (e) revocation of a degree or certificate previously awarded by the College. No additional appeal is available to a student if the Review Decision does not include any of the sanctions specified in this paragraph.

5. Procedure for Student to Request an Appeal

A student who is entitled to and desires to request an Appeal must file a written request in the President's office within five (5) days of the student's receipt of the Review Decision. The student's written request must include a copy of the Review Decision. Failure of the student to request an Appeal within five (5) days of the Student's receipt of the Review Decision results in the Review Decision being final. An appeal form for student to complete may be obtained in the VPSD's office.

6. **Process in Matters that have been Referred to the Student Behavior Assessment Committee**

In cases where an Incident Report has been referred to the Student Behavior Assessment Committee, the VPSD (a) may commence and continue the Review Process or (b) if recommended by the Chair of the Student Behavior Assessment Committee, may impose brief delays in the Review Process to accommodate actions/meetings of the Committee. In addition, in his/her Review Decision, a VPSD may reserve the right to modify any sanction based on future determinations or recommendations of the Student Behavior Assessment Committee.

C. **The Appeal Process**

1. **Overview of Appeal Process**

The Appeal Process is available to a student when, and only when, a Review Decision imposes on the student one or more of the sanctions set forth in [subsection IV\(B\)\(4\)](#). In the Appeal Process, the President or his/her designee determines whether the student has violated the Code, and if so, determines the sanction(s) to be imposed as a result of the violation(s).

2. **Designation of Administrative Representative**

Within five (5) days of the President's receipt of a student's timely request for an Appeal, the President will designate an administrator (referred to as the "Administrative Representative") to assist in the processing of the Appeal Process. The Administrative Representative may or may not be the VPSD.

3. **Notice to Student of Appeal Meeting**

Within five (5) days of the President's receipt of a student's timely request for an Appeal, the President will send written notice to the student and the Administrative Representative specifying the time, date and place of an Appeal Meeting. The specified meeting date shall be not less two (2) or more than five (5) days following the date the notice is sent to the student. **Additional requirements concerning the notice are provided in [subsections VII\(A\)&\(B\)](#).**

4. **Persons who May be Present at Appeal Meeting**

The student may be accompanied at the Appeal Meeting by a non-lawyer representative if the student so desires. (See subsection VII (F).)

The following persons may be present during the entire Appeal Meeting: (i) the President, (ii) the student and, if applicable, the student's representative, and (iii) the Administrative Representative. Any other person may be in the Appeal Meeting only during the time that he/she is presenting information to President.

5. Presentation of Information to the President at the Appeal Meeting

The President shall preside at the Appeal Meeting. At this meeting, both the Administrative Representative and the student shall be provided a reasonable opportunity to present information to the President with respect to (1) whether the student violated the Code, and (2) if a Code violation has occurred, what sanction(s) are warranted. The presentation of information to the President will occur in the following manner:

- a. The President shall inform all persons present at the Appeal Meeting that they are expected and required to be truthful, cooperative and respectful.
- b. The Administrative Representative will present information to the President first. The information may include (1) statements made by the Administrative Representative himself/herself; (2) statements of persons that the Administrative Representative chooses to bring to the meeting; and/or (3) the presentation of written documents (which may include written statements of persons who may or may not be present at the meeting). A copy of any written document provided to the President shall also be provided to the student. The student and President shall be permitted to ask clarifying questions of any person who presents information to the President during this portion of the Appeal Meeting.
- c. At the conclusion of the Administrative Representative's presentation of information, the student will then have the opportunity to present information to the President. The information may include (1) statements made by the student himself/herself; (2) statements of persons that the student chooses to bring to the meeting; and/or (3) the presentation of written documents (which may include written statements of persons who may or may not be present at the meeting). A copy of any written document provided to the President shall also be provided to the Administrative Representative. The Administrative Representative and President shall be permitted to ask clarifying questions of any person who presents information to the President during this portion of the Appeal Meeting.
- d. At the conclusion of the student's presentation of information, the Administrative Representative shall be given a brief opportunity to present additional information to respond to information provided by the student. The student and President shall be permitted to ask clarifying questions of any person who presents information to the President during this portion of the Appeal Meeting.
- e. Following the presentation of information described above, the Administrative Representative and student will each be allowed to present a brief concluding statement that summarizes the information presented and contains that person's recommendations concerning possible sanctions.

6. Appeal Decision

Within five (5) days following the conclusion of the Appeal Meeting, the President shall prepare and distribute a written decision (Appeal Decision) as follows:

- a. If the President is unable to determine that the student violated the Code, the Review Decision shall be rescinded and the Appeal Process shall be closed.
- b. If the President determines that the student violated the Code, the Appeal Decision shall:

- i. Specify the Code violation(s) and the disciplinary sanction(s) being imposed. Any sanction(s) being imposed may be the same as, or may be more or less severe than, the sanction(s) contained in the Review Decision.
- ii. Indicate, if applicable, that the Appeal Decision is final. An Appeal Decision is final unless one of the sanctions being imposed is expulsion or the permanent withdrawal of the student from a College program.
- iii. Indicate, if applicable, that the Appeal Decision will be reviewed by the Provost in the manner specified in subsection IV(C)(7). An Appeal Decision will be reviewed by the Provost if one of the sanctions being imposed is expulsion or the permanent withdrawal of the student from a College program.

A copy of the Appeal Decision shall be provided to the student, the Administrative Representative, the VPSD, the Executive Director of Financial Aid, and the Assistant Vice Chancellor for Student Development. If the discipline imposed includes expulsion or the permanent withdrawal of the student from a College program, a copy of the Appeal Decision shall also be provided to the Provost.

A copy of the Appeal Decision shall also be provided to the members of the Student Behavior Assessment Committee in cases that have been referred to the Committee.

7. Provost Review of Decisions that Include Expulsion or Permanent Withdrawal from a College Program

Unless the discipline imposed in an Appeal Decision includes expulsion of the student or the permanent withdrawal of the student from a College program, the President's Appeal Decision is final. An Appeal Decision that includes expulsion or the permanent withdrawal of the student from a College program shall be reviewed by the Provost. The Provost's review shall include a discussion with the President and, in the discretion of the Provost, a discussion with the student and Administrative Representative (either separately or at the same time). The Provost shall, within ten (10) days of his/her receipt of the President's decision, issue a written decision either confirming or declining to confirm the portion of the Appeal Decision that involves expulsion or permanent withdrawal of the student from a College program. If the Provost declines to confirm the portion of the Appeal Decision that involves expulsion or permanent withdrawal of the student from a College program, the Provost shall refer the matter back to the President that issued the decision and indicate that the President should issue a revised Appeal Decision that does not include expulsion or permanent withdrawal of the student from a College program. A copy of the Provost's decision shall be provided to each person who received a copy of the Appeal Decision.

D. Procedures Related to Imposition of Academic Ethics Sanctions by an Instructor

1. Sanctions available to an Instructor for Academic Ethics Violations

An instructor may impose academic ethics sanctions against a student who has committed an academic ethics violation in relation to the instructor's course. Academic ethics sanctions include (a) a written warning and/or (b) a lowered or failing grade (including a grade of zero or

no credit) on the assignment, test/quiz or project which was the subject of the academic ethics violation. If the instructor believes that additional or different sanctions should be imposed against the student (such as suspension, withdrawal of the student from the instructor's course, expulsion, etc.), the instructor may file an incident report pursuant to [subsection IV \(A\)](#).

2. Requirement for Instructor to Meet with the Student

Prior to making a final decision whether to impose academic sanctions against a student suspected of committing an academic ethics violation, an instructor shall meet with the student. The meeting should occur in a private setting. (If more than one student is involved in the alleged academic ethics violation, separate meetings will be held with each student.) During the meeting, the instructor shall inform the student of the specifics of the alleged academic ethics violation and allow the student an opportunity to present his/her side of the story.

3. Instructor's Decision

Within two (2) days following the conclusion of the meeting with the student, the instructor shall prepare and distribute a written decision (Instructor's Decision) as follows:

- a. If the instructor is unable to conclude that the student committed an academic ethics violation, the Instructor's Decision shall so indicate and the matter shall be deemed concluded.
- b. If the instructor's determination is that the student committed an academic ethics violation, the Instructor's Decision shall (i) describe the academic ethics violation and the academic ethics sanction(s) being imposed, and (ii) inform the student that the student may seek a review of the Instructor's Decision by means of the College's [Grade Complaints from Students](#) process. Decision by Instructor to Impose Academic Sanctions form attached.

The instructor shall provide a copy of his/her Instructor's Decision to the student and the Vice President of Instruction at the applicable campus.

4. Review of Instructor's Decision

A student may request a review of an Instructor's Decision to impose academic ethics sanctions by means of the College's [Grade Complaints from Students](#) process found at the College's website at <http://www.pima.edu/studentcomplaints/grade-related.shtml>.

V. Immediate Suspension

A. Requirements for Imposing an Immediate Suspension

A VPSD or College DPS Officer may, without prior notice to the student, impose upon the student an immediate suspension if there are reasonable indications that: (1) the student may present an unreasonable risk of danger to himself/herself or others, or (2) the student's presence on College property poses a significant risk of disruption of educational activities.

If an immediate suspension is imposed, the employee imposing the suspension shall promptly file an incident report. The VPSD shall promptly proceed with the Review Process (see [subsection IV \(B\)](#)) and shall review whether the matter should be referred to the Student Behavior Assessment Committee. (See [section VI](#).)

B. Notice to Student of Immediate Suspension

A VPSD or DPS Officer who imposes an immediate suspension shall give the student oral or written notice of the immediate suspension and the reasons therefore as soon as reasonably possible. If the initial notice is oral, written notice of the immediate suspension and the reasons therefore will be given to the student within two (2) days.

C. Discretion to Allow Continuation of Course Work

In cases involving an immediate suspension, the VPSD may, in the VPSD's discretion, allow the suspended student to continue his/her course work by means of email communications and/or independent study.

D. Duration of an Immediate Suspension

An immediate suspension will remain in effect until (1) a final decision has been made concerning the alleged Code violation(s), or (2) the VPSD determines that the reasons for imposing the immediate suspension no longer exist.

E. No Review of an Immediate Suspension

A VPSD or DPS Officer's decision to impose an immediate suspension is not subject to review. Once an immediate suspension is imposed, however, the Review Process, and, if applicable, the Appeal Process, shall proceed promptly and no extensions of time in either such process shall occur unless the student makes a written request to the VPSD or President for an extension or extraordinary circumstances exist justifying an extension.

VI. Student Behavior Assessment Committee

A. Purpose

The College seeks to promote a safe environment where students and employees may participate in the educational process without compromising their health, safety or welfare.

B. Formation and Members of Student Behavior Assessment Committee

A Student Behavior Assessment Committee shall be formed and shall be comprised of the following members:

1. A Vice President of Student Development;
2. A licensed clinical psychologist or psychiatrist (who may or may not be a College employee);
3. A representative from the College's Department of Public Safety;

The Chancellor shall designate generally who shall serve as the Chair of the Committee, and may modify such designation in a particular case.

If at any particular point in time one or more members of the Student Behavior Assessment Committee are not reasonably available, the Committee may operate with the remaining members that are available.

C. Referring a Matter to the Behavior Assessment Committee

Subject to section D below, a VPSD, Campus President, the Assistant Vice Chancellor for Student Development, the Chief of Police, the Provost and/or the Chancellor may refer a matter involving a student to the Student Behavior Assessment Committee. Such referral may be made at any time, including but not limited at any stage of a Review or Appeal Process involving the student.

D. Matters to be Referred to the Student Behavior Assessment Committee

The following matters shall be referred to the Student Behavior Assessment Committee:

1. Situations involving allegations of serious physical violence, threats of serious physical violence, or other threatening behaviors of a serious nature.
2. Situations involving allegations that the student has repeatedly engaged in disruptive conduct.
3. Situations where it reasonably appears that a student may present a danger to himself/herself or others.

4. Situations where it reasonably appears that a student's behavior may be impacted by a mental health condition and the student's behavior is either (1) disruptive, (2) clearly distressed, or (3) seriously at variance from social norms.

E. Student Behavior Assessment Committee may Consult with Others

The Student Behavior Assessment Committee may gather information about a given case and may consult and meet with such other persons as it deems appropriate. Such persons may include, but are not limited to, the College's legal counsel and/or a representative of the College's EEO Office.

F. Authority of Student Behavior Assessment Committee

The Student Behavior Assessment Committee is authorized to make the following recommendations and determinations and take the following actions:

1. Require a student to provide a mental health clearance to the Committee. The Committee may also restrict a student from being on campus and/or attending College events or activities pending the receipt of a mental health clearance. If a Review Process has not been initiated and the student has not received a notice of an alleged Code of Conduct violation, the Committee must consult with legal counsel and obtain the authorization of the Chancellor or the Chancellor's designee prior to requiring the student to provide a mental health clearance to the Committee or restricting the student from campus and/or attending College events.

A mental health clearance is an opinion issued by a mental health professional indicating whether, in the opinion of the mental health professional, the student's presence on a College campus presents a danger to the student himself/herself or others.

2. Recommend to a VPSD or President involved in a Review or Appeal Process: (a) what sanctions may be appropriate to impose if a student is found to have engaged in a Code violation; (b) whether to allow a student to withdraw and provide a mental health clearance to the Committee as a condition of returning to the College, and/or (c) whether to require a student to comply with other conditions recommended by the Committee.
3. Make such other recommendations and determinations as authorized by the Chancellor or the Chancellor's designee.

VII. Miscellaneous Provisions

A. Delivery of Notices and Decisions

Except for initial notice of an immediate suspension as described in [subsection V \(B\)](#), any notice or decision to be given to a student pursuant to these procedures shall be in writing and may either be (a) delivered personally to the student or (b) emailed to the student's Pima.edu email account. Failure of the student to collect his/her email from his/her Pima.edu email account does not render the notice ineffective.

If it is not reasonably possible to deliver notice to the student by one of the two methods set forth above, notice will be mailed by regular mail to the student's home or local address as referenced in the College's records. In such cases, unless the student agrees otherwise, the meeting will be scheduled not less than four (4) nor more than ten (10) days after the date of mailing of the notice of the meeting.

Notices intended to be hand delivered by a student to a College office or a College administrator must be delivered during the College's normal working hours.

B. Contents of Notices of Review and Appeal Meetings

Notice to a student of an upcoming Review or Appeal Meeting shall include:

1. A reference to the Code provision(s) alleged to have been violated by the student.
2. A description of the alleged conduct in violation of the Code, including a summary of the specific facts, and the names(s), date(s), and location(s) that are reasonably necessary to describe the alleged conduct.
3. The time, date and place of the meeting.
4. The name and email address of the VPSD or President that will conduct the meeting.
5. A statement that a final decision will not be made concerning whether the student engaged in the alleged misconduct until the student has had an opportunity at the meeting to (a) tell his/her side of the story and (b) comment on the issue of sanctions that would be appropriate to impose if it is determined that the student violated the Code.
6. A reminder to the student that if the student is receiving financial aid, the imposition of a disciplinary sanction might adversely affect financial aid the student has already received or the student's ability to continue to receive financial aid.
7. In cases where an immediate suspension has been imposed, a statement as to whether the VPSD has, in his/her discretion, decided to allow the student to continue his/her coursework by means of email communications and/or independent study.
8. A reference to the College website address for the Student Code of Conduct.

C. Assistance Available to Students with Disabilities

If a student believes he/she needs an ADA accommodation to participate in a Code of Conduct process, the student should contact the College's ADA Coordinator.

D. Student Who Cannot be Contacted to Schedule a Meeting, Who Fails to Cooperate in the Scheduling of a Meeting, or Who Fails to Appear at a Scheduled Meeting

If a student (1) cannot be contacted in the manner described by [subsection VII \(A\)](#) to schedule a Review Meeting, (2) fails to cooperate in the scheduling of a Review Meeting, or (3) fails to appear at a scheduled Review Meeting, the VPSD can proceed with the Review Meeting and issue a Review Decision. A student who (1) cannot reasonably be contacted to schedule an Appeal Meeting (2) fails to cooperate in the scheduling of an Appeal Meeting, or (3) fails to appear at a scheduled Appeal Meeting, will be deemed to have abandoned his/her appeal and the Review Decision shall be enforced.

E. Authority of Chancellor to Assign an Alternate Decision Maker—Situations Where a Decision Maker has an Actual or Potential Conflict of Interest

The Chancellor may, for good cause, assign a different administrator to serve: (1) as the VPSD in a Review Process, or (2) as the President in an Appeal Process. Good cause is determined in the discretion of the Chancellor and includes situations where a VPSD or President may have an actual or potential conflict of interest in his/her role as a decision maker in a Review or Appeal Process. A VPSD or President who may have an actual or potential conflict of interest in a student discipline matter shall inform the Chancellor of the conflict as soon as possible after the conflict arises.

F. Right of Student to be Accompanied by Someone Other than an Attorney at a Disciplinary Proceeding

In any Review or Appeal Meeting, the student may be accompanied by a non-lawyer. Such person may provide advice to the student during the proceeding but may not actively participate in the proceeding. Notwithstanding the above, if the student is less than 18 years of age, the student may be accompanied by a custodial parent or legal guardian at a Review or Appeal Meeting and the parent or guardian may assist the student by actively participating in the meeting. The fact that a parent or guardian actively participates in and assists a minor student at a Review or Appeal Meeting does not negate or limit the requirement of the student to answer questions posed to him/her at such a meeting.

G. Burden of Proof Concerning Alleged Student Misconduct

In any Review or Appeal Process, the standard to be applied is the “preponderance of the evidence” standard. Under this standard, the VPSD or President is authorized to impose discipline if the information available to the decision maker indicates that the student more likely than not committed the alleged Code violation.

H. Conduct of Review and Appeal Proceedings

The formal rules of evidence do not apply to Review and Appeal Meetings. At any such meeting, however, the VPSD or President, as applicable, may exclude irrelevant, immaterial, privileged or unduly repetitious information. In addition, the VPSD or President may impose reasonable time limits with respect to the presentation of information.

I. Recording of Review and Appeal Proceedings

Review Meetings shall not be recorded. Recording of an Appeal Meeting will only occur if (1) the President, in his/her discretion, requests that the meeting be recorded, (2) recording is determined to be an appropriate accommodation for a disabled student, or (3) the student arranges for such recording to occur at the student's own cost. If at the President's direction an Appeal Meeting is recorded, the student may request that the recording be transcribed, or that the recording be copied, but a transcript or copy of the recording shall not be prepared or provided to the student unless the student pays, in advance, the estimated cost of such transcript or copy. A student will not be required to pay for the transcription or copy of a recording that is made as a disability accommodation.

J. Minor Errors

Minor errors made in the application of this Code of Conduct, including minor procedural or timeline errors, shall not invalidate an ongoing disciplinary process or invalidate any discipline that has been imposed unless such errors are determined to be prejudicial to the legal interests of the student.

K. Modification of Timeline for Good Cause

A VPSD in any Review Process, or the President in any Appeal Process, may for good cause modify a timeline set forth in these procedures. In situations where an immediate suspension has been imposed, a delay of any timeline shall occur only if the student submits a written request to the VPSD or President, as applicable, for an extension or extraordinary circumstances exist justifying the extension.

L. Limited Consideration of a Student's Prior Disciplinary Record

In a Review or Appeal Process, information regarding a student's prior disciplinary record may be presented to and/or reviewed by the VPSD or President, as applicable, but such information shall not be considered relevant on the issue of whether the student engaged in the alleged misconduct. The student's prior disciplinary record may be considered by the VPSD or President only with respect to the issue of determining appropriate sanctions to impose if the student is found to have committed a Code violation.