

Judicial Process and Code of Conduct

Philosophy of Discipline

The basic philosophy of discipline at Central Penn College is one of education and responsibility. As such, it focuses on the growth and development of a resident's potential by encouraging self-discipline and by fostering a respect for the rights and privileges of others. Regardless of the means of processing judicial action, the object of discipline is to redirect the behavior of the resident into productive, acceptable patterns and to protect the rights of other residents within the college community.

Process

Violations will be addressed in one of two manners outlined below based on the severity of the violation and/or potential sanctions. Violations will be referred directly to the Director of Student Housing and Residence Life or the Associate Vice President of Student Success for review.

The Judicial Process is a four-step process, each step in the process is explained in detail below.

1. Violation – A resident violates the Central Penn College Code of Conduct
2. Referral – A resident is notified that they have been written up for a violation of the Central Penn College Code of Conduct and referred directly to the Director of Student Housing and Residence Life or the Associate Vice President of Student Success.
3. Judicial Meeting – A resident's case is reviewed by the Director of Student Housing and Residence Life or the Associate Vice President of Student Success and have a scheduled meeting.
4. Points & Sanctions – If applicable, a resident is placed on housing warning, housing probation, or is dismissed from housing.

Violation

A violation occurs when a resident violates one or more rules, regulations, or policies outlined in the college's Code of Conduct. Alleged off-campus Code of Conduct violations having, or potentially having, a direct, detrimental impact on the College's educational functions, its community members, or the local municipalities is subject to adjudication within the campus judicial system.

Each resident is presumed to know the requirements expressed or implied in the Code of Conduct, and all other College regulations applicable to them. While it is neither possible nor necessary to state beforehand every instance of misconduct that could result in disciplinary action against a resident, it is appropriate to single out certain types of behavior which are not permissible on College property, at off-campus college sponsored activities, or in any setting where the behavior affects the interest of the College.

Code of Conduct Violations

Aiding and Abetting: Encouraging, aiding or inciting others to violate the Code of Conduct.

Alcohol Violation: Simple illegal possession of alcohol (includes but is not limited to possession of alcohol and/or alcoholic paraphernalia on campus, underage purchase and consumption, and

being in the presence of alcohol on college property); Public Drunkenness; Providing Alcohol to minors.

Disorderly Conduct: Creating a disturbance through excessive noise-making, rowdy behavior, etc., in a manner that is disruptive to other members of the college or surrounding community

Disrespect to College Personnel: Acting in a disrespectful manner, including verbal or written comments and offensive gestures that are directed towards any of the following individuals acting in an official capacity: college employees (including resident employees), vendors contracted by the college, emergency responders, and invited guests of the college.

Drug Violation: Possession of drug paraphernalia; Use or possession of marijuana; Use or possession of other controlled and/or illegal substances; Sale or distribution of marijuana and/or other illegal substances; Use, sale or distribution of “date rape” drugs such as GHB, Rohypnol, etc.

Failure to Produce ID: Failure to produce a College-issued ID (residents) or state-issued ID (non-residents) when directed to do so by a college official, including public safety officers and residence life staff acting in proper performance of their official duties.

Guest Policy Violation: Having an unregistered guest in a residential unit after 11:00pm; having a guest in a residential unit during Black-Out weeks; having an illegal or unregistered guest in a residential unit during Term Breaks; having an unregistered minor guest on campus; having an illegal (no trespass) guest on campus.

Harassment: Including verbal, written, or other forms of harassment. Includes but not limited to actions, words, joke, comments, intimidation, threatening remarks, and any form of harassment based on an individual’s race, national origin, color, creed, religion, sex, age, ability, veteran status, sexual orientation, gender identity, protected classes, and any other criterion specified by federal, state or local laws. Also includes threatening remarks posted on public forums, including social media sites.

Illegal Entry to Campus: Unauthorized entry into, or use of, any institutional facility or Residence Hall. This also includes misuse of Residential Key(s) and Mailbox Key(s).

Littering: Throwing man-made objects onto the ground of college-owned property and leaving them unremoved rather than disposing of them properly.

Noise Policy Violation: Making excessive amounts of noise outdoors after 9:00pm (in compliance with East Pennsboro Township Noise Ordinance) or indoors after 11:00pm (in compliance with College Residence Hall regulations)

Non-Compliance: Failure to comply with direction of college officials, including public safety officers and residence life staff, as well as emergency first-responders, acting in proper performance of their official duties. Failure to cooperate in the administration of this Code of Conduct.

Residence Hall Violation: Includes but not limited to Pet Policy Violations, Cleaning Violation, Littering Violation, any Prohibited items in a Residence Hall, and Creating an Unsafe Environment.

Sexual Misconduct: Sexual misconduct, including sexual assault, is defined as deliberate contact of a sexual nature without the other parties' consent. Sexual Misconduct may vary in its severity and consists of a range of behaviors or attempted behaviors that may be grounds for disciplinary action.

Smoking Violation: Smoking is prohibited within a minimum distance of 20 feet from any entrance to an academic building or residential unit. Violations of the smoking policy will be a written warning followed by a \$25 fine for future violations.

Theft: The taking or removing of another person's property without that person's consent; including theft of property owned by the College.

Vandalism: Damage or destruction of property owned by another person or entity, including property owned by the college.

Violation of Sanctions: Failure to complete and/or comply with previously assigned sanctions.

Violent Action: Physical assault, or attempted physical assault, towards residents, staff, faculty, or guests.

Weapons Violation: Possession on campus of any weapons including, but limited to, brass knuckles, knives, tazers, firearms and incendiary or explosive devices including fireworks.

Vicarious Violations: Vicarious violations encompass those situations where a resident condones and/or assents the violation of College policy by others. An example would be a resident who is in a residence hall room where alcohol is being consumed in violation of College policies. Even if the resident is not consuming alcohol, that resident is under an affirmative duty to remove themselves from such situations. Failure to do so is considered a violation of the Code of Conduct. As a general rule, such first time violations will result in a written warning. Second and third time vicarious violations may be subject to the same sanctions as a first time alcohol violation.

Referral

Resident violations are submitted for referral by either the Public Safety Office or Residence Life Office. Based on the severity of the alleged violation and/or the potential sanctions involved, residents will be referred to either the Director of Student Housing or the Associate Vice President of Student Success.

Judicial Hearing

Judicial Hearings will be scheduled through the Student Services Department, and will either be heard by the Director of Student Housing and Residence Life or the Associate Vice President of Student Success.

Legal representation or counsel retained by the resident will not be permitted to participate in the collegiate judicial process. Residents may obtain assistance from a faculty or staff member to serve as an

advisor, but the advisor may not actively participate in the judicial process. Residents are permitted to present information and evidence on their behalf.

The Director of Student Housing, Associate Vice President of Student Success, and Vice President of Student Services have jurisdiction over all referred resident conduct cases. These parties exercise their judgement to determine the severity of an offense and may assign sanctions accordingly based on relevant mitigating or aggravating circumstances.

Sanction Outcome

Applicable sanctions will be assigned based on the severity of the violation and may be assigned by the Director of Student Housing and Residence Life, Associate Vice President of Student Success, or the Vice President of Student Services. Residents will be notified of any assigned sanctions in writing within three business days of their hearing. All sanctions remain on file in the Housing office for seven years.

Sanctions

Housing Warning: An official disciplinary warning notice is sent to the Resident stating disapproval of the conduct in violation of Central Penn policy, rules, or regulations. This action serves as a warning to the resident that his/her behavior needs to be examined and changed or controlled into more positive and productive patterns. Further violation of the regulations can result in more severe disciplinary action. This sanction does not restrict involvement in extracurricular activities. However, it can be used in subsequent judicial action.

Housing Probation: This is a more severe sanction than a housing warning that stipulates a period of time during which the Resident must demonstrate acceptable patterns of behavior. Further violations of any College regulations, no matter how minor, can result in more severe disciplinary action, including removal from campus housing. The resident may need to adhere to other stipulated requirements, such as revocation of guest privileges.

Dismissal from Housing: Residents who receive this sanction will be removed from housing and this will result in the default of their lease. This decision is reviewed by the Vice President of Student Services and the resident will be required to move out of campus housing within 48 hours.

No Trespass Order

- **Limited Access to College Property:** This means a resident is only permitted in the academic buildings for academic purposes and is not permitted in or around other College-owned property, including any campus residence, for any reason.
- **Full No Trespass Order:** This means a resident is not permitted in any academic buildings and is not permitted in or around College-owned property, including any campus residences, for any reason.

Parental Contact: The College reserves the right to initiate parental contact at any time it is deemed necessary, within the parameters dictated by the Family Educational Rights and Privacy Act (FERPA).

Other Possible Sanctions: Student Services may require specific sanctions to correspond to specific offenses.

Retaliation

The College strictly prohibits retaliation against any person for reporting, testifying, assisting or participating in any manner in any investigation or proceeding involving judicial sanctions. Any person who violates this policy will be subject to discipline, and up to and including suspension and/or permanent dismissal if they are a resident. Retaliation is any action by any person that is perceived as: intimidating, hostile, harassing, or violent that occurs in connection to the making and follow-up of the report.

The types of retaliation that are prohibited include, but are not limited to:

- Intimidation.
- Conversation(s) about the incident with any persons involved in the reporting and/or investigatory process.
- Adverse actions with respect to any and all reporter's work assignments.
- Unlawful discrimination.
- Physical assault, or attempted physical assault towards residents, students, staff, or faculty.
- Harassment (verbal, written, or other forms) including but not limited to intimidation, threatening remarks, and any form of harassment against a person based on their involvement, cooperation, or testimony in a report or investigation. This also includes verbal and emotional harassment, threatening remarks posted on public forums, including social media sites, and harassment initiated through third parties.
- False accusations against any persons involved.

Guidelines for Violations of Marijuana Policy

Although marijuana has been decriminalized or legalized in some state jurisdictions, federal law does not permit the use of marijuana for recreational or medical purposes. The college will continue to uphold both federal and state statutory law regarding the controlled substance of marijuana.

In cases where marijuana or other drugs are involved, the College maintains the right to initiate parental contact as deemed necessary.

Good Samaritan Policy

Resident health and safety are instrumental to our community. Whenever there is concern for another Resident or the belief that assistance is needed, residents are expected to contact Public Safety. In the case of a medical emergency, residents should immediately call 911, then Public Safety.

Residents who seek medical assistance for themselves or another resident who is under the influence or experiencing an alcohol or drug-related emergency will not be subject to college disciplinary action related to the alcohol policy.

Moreover, the resident receiving medical assistance will not be subject to college disciplinary action.

When an incident that falls under the Good Samaritan Policy occurs, the resident(s) involved will be required to meet the Director of Student Housing and Residence Life or Associate Vice President of Student Success to review the matter. While no formal disciplinary sanction will be applied, an appropriate educational response may be. This can include participation in an educational class, mandated counseling assessment, and/or parental notification if FERPA allows. Failure to complete the educational requirements will result in referral to the College disciplinary system.

Disclaimer

In cases involving criminal misconduct, the College reserves the right to pursue disciplinary action against a resident even if law enforcement authorities do not prosecute. In cases when residents face criminal charges or are the subject of a criminal investigation, the College's judicial process may be initiated at any time.

These guidelines do not attempt to cover the vast spectrum of resident behaviors that may violate the College's Code of Conduct and are meant to provide parameters for appropriate sanctions. When incidents and circumstances arise that are not specifically covered by these guidelines, college personnel may choose from and apply the full spectrum of sanctions listed within this handbook.