

## **STUDENT RIGHTS AND RESPONSIBILITIES**

Administrative Rule Number: E008

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### GENERAL POLICIES: E008.1

A student's registration obligates him/her to comply with the policies and regulations of the College. Tillamook Bay Community College will restrict a student's admission to or registration with the College and will withhold degrees, and official transcripts as prescribed by the College and/or state guidelines if a student fails to meet financial obligations to the College or for other legal reasons.

Tillamook Bay Community College is granted the right by law, to adopt such rules as are deemed necessary to govern its operations.

Students have the right to participate in formulating and reviewing policies and rules pertaining to student conduct and, to the extent permitted by law in the enforcement of all such rules.

#### A. Right to Freedom from Harassment and Discrimination

- a. The College's goal is to enable students to achieve their education and career goals. Therefore, it is against this policy for any manager, supervisor, faculty, staff, or student to engage in harassment or sexual harassment or discrimination of any member of the College community based on his/her race, color, religion, ethnicity, use of native language, national origin, age, sex, marital status, height/weight ratio, disability, or sexual orientation. The prohibition against harassment or discrimination based on the use of native language does not require the College to offer courses in any language other than English. Under this policy, harassing or discriminatory behaviors will not be tolerated. The College also prohibits retaliation against any person who makes a good faith complaint of discrimination of harassment and retaliation against any person who in good faith cooperates in an investigation of alleged harassment or discrimination.
- b. Definition of Sexual Harassment:
  - i. Unwelcome conduct of a sexual nature, such as sexual advances, requests for sexual favors or other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment and refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Gender-based harassment refers to unwelcome conduct based on and individual's actual or perceived sex, including harassment based on gender identity or nonconformity with sex stereotypes, and not involving conduct of a sexual nature. All of these types of sex-based harassment are forms of sex discrimination.

- c. Sexual harassment exists when:
- i. Such conduct is of such frequency and/or severity that it has the effect of unreasonably interfering with an individual's work or academic performance to an objectively unreasonable level or creating a work or learning environment that is objectively intimidating, hostile or offensive; or
  - ii. The offender is attempting to compel or induce a specific person or persons to engage in or experience sexual conduct from which he/she has a legal right to abstain and has an objectively reasonable fear that negative personal consequences will occur if such conduct is not undertaken or tolerated.
  - iii. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or academic advancement; or
  - iv. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting such individual.
- d. Examples of conduct that could rise to the level of sexual harassment if the standards of a, b, c, or d are met may include, but are not limited to:
- i. Verbal harassment or abuse;
  - ii. Inappropriate touching, massaging or brushing against;
  - iii. Demands and/or subtle pressure for sexual favors;
  - iv. Jokes or pranks about sex or gender traits;
  - v. Whistling or obscene gestures;
  - vi. A male tells a female she looks "hot";
  - vii. A female tells a male he has a nice derriere;
  - viii. Discussion in mixed groups of recent sexual exploits;
  - ix. Sexually explicit photos in a work or learning area.

e. Responsibilities

Therefore, it is the responsibility of every member of the College community to strictly comply with this Policy. This includes notifying each employee/student of his or her rights and responsibilities under Tillamook Bay Community College's Student Rights and Responsibilities and Sexual Harassment Policies. Management staff will be held accountable for taking reasonable action to maintain work areas and educational environments free

of conduct that causes, or reasonably could be considered to cause, intimidation, hostility, or discrimination.

Any person who believes he or she has been discriminated against or harassed by a College employee, representative, or student is encouraged to file a complaint with the Associate Vice President of Student Services and the Director of Human Resources. Non-affirmative action complaints are to be filed in accordance with the Student Grievance Procedure.

## B. Right to Freedom of Expression

Students shall be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study in which they are enrolled.

As constituents of the academic community, Tillamook Bay Community College students shall be free, individually and collectively, to express their views on issues of institutional policy and procedures which shall include the examination and discussion of issues of interest to them and expression of opinions both publicly and privately. They shall be free to invite and to hear persons of their choosing and to support causes by orderly means that do not substantially disrupt the regular and essential operations of the College.

Demonstrations are a legitimate mode of expression, whether politically motivated or directed against the College administration, and will not be prohibited. Demonstrators, however, have no right to deprive others of the opportunity to speak or be heard, take hostages, physically obstruct the movement of others, or otherwise substantially disrupt educational or institutional processes in a way that interferes with the safety or freedom of others. Students may be subject to disciplinary action when their acts or actions cause or are likely to cause substantial disruption or interference with the regular and essential operation of the College.

## C. Right to Protection from Improper Academic Evaluation and Improper Disclosure of Students' Views, Beliefs, and Associations

Student academic performance shall be evaluated solely on an academic basis (which may include attendance and the ability to apply skills), not on the student's opinions or conduct in matters unrelated to academic standards. The course syllabus shall contain and articulate the evaluation standards and grading criteria by which student performance is measured. Students shall have the right to grieve their academic evaluation under the Grievance Procedure only if the student believes that these standards and criteria were not followed by the instructor, or were not fairly and consistently applied to all students.

At the same time, students are responsible for meeting standards of academic performance established for each course in which they are enrolled. Information about student views, beliefs, and political associations which staff members acquire in the course of their association with students is to be considered confidential.

#### D. Right of Access to, and Protection from Improper Disclosure of Student Records

To minimize the risk of improper disclosure, academic and disciplinary records shall remain separate. Transcripts of academic records shall contain only information about academic status.

Information from disciplinary or advising files shall not be available to unauthorized persons on campus or to individuals off-campus without the written consent of the student involved, except under legal compulsion or in cases where the safety of persons or property is involved, in compliance with the Family Educational Rights and Privacy Act, College Policy, and Oregon laws pertaining to education records.

In order to assist students to benefit from courses, programs, and activities, the College requires advising services and Career Education Plans for degree-seeking students. The confidentiality of student record information obtained by advising services will be strictly maintained, except when Tillamook Bay Community College is legally permitted to disclose student record information.

#### E. Right to Form Student Organizations

Students may form student clubs and organizations under the provisions of the Associated Students of Tillamook Bay Community College (ASTBCC) Constitution. Any chartered student club or officially recognized student organization acting through the Associated Students of Tillamook Bay Community College may invite any person of their own choosing to the campus, provided the invitation and arrangements are in compliance with established policies of the College.

College procedures must be followed to ensure orderly scheduling of facilities, adequate preparation for the event, and that activities are conducted in a manner appropriate for an academic community.

#### F. RIGHT TO SELL AND DISTRIBUTE MATERIALS AND ENGAGE IN FUND-RAISING ACTIVITIES

Students have the right to engage in legal incidental sales of personal property in private transactions. TBCC has not designated any facilities for this purpose, however, except for the use of designated College bulletin boards.

All fund-raising activities for any student group must be approved by the CFO and the Executive Director of the Foundation, and coordinated with the Tillamook Bay Community College Foundation.

All merchandise, periodicals, magazines, and books offered for commercial sale may be sold only through the College Bookstore except when within College Policy and approved by the CFO and the Executive Director of the Foundation.

All free publications not in violation of state laws, federal laws, and/or College rules, such as books, magazines, newspapers, handbills, leaflets, and similar materials may be distributed on campus. Any persons desiring to distribute publications shall first register with the CFO and the Executive Director of the Foundation so that reasonable areas and times can be assured and the activities of the College will not be interfered with.

All handbills, leaflets, newspapers, and similar materials must bear the name and address of the organization and/or individual distributing the materials.

Printed materials shall not be placed on any vehicle parked on campus.

#### G. Right of Access to College Facilities

Students have the right of access to College facilities, subject to ordinary schedules and policies and regulations governing the use of each facility. When using these facilities, the student has the responsibility to respect these regulations and to comply with the spirit and intent of the rules governing facility use. Chartered ASTBCC student clubs have free access to facilities unless additional services (custodial, Campus Safety, etc.) are required.

When faced with a situation which he/she determines is likely to or does disrupt the order of the College, threatens the health and welfare of the College community, or that interferes with the ingress and/or egress of persons from College facilities, the College President or designee shall have the authority to:

- a. Prohibit the entry of any person or persons, or to withdraw the license or privilege of any person or group of persons to enter or remain upon any portion of a College facility; or
- b. Give notice against trespass by any manner specified by law to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from entering into or remaining within a College facility.

Any student(s) disobeying a directive given by the College President or designee, pursuant to the statements above, shall be subject to disciplinary action and/or criminal trespass laws.

#### I. Right to Student Publications

Student publications and student press provide for free and responsible discussion of topics and for intellectual exploration. The responsibility for developing, administering and reviewing procedures for the operation of College sponsored student publications is delegated to the Student Publications Committee. Editors are protected from arbitrary suspension and removal due to editorial policy or content. Editors and staff of student publications are guided by the professional standards of the Oregon Code of Journalistic Ethics, related Oregon Revised Statute and by other state or federal laws.

### CODE OF STUDENT CONDUCT: E008.2

#### A. General Policies

Admission to Tillamook Bay Community College carries with it the presumption that the student will conduct him/herself as a responsible member of the College community. Thus, when a student is admitted to and/or enrolled at Tillamook Bay Community College, the student likewise assumes the obligation to observe standards of conduct which are appropriate to the pursuit of educational goals.

Students shall generally have an opportunity to participate in the formulation of policies and rules pertaining to student conduct and, to the extent legally permitted, in the enforcement of such rules. Tillamook Bay Community College administration and its Board, however, retain the authority to create and enact College policy.

Programs based on contracts with government agencies or external funding sources operated outside of the campus may adopt separate conduct procedures consistent with Tillamook Bay Community College's Code of Student Conduct, the program's goals, and the principle of due process for all parties.

Tillamook Bay Community College may take appropriate disciplinary action when student conduct deemed by a college Associate Vice President or Vice President of Instruction and Student Services or designee to be disruptive to the operation of the College, or constitutes one or more of the behaviors identified below.

## B. Violations

Disciplinary action may result from the commission of any of the actions listed herein, or any violation of civil or criminal law while on College property or while engaged in any College activity.

- a. Academic cheating or plagiarism or aiding or abetting cheating or plagiarism, which may also result in academic penalties under the College's Academic Integrity Policy.
- b. Furnishing false information to the College with the intent to deceive the College or any person or agency.
- c. Forgery, alteration, or misuse of College documents, records, or identification cards whether in written or electronic form.
- d. Unauthorized use or access of College electronic communications media, equipment, files, or data or failure to comply with Tillamook Bay Community College Terms of Usage.
- e. Abuse, harassment, intimidation, or threatening of a student, staff member, vendor, visitor, or invited guest of the College.
- f. Malicious destruction, damage, or misuse of College or private property (including library materials).
- g. Theft or conversion of College property.
- h. Failure to comply with the lawful directions of College personnel acting in performance of their duties.
- i. Unwanted contact or communication of any nature with another student or a staff member after being advised by a College official or the other student that such contact or communication is unwelcome
- j. Any behavior that is disruptive to the educational process of the College as

determined by a College official.

- k. Interference by force or by violence (or by threat of force or violence) with any administrator, faculty or staff member, or student at the College who is in the discharge or conduct of his/her duties or studies.
- l. Possession, consumption, being under the influence, or furnishing of marijuana, alcoholic beverages (as identified by federal or state law) on College-owned or controlled property or at College or student organization supervised functions, except as provided by rules and procedures of the Tillamook Bay Community College Board of Education.
- m. Possession, consumption, being under the influence, or furnishing of marijuana or any narcotic or dangerous drug, as defined by ORS 475 and ORS 167.203 to 167.252 [as now law or hereinafter amended], except when use or possession is lawfully prescribed by an authorized medical doctor or dentist.
- n. Failure to disperse when an assembly is ordered to disperse by College officials.
- o. Failure to comply with a notice against trespass.
- p. Failure to comply with the following rules regarding firearms and weapons:
  - i. The use, carrying, exhibiting, or displaying of any weapon (as defined by Oregon Revised Statute 161.015), or facsimiles thereof, is prohibited on or in College facilities, except as provided by Oregon law or when approved by College administration for official College activities.
  - ii. Explosives, incendiary devices, or any facsimiles thereof are prohibited on or in College facilities, except as provided by Oregon law, or when approved by College administration for official College activities.
  - iii. The above rules do not apply to equipment or materials owned, used, or maintained by the College, used by the College or under College direction, nor to law enforcement Vice President's or campus security personnel.
- q. Violations of published College regulations, including those related to entry and use of College facilities, the rules in this Section, and any other College regulations which may be enacted.
- r. Conduct that substantially interferes with the College's educational responsibility of ensuring the opportunity for all members of the College community to attain their educational objectives, or the College's subsidiary responsibilities, which may include, but are not limited to: record-keeping, providing miscellaneous services, and sponsoring out-of-class activities, such as lectures, concerts, athletic events, and social functions.

If a student is charged or convicted of an off-campus violation of the law, the matter shall be no cause for disciplinary action by the College unless there is a reasonable possibility, as determined by the Associate Vice President or the Vice President of

Instruction and Student Services, that the behavior is substantially likely to disrupt the educational process of the College.

### C. Sanctions

The College Board has directed the College President, pursuant to ORS 341.290, to establish administrative rules to govern the College and its students, and to administer disciplinary action. Sanctions shall be primarily administered by the college Associate Vice President or Vice President deemed most appropriate in relation to the violation. Generally, safety violations will be directed to the Director of Facilities and Safety, student conduct and academic progress violations will be directed to the Associate Vice President of Student Services and academic integrity violations will be directed to the Vice President of Instruction and Student Services. The Associate Vice President of Student Services, the Director of Facilities and Safety or the Vice President of Instruction and Student Services may impose the following sanctions for violations of the Code of Student Conduct:

- a. Expulsion from Tillamook Bay Community College (i.e., permanent removal of the privilege to attend Tillamook Bay Community College);
- b. Suspension from Tillamook Bay Community College for a definite period of time and/or pending the satisfaction of conditions for re-admission, (i.e., suspension of the privilege to attend Tillamook Bay Community College);
- c. Removal from class(es) for which the student is currently registered;
- d. Restitution for damages;
- e. A specified period of college and/or community service;
- f. Disciplinary probation with or without the loss of privileges for a definite period of time. The violation of the terms of the disciplinary probation or the breaking of any College rule during the probation period may be grounds for suspension or expulsion from the College;
- g. Disciplinary admonition and warning.
- h. Any other sanction the College deems educationally appropriate.

The parents or guardian of any student under 16 years of age who receives a sanction under the Code of Student Conduct shall be notified.

### D. Disciplinary Due Process Hearing Procedures

In keeping with the educational purposes of the College, disciplinary actions other than those requiring expulsion are intended to be remedial rather than punitive. Often disciplinary proceedings will be conducted informally between the student(s) and the designated College official listed below.



<b>Type of Violation / Suspension</b>	<b>Initial Review</b>	<b>First Appeal</b>	<b>Final Appeal</b>
Student Conduct	Associate Vice President of Student Services	Vice President of Instruction and Student Services	College President
Safety	Director of Facilities and Safety	Associate Vice President of Student Services	College President
Academic Integrity	Vice President of Instruction and Student Services	Associate Vice President of Student Services	College President
Academic Progress	Associate Vice President of Student Services	Vice President of Instruction and Student Services	College President

**A. Classroom Conduct**

Each faculty member is responsible for conduct in class and is authorized to take such steps as are necessary when behavior of a student interrupts the normal class procedure. When behavior is so serious as to result in expulsion from the class, the faculty member may remove the student from class for one day and may also require the student to meet with the instructor and/or Vice President of Instruction and Student Services to identify and set conditions for his/her return to the class. Permanent removal of a student from a class or classes may only be imposed by the designated College official listed above in section C or designee pursuant to the provisions of the Code of Student Conduct.

**B. Student Conduct:**

- a) Students in violation of institutional regulations or civil or criminal law shall be so informed.
- b) During investigation of the charges, the status of the student shall not be altered nor shall his/her right to be present on the campus and to attend classes be suspended except for reasons related to the safety and well-being of students, faculty, staff, or College property, or which relate to or interfere with the orderly operation of the College, as determined by Associate Vice President of Student Services or designee.
- c) The student has the right to appeal any disciplinary (as distinct from academic) action to the President solely on the basis of alleged procedural violation(s). If a violation is found to have occurred, the President will remand the case to the Associate Vice President of Student Services or designee for reprocessing.

No disciplinary sanction shall be imposed unless the student has been notified of the charges against him/her and the nature and source of the evidence. In cases in which the College does not intend to suspend or expel a student, the source of information may be kept confidential if, in the discretion of the designated College official listed above in section C or his/her designee, he/she believes that revealing the source would create a risk of physical or emotional harm to the source, or might otherwise have a chilling effect on enforcement of these rules. A student subject to these sanctions will be allowed to present his/her case to an appropriate College official and to have an advisor of his/her choice present. Advisors are not permitted to present the case but may advise the student.

Both the College and the student may seek legal advice at their own expense, but, to avoid an adversarial situation, neither the College nor the student will be represented by an attorney during any meeting or hearing involving the College and the student. The student may withdraw from College of his/her own volition at any time during the disciplinary process. Disciplinary sanctions may still be assessed, however, if the student withdraws from the College prior to the completion of the disciplinary process, or elects not to participate in disciplinary proceedings

### Formal Resolution

In cases that are not resolved informally, the Associate Vice President or Vice President shall use the following hearing procedure:

Step 1: At an initial conference with the Associate Vice President or Vice President as designated in section C the student will be informed verbally and in writing of the charges and the maximum penalty which might result from consideration of the disciplinary matter. The College retains the right, upon learning new information and giving notice to the student, to revise the proposed maximum penalty.

Step 2: The student must submit all of his/her evidence within 7 calendar days of the initial conference

Step 3: After considering the evidence in the case and interviewing persons as appropriate, the Associate Vice President or Vice President may take one of the following actions:

- a. Terminate the proceedings, exonerating the student.
- b. Dismiss the case after appropriate counseling and advice.
- c. Impose an appropriate sanction as described above.

The student shall be notified in writing of the decision of the Associate Vice President or Vice President of Instruction and Student Services.

Step 4: The student may appeal a sanction imposed if the student feels that additional information is available that has bearing on the situation. The student may file this appeal by bringing the additional information to designated Associate Vice President of Student Services or Vice President of Instruction and Student Services.

If the student decides to appeal the decision on the basis of alleged violation of due process, he or she may do so by filing a written appeal with the President or designee within 7 calendar days of the decision. The President or designee shall render a decision regarding the alleged violation of due process within 7 calendar days of its filing.

#### E. Readmission after Suspension

A student suspended from the College may be readmitted only on written petition to the Associate Vice President or Vice President of Instruction and Student Services with responsibility over the issue leading to the suspension. Petitions must, if applicable, indicate how specific reinstatement conditions have been met and reasons which support reconsideration. The Associate Vice President or Vice President of Instruction and Student Services or designee shall convey his/her decision in writing to the student; and in the case of non-readmission, shall express his/her reasons in writing. If the student decides to appeal the decision, a first appeal may be made to the designated Associate Vice President of Student Services or Vice President of Instruction and Student Services. The Associate Vice President of Student Services or Vice President shall convey his/her decision in writing to the student and shall express his/her reasons for the decision. The Associate Vice President of Student Services or Vice President of Instruction and Student Services sends his/her report to the College President. The decision of the College President is final.

#### F. Records

Records of all disciplinary actions shall be kept as part of the student record by the Associate Vice President of Student Services in accordance with the state archival policies.

### ACADEMIC INTEGRITY POLICY: E008.3

#### A. Introduction

Students of Tillamook Bay Community College are expected to behave as responsible members of the College community and to be honest and ethical in their academic work. Tillamook Bay Community College strives to provide students with the knowledge, skills, judgment, and wisdom they need to function in society as educated adults. To falsify or fabricate the results of one's research; to present the words, ideas, data, or work of another as one's own; or to cheat on an examination corrupts the essential process of higher education.

#### B. Guidelines for Academic Integrity

Students assume full responsibility for the content and integrity of the coursework they submit. The following are guidelines to assist students in observing academic integrity:

- a. Students must do their own work and submit only their own work on examinations, reports, and projects, unless otherwise permitted by the instructor. Students are encouraged to contact their instructor about appropriate citation guidelines.

- b. Students may benefit from working in groups. They may collaborate or cooperate with other students on graded assignments or examinations as directed by the instructor.
- c. Students must follow all written and/or verbal instructions given by instructors or designated college representatives prior to taking examinations, placement assessments, tests, quizzes, and evaluations.

Students are responsible for adhering to course requirements as specified by the instructor in the course syllabus.

### C. Forms of Academic Dishonesty

Actions constituting violations of academic integrity include, but are not limited to, the following:

- a. Plagiarism: the use of another's words, ideas, data, or product without appropriate acknowledgment, such as copying another's work, presenting someone else's opinions and theories as one's own, or working jointly on a project and then submitting it as one's own.
- b. Cheating: the use or attempted use of unauthorized materials, information, or study aids; or an act of deceit by which a student attempts to misrepresent academic skills or knowledge; unauthorized copying or collaboration.
- c. Fabrication: intentional misrepresentation or invention of any information, such as falsifying research, inventing or exaggerating data, or listing incorrect or fictitious references.
- d. Collusion: assisting another to commit an act of academic dishonesty, such as paying or bribing someone to acquire a test or assignment, taking a test or doing an assignment for someone else, or allowing someone to do these things for one's own benefit.
- e. Academic Misconduct: the intentional violation of college policies, such as tampering with grades, misrepresenting one's identity, or taking part in obtaining or distributing any part of a test or any information about the test.

### D. Penalties for Academic Dishonesty

If a student is found guilty of violating academic integrity, any one or a combination of the following penalties may be imposed by the faculty member:

- a. Verbal or written warning.
- b. A grade of "F" or "NP" for the assignment, project, or examination.

The following penalty may be imposed by the faculty member only after a hearing conducted by the Vice President of Instruction and Student Services:

- a. A grade of "F" or "NP" for the course, overriding a student withdrawal from the

course.

The Vice President of Instruction and Student Services may also issue the following disciplinary sanctions, in accordance with the Code of Student Conduct:

- a. Disciplinary admonition and warning.
- b. Disciplinary probation with or without the loss of privileges for a definite period of time. The violation of the terms of the disciplinary probation or the breaking of any College rule during the probation period may be grounds for suspension or expulsion from the College.
- c. Suspension from Tillamook Bay Community College for a definite period of time. (i.e., suspension of the privilege to attend Tillamook Bay Community College).
- d. Expulsion from Tillamook Bay Community College (i.e., removal of the privilege to attend Tillamook Bay Community College).

#### E. Academic Dishonesty Complaint and Hearing Procedures

- a. The faculty member observing or investigating the apparent act of academic dishonesty documents the commission of the act, usually by writing down the time, date, place, and a description of the act.
- b. The faculty member collects evidence, often by photocopying the plagiarized assignment and creating a paper trail of all that occurs after the alleged act of academic dishonesty. Often the evidence will include various samples of the student's work showing a radical disparity in style or ability.
- c. The faculty member provides the student an opportunity to explain the incident.
- d. The faculty member explains to the student the procedures and penalties for academic dishonesty and gives the student a copy of the Tillamook Bay Community College Academic Integrity Policy.
- e. The faculty member may resolve the matter informally by determining an appropriate course of action, which may include a verbal or written warning, or a grade of "F" or "NP" on an assignment, project, or examination, or no further action. If the accused student contests the faculty member's decision, a hearing with the Vice President of Instruction may be requested in writing within 10 days of the time the student is notified of the faculty member's decision. A hearing requested by a student under this section is informally conducted by the Vice President of Instruction and Student Services, who may take steps he or she deems appropriate to resolve the conflict.
- f. If the faculty member wishes to initiate further action (e.g. assign a lower grade or a grade of "F" or "NP" for the course), the student is entitled to a hearing with the Vice President of Instruction and Student Services. The faculty member submits a copy of the Academic Dishonesty Report form and any additional evidence to the Vice President of Instruction and Student Services within 10 days of the alleged act of academic dishonesty, which initiates the hearing process.

g. Within 10 days of receiving an Academic Dishonesty Report form, the Vice President of Instruction and Student Services notifies all parties in writing of the date, time and location of the hearing. At the hearing, the student meets with the faculty member and the Vice President of Instruction and Student Services to hear the charges and present his/her side of the case. The student may bring an advisor, who may advise the student but not present the case. If the student misses the hearing, the faculty member and Vice President of Instruction and Student Services may proceed with the process to completion. The Vice President of Instruction and Student Services will consider any evidence submitted within seven days of the hearing, and interview persons as warranted. The Vice President of Instruction and Student Services determines if the action recommended by the faculty member is appropriate.

h. Within 10 days of the hearing, the Vice President of Instruction and Student Services sends a written notification of the results to the student and faculty member.

Within 10 days of the notification, the student may submit a written appeal to the Associate Vice President of Student Services for a first appeal. The Associate Vice President shall review all information of the case. The Associate Vice President may hold an additional hearing if deemed necessary. The Associate Vice President of Student Services shall convey his/her decision to the student within 10 days of the appeal.

i. If the student decides to appeal the decision on the basis of alleged violation of due process, he or she may do so by filing a written appeal with the President or designee within 7 calendar days of the decision. The President or designee shall render a decision regarding the alleged violation of due process within 7 calendar days of its filing.

j. For each decision conveyed to the student the Vice President of Instruction and Student Services or Associate Vice President sends a final report to the College President. The Vice President of Instruction and Student Services or Associate Vice President of Student Services may also issue the following disciplinary sanctions, in accordance with the Code of Student Conduct:

i. Disciplinary admonition and warning.

ii. Disciplinary probation with or without the loss of privileges for a definite period of time. The violation of the terms of the disciplinary probation or the breaking of any College rule during the probation period may be grounds for suspension or expulsion from the College.

iii. Suspension from Tillamook Bay Community College for a definite period of time. (i.e., suspension of the privilege to attend Tillamook Bay Community College).

iv. Expulsion from Tillamook Bay Community College (i.e., removal of the privilege to attend Tillamook Bay Community College).

## SOURCES

With permission, contents of this policy were adapted from “Academic Honesty” and “Academic Dishonesty,” Oregon State University, Corvallis, Oregon; and “Student Rights & Responsibilities: Scholastic Ethics Code,” Pima Community College, Tucson, Arizona.

### GRIEVENCE PROCEDURE: E008.4

#### A. Introduction

Students enrolled at Tillamook Bay Community College may use the Grievance Procedure to challenge decisions and/or actions taken by college faculty and staff that are alleged to violate their rights as defined in the College Catalog. This procedure does not apply to any other dispute. Any other complaint about College services, programs, or activities not addressed in the College Catalog or Policy should be put in writing and sent to the Associate Vice President of Student Services.

Programs based on contracts with government agencies or external funding sources may adopt separate grievance procedures consistent with Tillamook Bay Community College’s Grievance Procedure, the program’s goals, and the principle of due process for all parties.

The student will be allowed to have an advocate of his/her choice (such as a Tillamook Bay Community College Advisor, or student government representative) present in meetings throughout the grievance process. Advocates are not permitted to present the case, but may advise the student. Both the College and the student may seek legal advice at their own expense; however, neither the College nor the student shall be represented by a lawyer during any grievance meeting or hearing involving the College and the student.

Concerns involving harassment or discrimination by a College staff member on the basis of race, color, religion, sex, sexual orientation, age, national origin, disability, or veteran status should be directed to the College's Affirmative Action officer. Concerns involving harassment or discrimination by a student on the basis of race, color, religion, sex, sexual orientation, age, national origin, disability, or veteran status should be directed to the Associate Vice President of Student Services.

#### B. Grievance Procedure

Step 1: Communicate with the Faculty/Staff Member:

- a. The student must directly communicate with the faculty/staff member involved within 30 calendar days of the event that is the subject of the grievance. Otherwise the student forfeits the right to grieve the issue. The student is encouraged to put the grievance in writing, including a specific description of the problem, the reasons the student believes his/her rights have been violated as defined in the College Catalog, and a proposed remedy.

Step 2: Associate Vice President of Student Services or the Vice President of Instruction and Student Services

- a. In cases where the problem is not resolved through direct communication with the faculty/staff member involved, the student will submit a Grievance Form obtained from the Vice President of Instruction and Student Services or the Associate Vice President of Student Services with supporting evidence, to the Vice President of Instruction and Student Services or Associate Vice President within 14 calendar days of the communication with the faculty/staff member. The Vice President of Instruction and Student Services or Associate Vice President will review the grievance.
- b. Within 14 calendar days, the Vice President of Instruction and Student Services or Associate Vice President will objectively investigate the grievance, consult and share appropriate information with all involved parties, consider relevant evidence, and render a decision in writing to the student and the College President.

### Step 3: Appeal to the College President

- a. The student may appeal the decision in Step 2 if (1) Tillamook Bay Community College procedures were not followed or (2) there is relevant evidence that was not available during Step 2. An appeal must be made within 14 calendar days to the College President. The student must submit written justification for further review and provide evidence that there are grounds for the appeal.
- b. The President will objectively investigate how the grievance process was conducted in Step 2, consult with all involved parties, consider relevant evidence that was not available or not considered during Step 2, and render a decision in writing. The decision will be final and not subject to appeal.

### C. Reporting, Recording, and Maintaining Records

When the grievance is concluded, all documentation shall be forwarded to the Associate Vice President of Student Services, who will maintain them as part of student records in accordance with the state archival policies.

### CONSENSUAL RELATIONSHIPS: E008.5

It is the policy of Tillamook Bay Community College that all employees and students enjoy a positive and productive work and learning environment, free from all forms of discrimination, including sexual harassment. This objective is promoted by professionalism in the relationships that faculty and staff have with students. These relationships are intended to foster free and open exchange of ideas, productive learning, and the work that supports it.

In addition, those who supervise or evaluate the work of students must be perceived to be making their decisions fairly and without favoritism. This responsibility is potentially jeopardized when faculty/staff enter into consensual romantic relationships with their students.

Faculty and staff are cautioned that consensual romantic relationships with their students can prove to be unwise and problematic, and should be avoided. When consensual romantic relationships occur, questions of fairness, favoritism, and coercion



arise:

- a. Such relationships may undermine the real or perceived integrity of the supervision provided, and the particular trust inherent in the student-faculty relationship.
- b. Relationships in which one party is in a position to review the work, or influence the career of the other may provide grounds for complaint when that relationship appears to give undue access or advantage, restricts opportunities, or creates a hostile and unacceptable environment for others.
- c. Such relationships may, moreover, be less consensual than the individual whose position confers power believes. The relationship is likely to be perceived in different ways by each of the parties to it, especially in retrospect. While some relationships may begin and remain harmonious, they are susceptible to being characterized as unprofessional and disrespectful to others.

Therefore, faculty/staff should not engage in consensual romantic relationships with their current students.

If a faculty or staff member has a pre-existing consensual romantic/sexual relationship with a student, the student should be discouraged from enrolling in courses taught by the instructor or entering into work situations in which she/he would be supervised by the staff member. If the student does enroll in the course or work for the staff member, the faculty/staff member should remove him/herself from academic or professional decisions concerning the student.

Should a romantic/sexual relationship between a faculty/staff member and his/her student lead to a sexual harassment charge, the College is obligated to investigate and resolve the charge in accordance with the complaint procedure in the Sexual Harassment Policy (Article 322).