

# Iowa Valley Continuing Education Student Handbook

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#### How to Use This Handbook

All CE students are responsible for knowing and applying the information included in this handbook, and for complying with all rules, regulations, codes and policies specified.

#### **Student Code of Conduct & Sanctions**

#### **Relationship Between Student and College**

Through voluntary entrance to the College, the student indicates a willingness to subscribe to the College's rules, regulations and policies and acknowledges the right of the College to initiate appropriate disciplinary actions when they are violated.

The Student Code of Conduct is intended to assist the College in fulfilling its mission and purposes as an academic institution. All members of the academic community share in the responsibility to establish and maintain the general conditions conducive to the fundamental academic freedoms to teach and to learn. The Code of Conduct shall be construed and enforced to secure these freedoms.

In cases where appropriate, the College attempts to resolve instances of student misconduct through informal methods before resorting to the procedures in the Code of Conduct. Informal methods include meeting with the parties in conflict, as well as academic advisors, administrators or others. However, the disciplinary procedures in the Code of Conduct will be invoked when appropriate at the discretion of the College. Every regulation shall be as clear and specific as possible.

Disciplinary sanctions shall be commensurate with the seriousness of the respective offense. Accordingly, repeated violations may justify increasingly severe disciplinary sanctions. All regulations shall be in writing and shall be published, distributed, or posted in such a manner as to furnish notice to all students affected by such regulations. This written Code provides constitutionally required notice to students, faculty, and administrators concerning the institution's policies and procedures with respect to disciplinary matters.

#### Supervision of the Student Code of Conduct

Primary responsibility for the supervision of student conduct has been mandated to the Vice Chancellor of Continuing Education or designee Office. This office will establish such administrative procedures as may be necessary to fulfill the intent of this Code.

#### Inherent Authority of the College

The standards and procedures set forth in this document are those the College normally follows in disciplinary matters. The College reserves the right to take whatever disciplinary action is appropriate (including immediate suspension) to protect the safety and well-being of students, faculty, staff, and College property.

#### Authority of College Departments

The Student Code of Conduct does not limit the authority and discretion vested in the various College departments (including, without limitation, the Department of Intercollegiate Athletics), residence hall and dining hall staff, student leaders and staff, and student organization leaders and staff to investigate and sanction students and student organizations within their jurisdictions in accordance with their rules, regulations and policies.

#### Definitions

- 1. "Accused" means a student or student organization charged with misconduct.
- "Student Code of Conduct" or "Code" refers to this document containing the rules, regulations and policies that govern student behavior.
- "The College" refers to Iowa Valley Community College District (i.e.: Marshalltown Community College, Ellsworth Community College, Iowa Valley Grinnell, Iowa Valley Continuing Education).
- 4. "Complainant" means a student, student organization, faculty member or staff member who files a complaint against a student or student organization with the Vice Chancellor of Continuing Education or designee Office.
- 5. "Expulsion" means a person's status as a student at the College is terminated with no right of re-admission.

- "Misconduct" is defined as student violation of the College rules, regulations or policies and any other conduct that adversely affects or threatens to adversely affect the safety of students, faculty, staff members or College property. Misconduct includes behavior that is disruptive or substantially impedes the lawful activities of other students, faculty or staff members.
- 7. "Probation" means that a person is allowed to continue study at the College under certain conditions, violation of which could result in further disciplinary action including expulsion.
- "Student" includes all persons taking a course or workshop at or with the College. This refers to full-time, part-time or guest enrollment students.
- 9. "Student Organization" means a group with one or more students.
- 10. "College Hearing Panel" means the group, appointed by the Vice Chancellor of Continuing Education or designee, which hears evidence and makes decisions regarding the outcomes and sanctions at those hearings where the right to a hearing panel has not been waived.
- 11. "College Hearing Panel Chairperson" means the individual, appointed who has been authorized to carry out the general administrative responsibilities regarding the disciplinary process as set forth in this Code.
- 12. "Suspension" means a person's status at the College is an involuntary separation from the College for not more than the designated time allowance as listed below:
  - a) "Definite Suspension": This sanction is for a defined period of time as determined by the Vice Chancellor of Continuing Education or designee, or College Hearing Panel. The student shall be eligible to return after the elapsed period of time with any requirements for further action defined.
  - b) "Indefinite Suspension": This sanction is for an indefinite period of time. The

student shall not return to the College without making a written request for readmission to the College Hearing Panel no sooner than six months after the date of suspension.

- c) "Temporary Suspension": This sanction is when a student is involved in a disciplinary action, which is of such magnitude to the educational atmosphere of the institution that its student body may be disrupted. The College Hearing Panel may suspend such student on an interim basis while awaiting the disposition of the charges against the student. This is to be construed to include situations where criminal charges have been filed against a student by a law enforcement agency which may have the potential to disrupt the life of the College and its students.
- 13. "Withholding of Transcript or Certificate:" This sanction is imposed automatically upon any student who owes a financial debt to the College, including repayment of federal financial aid funds and delinquent loan repayments. This penalty shall automatically end upon settlement of the debts. In certain other circumstances, the College may use this sanction.
- 14. "Warning:" A written reprimand to the student.

#### Offenses

Any of the offenses listed below may result in expulsion, suspension, probation, or reprimand. Any observed violation of this Code of Conduct should be reported to the appropriate College employee for action as needed.

- Academic dishonesty, plagiarism, or willful falsification of scientific educational data which is represented as scientific or scholarly research. Academic integrity sanctions are defined further in this section. This includes but is not limited to:
  - a) Engaging in any form of plagiarism, which is defined as the appropriation of and use of another person's writing, and passing it off as the product of one's own efforts or copying any work and submitting it as original work.

- b) Falsifying with respect to any examination, paper, project, application, recommendation, transcript or test or by any dishonest means whatsoever, or by aiding or abetting another student to do so.
- c) Using materials or collaborating with another person(s) during a test or other assignments without authorization.
- d) Substituting for another student, or permitting another person to substitute for oneself, to take an examination, course or test or to provide the work for any assigned project.
- e) The acquisition of grades, academic credits, degrees, honors, awards, certification or professional endorsements by means of cheating.
- Accessory to misconduct: A student shall not aid or abet or otherwise act as an accomplice to the commission of misconduct.
- 3. Alcohol and controlled substance use: The failure to comply with College regulations or federal or state of lowa laws regarding the purchase, dispensing, possession and consumption of alcoholic beverages and/or other substances. This includes the unauthorized use, possession, distribution or sale of any controlled substance, including marijuana, cocaine, amphetamine or any other controlled substance as covered by the federal and state Controlled Substances Act. In addition, students may not consume alcohol in public or private areas of the residence halls. (IVCCD Board Policy 416.2) Alcohol and drug possession/use penalties are defined further in the Student Policies & Procedures section regarding Drug-Free Campus.
- 4. Arson: Causing a fire or explosion with the intent to damage or destroy property or with the knowledge that property will probably be destroyed.

- 5. Assault:
  - Any intentional and unauthorized act that causes the victim pain or injury or results in physical contact that is insulting or offensive, or
  - b) Any intentional and unauthorized act that places the victim in fear or immediate physical contact that would have been painful, injurious, insulting or offensive, coupled with the apparent ability to do the act, or
  - c) Any intentional and unauthorized pointing of a firearm or display of a dangerous weapon or any facsimile of a firearm or weapon, in a threatening manner.
- 6. Assembly with any other persons and participation in the violation of this Code.
- 7. Attempt to commit misconduct: An attempt to commit a prohibited or unlawful act is misconduct, even if unsuccessful.
- Computer use and ethics: Failure to comply with ethical standards of the College as govern the use of all Collegeowned computing facilities, including central computers, terminals, microcomputers, printers, plotters, and all associated equipment. (IVCCD Board Policy 407.1) Misuse of computer resources includes but is not limited to:
  - a) Unauthorized copying of any software (including operating systems, programs, applications, databases or code) that is licensed or protected by copyright.
  - b) "Computer hacking" (i.e. unwanted or unsolicited entry into a computer system).
  - c) Knowingly introducing a "computer virus" or other unauthorized program either harmless or damaging to a College computer or network.
  - d) Unauthorized access, willful damage, or misuse of systems, applications, databases, codes, or data.

- e) Use of the campus network, the Internet, ICN or other telecommunications or data networks for actions that constitute abuse, harassment, libel, slander, fraud, misrepresentation, or intimidation. This includes introduction of inappropriate materials to the network, the intentional viewing or display of inappropriate materials and the printing of inappropriate materials.
- f) Using the network or College equipment to conduct personal business for one's own personal benefit or profit, for the personal benefit or profit of others, for solicitation of services, or for political lobbying or campaigning.
- g) Allowing others to use your personal username and password to access campus networks or the Internet or using another person's username and password to access campus networks or the Internet.
- h) Disrupting access of other students, faculty or staff members to College computers and other technology resources.
- i) Sending harassing, threatening or sexually explicit material to another individual.
- j) Violating license agreements, copyrights or intellectual property rights including copyright, patents, etc., by copying, distributing, selling or publishing intellectual property.
- k) Theft of College hardware or software.
- 9. Contempt: Failure to comply with directions, orders or commands of any College officials acting within the scope of duty, or of any law enforcement officer acting in the performance of his/her duties. Failure to comply with all the terms of an agreed resolution of a disciplinary matter, whether or not that resolution occurs after a formal charge, after a formal hearing, or is included in a judicial order, also constitutes contempt.

- 10. Disorderly conduct: Any action, committed without justification or excuse, that unreasonably disrupts or obstructs the normal use of the College property or that disrupts College-sponsored activities. Disorderly conduct also includes actions that unreasonably disrupt classes or other instruction, such as failure to comply with an instructor's legitimate directions, loud noise or disruptive actions, or other behavior that impairs the learning experience of other students or interferes with the efforts of the instructor. Threatening behavior or harassment is also prohibited. Failure to comply with the reasonable directions of any College official or employee, acting within the proper scope of his or her non-academic authority to issue such directions to a student, also constitutes disorderly conduct.
- 11. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other College activities, including its public services functions and other authorized activities on College premises.
- 12. Disturbing the peace and good order of the College and/or the community by fighting, quarreling, intoxication, or other unseemly behavior. Interfering with the lawful rights of other persons on the campus. Inciting others to do any of the above.
- 13. Fire alarms and equipment: Pulling fire alarms falsely or tampering with firefighting equipment (e.g., fire alarms, extinguishers, exit signs, fire hoses, smoke detectors, emergency lights) is prohibited.
- 14. Forging, alteration, or any other misuse of College documents, transcripts, records, or identification cards.
- 15. Willful indecent exposure in a place where there are persons to be offended or affronted.

- 16. Keys: Unauthorized possession of College keys and/or reproduction of College keys by anyone other than authorized College personnel is not allowed.
- 17. Perjury: Knowingly making one or more false statements while testifying, through a written statement or in person, during a pre-hearing officer or hearing panel proceeding.
- 18. Stealing campus property and/or possession of stolen goods.
- 19. Reckless Behavior: Any intentional or reckless damage to real or personal property of another, including property of the College. Operation of a motor vehicle recklessly, so as to pose a threat to the safety of others, on campus or at Collegesponsored activities off-campus.
- 20. Sexual abuse: Any sex act between persons is sexual abuse by either of the participants when the act is done by force or against the will of the other; if the consent or acquiescence of the other is procured by threats of violence toward any person, or if the act is done while the other is under the influence of a drug inducing sleep or is otherwise in a state of unconsciousness, the act is done against the will of the other; or if the other participant is suffering from a mental defect or incapacity which precludes giving consent, or lacks the mental capacity to know the right and wrong of conduct in sexual matters, or if the other participant is a child. (See further information in the section on Sexual Assault, Sexual Harassment, Domestic/Dating Violence, Stalking)

- 21. Sexual harassment: Unwelcome advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or of creating an intimidating, hostile or offensive environment for work or learning. (See further information in the section on Sexual Assault, Sexual Harassment, Domestic/Dating Violence, Stalking)
- 22. Stalking: Willfully following, pursuing, bullying or harassing another person and, while doing so and without legitimate purpose, makes a credible threat against the other person. (See further information in the section on Sexual Assault, Sexual Harassment, Domestic/Dating Violence, Stalking)
- 23. Telephone: Using the College's phones for unauthorized personal calls, and/or making obscene or harassing telephone calls.
- 24. Theft/Burglary: The wrongful taking of the property of another, or wrongfully refusing to return the property of another when requested to do so.
- 25. Tobacco: Use of tobacco in any form and nicotine simulation or vapor products (e.g. e-cigarettes) on College grounds or any of its facilities or vehicles. (IVCCD Board Policy 415) Tobacco sanctions are defined further in this Policy.
- 26. Trespassing: Intentional and unauthorized entry onto any premises owned by the College.
- 27. Weapons and dangerous substances: Use or possession of firearms, ammunition, explosives, incendiary devices, bb guns, imitation guns which look like real guns or any dangerous weapon, substance or material on campus is prohibited except as expressly authorized by the College.
- 28. Reproduction of copyrighted material. Unauthorized reproduction of copyrighted material is prohibited.

- 29. Misuse of Social Media. Any posting of content that is threatening, obscene, a violation of intellectual property rights or privacy laws, or otherwise injurious or illegal is prohibited. Representation of your opinions as being endorsed by the College or any of its organizations is strictly prohibited. You may not use the College name to promote any opinion, product, cause, or political candidate. Any postings that show violations of the Student Code of Conduct or residential hall guides will result in adjudication. (Board Policy 407.2)
- 30. Any other conduct prejudicial to a sound education environment and not in keeping with the values of the College community.
- 31. Engaging in behavior that is discriminatory, including harassment of other students and staff, based on race, color, creed, sex, marital status, national origin, religion, age, physical or mental disability, sexual orientation and/or gender identity, is prohibited.
- 32. Local, State, and Federal Laws. When a student has been apprehended for violation of the law of the community, state, or nation, the College will cooperate fully with law enforcement and other agencies in a reasonable program for rehabilitation of the student. Generally, the College will not impose further sanctions after law enforcement agencies have dismissed a case; yet its officials reserve the right and the responsibility to initiate disciplinary action prior to, during or after any civil or criminal court or agency proceeding if any individual student's conduct has had significant impact on the College's educational functions or responsibilities or on the rights of other members of the College community. Any disciplinary action taken on this basis shall conform to the terms of this Code, due process, and customary jurisprudence, including the right of appeal.

33. Civil or Criminal Proceedings.

Disciplinary action may commence while a civil or criminal proceeding is pending. Proceedings under this Code are not subject to challenge simply because civil or criminal proceedings involving the same incident have been dismissed.

**Investigation and Sanction Procedures for Alleged Violations of Student Conduct** Any person may bring a complaint against a student under these procedures based on the student's alleged violation of one of the above offenses.

- 1. All such complaints shall be made in writing on the Student Conduct/Discipline Report Form to the Vice Chancellor of Continuing Education or designee. The Vice Chancellor of Continuing Education or designee shall investigate and review the complaint, determine whether an informal resolution is possible, or whether formal sanctions should be instituted.
- 2. Following the period of investigation, the Vice Chancellor of Continuing Education or designee shall determine if evidence exists for formal sanctions to be brought against a student for a violation of the Student Conduct Code.
  - a) If the sanctions are of a minor nature (suspension is NOT warranted), the case will be heard in a disciplinary conference before the Vice Chancellor of Continuing Education or designee.
  - b) If the sanctions are of a major nature (suspension is warranted), the case may be referred to the College Hearing Panel.
  - c) If there is a lack of evidence or formal sanctions are not deemed necessary, an informal resolution may be sought. If an informal resolution is made, the student signs a letter from the Vice Chancellor of Continuing Education or designee that specifically states the terms of the resolution and acknowledges his/her consent to these terms.

3. In all cases, the Vice Chancellor of Continuing Education or designee shall send to the student involved, a Notice of Sanction letter, or a letter indicating the informal resolution.

#### **Penalties and Sanctions**

The College has the authority to penalize or impose sanctions on any student found guilty of the above offenses or breach of regulations. Routine disciplinary matters may be handled by the Vice Chancellor of Continuing Education or designee. Serious and/or repetitive violations of the Code of Conduct will require a disciplinary hearing before the College Hearing Panel. Matters of academic dishonesty are first handled by the faculty member and may be referred to the Vice Chancellor of Continuing Education. Any matter of academic dishonesty may also be referred to the College Hearing Panel for disciplinary action.

Students should be familiar with institutional policies and procedural guidelines as outlined in the Student Handbook and in the College catalog. Students should also be familiar with institutional policies and procedural guidelines as outlined in the Student Policies & Procedures section.

Violations of College standards shall result in any one or combination of the following disciplinary sanctions which may be applied by the Vice Chancellor of Continuing Education and/or the College Hearing Panel as follows:

- 1. Warning
- 2. Disciplinary counseling and/or referral to appropriate drug/alcohol treatment program or law enforcement agencies
  - a) Individual counseling
  - b) Disciplinary counseling on a group basis
- 3. Withholding of transcript or degree and/or loss of financial aid/scholarships
- 4. Probation

- 5. Expulsion/Suspension
  - a) Expulsion
  - b) Definite suspension
  - c) Indefinite suspension
  - d) Temporary suspension
- 6. More than one (1) of the sanctions listed above may be imposed for any single violation.

Note: Definitions and accompanying procedures pertaining to these sanctions are listed in the Code of Conduct.

#### **Title IX Procedures**

Issues related to sexual assault, sexual harassment, domestic/dating violence and/or stalking are handled through a separate process. More information on those procedures are found in the Sexual Assault, Sexual Harassment, Domestic/Dating Violence, Stalking section which is under the Student Policies and Procedures portion of the Handbook. Depending on the findings of the Title IX investigation, the disciplinary processes listed in the next paragraphs may be utilized.

#### **Disciplinary Process**

Alleged violations of a minor nature (those that do not warrant suspension/expulsion) will be adjudicated in a disciplinary conference between the Vice Chancellor of Continuing Education or designee and the student. No other witnesses will be present.

- If the student sanctioned cannot appear at the time specified, the student must contact the Vice Chancellor of Continuing Education at least two (2) business days before the conference is scheduled to arrange a different time for the conference.
- If the student has not contacted the Vice Chancellor of Continuing Education or designee and/or does not appear at the conference, the Vice Chancellor of Continuing Education or designee may make a decision of responsibility or nonresponsibility and determine the sanction.

- 3. At the disciplinary conference, the Vice Chancellor of Continuing Education or designee will review the sanctions, evidence, and student's rights with the student. The student will have an opportunity to present any evidence or testimony on his or her own behalf.
- 4. After reviewing the evidence and hearing from the student, the Vice Chancellor of Continuing Education or designee will determine if the student is responsible or not responsible for the alleged violation. Any student who is found to have violated a regulation governing student conduct will be subject to the sanctions as listed in this section.
- 5. The Vice Chancellor of Continuing Education or designee decision as to whether a student is responsible for a student conduct violation and the appropriate sanction, if any, will be sent to the student within five business days at the last known address provided by the student to the institution. This letter will include the reasoning by which the decision was reached. The action is effective upon the date the notification was written. A copy of the letter will be placed in the student's disciplinary file maintained by the program coordinator. Students have the right to appeal this decision to the College Hearing Panel, if warranted, as described in the process below.

#### **Appeal Process**

Access to an appeal is defined within College policies and procedures, but must be requested by the student **no more than 5 business days** after the sanctioning decision as dated on the Notice of Sanction letter. If a student feels that he or she has been disciplined unfairly through the Disciplinary Conference procedure or if he or she wishes to appeal some other decision considered to be unjustified, unfair, or a violation of student rights, then the student should appeal that decision. An appeal is not granted in cases where there is disagreement with a College policy or procedure. In those cases a student may file a complaint with the appropriate department. Appeal forms are located in the Vice Chancellor of Continuing Education or designee

Office (Room 115 at Marshalltown) as well as on the website at

#### www.lowaValleycom/Right\_to\_Know

- The right to appeal does not necessarily entitle a student to a hearing of his/her case. Based on the appeal information forwarded by the student, a hearing may be granted by either the College Hearing Panel, or before a dean/director depending on the sanctioning department and incident.
- 2. Failure to appeal or comply with appeal procedures will render the original decision final. In the event of extenuating circumstances, an extension in time may be requested by submitting a written request to the Vice Chancellor of Continuing Education (or designee) stating specific reasons for the request of additional time including why the timeline for the appeal was not met.
- 3. Any sanction imposed as the result of a Disciplinary Conference or College Hearing Panel will remain in effect during the process of appeal. The Vice Chancellor of Continuing Education or designee has the authority, under extenuating circumstances, to defer the imposed sanction while the appeal is in process. The appeal of a Disciplinary Conference sanction is to the College Hearing Panel. The appeal of a College Judicial Board sanction is to the Chancellor.
- 4. The following constitute reasons for an appeal and the appellate individual or board should limit its review of the hearing board's record to these issues:
  - a) The student's due process rights were substantially violated in the hearing process.
  - b) There was not substantial evidence to support the decisions reached.
  - c) There is new material evidence that could not have been discovered at the hearing time.
  - d) The sanctions imposed were too severe or not appropriate for the violation.

- 5. An appeal may be denied for insufficient grounds to request an appeal. However, if the appeal is granted at either level, the appeal panel may:
  - a) Accept the report and decision of the disciplinary conference/College Hearing Panel.
  - b) Reverse the decision and dismiss the case or remand the case for receipt of additional evidence (only if not available to the student at time of hearing) or to allow an opportunity for the student to prepare and present a defense.
  - c) Accept the decision, but reduce the sanction imposed. The appeal committee may not increase the sanction.
- 6. Withdrawal of Student: If a student withdraws from the College, the withdrawal does not affect the ability of the College to initiate or continue disciplinary proceedings against the student for actions or events which occurred prior to the withdrawal.

#### **College Hearing Panel Procedures**

Appeals of Disciplinary Conference sanctions and alleged violations of a major nature (including those offenses that have warranted suspension/expulsion from the College) may be heard by the College Hearing Panel. The following procedures pertain to the College Hearing Panel:

 In cases of a major violation of the Student Code of Conduct, the Notice of Hearing shall be sent by the Vice Chancellor of Continuing Education or designee will send a Notice of Hearing, which details the alleged violations, a summary of the alleged misconduct, and the time and date of the hearing.For cases of an appeal, and after the Vice Chancellor of Continuing Education or designee has sent to the student involved a Notice of Sanction, the student may appeal that sanction through the appeal process outlined in the section above.

- If a student appeal is granted, (see Appeal Process Section 4) the Vice Chancellor of Continuing Education or designee shall send the student a Notice of Hearing within a reasonable timeframe, usually within 10 business days of the appeal submission.
- 3. If the student charged cannot appear at the time specified, the student must contact the Vice Chancellor of Continuing Education or designee at least two (2) business days before the hearing is scheduled to arrange a different time for the hearing.
- 4. If the student has not contacted the Vice Chancellor of Continuing Education or designee and/or does not appear at the hearing, the College Hearing Panel may make a decision of responsibility or nonresponsibility and then render a sanction.
- 5. The College Hearing Panel will be comprised of an odd number of members (faculty members and college staff representatives). The Board will hear all evidence in the case including witness testimony and documentation and make a decision as to whether the student is responsible or not responsible for the alleged violation and determine an appropriate sanction.
- Each campus will have at a pool of trained members from which three members will be drawn to hear the case and to serve on the College Hearing Panel. Members will be appointed by the Vice Chancellor of Continuing Education.
- 7. One member of the College Hearing Panel will serve as Chairperson and shall preside at the hearing; and during the hearing shall inform the student of the charge, the hearing procedures, and his or her rights; and shall answer any questions the student charged may have on these matters.

 The chair shall call witnesses and ask the Vice Chancellor of Continuing Education or designee or designee to provide an oral summary of the written testimony in support of the student conduct violation. The student may then share information with the Board, which may include written testimony and witnesses in his or her behalf.

## Rights and Responsibilities of Accused in the Disciplinary Process

Student rights are protected in accordance with due process. Students accused of violating the Student Code of Conduct policies shall have rights. The student sanctioned has the following rights at a Conference or College Hearing Panel meeting:

- 1. Right to due process
- 2. Right to notice of allegations and summary of facts in the case
- 3. Right to attend the hearing and present on your behalf and summary of case from their viewpoint
- 4. Right to refuse to participate in the hearing
- 5. Right to present documentary, testimonial, or physical evidence
- 6. Right to call witnesses who have a direct bearing on the case
- 7. Right to hear and question witnesses
- 8. Right to the Disciplinary Conference decision or College Hearing Panel's decision which will be based on the evidence presented and evaluated by the standard of preponderance of the evidence
- 9. Right to be notified of the final decision of the conference/hearing in writing
- 10. Right to appeal the final decision if an appeal is warranted (See Appeal Process Section 4)
- 11. To have representation of choice present with the understanding that the representative may not participate in the proceedings.

The College Hearing Panel Chairperson may exclude irrelevant, immaterial, or unduly repetitive information. Advisors for the student may assist the student with the preparation of the hearing, but may not actively participate by questioning witnesses, cross-examining witnesses or other participants or formally addressing the hearing participants. The College is entitled to challenge a committee member for a cause. Removal of a panel member will be at discretion of remaining panel members.

It is the policy that statements, evidence, or comments given during a Disciplinary Conference or College Hearing Panel will be held in strictest confidence by members of the hearing committee and its advisor(s), or any other individuals involved in a hearing or hearing appeal. No statements will be made to the general public by members of the hearing committee before or during the hearing, or before, during, or after deliberation. In all hearings, at all levels, no individual will be required to offer evidence which may be selfincriminating.

The College Hearing Panel's decision based on the standard of preponderance of the evidence as to whether a student regulation was violated and the appropriate sanction, if any, will be sent within five business days to the student by mail at the last known address provided to the College by the student. This letter will include the reasoning by which the decision was reached. The action is effective upon the date the notification was written. A copy of the letter will be placed in the student's disciplinary file maintained by the program coordinator.

#### Waiving Right to Appeal Hearing Procedure

A student may waive a right to an appeal hearing through failure to appeal an imposed sanction within designated time limits.

# Student Policies & Procedures

#### **Grievances and Complaints**

The College believes in maintaining an educational environment that is positive and productive for its students. Occasionally, a

student may claim that he or she has experienced an alleged violation. misinterpretation, or misapplication of IVCCD Board Policies, rules and regulations; or has been unfairly treated by an IVCCD employee or another student; or that the contractual relationship between the student and IVCCD has been breached. When these situations arise, students should follow the Student Grievance Procedure. For all other complaints and feedback, the student should follow the Student Feedback/Complaint Procedure. Forms are found in the Vice Chancellor of Continuing Education or designee office on the Marshalltown campus or online at www.lowaValleycom/Right\_to\_Know.

#### **Student Grievance Procedure**

The grievance form includes a written summary of the situation. According to Board Policy 502, the written grievance is to be resolved through the following steps:

The student is expected to make every effort to resolve the problem with the IVCCD employee, including a meeting with that employee.

- If no solution is reached between the student and the employee, the student may file a formal grievance. The written grievance form must be submitted to the Vice Chancellor of Continuing Education (or to his or her designee) within 10 business days of the initial meeting with the employee.
- If no solution is reached between the student and the Vice Chancellor of Continuing Education (or designee), the grievance may be appealed in writing within 5 business days of the step 2 decision to the IVCCD Chancellor. The decision of the Chancellor is final and ends the grievance process.

**Student Feedback/Complaint Procedure** The College is committed to providing high quality services. We strive to deal with all students in a manner which is fair, efficient and courteous, and your feedback and complaints are important to the improvement of College services. All complaints and feedback, including the outcome, are documented and shared annually with the Vice Chancellor of Continuing Education. Feedback or complaints that are unrelated to a grievance should follow these steps:

- Complete the Student Feedback/Complaint Form found in the Vice Chancellor of Continuing Education's office or on the College website.
- Discuss the complaint/feedback with those within the department faculty or supervisor with oversight of that decision, policy, or service.
- 3. If a student is dissatisfied with the results of the initial meeting, he or she should contact the member of the College's administrative team with oversight over the area to discuss the concern.

#### **Academic Freedom for Students**

In the interests of promoting the best possible educational environment for members of the community and remaining consistent with the rights of others, students shall be free to examine and express opinions on all questions of interest to them. Students shall be guaranteed all constitutional rights, including freedom of inquiry, expression, and assembly. All regulations contained in the Student Code of Conduct are designed to achieve the maximum academic freedom coupled with responsibility and necessary order.

#### **Students with Special Needs**

CE provides individualized assistance to students with special needs who identify themselves and request help. The College staff can provide advocacy, advice, counseling and referral information. By working together, students and staff strive to eliminate attitudinal and architectural barriers, which might impede successful completion of a student's studies at CE.

The College adheres to all requirements of the Americans with Disabilities Act and will make reasonable accommodations for any student or patron with a physical need (in the laboratories, classrooms, restrooms, or for student activities and athletic contests). A barrier-free environment is stressed, and the campus is physically accessible throughout. Should classroom modification be needed, students with special needs should notify instructors so physical changes can be made (see Steps to Obtain Accommodations below).

Parking spaces are marked and reserved for students displaying handicap permits in their vehicles. In addition controlled (electronic access) doorways.

#### **Steps to Obtain Accommodations**

Students with special needs should plan ahead for requesting accommodations. Reasonable accommodations can be made in a timely manner, but it may involve faculty, family members, counselors, other support personnel, and the student. Careful planning can assure that all involved will have time to respond to identified needs.

- Contact the program coordinator and schedule an appointment to discuss and begin completion of the Application for Students with Disabilities form.
- 2. After completing the form submit required documentation of disability if deemed necessary and review the information. Then an appropriate support/action plan will be developed following all State Department's requirements with assistance from College personnel or vocational rehabilitation counselors, as needed.
- 3. If documentation is requested and not received, release forms may be signed to authorize the College to request such documentation prior to developing a support/action plan. When documentation is received, students will work with faculty/staff to develop and implement a plan based on individual needs.
- A letter documenting eligibility to receive services will be sent to the student, who may use it to visit with instructors each semester. It is the student's responsibility to keep instructors informed of continuing/updated needs.

The College recognizes that students' accommodation needs may change during the time they are attending classes, and the accommodation support/action plan may change

accordingly. A student who feels his or her accommodation needs have not been met should contact the Vice Chancellor of Continuing Education at 641-844-5640. If that meeting does not result in satisfaction, students should follow the grievance procedure outlined under Student Policies & Procedures.

#### **Academic Integrity Procedures**

Consistent with College policy, cheating, the appearance of cheating, and plagiarism in classes will not be tolerated. For purposes of all classes, cheating includes the use of calculators with programmable text used during exams if the text function is used, using study sheets or other written material during the exams when it is a closed book exam, using another student's answers with or without their knowledge, or supplying answers, and the use or appearance of use of other restricted items. When a student is found cheating on any assignment the penalty will be at the discretion of the instructor's policy, but it could range from awarding zero points for that assignment/exam to failing the course. Further exams taken by that student will be under the direct supervision of the instructor at a time and place designated by the instructor. Violations of the academic integrity policy are subject to Student Code of Conduct processes.

#### **College Closings**

It is the policy of CE to hold regular classes on all days scheduled on the College calendar. If an emergency develops requiring the College to close, the announcement will be made via the local television and radio stations.

#### **CE Phone**

All phone lines are available from 8:00 am – 4:30 pm. Call the following phone numbers regarding class cancellations due to weather, instructors' absences, utility shutdowns, or other conditions.

- Iowa Valley Continuing Education
   641-752-4645
- Iowa Valley Education & Training Center – 641-754-1348
- Orpheum Theater Center 641-844-5921
- Iowa Falls 641-648-4611
- Grinnell 641-752-7106

#### Parking Regulations

Free parking (with no vehicle registration) is provided for all CE students. Vehicles that are parked in restricted areas, as well as vehicles not moved within 36 hours of a snow event will result in the vehicle being towed at the student's expense.

#### **Tobacco-Free Campus**

Iowa Valley Community College District is committed to providing a safe and healthy environment for students, visitors and employees. The Iowa Legislature passed the Iowa Smokefree Air Act (H.F. 2212) of 2008 and the U.S. Surgeon General has found that use of tobacco is a significant health hazard. IVCCD's campus is both smoke-free and tobacco-free. Use of tobacco in any form and nicotine simulation or vapor products (e.g. e-cigarettes) is not allowed on any of our grounds or in any of our facilities or vehicles. This includes all buildings, grounds, sidewalks, parking lots, vehicles, and streets within the campus. This also includes personal vehicles on school grounds in accordance with Iowa's Smokefree Air Act.

Student disciplinary procedures and/or civil penalties can be assessed to students found in violation of this regulation. Retaliation against anyone who registers a complaint is prohibited and subject to IVCCD's disciplinary procedure. To register a complaint, contact a College administrator or the Iowa Department of Public Health at 1-888-944-2247 or visit www.lowaSmokefreeAir.gov.

#### **Drug-Free Campus**

It is the policy of CE to comply with the Drug-Free Schools & Communities Act Amendments of 1989.

### Legal Sanctions for Possession & Distribution of Illicit Drugs or Unlawful Possession of Alcohol

#### Federal Statutes

- Manufacture, distribute, or possess with intent to deliver a controlled substance or counterfeit substance (Title 21, USC 841). Penalty: Sentences range from two years and \$10,000 or both to 15 years and \$25,000 or both. All sentences carry a mandatory minimum confinement and repeat offenders are subject to double penalty.
- Possession of controlled substance, including marijuana (Title 21, USC 844). Penalty: First conviction up to one year and \$1,000-100,000 or both. Special sentencing provisions for possession of crack cocaine: Mandatory five years up to 20 years and up to \$250,000 or both. Repeat offenders' penalties in both cases are increased.
- Distribution of controlled substance to persons under age 21 (Title 21, USC 845). Penalty: The penalties of USC 841 are doubled and the mandatory minimums are doubled.

**Note:** Any property which has been used to facilitate the commission of a criminal offense or to avoid detection or apprehension of a person committing a criminal offense or property acquired as proceeds of a criminal offense are subject to forfeiture under both federal and state law. This includes not only cash but also cars, boats, airplanes, guns, coins, and even houses. In addition, conviction results in denial or revocation of federal benefits such as student loans, grants, contracts, professional and commercial licenses, and firearms approvals. See Federal Register Vol. 55, No. 159, for details and specific trafficking penalties for all drug categories and offenses.

#### State Laws

- Possession of a controlled substance (first offense) includes any drug: minimum fine \$315, loss of driver's license for 180 days, two-day jail sentence; maximum fine of \$1,875 and one year in jail. Courts may order denial of all federal benefits (including student loans) for all drug convictions.
- Manufacture, delivery, or possession with intent to deliver a controlled substance including heroin, cocaine, methamphetamine, amphetamine, PCP, LSD, marijuana: maximum 50 years prison and \$1 million fine (mandatory minimum confinement, 1/3 of sentence, \$1,000 fine). Other drugs such as peyote, opium, hallucinogens, and other stimulants/depressants: maximum 10 years and \$10,000 fine; minimum of 1/3 of sentence, \$1,000 fine. Possession of firearm during crime doubles punishment with mandatory prison confinement.
- Drug Tax Stamp: drug dealers are required to buy "drug tax stamps" from the lowa Department of Revenue. If you are arrested for drugs (e.g., delivery, manufacturing, possession with intent) and do not have tax stamps the Revenue can seize personal property and sell it to satisfy the tax bill. This is a Class D felony, five years in prison and \$7,500 fine.
- Gatherings where controlled substances are unlawfully used: Sponsor, promote, aid, or assist in the sponsoring or promoting of a meeting, gathering, or assemblage with the knowledge or intent that a controlled substance will be distributed, used or possessed there results in Class D felony: 5 year sentence and \$7,500 fine. If marijuana only is used, it is a serious misdemeanor with 1-year sentence and \$1,875 fine.
- Distribution of controlled substance to person under age 18: Class B felony, 25 years, five-year mandatory minimum confinement; Class C felony, 10 years, 3 1/3 year minimum confinement.

- Manufacture or distribution of methamphetamine in presence of minor: 99 years in prison. "In presence of" can mean: minor physically present, a minor not present but lives there, at a multiple unit residential building (apartment), at a motel, or in a building where minors' presence can reasonably be expected. Distribution within 1,000 feet of a secondary or elementary school: Additional five-year sentence.
- Unlawful Alcohol: The legal age to possess alcohol is 21.
  Possession/distribution by a person under age 21: First offense: \$200; Second or more offense: \$500 and driver's license suspended up to one year. Distribution by person age 21 or older: Serious misdemeanor, \$500 minimum fine. If act results in serious injury to anyone, it is an aggravated misdemeanor (fine \$500 to \$5,000 and two years in prison). If act results in death, it is a class D felony (\$7,500 fine, maximum five years in prison).
- Drinking and Driving: Effective July 1, 1995, anyone under age 21 who is caught driving with a blood alcohol content of .02 or more will lose his or her driver's license or permit for up to 60 days. Temporary driving permits for school, work, or any reason will not be allowed during the suspension period. Realize that .02 is a very small amount ... as little as one beer or drink.
- Drivers age 18 and over can be prosecuted for Operating While Intoxicated (OWI) if they: 1) drive under the influence of an alcoholic beverage and/or drug, 2) drive with an alcohol concentration of .08 or more, or 3) drive with a controlled substance in their system. The penalty for OWI first offense is from two days in jail and \$1,250 fine to one year in jail. Second offense: seven days in jail and \$1,875 fine to two years in jail and \$6,750 fine. Third or more offense: 30 days in jail and \$3,125 fine to five years in prison with a maximum of

\$9,375. In addition, various license suspensions start with six months, and vehicles can be impounded or immobilized for OWI second and third offenders. On third offense OWI, license can be barred for six years.

#### **Local Ordinances**

- Illicit Drugs: Use or possession with intent to use (drug paraphernalia, inhaling intoxicants): Maximum 30 days in jail and/or \$100 fine. State penalty is a fine of at least \$50, not to exceed \$500 and up to 30 days in jail.
- Public Intoxication: Up to \$100 fine, or up to 30 days in jail.
- Unlawful Alcohol: Open container in a public place; under legal age in bar or pool hall serving alcohol: Up to \$100 fine or penalty, or up to 30 days in jail.

#### **Conduct of Campus Visitors**

Access to all facilities and grounds of lowa Valley Community College District is generally limited to students, employees and visitors for the purposes of study, work, teaching, and conducting other College business. Access to individual classrooms, laboratories and programs are limited to those enrolled in the courses and programs meeting at such locations. Visitors on campus who are not students or employees of the College are to conduct themselves in accordance with the laws, as well as commonly accepted standards of behavior and safety. Any conduct which involves loitering; intentional or negligent disruption; noise; threats; any kind of harassment, sexual or otherwise; verbal or physical abuse; endangerment of the health or safety of any person; or inappropriate entry into obstruction of, or unauthorized occupation of any College property by a visitor will be in violation of Board Policy 832. College employees have the authority to inform visitors to leave immediately. Failure to leave will result in police being summoned to take appropriate action.

#### **Crime Prevention**

Students and employees are expected to be aware of personal safety practices and to take preventive action on campus. Students and employees should take precaution by keeping personal property on their person or securing it in a safe place (locker or locked drawer). Cars in campus parking lots should be locked to safeguard contents, and students should adopt a "buddy system" when going to their cars, especially at night. Information about criminal sex offenders can be found at www.iowasexoffender.com. The College occasionally conducts seminars on safety and crime prevention.

Use of illegal drugs or alcoholic beverages on campus or at College-sponsored activities is strictly forbidden and subject to state and federal laws.

IVCCD also maintains a "zero tolerance" for firearms, weapons, explosives, bomb-making materials and/or poisonous gases on College property. The possession or use of these items is prohibited on campus including but not limited to buildings, grounds, parking lots, and housing units. The College forbids violence in any form including harassment and bullying by or toward employees and students.

#### **Reporting Criminal Activities**

Required reporting of criminal activity was formalized under the Crime Awareness and Campus Security Act of 1990. In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (also known as the Clery Act), IVCCD and CE produce an annual Security and Fire Safety Report, which is on the CE website at

<u>www.lowaValleycom/Right\_to\_Know</u>. The report is published annually by Oct. 1, containing three years of campus crime statistics and certain campus security policy statements.

Campus crime statistics are available through the Vice Chancellor of Continuing Education Office or by going to <u>IES/NCES National Center</u> <u>fo Education Satistics website</u> and searching for Marshalltown Community College.

#### **Reporting Procedures**

- 1. Call 9-1-1 and report the incident.
- 2. Upon discovery of or witness to a criminal act, immediately notify the CE receptionist at the main (south) entrance, the Vice Chancellor of Continuing Education or his/her designee's office, or a College administrator.
- 3. CE administrators may also contact the proper law enforcement authority.
- 4. Within 24 hours of the criminal act, file a crime report with the Vice Chancellor of Continuing Education or his/her designee.

#### **Harassment & Discrimination**

Harassment and discrimination are prohibited and will not be tolerated at the College. Students, faculty, staff, administrators, and board members are responsible for promotion, understanding, and acceptance of College policies. Following are excerpts from IVCCD policies regarding education about and compliance with state and federal regulations governing harassment and discrimination. Complete information is available in IVCCD Board Policy 517 or by contacting a College official.

It is the policy of Iowa Valley Community College District to provide equal educational opportunities without discriminating on the basis of race, color, creed, sex, marital status, national origin, religion, age, physical or mental disability, sexual orientation and gender identity in its educational programs and activities.

It is in violation of College policy for any student or staff member to discriminate against or harass other students or staff members through conduct designed to reduce the dignity of that individual. Violations of this policy will result in disciplinary action up to and including expulsion or dismissal.

#### Definitions

Harassment and discrimination may include, but are not limited to:

- physical behavior or verbal or written comments of an offensive nature;
- social invitations and comments with sexual innuendos;
- the use of racial or sexual epithets or stereotypes, "slang" names, or any other language or action that by its nature or effect degrades or insults a person;
- repeated remarks of a demeaning nature;
- implied or explicit threats concerning one's education;
- demeaning jokes, stories or activities directed at a student;
- inappropriate touching, such as unwelcome hugging, pinching or patting;
- vulgar or obscene jokes, cartoons or pictures.

The College also prohibits unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual or otherwise offensive nature when submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational decision or benefit; when submission to or rejection of such conduct is used as the basis for educational decisions affecting a student; when such conduct has the purpose or effect of unreasonably interfering with a student's educational performance; or when the conduct creates an intimidating, hostile, or offensive education environment.

#### **Reporting Procedures**

Students who believe they have experienced harassment or discrimination should report to the CE Education Equity Coordinator, Jacque Goodman, in the Continuing Education Department, 641-844-5640), who will serve as investigator. Complaints will be handled in a timely and confidential manner to the extent possible. Those involved in the investigation will be instructed not to talk about the complaint outside the investigation. CE strictly prohibits any acts of retaliation against a student for filing a complaint, assisting or participating in a harassment or discrimination investigation/hearing, or opposing language or conduct that violates this policy.

The investigator will talk with the student making the complaint to obtain an understanding and a statement of the facts. The investigator will also meet with the accused to obtain a response to the complaint. The investigator may meet with the parties involved in the complaint as often as the investigator determines to be necessary. If the complaint involves a College employee, the Vice Chancellor of Administrative Services will become involved. Upon completion of the investigation, the Vice Chancellor of Continuing Education or his/her designee will determine what further action should be taken on the complaint.

#### Sexual Assault, Sexual Harassment, Domestic/Dating Violence, Stalking

Sexual misconduct is criminal behavior that will not be tolerated at any College campuses or facilities or at College events. It is CE's policy to provide programs to prevent domestic violence, dating violence, sexual assault, stalking, and sexual harassment by increasing awareness of gender violence, increasing recognition that it is a problem, increasing ownership/responsibility of the issue, developing skills to intervene, and increasing recognition of such intervention. The College's policy (IVCCD Board Policy/Guideline 518) does not discriminate based on sexual orientation or preference of individuals engaging in sexual activity.

All College employees are considered mandatory reporters, with exemptions made for mental health professionals and clergy as the law allows. When an employee becomes aware of an alleged act of sexual assault, sexual harassment, domestic/dating violence or stalking, the employee must promptly contact CE Title IX Coordinator Jacque Goodman (641-844-5640). The employee will complete a SaVE Act Reporting form.

#### Definitions

Sexual Assault includes, but is not limited to, any sexual activity by a group or individual that takes place without the effective consent of the other individual(s) involved. Effective consent is shown by the exchange of mutually understandable words or actions between parties to a sexual interaction. To give effective consent, one must be of legal age (18). Consent must be informed and freely and actively given; silence in and of itself is not an indication of consent. To be effective, consent cannot be procured by use of physical force, compelling threats, intimidating behavior or coercion. Consent may be withdrawn at any time. Sexual activity with someone mentally or physically incapacitated (because of disability, alcohol/drug use, sleep, unconsciousness, blackout or bodily restraint) is a violation of this policy. Sexual activity includes, but is not limited to, intentional contact with breasts, buttocks, groin or genitals, or touching another person with any of these body parts, or making another person touch you or themselves with or on any of these body parts; intercourse, however slight, meaning vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital or genital to mouth contact).

Sexual Harassment is a sexual misconduct that includes unwelcome sexual advances, requests for sexual favors, and other verbal, written or physical conduct of a sexual nature when 1) submission is made explicitly or implicitly a term/condition of educational benefits, academic evaluations or access to/participation in other College activities or opportunities, 2) submission to or rejection of such conduct or communication is used as the basis for educational decisions affecting an individual, or 3) the behavior is sufficiently severe or pervasive to unreasonably interfere with the student's education or College activities, or creates an intimidating, hostile or objectively offensive educational environment. Sexually harassing behavior may include, but is not limited to, spreading sexual rumors, catcalls or whistles, making sexual gestures, exposing genitalia and/or touching oneself sexually in front of another, repeated and unwelcome sexual conversations, unwelcome and persistent flirting or teasing of a sexual nature, persistent efforts to develop a sexual relationship, pressure to engage in sexual behavior, other verbal or physical conduct that could be construed as sexually-based, or unwanted electronic capture (webcam, camera, video, etc.) of a sexual nature. These behaviors may be verbal, written or electronic in nature. Sexually exploitative behavior occurs when a student takes nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Sexual exploitation may include, but is not limited to, prostituting another student, non-consensual video/audio-taping or photography of sexual activity, unauthorized posting/distribution of materials involving the sexual activity of another person, going beyond the boundaries of consent (such as voyeurism/secretly watching others), or knowingly transmitting an STD or HIV to another student.

**Domestic/Dating Violence** is the willful intimidation, physical assault, battery, sexual assault and/or other abusive behavior perpetrated by a domestic partner or a dating partner against the other partner.

**Stalking** means engaging in conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress.

#### **Reporting Procedures**

In an emergency, contact the Marshalltown Police Department at 9-1-1 or 641-754-5725, and CE Title IX Coordinator Jacque Goodman at 641-844-5640 located in the Continuing Education Department. A student who wishes to report a sexual assault or misconduct or file a complaint against another student or College employee should notify the Title IX Coordinator. They will explain support options, investigative steps, and hearing procedures. Complaints will be handled in a timely and confidential manner to the extent reasonably possible.

The alleged victim has the option to notify law enforcement authorities including on-campus and local police, be assisted by campus authorities in notifying law enforcement authorities (if the victim so chooses), and decline to notify such authorities.

It is important to preserve evidence as may be necessary to prove domestic violence, dating violence, sexual assault, stalking, or sexual harassment, or to obtain a court order. It is imperative for sexual assault victims to have an examination at the local emergency facility as quickly as possible, and to not shower prior to having a forensic examination. The longer an individual waits to pursue this option, the more difficult it becomes to collect forensic evidence. The Title IX Coordinator, a sexual assault advocate, or local police can assist a victim in obtaining an exam. Crime Victim Compensation may be available to victims of sexual assault; for more information, call 800-373-5004.

#### **Investigative & Hearing Procedures**

The Title IX Coordinator will meet with a student considering submitting a complaint, outline the process for filing a complaint, and explain College procedures. A written report is typically required for a case to be referred for action, but in cases of perceived danger for the campus community, the Title IX Coordinator may request a hearing without the cooperation of the student who originated the complaint. College proceedings will provide a prompt, fair and impartial investigation and resolution. Proceedings will be conducted by officials who receive annual training related to sexual misconduct and how to conduct an investigation and hearing that protects the safety of victims and promotes accountability.

Upon receipt of a report the Title IX Coordinator will contact the accused individual(s) to explain the procedures and outline the basis for the complaint. The accused has the right to see the report that alleges a violation.

Both parties in a case are ordered to have no contact with one another. This allows the matter to proceed without any possible harassment or miscommunication between parties. Students may pursue other orders of protection through the court system. Once the College receives notice about a pending case of sexual assault/harassment or misconduct, an investigator will review the matter and interview students and/or employees involved along with potential witnesses. The investigator will submit written documentation to the Title IX Coordinator, who will make a determination about whether or not a complaint may proceed to a hearing with a hearing board specifically trained to deal with sexual assault/harassment and misconduct.

College proceedings are confidential to the extent possible and permitted by law. The hearing board receives written complaints and schedules and conducts hearings related to sexual misconduct. The Title IX Coordinator facilitates the hearing but is not a voting member of the board. A three-member team comprises the decision-making members of the hearing board. The hearing board hears statements from both parties, asks questions, then makes a decision based upon the greater weight of the credible evidence. The hearing board receives training in conducting hearings specifically related to sexual misconduct allegations.

The respondent(s) has the right to question his or her accuser through questions posed to the hearing board. This right will not be denied. However, the complainant may request that accommodations be made to have separate rooms or a room partition for each party, or may request an alternative reasonable arrangement in order to minimize potential trauma or stress.

The complainant and respondent(s) are each entitled to the same opportunities to have a support person (often a parent, friend, counselor, attorney, or faculty/staff member) present during a campus disciplinary proceeding. This person can be in addition to the College support person. Pertinent expert, psychological, and medical witnesses, and other evidence may be introduced into hearings, but the hearing board will reserve the right to determine if such evidence is credible on its face or could potentially be subject to rebuttal in the opinion of the hearing board, and thus, of questionable value. While each case is different, the hearing board will generally ask questions primarily related to the following areas: force, consent, and whether or not (or how) alcohol or drugs played a role in the alleged incident. The hearing board will use the standard of preponderance of evidence in determining outcomes from the hearing.

Both parties will be simultaneously informed in writing of the outcome and sanction of any campus disciplinary proceeding regarding alleged sexual assault/harassment or misconduct within a timely fashion and to the extent permitted by law. Any student found to have violated the sexual misconduct policy will be subject to a sanction ranging from probation to expulsion, depending on the severity of the incident and taking into account any previous campus conduct code violations and any other relevant circumstances. Other individuals who are found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the hearing board. Other remedial or protective measures may also be implemented as appropriate.

Any party in a hearing may appeal the decision following the student code of conduct procedures. The party may submit an appeal and should have access to the reasoning of the decision as expressed in the summary and to the extent permitted by law.

Any retaliatory action or behavior taken toward an alleged victim or other individual as a consequence of his or her decision to report a violation or pursue or participate in conduct action or criminal prosecution is prohibited. Retaliation by any party may result in further disciplinary action. No officer, employee, or agent of the College shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his or her rights or responsibilities under the Clery Act, as amended.

A student who reports that he/she has been a victim of domestic violence, dating violence, sexual assault, stalking, or sexual harassment, whether the offense occurred on- or off-campus, shall be provided with a written explanation of the student's rights and options, as described

above. These guidelines shall be construed to be consistent with the requirements of the Clery Act, as amended by the Violence Against Women Reauthorization Act of 2013, including the Campus Sexual Violence Act and other applicable law.

#### **Electronic Communications Policy**

Students should be aware that information and communications they post on the Internet, including but not limited to Facebook, Twitter, YouTube, Internet message boards, forums, web pages and blogs, are public in nature. When such information and communications posted in these manners violate the CE Student Conduct Code this information or communications may be used in a Student Conduct Hearing. Further information is available in IVCCD Board Policy 407.1.

#### **Reproduction of Copyrighted Material**

Reproduction of copyrighted material without prior permission of the copyright owner, particularly in an educational setting, is an issue of concern for the academic community and may violate federal copyright law. The following information is provided so that students can avoid violating the law. Federal copyright law (Title 17 of the United States Code) gives copyright protection to original works of authorship fixed in any tangible medium of expression. Even if no formal copyright notice is attached, written text, music, movies, digital images, and computer software are some examples of intellectual property protected by copyright. The same legal protections for copyrighted works exist in an electronic environment as they do in a paper environment. Penalties for illegal copyright infringement may subject students and others who engage in copyright infringement to significant civil and criminal penalties including fines and imprisonment as well as sanctions under the Student Code of Conduct.

#### **Bloodborne Pathogens**

Universal precautions will be observed at all IVCCD locations in order to prevent contact with blood or other potentially infectious materials. All individuals performing services on the College's premises who have potential exposure to bloodborne pathogens must conform to the requirements of the College's Bloodborne Pathogens Exposure Control Plan (Board Policy 409).

#### **Chronic Communicable Diseases**

The College recognizes its obligation and reaffirms its long-standing commitment to provide a safe and healthful environment for all employees and students (Board Policy 417).

Students with identified chronic communicable diseases, including but not limited to infectious hepatitis, tuberculosis, and AIDS, may, subject to the provisions of Board policy and guidelines, attend classes and participate in other collegerelated activities. The College will attempt to make reasonable accommodations so that there is no reasonable risk of transmission of the disease to others and/or no reasonable risk of further injury to the student. The College shall respect the right to privacy of any student who has a chronic communicable disease.

#### **CE Education Equity Statement**

It is the policy of Iowa Valley Community College District to provide equal educational and employment opportunities without discriminating on the basis of race, color, creed, sex, marital status, national origin, religion, age, physical or mental disability, sexual orientation and gender identity. Harassment related to any legally protected characteristic is a violation of this policy. Students who feel they have been subjected to discrimination in violation of this policy may file a formal complaint through the Student Grievance or Student Complaint Procedure. Continuing Education students who feel they have been discriminated against are advised to contact Jacque Goodman, Equity Officer (641-844-5640 or Jacque.goodman@iavalley.edu). Complaints may also be filed with the Iowa Civil Rights Commission in Des Moines at (515) 281-4121, or with the Office for Civil Rights, U.S. Department of Education, in Chicago, IL, at (312) 730-1560.

#### Americans with Disabilities Act (ADA)

In 1990, Congress passed the Americans with Disabilities Act to provide persons with disabilities equal access to employment, education, and social services. CE is committed to the regulations of the Americans with Disabilities Act in making reasonable accommodations for students or patrons of the College in accessing its facilities.

IVCCD and CE have a formal procedure (Board Policy 516) for relocating programs, classes, services, or activities to accommodate students with disabilities and to assure accessibility to College facilities. Any student with a disability who has a need for accommodations must notify the College administration of his/her needs, and the College will effect changes in a reasonable manner to assist the student in being successful in the College environment. Steps for obtaining such accommodations are listed in this handbook under Student Policies & Procedures.

To make ADA identification, students should contact the program coordinator. A student who feels his or her accommodation needs have not been met should contact the program coordinator; if that does not result in satisfaction, students should follow the grievance procedure under Student Policies & Procedures.

# Family Educational Rights & Privacy Act of 1974 and Release of Student Information

Copies of Board Policy 501 and the related Guidelines regarding the Act may be obtained via the College website. The following summarizes the provisions of the Act and subsequent amendments:

Students have the right to inspect and review their education records. CE will grant students the right to inspect their education records within 45 days of the request. Students do not have the right to inspect confidential letters and statements of recommendation put in their file prior to 1/1/75, to parents' financial records, or to confidential letters or recommendations (for which they have signed a waiver) with respect to admission, application for employment, or receipt of an honor.

Students have the right to seek amendment of the content of their education records regarding

the accuracy of such records and whether the records are misleading or constitute a violation of their privacy rights. This procedure may involve a hearing on the correction or deletion of allegedly inaccurate, misleading, or inappropriate data and the opportunity for students to insert in their records a written explanation of the contents of the records.

Except as provided for within the Act, personal identifiable information about students in education records cannot be released without written consent. The College may release "directory information" without written consent unless the student specifically requests that such information not be released. Directory information includes the student's name, address, telephone number, email address, photograph, date and place of birth, field of study, grade level, enrollment status, activities participation, athletic participation (including weight and height), dates of attendance, degrees, honors and awards, and prior educational institution attended. Students may indicate a preference that any or all of this information not be released by submitting a written request to the program coordinator within the first 30 calendar days of the beginning of each term or within the first five calendar days for each summer term. If a student elects to have directory information remain confidential, no information will be released without consent.

The College will maintain a record of access to students' education records. This record is accessible only to the student and the staff in the continuing education department, or as provided for in the Act. The record of access will not apply to access of education records by CE officials (may include a person employed by IVCCD in an administrative, supervisory, academic, or support staff position; or a member of the Board of Directors: or a contractor, consultant, or volunteer to whom IVCCD has outsourced institutional services or functions, in accordance with the conditions of FERPA) with a legitimate educational interest (if review of the record is needed for the official to fulfill his or her professional responsibilities for IVCCD) and as otherwise provided in the Act.

Students may request and receive unofficial copies of all or part of their education records. Students can access unofficial copies through their student account. Students have the right to request and receive a response that will explain or interpret their education records.

The College forwards records on request to a school in which a student seeks or intends to enroll, or is enrolled, for enrollment/transfer purposes. Complaints concerning alleged violations of the Act may be made with the College and/or the federal Family Policy Compliance Office of the U.S. Dept. of Education, 400 Maryland Ave. SW, Washington, D.C. 20202.

#### **Higher Education Act Amendment of 1998**

IVCCD reserves the right to comply with the Higher Education Act Amendment of 1998. This allows institutions to disclose to a student's parent or legal guardian information regarding a violation of federal, state, or local laws, or of the institution's rules or policies governing the use or possession of alcohol or drugs, if the student is under 21 and the institution determines he/she has committed a disciplinary violation with respect to alcohol or drug use or possession.

### Crime Awareness & Campus Security Act of 1990

Federal law requires the College to report criminal actions occurring on campus. IVCCD Board Policy 555 provides for compliance with the law.

The Crime Awareness & Campus Security Act of 1990 mandates that colleges maintain a safe campus through enforcement of appropriate college regulations and compliance with state and federal laws. As part of its safe campus program, all lowa Valley Community College campuses maintain a drug-free college and restrict access to the campus during nonoperating hours and to non-College organizations.

Campus policies and procedures are provided at IVCE to help promote a safe environment for our students, faculty and staff, and campus visitors. College employees, including faculty, administrative staff and plant services staff, who do not have police authority, are authorized to report suspicious activity to the Vice Chancellor of Continuing Education or designee. The Vice Chancellor of Continuing Education and all designee personnel are is authorized to enforce all College regulations and to report all criminal activity to law enforcement authorities. The Marshalltown Police Department includes the CE campus on its patrols.

Students who commit crimes on campus are subject to both arrest by law enforcement authorities and College disciplinary procedures.

#### Drug-Free Schools & Communities Act Amendment of 1989

It is the policy of Iowa Valley Continuing Education is to comply with the Drug-Free Schools & Communities Act Amendment of 1989. the Higher Education Act Amendment of 1998, and Public Law 101-226, to provide staff and students with information to prevent the use of illicit drugs and the illegal use of alcohol, and to provide a drug-free workplace for students and staff. It is unlawful for students to possess, use, or distribute illicit drugs and alcohol on College property or as part of any Collegesponsored activity. Iowa laws pertaining to the possession and use of illicit drugs and alcoholic beverages on public property will be followed. Specifically, it is a violation of the drug and alcohol policy for students to purchase, manufacture, possess, or consume such items on campus or off campus at College-sponsored events/activities.

# Student Enrollment & Registration Information

#### Enrollment

Students are encouraged to utilize the online option to register for classes located at ivce.iavalley.edu/modules/shop/index.html.

#### Payment

Payment in full is required at the time of registration. IVCE accepts credit/debit cards, cash, check, or third party vouchers as methods of payment. A voucher or third party authorization with signature has to be received to complete registration.

#### Withdrawal/Refunds

An automatic refund is made if IVCE cancels a class. All refunds will be issued to students who drop the class at least one day prior to the class start date or at the time of the advertised cancellation deadline. No refunds will be issued for classes dropped on or after the class start date.

#### Grades

Each program coordinator keeps a record of attendance and administers certifications based on class protocol. If a student is taking a course for credit purposes the names and grades will be kept by the program coordinator in accordance to program requirements. Only final grades become part of the permanent College record.

Transcript grades include: I Incomplete; P Passing; W Withdrew from course; F Fail; NS No Show

#### **Student Transcripts**

All information in each student's personal College record is confidential and is issued only to the student or others defined by the Federal Privacy Act. Requests for transcripts from any individual or agency will not be satisfied until a signed request for the transcript form has been received by the Continuing Education Office from the student. Transcripts are not issued if students have outstanding balances to continuing education

#### Attendance

There is a strong relationship between success in college and class attendance. Any absence interferes with the learning process and may contribute to academic failure. Because CE is committed to helping students find success, the College is committed to the importance of regular attendance in all classes. Instructors and program coordinators determine attendance policies based on program requirements. Attendance policies will be written in the course syllabus and explained upon class entry. It is each student's responsibility to find out the attendance policies. Students are expected to confer with instructors immediately following absences. In cases of advance knowledge of an absence, students should confer with instructors prior to the absence.

#### College Transfer Credit/Non-credit options

Some courses or modules are available with credit or non-credit (continuing education) options. Students will be informed by staff or faculty about alternative options and funding sources reflective of student's individual current needs and future opportunities. Students should select the enrollment classification that best meets their needs. In a credit/non-credit class, the instructor will follow the guidelines to meet criteria for credit and non-credit standards such as grade reporting, attendance, syllabus, documentation, etc.

## Financial Scholarship PACE/GAP

GAP Tuition Assistance provides funding to income-eligible applicants enrolling in a GAP approved certificate program in occupations including health care, advanced manufacturing, and transportation. The GAP Tuition Assistance Program enables individuals to gain the necessary skills to obtain a job in an in-demand field. Non-credit certificate programs are not eligible for federal financial aid, but this program bridges the funding gap for those students pursuing short-term certificates.

The Pathways for Academic Career Employment (PACE) program provides a Pathway Navigator to assist participants on their educational journey. The Pathway Navigator will work with participants to identify barriers to success and will work with participants to minimize those barriers by connecting the students to the appropriate community resources. The Pathway Navigator will also work with individuals to access available funding to assist with the cost of education.

PACE can provide assistance in the following areas:

- Financial support
- Educational support
- Personal support
- Career support

For more information, please call 1-800-284-4823.

### Departments & Services Information

#### **B.J. Harrison Library & Media Center**

The B.J. Harrison Library, room 304 (across hall from bookstore), is a resource for students and faculty. During fall and spring semesters the library is normally open Monday through Thursday 8:00 am to 9:00 pm; Fridays 8:00 am to 3:00 pm; and Sundays from 4:00 pm to 9:00 pm.

#### **ECC's Osgood Library**

The Osgood Library, located on the main level of Kruse Main, is a resource for students and faculty. During fall and spring semesters the library is normally open Monday through Thursday 7:30 am to 9:00 pm; Fridays 7:30 am to 3:00 pm; and Sundays from 5:00 pm to 9:00 pm.

Reduced hours on evenings preceding holidays and during academic breaks. Shorter hours are maintained during summer sessions. Please see hours posted on the library doors and website.

Contacting the Library – Stop in, email mcclibrary@iavalley.edu, or call (641) 844-5690 (MCC) ecclibrary@iavalley.edu or call (641) 648-8560 (ECC).

Information Desk – A staff member is on duty most hours that the library is open to assist in locating and using library resources.

Research/homework help appointments with the librarian may be requested via email or by calling the above numbers.

Study Space – Individual computer and study carrels, tables and café seating offer a variety of study areas. Two conference rooms can be reserved for group study.

Computer Access – All CE students use the computers in the library, computer labs, or elsewhere on campus. Use is intended for academic work and is limited to legal use as outlined by state and federal laws. Inappropriate computer use may result in suspension of library privileges. Wi-Fi is accessible in the library and across campus, but there is no wireless printing. Printing/Scanners/ Copy Machine – Printing is free from library computers. Two desktop scanners are available in the computer area, also free. One coin-operated copy machine is available, and costs 10 cents per page (2-sided copies count as 2 pages). Users are responsible for adhering to any and all copyright laws and regulations. Fax – Available for \$1.00 per page.

#### **MCC/CE** Bookstore

Located by the Student Union, the MCC/CE Bookstore is a full service supplier of all textbook needs, supplies and official College apparel. The Bookstore will be providing books, apparel, and customer service to all students, faculty and staff. Books may also be purchased online at www.bookstore.iavalley.edu/Home.aspx.

Regular Store Hours: Monday – Thursday 8:00 am – 5:00 pm, and Friday 8:00 am – 4:00 pm. Summer Hours: Monday – Friday 8:00 am – 3:00 pm.

A student's class schedule MUST be presented at the time of purchase to ensure the correct textbooks are being issued. ALL refunds and exchanges must have a sales receipt dated for the current term and return will be applied to your method of payment. Required and optional textbooks for fall/spring may be returned within the 1st week of classes. Textbooks may be returned during the 2nd week of classes if the course is dropped. An updated schedule is required.

After the 2nd week of classes all sales of textbook and course materials are final. Times will be adjusted for interim, half term and summer classes. Local workbooks, lab manuals or study guides with markings or missing pages are not returnable. Defective books will be replaced, but availability of used replacements is not guaranteed.

ALL merchandise returned must be in new condition, unmarked, free of damage and soil, in original unopened packaging, and seals must be intact. We reserve the right to reduce the amount of refund based on the condition of any returned items. For purchases made by check, please allow three business days to complete transaction before any returns can be made. ALL clearance Items are final.

#### **ECC Bookstore**

Bookstore Located in the Gentle Student Center, the ECC Bookstore sells new and used textbooks, assorted clothing, and supplies to ECC students. Hours are Monday - Friday from 9 am - 4 pm; during registration periods, hours may be extended. Books may also be purchased online at

www.eccbookstore.iavalley.edu/home.aspx.

Books may be returned the first week of classes (return deadline will be posted in the bookstore) for a full refund if they are: 1. In new, unused condition (including no writing or marking or bent corners and, if wrapped, still in original wrapping). 2. Accompanied by a class drop form processed by the Registrar's Office. 3. Accompanied by a cash or charge receipt. Textbooks may be sold during the buy back period at the end of the semester if they are listed on the bookstore's buy back list; a photo ID is required. Purchasing procedures are subject to change.

#### Buena Vista University, Marshalltown Site

Established in 1982, the BVU Graduate and Professional Studies Program at IVCCD is one of several extension campuses of Buena Vista University, Storm Lake. Working with MCC, the BVU provides the last two years of a bachelor's degree. BVU is fully accredited by the North Central Association of Colleges and Schools and approved by the Iowa Department of Education and the Veterans Administration.

Currently, BVU at Marshalltown offers several majors and education endorsements. For information contact a BVU staff member, or stop by Room 510.

#### Bulletin Boards & TV Monitors in Hallways

Notices and posters that are not already Collegerelated (i.e. community posters and notices) must be approved by the Vice Chancellor of Continuing Education's Office. Regulations regarding posting of printed materials are posted on all bulletin boards.

#### Buena Vista University, Iowa Falls Center

Established in 1996, BVU Graduate & Professional Studies at ECC is one of 16 Iowa site locations of Buena Vista University, Storm Lake. Working with ECC, BVU provides the last two years of a bachelor's degree. BVU is fully accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools, the Iowa Department of Education, and the Veterans Administration.

Currently, BVU at Iowa Falls offers several majors, certifications and endorsements. Classes start every eight weeks with formats that include two evenings a week, online or hybrid. For information contact the BVU office in Reg Johnson Hall, room 117, or email iowafalls@bvu.edu; ph: 712-749-1944.

#### Local Drug, Alcohol, Gambling & Crisis Services Alcohol/Drug Use:

Alcoholics Anonymous, 641-753-6314. Alcoholics Hotline: 1-800-527-5344. National Council on Alcoholism & Drug Dependence: www.addictionsearch.com, 1-800-559-9503. National Institute on Drug Abuse Hotline: 1-800-662-4357, information/referral line which directs callers to local treatment centers. Washington House Phone, Iowa Falls, IA: 641-648-9478 1714; Fireside Iowa Falls, IA: 641-648-6708 Substance Abuse Treatment Unit of Central Iowa/SATUCI: Marshalltown, www.satuci.com, Marshalltown, IA: 641-752-5421, Eldora, IA: 641-939-7280.

#### **Crisis/Mental Health:**

Center Associates: 9 North 7th Ave, Marshalltown, 641-752-1585 (after hours 641-752-8467); Network-Community Counseling/ISU Counseling Services, Ames, IA: 515-294-1898, <u>Network Community Counseling Services</u> <u>website</u>; Foundation Crisis 2 Center, 24-Hour Crisis Hotline: www.f2online.org, 1-800-332-4224; Achieve Mental Health, Iowa Falls, IA : 641-648-4010; Center Associates, Iowa Falls, IA: 641-648-463 and Marshalltown, IA: 641-752-1585 .

**Eating Disorders:** National Eating Disorders Association, www.nationaleatingdisorders.org, 1-800-931-2273. **Gambling:** Bets Off (Iowa): 1-800-BETS-OFF. National Gamblers Anonymous: www.gamblersanonymous.org.

Sexual Abuse & Assault: Domestic Violence Alternatives/Sexual Assault Center, PO Box 1507, Marshalltown 515-292-0500 ACCESS Victim Services: 1-800-203-3488 (Sexual Abuse); 1-855-983-4641 (Domestic Abuse); 1-888-696-2980 (Shelter Services); Crisis Intervention Service, Eldora, IA: 641-939-8186. Crime Victims' Compensation Program: 515-281-5044. Iowa Sexual Abuse Hotline: 1-800-284-7821. Rape, Abuse & Incest National Network: www.rainn.org, 1-800-656-HOPE.

**Suicide:** National Suicide Prevention Lifeline: www.suicidepreventionlifeline.org, 1-800-273-TALK.

#### Recycling

CE offers a recycling program for paper, newspapers, magazines, and recyclable bottles/cans. Recycling bins are placed at various locations around campus.

#### **Staff Directory**

A fully searchable online Staff Directory is available from the link at the top of the College website.

#### **Student Union**

The Student Union, room 303, provides a leisure site and food service for the College. The Union is open from 6:30 am to 11:00 pm Monday through Friday. Several vending machines are available.

#### **Testing Services**

The College offers the following testing services: COMPASS Testing, CLEP Testing, ACT testing, CNA testing, and EMT testing. To schedule an appointment for most tests, contact IVCE, at 641-752-4645. Also, students interested in ACT Testing should contact Sandy Supianoski, with Continuing Education, at 641-844-5780. Students interested in CNA or EMT testing should contact Iowa Valley Continuing Education, at 641-752-4645.

#### **Veterans Information**

VA Vocational Rehabilitation assists veterans who are disabled by providing career counseling, vocational training, and employment placement. Information concerning veterans' benefits may be obtained from the MCC veterans' coordinator, Amber Bolen at 641-844-5703. ECC information concerning veterans' benefits may be obtained from Brittany Myers in the Financial Aid Office in the Gentle Student Center, upstairs. Academic advising and career counseling for veterans are available through Tuyet Noriega in the Hub.

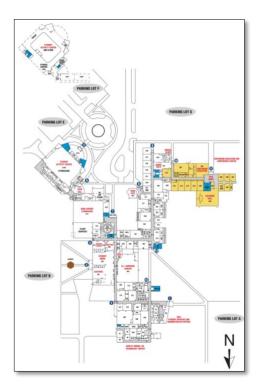
#### **Vocational Rehabilitation Services**

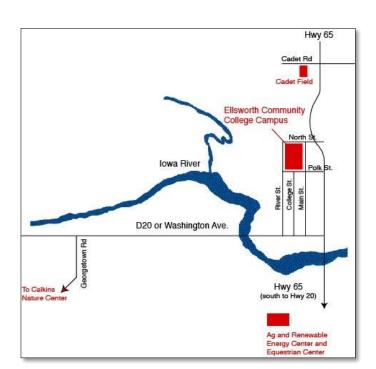
lowa Vocational Rehabilitation Services (IVRS) is an agency of the lowa Department of Education which provides services to individuals with disabilities to help them prepare for, find and maintain employment. Eligibility for services is determined based upon the presence of a disability which constitutes substantial impediments to employment and the need for services in order to achieve a successful employment outcome. Services that may be provided could include vocational assessment and counseling, assistive aids and devices, financial assistance for vocational training, and job placement assistance and follow up.

For more information or to apply for services, contact Kathy Davis, Iowa Vocational Rehabilitation Services associate (641-352-7942) or Kathleen.Davis@iowa.gov); her office is 204 W. State Street, Marshalltown IA 50158. You can also learn more online at www.iowa.ivrs.gov.

### **IVCE Locations**

Call the main lowa Valley Continuing Education number at 1-800-284-4823 if you have any questions about a class location. IVCE offers classes in multiple locations. These are just a few of the more frequent locations.





Marshalltown Community College Campus

Iowa Falls, IA

#### Iowa Valley Grinnell • 123 6th Ave. • Grinnell, IA



Iowa Valley Education & Training Center 206 E. Church St. • Marshalltown, IA

