



Blue Mountain  
Community College

# Student Rights, Responsibilities and Conduct

September 2007

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## INTRODUCTION

Students at Blue Mountain Community College are encouraged to read the statement on Student Rights, Responsibilities, and Conduct. This statement addresses the rights, responsibilities, and expected conduct of Blue Mountain students, and the procedures for resolving disputes or conflict between students, faculty, and staff.

Members of the BMCC community are encouraged to first seek resolution of disputes with the individual with whom the conflict exists. When resolution cannot be reached after talking to the individual (or when the nature of the dispute involves a serious charge such as discrimination or sexual harassment) the Associate Vice President of Enrollment Management should be contacted. The Associate Vice President of Enrollment Management has several informal and, if necessary, formal processes to assist with the resolution of the conflict.

Copies of the Student Rights, Responsibilities and Conduct may be obtained at the office of the Associate Vice President of Enrollment Management and at Human Resources at Blue Mountain Community College, 2411 NW Carden Ave., Pendleton, Oregon 97801 and may also be accessed via the web at [www.bluecc.edu](http://www.bluecc.edu).

## **BLUE MOUNTAIN COMMUNITY COLLEGE**

### **I. STUDENT RIGHTS AND RESPONSIBILITIES**

Blue Mountain Community College students, as free citizens and members of a learning community, enjoy particular rights. While all of these rights cannot be enumerated in any one document, it is important to note those that are most fundamental.

**A. FREEDOM OF ASSOCIATION.** Students bring to the campus a variety of interests previously acquired and develop many new interests as members of BMCC. They shall be free to organize and join associations to promote their common interests subject to the following considerations:

1. The membership, policies, and actions of a student organization usually will be determined by vote of only those persons who are bona fide BMCC students or their representatives.
2. Affiliation with an extramural organization shall not of itself disqualify a student organization from institutional recognition.
3. Each organization shall be free to select its own BMCC advisor, except for the Associated Student Government whose advisor is hired by the BMCC administration. Employees serve the college community when they accept the responsibility to advise and consult with student organizations; they shall not have authority to control the procedure of such organizations.
4. Student organizations will be required to submit a constitution and by-laws to the Associated Student Government of Blue Mountain Community College (ASGBMCC) and its advisor.
5. Campus organizations, including those affiliated with an extramural organization, shall be open to all students without respect to race, gender, religion, national origin, sexual orientation, marital status, color, parental status, age, mental or physical disability, Vietnam Era or disabled veteran status, expunged juvenile records, family relationships, application for workers' compensation benefits, or any other status protected under applicable federal, state, or local law.

**B. FREEDOM OF INQUIRY AND EXPRESSION.** Students and student organizations shall be free to examine and to discuss all questions of interest to them, and to express opinions publicly and privately. They must always be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations, students or student organizations speak only for themselves.

Actions by individuals or groups to prevent speakers invited to the campus from speaking, to disrupt the operations of the institution in the course of demonstrations, or to obstruct

or restrain other members of the academic community and campus visitors by physical force are destructive of the pursuit of learning and of a free society. All components of the academic community are under a strong obligation to protect its processes from these tactics.

**C. FREEDOM FROM HARASSMENT.** Blue Mountain Community College is committed to providing a learning and working environment free of harassment.

If a BMCC student objects to offensive behavior or is the subject of offensive behavior by another student, college employee, or other person on college premises, it is recommended that he/she take personal responsibility to make sure the alleged harasser is told the activity or comments are not welcome. Second, he/she should also take personal responsibility not to engage in conduct which reasonably leads another person to believe that comments or innuendoes are enjoyed or encouraged. BMCC expects that harassment complaints will be filed when the conduct is serious, clearly offensive and substantially interferes with a student's academic progress, health, safety, or work.

**Students** at any BMCC location who believe they have been subjected to harassment or offensive conduct should report the alleged act immediately to the Associate Vice President of Enrollment Management, 2411 NW Carden Ave. Pendleton, Oregon, 97801; Telephone: 541-278-5774 or to the Executive Vice President (541-278-5796) at the same location.

**D. FREEDOM FROM SEXUAL HARASSMENT.** Students are protected from sexual harassment by Board of Education policies, state and federal statutes.

Sexual harassment is defined as follows. "Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature whereby:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic success,
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decision, such as promotion and benefits or grades, affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or create an intimidating, hostile or offensive working or learning environment."

The key element in *sexual* harassment is that the actions, words, conduct, etc. involved are unwelcome to the recipient. Sexual jokes, comments or innuendo are examples of possible sexual harassment. If a BMCC student believes that he/she is the subject of sexual harassment, it is recommended he/she take personal responsibility to make sure the alleged harasser is told that the activity or comments are not welcome and also take personal responsibility not to engage in conduct which reasonably leads another person to believe that sexual comments or innuendoes are enjoyed or encouraged.

A **student** who believes he/she has been subjected to sexual harassment by **employees**, including instructors/faculty, or visitors, should report the alleged act immediately to the Human Resources Office, located in Morrow Hall at 2411 NW Carden Ave., Pendleton, Oregon 97801, (541-278-5850). Students who believe they have been subjected to sexual harassment by **other students** should report the alleged act immediately to one of the following individuals: the Associate Vice President of Enrollment Management (541-278-5774) or the Executive Vice President (541-278-5796) at 2411 NW Carden Ave., Pendleton, Oregon 97801. Only the Human Resources Office, the Executive Vice President, and the Associate Vice President of Enrollment Management are authorized to investigate or delegate the investigation of sexual harassment allegations.

In order to minimize the potential for sexual harassment, students are strongly discouraged from dating faculty members who teach a class in which they are enrolled.

Student complainants have additional options outside the College's internal procedures. Under Title IX, students may file a complaint with the Civil Rights Division of the Oregon Bureau of Labor and Industries within one year of the alleged discrimination or harassment or with the Office of Civil Rights in Seattle within 180 days of the alleged act of discrimination or harassment. There also is a private right of action to bring a civil lawsuit in federal court.

For additional information, see BMCC's web site, which contains Student Right to Know information, or contact your advisor, Student & Enrollment Services, or any college administrator

**E. FREEDOM FROM DISCRIMINATION.** Blue Mountain Community College (BMCC) is an Equal Opportunity institution and is nondiscriminatory relative to race, religion, color, national origin, sex, sexual orientation, age, disability or veteran status. BMCC adheres to all federal and state civil rights legislation, as amended, including but not limited to Title VI of the Civil Rights Act of 1964 (34 CFR 100), Title IX of the Education Amendments of 1972 (34 CFR 106), Section 504 of the Rehabilitation Act of 1973 (34 CFR 104), the Americans With Disabilities Act of 1990 (28 CFR 35), and the Oregon Civil Rights Law (ORS 659), as well as their implementing regulations. Any person having inquiries concerning BMCC's implementing of Title IX may contact the Associate Vice President of Enrollment Management (541)278-5774. Concerns or inquires addressing Section 504 or any other civil rights laws should contact the Executive Vice President at (541) 278-5796.

**F. STUDENT PARTICIPATION IN INSTITUTIONAL GOVERNANCE.** As members of the academic community, students must be free to express their views on issues or institutional procedures and **on matters of general interest** to the student body. The student body must have clearly defined means to participate in the formulation and application of procedures affecting academic and student affairs. The role of the student government and both its general and specific responsibilities must be made explicit, and the actions of the student government within the areas of its jurisdiction shall be reviewed only through orderly and prescribed procedures.

**G. OFF-CAMPUS FREEDOM OF STUDENTS.** Blue Mountain Community College students are both citizens and members of the College community. As citizens, students shall enjoy the same freedom of speech, peaceful assembly, and right to petition that other citizens enjoy and, as members of the College community, they are subject to the obligations which accrue to them by virtue of this membership.

Activities of students may upon occasion result in violation of law. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority must never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved may the special authority of the institution be asserted.

In the case of Blue Mountain Community College centers and other locations where BMCC services are offered, positive relationships and support from the local communities are paramount; therefore, this Student Rights, Responsibilities and Conduct document applies to immediate areas surrounding class sites and to off-campus activities related to class attendance.

**H. BLUE MOUNTAIN COMMUNITY COLLEGE/EASTERN OREGON UNIVERSITY/TREASURE VALLEY COMMUNITY COLLEGE CO-ENROLLMENT PROGRAM.**

Students participating in the Co-Enrollment Program between Blue Mountain Community College, Eastern Oregon University and Treasure Valley Community College or in the Dual Admittance program with Oregon State University, or any other consortium agreement or official Memorandum of Understanding will be accountable to conduct standards at all institutions.

Blue Mountain Community College, Eastern Oregon University, Treasure Valley Community College, Oregon State University and other institutions with which the College has an agreement may each intervene in cases of misconduct, particularly in issues involving health and safety. Students will be given opportunity for due process. Students found in violation of conduct codes may receive sanctions from each institution. Blue Mountain Community College and its partners reserve the option to decide that only one institution will process a case of misconduct.

## **BLUE MOUNTAIN COMMUNITY COLLEGE**

### **II. STUDENT CONDUCT**

The procedures that follow are intended to achieve an equitable solution that will resolve the disputes and issues with due regard to the rights of the parties involved, the protection of the faculty and student body, and the interest of the College. The chief administrator responsible for student rights, freedoms, responsibilities, and due process is the Associate Vice President of Enrollment Management.

Like other members of the academic community, the student is expected to conduct himself/ herself in accordance with standards of the College that are designed to perpetuate its educational purposes. A charge of misconduct may be made against a student for violating provisions of published College regulations and policies. Where a student is subject to a charge of misconduct, such charge shall be processed in accordance with the procedures set forth in this document.

In keeping in line with BMCC Procedure (07-2003-0012), children will not be permitted in classrooms. Children under the age of 16 must be accompanied by an adult while using any BMCC facility including the McCrae Activity Center, Computer Labs or Library.

**A. STANDARDS OF STUDENT CONDUCT.** A student enrolling in Blue Mountain Community College assumes an obligation to conduct himself/herself in a manner compatible with the functions of the College as an educational institution. The following are examples of the categories of misconduct for which students may be subject to disciplinary action:

1. Dishonesty, including but not limited to forgery, changing or misuse of College documents, records of identification, cheating, plagiarism, aiding or abetting cheating or plagiarism, knowingly furnishing false information to the College in written or electronic form or copying College software.
2. Furnishing false information to the College with the intent to deceive the College or any person or agency.
3. Failure to comply with the lawful directions of College personnel acting in performance of their duties (e.g., disrupting class sufficiently to hinder effective instruction).
4. Physical or verbal abuse, or harassment of any person on College-owned property or at College-sponsored or supervised functions, or conduct which threatens or endangers the health or safety of any such person.
5. Disorderly conduct or lewd, indecent, or obscene conduct or expression as defined by local, state or federal law on College-owned or -controlled property, or at a College-sponsored or -supervised activity.

6. Interference by force or by violence (or by threat of force or violence) with any administrator, faculty or staff member, or student at the College who is in the lawful discharge or conduct of his/her duties or studies.
7. Conduct which materially or substantially disrupts the educational process of the College.
8. Failure to disperse when an assembly is ordered to disperse by College officials.
9. Unwanted contact or communication of any nature with another student or a staff member after being advised by a College official or affected student that such contact or communication is unwelcomed and disruptive to the education process of the College as determined by a College official.
10. Harassment, sexual harassment, and discrimination. See Sections IC, ID, IE.
11. Theft of, conversion of, or damage to property of the College or of a member of the College community, such as visitors, students, or employees.
12. Abuse or unauthorized use of the College's computer equipment, software, passwords, records, or any violation of the confidentiality or security of passwords, records, or software, including but not limited to networks, Internet, World Wide Web, and Email. Fraudulent, harassing or obscene messages and/or materials as defined by contemporary court decisions are not to be viewed downloaded, sent or stored.
13. Unauthorized use of snooping or recording devices on College-owned property or at College sponsored events. As a means of note taking, students may use tape recorders to tape lectures. These tape recorders must be openly displayed during the lecture period.
14. Unauthorized use of College supplies or equipment.
15. Gambling, except as expressly permitted by law.
16. Disobedience of the notice against trespass.
17. Unauthorized entry to, or use of the College campus and its facilities.
18. Possession, consumption, being perceptibly under the influence, or furnishing of alcoholic beverages (as identified by federal or state law) on College-owned or -controlled property or at College or student organization supervised functions.
19. Possession, consumption, being perceptibly under the influence, or furnishing of any narcotic or dangerous drug, as defined by ORS 475 and ORS 167.203 to 167.252 [as now law or herein after amended], except when use or possession is lawfully prescribed by an authorized medical doctor or dentist.

20. Possession or use of firearms, explosives, dangerous chemicals, substances, or instruments or other weapons which can be used to inflict bodily harm on any individual or damage upon a building or grounds of the College. Incendiary devices or any weapon facsimiles are prohibited on or in College facilities and/or grounds. This includes College-owned or -controlled property or at College sponsored or supervised functions without written authorization. Any person with a concealed weapons permit is also subject to the weapons-free College policy.

21. All College buildings have been designated as “tobacco free” buildings. No smoking, or tobacco chewing is permitted in any BMCC facility/building including classrooms.

22. Violations of published College procedures, the rules in this section, and any other College procedures which may be enacted.

## **B. FORMS OF DISCIPLINE/PENALTIES.**

1. **Disciplinary Warning.** Notice that a student's conduct in a specific instance does not meet College standards and that continued misconduct may result in more serious disciplinary action by the Associate Vice President of Enrollment Management.

2. **Disciplinary Probation.** Written notice by the Associate Vice President of Enrollment Management that the student found in violation of the College standards may continue to be enrolled under stated conditions. Violations of the stated conditions will be cause for more serious disciplinary action.

3. **Suspension.** The Associate Vice President of Enrollment Management may suspend a student for a fixed period of time. Suspension means imposition of one or more of the following penalties.

- (a) Forfeiture of the right to enter the campus;
- (b) Exclusion from one or more classes;
- (c) Exclusion from classes and/or activities.

Students will be required to meet with the Associate Vice President of Enrollment Management prior to being allowed to enroll at the College after the suspension period has expired.

4. **Expulsion.** Authority to terminate student status at Blue Mountain Community College (i.e., removal of the privilege to attend Blue Mountain Community College) rests with the College President.

5. **Supplemental Sanctions.** The Associate Vice President of Enrollment Management may impose additional sanctions or requirements which clearly address the issues involved in the misconduct. Any of the following may be imposed in connection with the above, but are not to be limited to:

- (a) Work assignments;
- (b) Service to the College or community;
- (c) Imposed fines; restitution, i.e., compensation for loss, damage, or injury (this may take the form of appropriate service and/or monetary or material replacement);
- (d) Educational sanctions, e.g., decision making skills workshops/peer education, written responses to posed questions;
- (e) Academic sanctions, e.g., revocation of degree, holding transcripts, removal from courses;
- (f) Loss of privileges;
- (g) "No trespassing" order.

The Associate Vice President of Enrollment Management, the Executive Vice President and the College President have discretionary power under the above guidelines. If, in their opinion, a deviation from the above process is warranted, any or all steps may be eliminated or postponed and a more or less severe penalty imposed. Decisions to deviate from established procedure will be well documented and will be made in partnership with at least one of the other administrators.

**6. Temporary Exclusion.** The Associate Vice President of Enrollment Management, a faculty member, or an approved designee may suspend a student for up to two class meetings because the student is disrupting the class sufficiently to hinder effective instruction, or when the health and safety of the instructor(s), student(s), or staff is in jeopardy. The faculty member or an approved designee will write a report of the incident for the program coordinator/director and the Associate Vice President of Enrollment Management within 24 hours of the incident.

In rare circumstances it may be necessary to temporarily exclude a student from classes or activities for the rest of a term. The Associate Vice President of Enrollment Management will confer with the student and provide the student with an opportunity to explain his or her behavior. The Associate Vice President of Enrollment Management may exclude the student when a student's health, behavior, or other actions represent a serious and immediate threat to the ongoing educational activities of the College or the health and safety of any individual.

**7. Referral to Outside Authorities.** In the case where a student is in violation of federal and state laws on College property, or College sponsored related activities, the College may refer the student to local law enforcement agencies for prosecution.

**C. DISPUTE RESOLUTION PROCEDURES.** Each of the dispute types listed below shall be subject to a dispute resolution process. The same process is not necessarily appropriate for resolving all disputes. The dispute types listed below will be resolved through the following procedures:

**1. Grade Appeals.**

Should a student feel that he/she was not graded fairly and has discussed the issue with the instructor; the student may appeal to the Vice President of Instruction for a change in grade in accordance with the following appeal process:

a. The student shall complete a grade appeal form which shall include all the particulars of the situation surrounding the grade given, what grade change is requested and a statement that substantiates the perception of the student that the grade assigned is unfair.

b. The form shall be submitted to the Vice President of Instruction who shall review the appeal with the instructor. The instructor shall respond to the statement of the student in written form.

c. If the instructor's decision is to change the grade in agreement with the student's request, it will be so recorded and the process will be terminated.

d. If the instructor's decision is to not change the grade and the student is not satisfied with the decision the appeal process may be continued.

e. All documentation surrounding the grade appeal shall be reviewed by a committee of three regular faculty members. The Vice President of Instruction shall select five faculty members from three separate disciplines who are willing to serve in this capacity. If five faculty members are not willing to serve in this capacity then the Vice President of Instruction shall appoint five faculty members. The instructor involved shall strike two of the names, and the three remaining names shall conduct the grade appeal. The committee shall be authorized to change a grade and the committee's decision shall be final. A permanent record of the grade shall be maintained in the Registrar's office.

## **2. Charges of Student Misconduct Made by Faculty, Student or Staff Member.**

These charges could include any violation of the *Standards of Student Conduct* set forth above which comes to the attention of a faculty or staff member.

Faculty, students and staff members are encouraged to deal with student misconduct on an informal basis whenever possible. However, where the misconduct rises to a level such that informal resolution is not appropriate the faculty, student or staff member may initiate this dispute resolution procedure by filing the following material with the Associate Vice President of Enrollment Management:

(a) A written complaint setting forth the name of the student;

(b) A description of the alleged inappropriate conduct;

(c) A reference to the student conduct policy allegedly violated, and if informal dispute resolution was attempted, a statement of the steps utilized or, if no informal dispute resolution was attempted then an explanation of the reason why such an attempt was not made.

(d) Name and telephone number of the faculty, student or staff member initiating the complaint.

At an initial conference with the Associate Vice President of Enrollment Management, the student will be informed verbally and in writing of the charges and the maximum penalty which might result from consideration of the disciplinary matter.

Failure of the student to attend the conference without good cause and prior notification or a verifiable emergency may constitute a waiver of the student's right to participate and appeal further.

The student must submit all of his/her evidence within seven (7) calendar days of the initial conference.

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

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

The student will be notified in writing of the decision of the Associate Vice President of Enrollment Management. The student may appeal the decision of the Associate Vice President of Enrollment Management by filing a written appeal with the Vice President of Instruction or the Executive Vice President (or designee) within seven (7) calendar days of the Associate Vice President of Enrollment Management decision. The Vice President of Instruction or Executive vice President (or designee) shall render a decision on the appeal within seven (7) calendar days of its filing. The decision of the Vice President of Instruction or Executive vice President (or designee) shall be final and not subject to further appeal. In cases where expulsion is the recommended outcome, the College President will make the final decision and no further appeals will be allowed.

### **3. Charges of Faculty or Staff Misconduct.**

These complaints do not include grade appeals. They may include any perceived violation of law or college policy, procedures, or the *Student Rights* section of this document.

Faculty and staff members are subject to collective bargaining agreements and formal disciplinary rules which are beyond the scope of this document. By law, certain procedures must be followed before discipline can be imposed. For this reason, complaints concerning the conduct of the faculty or staff member shall be made to the Director, Human Resources, or his or her designee, and shall be subject to dispute resolution procedures as he or she may prescribe.

### **4. Student Complaints Alleging Violation of a College Rule, Policy, or Procedure.**

This type of complaint is to be employed if a student believes that the college, as a matter of practice, is violating its own rules, policies, or procedures.

A student complaint concerning a college rule, policy, or procedure, shall be made in writing and submitted to the Associate Vice President of Enrollment Management. The complaint shall contain the following information:

- (a) The student's name;
- (b) The nature of the complaint together with all documents, policies, procedures and related material which may be necessary for College review of the complaint. Upon receipt of the complaint, the Associate Vice President of Enrollment Management shall

schedule a meeting with the student complainant. At that meeting, the Associate Vice President of Enrollment Management shall attempt a resolution of the student complaint. In the event that the resolution proposed by the Associate Vice President of Enrollment Management is not acceptable to the student, he or she may make a secondary appeal to the Vice President of Instruction or the Executive Vice President.

The secondary appeal shall consist of a meeting with the Vice President of Instruction or the Executive Vice President, the Associate Vice President of Enrollment Management and the student. At this meeting, the Vice President of Instruction or Executive Vice President will hear the student complaint, discuss the matter with the student and Associate Vice President of Enrollment Management, review appropriate materials, and issue a written decision within 30 days of the meeting and the decision shall be final.

#### **5. Ancillary Role of Associate Vice President of Enrollment Management.**

In addition to the duties imposed upon the Associate Vice President of Enrollment Management as set forth above, he or she shall also be primarily responsible for attempting informal resolutions and reconciliations at all steps of the dispute resolution process. The Associate Vice President of Enrollment Management may, with the student's consent, intervene on the student's behalf at any stage of any dispute resolution proceedings. By the same token, the Associate Vice President of Enrollment Management shall also be free to schedule meetings with the student complainant at any step during the dispute resolution process should he or she deem it useful. Failure of a student complainant to attend any meeting thus scheduled without good cause and prior notification, or a verifiable emergency, may be deemed a waiver of any right to proceed further at any stage of any dispute resolution process.

Any time line set forth in any dispute resolution procedure may be extended by the Associate Vice President of Enrollment Management upon written application to do so.

*NOTE: Students' privacy is protected under the federal Family Educational Rights and Privacy Act, 20 U.P.S.C. Section 1232g; 34 CFR Part 99 (2000) and related state laws. BMCC has developed procedures in accordance with the law. Information regarding student records, privacy and disclosure is available through the Associate Vice President of Enrollment Management.*

*Blue Mountain Community College also has procedures in place that regulates the presence of animals on campus. For details regarding these procedures, students may obtain the information from their instructors, advisors, or any other College employee.*

#### **Legal References:**

ORS 166.065  
341.290 (2) (3) (17)  
659.850  
659.865

OAR 166-450-0000 to 0125

589-010-0100  
589-002-0200 (1) (e)  
591-004-0100 to 0750  
591-004-0500