

students, school officials, employees, or guests at College facilities. The College will not tolerate interference in any manner with the public or private rights of other individuals or conduct that threatens or endangers the health and safety of any person.

### Procedures

The President or his/her designee may summarily suspend a student for violating these standards, pending a hearing of the case before the TSS Associate Dean. Students should also be aware that such misconduct might also subject them to penalties, which may be prescribed by territorial or federal laws. The imposition of such additional penalties does not constitute double jeopardy, in as much as College sanctions represent administrative and not criminal prosecution.

If a territorial or a federal court has accepted an accused student's plea of guilty to a criminal offense or, if the accused student has been found guilty of such an offense and the commission of the offense also clearly constitutes a violation of the College rules set forth in this publication, the TSS Associate Dean may adopt the determination of guilt without conducting a fact finding hearing concerning guilt or innocence. A hearing for the purpose of assessing sanctions shall be afforded all students. In any case, all students have the right to present mitigating evidence. Nothing in these rules shall prevent the College from hearing a case prior to its disposition in a Court of law. The findings of the Court do not limit the College in assessing appropriate disciplinary sanctions for violations of campus regulations.

Students are informed that their obligations to the College and fellow students are generally much higher than those imposed on all citizens by civil and criminal law. So long as there is no

invidious discrimination, no deprivation of due process, no abridgement of a right protected in the circumstances, no capricious nor clearly unreasonable or unlawful action of an employee, the College may discipline students to secure compliance with these higher obligations as a teaching method or to sever the student from the College community.

### Student Conduct Procedures

All officials of the College, which shall include faculty, administrators and staff, shall be responsible for monitoring student compliance with the Student Conduct Policies and shall report all apparent violations to the Associate Dean who oversees Student Support Services. Upon an allegation or an appearance of a violation of the Student Conduct Policies, the Associate Dean shall conduct an investigation on the alleged violation. All investigations shall be conducted privately. Factors to be considered in sanctions shall be as follows:

1. The severity of the offense.
2. The likelihood of recurrence.
3. The prior offenses of the student in question.
4. The adult status of the offender.
5. Impact of the offense on the health and safety of other members of the student body and college personnel.
6. Other factors of mitigation or culpability as determined by the TSS Associate Dean.

### Sex Offender Notification

Guam Community College considers the protection of its campus community to be of significant importance. The Campus Sex Crimes Prevention Act (section 1601) {(42 U.S.C., 1407) j and 20 U.S.C., 1092 (f) (1) (1)} is a federal law enacted on October 29, 2000. This law is intended to monitor the enrollment and/or employment status of convicted sex offenders

at higher education institutions. The act requires that any sex offender who is obligated by law to register in a state also provide notice to each institution of higher education in that state where the person is employed, carries on a vocation, or is a student. Additionally, the Campus Sex Crimes Prevention Act requires that higher education institutions issue a statement advising the campus community of the availability of this information. In conjunction with the Campus Sex Crimes Prevention Act, our local Guam Sex Offender Law can be found in 9 GCA Crimes and Corrections, Chapter 25: Sexual Offense and Chapter 80; Crimes Against Minors and Sex Offenders Registry.

The College reserves the right to evaluate and document special cases and to refuse admission if the College determines the applicant (prospective student) is a threat or a potential danger to the college community or if such refusal is considered to be in the best interest of GCC. Students whose admission is revoked after enrollment or expulsion from GCC must be given due process. Individuals convicted of sex offenses are required to self-disclose such status to the Associate Dean overseeing Student Support Services prior to admission as a condition of enrollment. Failure to comply may be grounds for denial of admission or expulsion from GCC.

## Disciplinary Policies

### Level 1 Violations

A student found to have engaged in any of the following violations may be subject to a maximum sanction of college expulsion. Being under the influence of drugs and/or alcohol does not diminish or excuse a violation of the Disciplinary Policy.

**1.1 *Violation of Probation*** - Violation of the code while on probation, or violation of the terms of probation.

**1.2 *Disruption/Obstruction*** - Obstructing or interfering with College functions or any College activity to include, but not limited to: the disruption of teaching, research, administration, disciplinary proceedings, and other College activities, including its community service functions on or off campus, or other authorized non-College activities, when the act occurs on College premises. Please note that children are not allowed in classrooms/labs/shops, unless their presence is directly related to instruction and the student learning outcomes for the course.

**1.3 *Failure to Comply or Identify*** - Failure to comply with directions of College officials, campus security, law enforcement officers, or any other official acting in the performance of their duties, and/or failure to identify oneself to these persons when requested to do so.

**1.4 *Campus Demonstration*** - Participation in a campus demonstration which disrupts the normal operations of the College and infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; and intentional obstruction which reasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.

**1.5 *Mental or Bodily Harm*** -

- a. Inflicting mental or bodily harm upon any person;
- b. Taking any action for the purpose of inflicting mental or bodily harm upon any person;

- c. Taking any reckless but not accidental action from which mental or bodily harm could result to any person;
- d. Causing a person to believe that the offender may cause mental or bodily harm;
- e. Any act that demeans, degrades, or disgraces any person. "Any person" as used in this section may include oneself.

1.6 *Disorderly Conduct* - Disorderly conduct is disturbing the peace and good order of the College by, among other things, fighting, quarreling, disruptive behavior (including displays of gang-like behavior or dress), indecent behavior, public urination and/or lewd behavior.

1.7 *Harassment* - Any speech, action, or behavior that is focused on any individual or group based on the individual's or group's gender, race, sexual orientation, religion or ethnicity is a form of harassment and will not be tolerated. Any speech, action or behavior that demeans, degrades, is inflammatory, or could be considered "fighting words" are not acceptable.

1.8 *Discrimination* - Discrimination against a person on the basis of race, color, religion, national origin, sex, age, disability, veteran status or sexual orientation except where such distinction is required by law.

1.9 *Destruction of Property* - Recklessly damaging, destroying, defacing or tampering with College property or the property of any person.

1.10 *Theft* - Theft or attempted theft of property or services from any person or department.

1.11 *Possession of Controlled Substances* - The College prohibits the possession, use, manufacturing, delivery, cultivating, sale or transfer of controlled substances (illicit drugs) within the campus or as part of any college-sponsored activity. Any student reported in apparent violation of the prohibitions indicated in this paragraph shall be referred to local law enforcement officials for investigation and/or prosecution under the law. Under Guam laws, conviction of adults can result in fines from \$100.00 to \$100,000.00, imprisonment ranging from 60 days to life, or both. Conviction of a minor can result in court jurisdiction over the individual until age twenty-one and may result in detention by the Department of Youth Affairs.

1.12 *Possession of Alcoholic Beverages* - The consumption of alcoholic beverages on campus and at college-sponsored activities is prohibited except when specifically authorized, in writing, by the President of the College. Students are further prohibited from being on campus while under the influence of alcohol and from bringing alcoholic beverages on College premises except as stated above. Any student reported in apparent violation of the prohibitions indicated in this paragraph may be referred to local law enforcement officials for investigation and/or prosecution under the law. The severity of the offense shall be considered in the determination of such referral.

1.13 *Possession of Stolen Property* - Possessing property suspected to be stolen and that may be identified as property of the College or any other person.

1.14 *Forcible Entry or Trespass* - Forcible or unauthorized entry to any building, structure, or facility and/or unauthorized entry or use of College grounds.

1.15 *False Report of Emergency* - Causing, making, or circulating a false report or warning of a fire, explosion, crime, or other catastrophe.

1.16 *Misuse of Safety Equipment* - Unauthorized use or alteration of firefighting equipment, safety devices, or other emergency equipment.

1.17 *Plagiarism or Cheating* - as defined in this Student Handbook.

1.18 *Possession of Dangerous Weapons* - Unauthorized possession of a firearm, weapon, dangerous chemicals, or any explosive device of any description (including compressed air guns, air soft guns, pellet guns, BB guns, shot guns, or illegal knives) on College grounds. Other dangerous items may include fireworks and other devices dangerous to property or person(s) as deemed by the Associate Dean overseeing Student Support Services.

1.19 *Illegal Controlled Substances* –

- a. The manufacture, distribution, sale, the intent to sell illegal controlled substances, including but not limited to barbiturates, hallucinogens, amphetamines, cocaine, opium, heroin, or marijuana.
- b. Possession of any illegal controlled substances, including but not limited to barbiturates, hallucinogens, amphetamines, cocaine, opium, heroin, or marijuana.
- c. Possession of drug paraphernalia, such as bong, roach clips, or pipes, is prohibited.

1.20 *Failure to Appear* - Failing to appear at the request of any hearing authority.

1.21 *Falsification of Records* - Altering, tampering, forging or knowingly using falsified documents or records of the College (including, but not limited to student ID's); being party to falsification; giving or providing false statements, written or oral; and/or providing false information during any College proceeding.

1.22 *Misuse or Abuse of Computers* - Unauthorized use or misuse of any computer, computer system, service, program data, network, cable television network, or communication network. Also to include, but not limited to:

- a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- b. Unauthorized transfer of a file.
- c. Unauthorized use of another individual's identification and/or password.
- d. Use of computing facilities to interfere with the work of another student, faculty member, or College official.
- e. Use of computing facilities to send obscene or abusive messages.
- f. Use of computing facilities to interfere with normal operation of the College computing system.

1.23 *Violation of Criminal Law* - Alleged violation of any criminal law where the student's conduct interferes with the College's exercise of its educational objectives or responsibilities to its members.

1.24 *Repeated Violations* - After receiving penalties or sanctions for violations, any repeated violations similar in nature.