

PROCEDURES MEMORANDUM

TO: MCC Staff and Students

FROM: Office of the President

SUBJECT: Student Conduct and Discipline

DATE: May 29, 2008

PURPOSE: To help ensure that every student enrolled at Metropolitan Community College is free to pursue educational objectives in a way that does not adversely affect other members of the College community. The purposes of the Student Conduct Guidelines are to: (1) specify the minimum standards of conduct expected of every Metropolitan Community College student while on College property, at cooperative agencies, and while in attendance at College-affiliated activities; and (2) specify the sanctions which may be imposed and the procedures for the imposition of sanctions when the College's standards of student conduct are violated.

SCOPE: The procedure applies to all full-time and part-time students at MCC, and to College staff members with responsibilities in regard to maintaining student conduct standards.

GENERAL PRINCIPLES

Metropolitan Community College is committed to the philosophy that people should be given an opportunity to develop their skills and knowledge, as well as an awareness of their roles and responsibilities in society. The College is devoted to serving the educational and occupational needs of the four-county area and the State of Nebraska.

Registration at the College means a commitment to seriousness of purpose, academic integrity and high standards of personal and social behavior. Students are expected to be cooperative and responsible members of the College community, to comply willingly with College regulations and to abide by local, state and federal laws.

It is to the above philosophy and ends that these student conduct and discipline guidelines and procedures have been developed.

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SECTION I

STUDENT CONDUCT GUIDELINES

Section I sets forth standards of conduct with which students must comply. Violations of these standards are subject to sanctions as set forth in this Procedures Memorandum (PM).

1. Academic Misconduct

- A. Unauthorized collaboration or use of external sources during examinations, quizzes, or similar activities intended to evaluate or measure student learning or progress.
- B. Any form of plagiarizing or of representing another's ideas as one's own in connection with a matter upon which the student or another's performance is being or will be evaluated.
- C. Obtaining, soliciting, distributing, using, receiving, furnishing or offering to furnish examinations, quizzes or academic research materials without faculty or other proper authorization; for the purpose or with the intent of obtaining or conferring an unfair or improper academic advantage.
- D. Falsifying academic records, or knowingly furnishing false academic records to the College, or knowingly furnishing false information to the College respecting an academic matter.

- E. Improperly altering or inducing another to improperly alter any instructional or academic record.
 - F. Engaging in any conduct which is intended or reasonably likely to confer upon one's self or another an unfair or improper advantage or benefit respecting an academic matter.
 - G. Knowingly encouraging, aiding, assisting or abetting any other person(s) to do any act prohibited by the above Academic Misconduct Rules.
 - H. Attempting to do any act prohibited by the above Academic Misconduct Rules.
2. Non-Academic Misconduct
- A. All forms of dishonesty (other than Academic Misconduct, as defined above); knowingly furnishing false non-academic information to the College; forgery or alteration of College non-academic documents or records or instruments of identification; use of College documents or instruments of identification with intent to mislead or defraud; theft of property or services; or knowingly having possession of stolen property.
 - B. Disrupting or obstructing teaching, research, or administrative activities, disciplinary proceedings or other College-affiliated activities.
 - C. Unauthorized entry into any College office or area or unauthorized accessing of College records.
 - D. Physically and/or psychologically harassing or abusing any person on College premises or at or in the course of College activities, or engaging or threatening to engage in harassment or abuse which creates or in part creates a hostile, abusive, coercive or intimidating College or College-related educational, learning or working environment.
 - E. Participating in or inciting a riot or disturbance, or a disorderly assembly, which disrupts or obstructs any College activity or function.
 - F. Seizing, holding, taking, commandeering or damaging any property or facilities of the College, or threatening to do so; or refusing to depart from any property or facilities of the College upon direction to do so by any faculty or staff member, public safety officer, administrator, or other representative of the College.
 - G. Using alcoholic beverages (including the purchase, consumption, possession or sale of such beverages) on College property, other than at an event where consumption of alcoholic beverages has been approved by the College Board of Governors in advance.
 - H. Gambling or holding a raffle or lottery on campus or at any College or College-affiliated function or premises without the approval of the College President or Executive Vice President (Executive Vice President).

- I. Intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency.
- J. Any action or conduct which improperly or unlawfully interferes with any person's lawful and permitted personal, academic or employment pursuits.
- K. Unauthorized possession, use or duplication of keys or passwords to College vehicles, buildings, computer system(s), or other property.
- L. Possessing, using, selling or distributing, or attempting to sell or distribute, any type of controlled substance, such as drugs, on College property or at any College or College-affiliated function or activity (not including possession or use of medications pursuant to a physician's prescription). This includes, but is not limited to, unlawful possession, use or distribution of illicit drugs and/or alcohol on College property or as part of or at or during any of the College's activities.
- M. Possessing on College property, or at any College or College-affiliated function or activity, any dangerous chemical or explosive element or the component parts thereof, or any rifle, shotgun, pistol, revolver, or other firearm or weapon, not required for lawful College studies, without the authorization of the President or Executive Vice President of the College. (Pocket knives are permitted as long as no blade thereon is longer than three inches in length.)
- N. Physically detaining or restraining, however briefly, any other person against his or her will; removing any person against such person's will from any place where the person is authorized to remain; or in any way purposely obstructing the free movement of persons or vehicles on College premises or at College or College-affiliated functions or activities.
- O. Littering, or willfully or recklessly defacing, destroying or damaging property of the College (or property under its jurisdiction or control), or property of another person or entity, or removing or using such property without proper authorization.
- P. Violating any local, state or federal law, ordinance or regulation (a) while on College property, or (b) while in the course of any College or College-affiliated function or activity, or (c) which violation adversely affects or adversely reflects upon the College's pursuit of its educational activities or the pursuit of educational, employment or other lawful activities of any student, or visitor, or employee of the College, or any other person.
- Q. Violating any rule or regulation not contained or referred to within the official College catalog, after notice of such rule or regulation, or after publication on College bulletin boards (or otherwise) of such rule or regulation.
- R. Violating campus or College parking regulations.
- S. Any disruptive or disorderly conduct which interferes with the rights and opportunities of those attending the College for the purpose for which the College exists.

- T. Fighting; causing or attempting to cause or threatening to cause physical injury to a College employee, official, student, visitor, or guest (not including injury caused by accident occurring despite the use of reasonable care, or self-defense or action undertaken under a reasonable belief that it was reasonably necessary to prevent serious injury or harm to some other person).
- U. Violating any policy or rule governing the conduct of students which has been adopted by the College Area Board of Governors or the College President or other authorized College official.
- V. Intentionally disrupting access of other students, faculty, or staff members to College computers and other technical resources by using these resources in an inappropriate manner; knowingly obtaining without authorization access to a computer account assigned to another person or using an account assigned to another student, faculty or staff member, or other person, or department or organization, for other than its intended purpose or without permission from the account assignee; intentionally using any unauthorized account; using college computer equipment to interfere with the lawful rights of others; falsifying or altering records; creating fraudulent documents; damaging programs belonging to the College or to another; sending harassing or threatening material or communication; duplicating software unlawfully; or using College facilities and/or resources for non-academic or personal computer programs.
- W. Using force or assisting others in any way in the use of force or counseling, recommending or urging the use of force or the threat of force or the seizure of property under the control of the College, or commission of any act or action not sanctioned by law to prevent the faculty, administrative officers, employees or students of the College from engaging in their duties in connection with the operation of the College or pursuing their studies at the College.
- X. Knowingly encouraging, aiding, assisting or abetting any other person(s) to commit any act of Non-Academic Misconduct prohibited herein.
- Y. Attempting to do any act prohibited by the above Non-Academic Misconduct Rules.
- Z. Smoking or using tobacco products in violation of Procedures Memorandum IX-5.

In addition to the foregoing general standards of conduct which apply to all students, individual educational programs within the College may have standards of conduct which students within those programs must observe. In addition to the Sanctions, which appear in Section II of this PM, individual educational programs may specify sanctions of their own. Individual educational program standards of conduct and sanctions appear in specific program manuals, handbooks and other program publications, and are generally discussed at program orientation.

The procedures which follow in this PM apply to any violation of standards of conduct, whether general standards of conduct set forth in this PM or specific program standards of conduct appearing in specific program manuals, handbooks or other program publications.

SECTION II

SANCTIONS

The following sanctions may be imposed for violations of the Student Conduct Guidelines. In each case, the sanction(s) to be imposed will be determined by examining the nature and severity of the violation. In each case, the cumulative effect of a student's prior violations of the Student Conduct Guidelines and the student's prior disciplinary records may also be considered in determining the appropriate sanction.

1. Sanction A – Admonition

A written statement to the student that the student is violating or has violated College rules, and may be subject thereafter to more severe disciplinary action if such behavior continues or is repeated. A copy of the admonition will be permanently retained in the College's file regarding the student.

2. Sanction B – Failing Grade(s)

An award of zero points or a grade of "F" on the particular assignment, quiz, examination, or other academic exercise/matter, where there has been academic misconduct in connection with such assignment, quiz, examination, or other academic exercise/matter.

3. Sanction C – Failure of Course(s)

Where there has been Academic Misconduct as defined in Section I.1 in connection with such course(s).

4. Sanction D – Disciplinary Probation

Exclusion from the privilege of using specified facilities of the College or from participating in extracurricular activities of the College, including the holding of any student or student organization office, for a period of time not exceeding one school year, or other terms of disciplinary probation deemed appropriate under the circumstances. The terms of any such disciplinary probation imposed will be specified in writing, and may include the withdrawal of any privileges or services otherwise provided by the College.

5. Sanction E – Restitution

Required reimbursement for damage to or misappropriation of College or any other public or private property. Where this sanction is imposed, the decision shall direct that restitution be made in a sum certain by a certain date. The consequences of failure to

make such restitution shall likewise be stated. Restitution may take the form of appropriate services or other compensation.

6. Sanction F – Interim Suspension

Immediate exclusion from attending the College or designated courses, curriculum offerings or class sections pending a hearing in accordance with subsection III.3.A.7. of this PM.

7. Sanction G – Suspension

Exclusion from attending the College or designated courses or curriculum offerings or class sections as a student for a definite period of time, not to exceed one year.

8. Sanction H – Dismissal

Termination of student status and resulting exclusion from attending the College or from attending or enrolling in designated courses, curriculum offerings, class sections or programs for an indefinite period of time. If any conditions of readmission are established, they may be stated in the order of dismissal. The President or Board of Governors may also establish, at any time, conditions upon which a dismissed student may be readmitted to the College.

9. Special Notice Under the Drug-Free Schools and Communities Act Amendment of 1989 (20 U.S.C. Section 1145g):

See Procedures Memorandum X-5, Drug Prevention/Drug Free Schools Act.

SECTION III

DISCIPLINARY PROCEDURES

1. Informal Procedures Concerning Academic Misconduct

- A. Academic Deans (AD) and faculty have initial responsibility and authority regarding allegations of academic misconduct. A faculty member who discerns or suspects that academic misconduct has occurred or may have occurred should notify his or her AD of the misconduct or suspected misconduct.
- B. The authorities and responsibilities described in the following sub-paragraphs C through E are vested primarily in the faculty member. However, nothing contained in those sub-paragraphs is intended to preclude the AD having responsibility for the academic area in which the misconduct occurred or is suspected to have occurred from intervening and directly exercising the authorities and responsibilities granted to faculty members under those sub-paragraphs. It is expected that faculty and ADs will cooperate closely regarding such matters.

- C. Faculty may impose an admonition and/or failing grade (Sanctions A and/or B) where academic misconduct has occurred. Prior to imposing Sanction A and/or B, the faculty member shall discuss the incident(s) with the student, shall advise the student of the violation(s) alleged, and give the student an opportunity to explain his /her conduct and any mitigating circumstances. The faculty member shall allow the student a reasonable length of time (typically at least 24 hours) to prepare his or her response. If the faculty member determines that imposition of an admonition and/or failing grade is appropriate, the faculty member shall inform the student of the sanction(s) is being imposed by mailing a written notice to the student. The written notice will briefly state the violation found and the sanction(s) the faculty member is imposing.

Exception: If the imposition of Sanction B imposed under these informal procedures would obviously cause the student to fail the course, the student shall be afforded the opportunity to have the matter handled under the formal disciplinary procedures outlined in Section III.3. below. Under those circumstances, the mailed written notice to the student from the faculty member will indicate the faculty member's intention to impose the sanction; however, it will allow the student the option to request that formal disciplinary procedures be followed in lieu of imposition of the sanction by the faculty member. Should the student elect this option, the faculty member will file a written complaint with the Campus Dean (CD) as a first step in initiating the Formal Disciplinary Procedures set forth in Section III.3., below.

- D. No appeal is allowed from, or review provided respecting, a decision of a faculty member imposing Sanction A and/or Sanction B under these Informal Procedures Concerning Academic Misconduct.
- E. If the faculty member determines that a sanction or sanctions other than admonition and/or failing grade on the particular assignment, quiz, examination or other academic exercise/matter is or are more appropriate (i.e., Sanctions C through H), or if the faculty member determines that Sanction B would be appropriate but imposition of Sanction B would obviously cause the student to fail the course offering and the student has elected Formal Disciplinary Procedures due to this circumstance, the faculty member shall initiate proceedings under the Formal Disciplinary Procedures set forth in Section III.3., below.
- F. Informal Procedures Concerning Academic Misconduct need not precede initiation of Formal Disciplinary Procedures.

2. Informal Procedures Concerning Non-Academic Misconduct

- A. A Campus Student Services Director (CSSD) or Campus Dean (CD) may issue an admonition (Sanction A) to a student for an act or acts of Non-Academic Misconduct. Prior to doing so, the CSSD or CD shall offer to informally meet with the student. The CSSD or CD will advise the student of the misconduct alleged and give the student the opportunity to explain his/her conduct and any mitigating circumstances. The CSSD or CD shall allow the student a reasonable

time (typically at least 24 hours) to prepare his or her response. No appeal is allowed or review provided of an Admonition imposed by the CSSD or CD.

- B. Informal Procedures Concerning Academic Misconduct need not precede initiation of Formal Disciplinary Procedures.
3. Formal Disciplinary Procedures Applicable to Both Academic Misconduct and Non-Academic Misconduct

Note: If the conduct with which the student is charged includes conduct which is alleged to violate only a rule, regulation, ethical standard, program behavioral requirement or other behavioral standard promulgated or adopted by the particular educational program or field of study in which the student is enrolled, or which governs the professional behavior of persons engaged in the occupational field for which the student is preparing by participating in such particular education program or field of study, then the paragraphs of this PM which begin "Special Procedures for Alleged Violations of Program Rules" shall apply.

A. Definitions: In these Formal Disciplinary Procedures, the following definitions apply:

- 1) Academic Dean (AD) – Academic Dean reports to the Vice President of Academic Affairs.
- 2) Disciplinary Official – An AD in the case of a matter involving alleged or suspected academic misconduct, or a Campus Dean (CD) in the case of a matter involving alleged or suspected non-academic misconduct.
- 3) Any person may file a written complaint or verbal report against a student for an alleged violation of, or behaviors that may violate, any of the Student Conduct Guidelines. Complaints must be in writing and signed by the complaining person(s). Complaints should be filed with, delivered or mailed to, or initiated by, an AD (in the case of a matter involving alleged or suspected academic misconduct), or a CD (in the case of a matter involving alleged or suspected non-academic misconduct). Any AD who receives or initiates such a complaint will notify the Vice President of Academic Affairs. Any CD who receives or initiates such a complaint will notify the Vice President of Campuses & Student Affairs. Upon such notice, the Vice President of Academic Affairs or Vice President of Campuses & Student Affairs, as the case may be, will direct whether the complaint will be handled by the AD or CD with whom the complaint was filed (or by whom the complaint was initiated) or by another AD or CD. The AD or CD who is thereby designated to handle the case is hereafter called the "Investigating Disciplinary Official (IDO)."
- 4) If the complaint alleges academic misconduct in a particular course

offering and the allegation has not previously been the subject of Informal Procedures Concerning Academic Misconduct, the IDO may, at his or her option, refer a filed complaint to the faculty member conducting such course offering, and the faculty member may then proceed under the Informal Procedures Concerning Academic Misconduct. If such faculty member subsequently determines that Formal Disciplinary Procedures are appropriate, he/she shall refer the complaint back to the IDO, who shall proceed in accordance with the following sub-paragraphs 6 through 9.

- 5) Unless the IDO refers the complaint to a faculty member for processing under the Informal Procedures Concerning Academic Misconduct, the IDO shall have authority and responsibility regarding the complaint.
- 6) The IDO will investigate the matter. The IDO may attempt to resolve the complaint by meeting with the student involved and any other persons deemed appropriate by the IDO. Group or individual meetings may be utilized for this purpose. If this process is followed but is unsuccessful in achieving a resolution of the matter which is acceptable to the IDO and the accused student, or if the IDO believes that more formal procedures should be followed in addressing the matter, the procedures outlined in the following subparagraphs will be followed.
- 7) If, after an initial investigation, the IDO deems that the presence of the student would pose a serious and immediate threat to the operation of the College or any of its programs or activities, or to the safety or well-being of any person or property, the IDO may verbally recommend to the Executive Vice President or President that the student be placed under interim suspension (Sanction F) until a hearing can be arranged. If the interim suspension is approved by the Executive Vice President or President, the IDO shall inform the student in person or by phone and in writing of the interim suspension and the expected length of this interim suspension. In such a situation, a hearing will be held by the Executive Vice President or President or a designate of the Executive Vice President or President at the earliest reasonable time, and in each case within seven (7) College business days after the interim suspension is imposed. The IDO shall inform the student in writing of the time and place of the hearing. The hearing shall be for the purpose of determining whether to continue or rescind the interim suspension and, if the interim suspension is continued, to determine the terms and conditions of the continued interim suspension. The IDO shall notify the student of the decision of the College President or Executive Vice President or designee on such matter within 24 hours following the conclusion of the hearing. If a student is suspended on an interim basis, the IDO will inform the Director of Public Safety and Emergency Management of such action.
- 8) The IDO will send by certified mail to the student a written notice of the

complaint made against the student, which shall:

- a) Describe the conduct with which the student is charged;
 - b) State or refer to the Student Conduct Guidelines the student is alleged to have violated;
 - c) State the names of such witnesses as are then known to the IDO;
 - d) Recite or attach a brief summary of the evidence against the student, as then known to the IDO;
 - e) Inform the student that a hearing will be scheduled at a later date, and that the student may bring witnesses to the hearing, or may bring written statements signed by such witnesses;
 - f) Inform the student that he/she may review in advance any documentary information which will be presented at the hearing, and when and where such information may be reviewed;
 - g) Inform the student that he/she may attend the hearing, and provide his/her own version of the facts through an oral or written statement; and
 - h) Inform the student that he/she may have an attorney or other advisor (or parents or relatives) attend the hearing to advise the student, but not to speak for the student; and
 - i) Provide the student a copy of this PM.
- 9) The notice will further inform the student that the IDO will personally hear and determine the matter unless, within five (5) College business days after the date of mailing the notice to the student, the IDO receives from the student a written request that the IDO appoint an adjudicating body to hear and determine the matter. The notice shall be mailed to the student at the residence address shown for the student in the College's records.

4. Special Procedures for Alleged Violations of Program Rules

In cases to which the Special Procedures for Alleged Violations of Program Rules apply, the written notice will not inform the student that the IDO will hear and determine the matter unless the student requests the appointment of an adjudicating body. Instead, the matter will automatically be heard and determined by an adjudicating body to be appointed by the IDO, and the notice will so inform the student.

- A. If the student submits a timely written request that the IDO appoint an adjudicating body to hear and determine the complaint, or in cases to which the Special Procedures for Alleged Violations of Program Rules apply, the IDO will appoint a five member adjudicating body which shall consist of the IDO, one AD, one counselor, one faculty member, and, in addition, either one additional faculty member or one student at the discretion of the IDO. The IDO shall chair the adjudicating body. No person who is to be a witness at the hearing may be appointed to the adjudicating body.
- B. The IDO will give the student at least ten (10) calendar days notice of the time and place at which the hearing will be held for the purposes of hearing and determining the complaint. No postponements will be permitted. However, once commenced, the hearing may be continued from day to day, or until another time, at the discretion of the chair. Note: If the conduct charged against the student is conduct for which expulsion or dismissal may be authorized under Section 85-601 of the Nebraska Revised Statutes C as set forth in Section I.2.W. of this PM, the IDO will give the student notice of the time and place of the hearing and a formal written statement of the charges against the student by certified mail, sent to the student's current address as shown in the records of the College, at least twenty (20) days before the date set for the hearing. The notice shall inform the student that he or she is entitled to file a written response to the charges, to be present in person and by counsel at the hearing, and to testify and produce other witnesses on his or her behalf.
- C. If an adjudicating body has been appointed, a simple majority of the appointed adjudicating body will constitute a quorum to conduct the hearing.
- D. At the outset of the hearing, or at any time during the hearing, the IDO may fix a time limit within which the hearing shall be completed, and he/she shall advise the student of the time limit thus fixed.
- E. The student may have an attorney or other advisor, and parents or relatives attend the hearing. Such persons may advise the student but may not speak for the student or examine or cross-examine witnesses, except in cases charging a violation of Section I.2.W. of this PM, in which case the accused student may be represented by counsel at the hearing, at the student's own expense. In cases in which the student is accused of an alleged sexual assault, both the accuser and the accused will be entitled to the same opportunities to have others present during the hearing.
- F. The student may call witnesses in his/her behalf. The student may confront and personally question all witnesses who testify in person against the student, but not through legal counsel or others, except as provided in the preceding subparagraph. Technical rules of evidence will not apply. However, the IDO may exclude evidence or limit testimony which is not relevant to the matter in question, or which is merely repetitive. Written statements of witnesses may be used as

evidence, but copies must be provided to, or made available for inspection by, the accused student before the conclusion of the hearing.

- G. Any faculty member, AD, other administrator, official or employee of the College, the complainant, and any alleged victim of the alleged misconduct, may appear at the hearing and make a recommendation regarding the sanction to be imposed, if any, or may submit same in writing prior to or at the hearing. The accused student will be informed of any such recommendation by not later than the conclusion of the hearing.
- H. The hearing will be tape-recorded. A copy of the tape(s) will be made available to the student on the student's request and at the student's expense, in the event of appeal.
- I. A written decision will be sent by certified mail to the student and, if the original complaint alleged a sexual assault or crime of violence, a copy will be sent by certified mail to the alleged victim of such alleged assault or alleged crime, within ten (10) College business days after the conclusion of the hearing. The decision shall state the findings of ultimate facts and, if applicable, shall advise the student of the sanction(s) imposed, if any. The sanctions may include any of the sanctions deemed appropriate by the IDO (or, if an adjudicating body has been appointed, by a majority of a quorum of such body). The decision will be based upon the evidence received/heard at the hearing. In addition, the President or Executive Vice President of the College, may in appropriate cases refer matters to law enforcement officials for prosecution.

Note: If the conduct charged against the student is conduct for which expulsion or dismissal may be authorized under Section 85-601 of the Nebraska Revised Statutes as set forth in Section I.2.W. of this PM, and the sanction is dismissal/expulsion, the decision of dismissal/expulsion shall be by written order, containing findings of fact upon which the dismissal/expulsion is based, and which shall be signed by the IDO or the chair of the adjudicating body. The order in such a case shall be entered within thirty days after the hearing, shall state its effective date, and shall be served on the student by certified mail to his or her current address as shown in the records of the College.

- J. If any of Sanctions D through H are imposed, the IDO shall, in writing, inform the Vice President of Academic Affairs, the Vice President of Campuses & Student Affairs, the Director of Public Safety and Emergency Management, and any other appropriate College personnel of the outcome of the hearing, as the IDO may deem necessary or appropriate.
5. Appeal to the Vice President of Academic Affairs or Vice President of Campuses & Student Affairs

If the student is dissatisfied with a decision so made, and any sanction other than Sanction A and/or B has been imposed, the student may appeal the decision to the Vice President of Academic Affairs if the matter involves academic misconduct, or to the Vice President of Campuses & Student Affairs if the matter involves non-academic misconduct. Such appeal must be in writing, and must be filed with the Vice President of Academic Affairs or Vice President of Campuses & Student Affairs, as applicable, not later than ten (10) College business days after the date the decision is mailed to the student.

- A. The only permitted grounds for appeal are that the decision was contrary to the facts; that there is newly discovered evidence which is material but which could not with reasonable diligence have been discovered before the original hearing; that the proper procedures were not followed; and/or that the sanction imposed was inappropriate. No procedural error shall invalidate the decision unless, in the judgment of the Vice President of Academic Affairs or Vice President of Campuses & Student Affairs, the error caused substantial prejudice to the student.
- B. The written appeal must specifically state the ground(s) of appeal, and must further specifically recite the reasons why the student believes such ground(s) for the appeal exists. If "newly discovered evidence" is the basis for such appeal, copies of such new evidence must be attached to the written appeal or summarized in detail therein, and the written appeal must state when such evidence was discovered and the reason(s) it could not have been discovered prior to the hearing. Failure to comply with these requirements may result in summary disallowance of the appeal.
- C. Postponement of the imposition of sanctions pending review by the Vice President of Academic Affairs or Vice President of Campuses & Student Affairs is at the discretion of the Vice President of Academic Affairs or Vice President of Campuses & Student Affairs.
- D. Review by the Vice President of Academic Affairs or Vice President of Campuses & Student Affairs will be limited to a review of the documents submitted as evidence at the hearing and review of the tape recording of the hearing. Opportunity for the student to personally discuss the matter with the Vice President of Academic Affairs or Vice President of Campuses & Student Affairs is allowed only at the discretion of the Vice President of Academic Affairs or Vice President of Campuses & Student Affairs.
- E. The Vice President of Academic Affairs or Vice President of Campuses & Student Affairs shall send the decision on the appeal to the student by certified mail.
- F. Unless the decision of the Vice President of Academic Affairs or Vice President of Campuses & Student Affairs upholds or imposes Sanction H (Dismissal), the decision of the Vice President of Academic Affairs or Vice President of Campuses & Student Affairs shall be final.

6. Appeal to the Executive Vice President

If the student is dissatisfied with the decision of the Vice President of Academic Affairs or Vice President of Campuses & Student Affairs, the student may appeal such decision to the Executive Vice President of the College if the decision of the Vice President of Academic Affairs or Vice President of Campuses & Student Affairs imposes or upholds imposition of Sanction H. Such an appeal must be in writing, and must be filed with the Executive Vice President's office no later than ten (10) College business days after the date the decision of the Vice President of Academic Affairs or Vice President of Campuses & Student Affairs is mailed to the student.

- A. The only permitted grounds for appeal are that the decision was contrary to the facts; that there is newly discovered evidence which is material but which could not with reasonable diligence have been discovered before the original hearing; that the proper procedures were not followed; and/or that the sanction imposed was inappropriate. No procedural error shall invalidate the decision unless, in the judgment of the Executive Vice President, the error caused substantial prejudice to the student.
- B. The written appeal must specifically state the ground(s) of the appeal on which the student relies, and must further specifically recite the reasons why the student believes such ground(s) for appeal exist. If "newly discovered evidence" is the basis for such appeal, copies of such new evidence must be attached to the written appeal or summarized in detail therein, and the written appeal must state when such evidence was discovered and the reason(s) it could not have been discovered prior to the hearing. Failure to comply with these requirements may result in summary disallowance of the appeal.
 - 1) Postponement of the imposition of Sanction H pending review by the Executive Vice President is at the discretion of the Executive Vice President.
 - 2) Review by the Executive Vice President will be limited to a review of the documents submitted as evidence at the hearing and review of the tape recording of the hearing. Opportunity for the student to personally discuss the matter with the Executive Vice President is allowed only at the discretion of the Executive Vice President.
 - 3) The decision of the Executive Vice President shall be final, and the Executive Vice President will notify the student by certified mail of the decision.

SECTION IV

MISCELLANEOUS

1. Withdrawal of the student from the College shall not suspend, terminate or otherwise affect the prerogative of the College to at any time initiate, resume or continue any disciplinary action or proceedings against a student for actions or events which occurred prior to the withdrawal.

2. Any final decision in a disciplinary matter shall be included in the student's College file. An Investigating Disciplinary Official, adjudicating body, the Vice President of Academic Affairs, Vice President of Campuses & Student Affairs, and the College Executive Vice President, in conducting or reviewing a disciplinary proceeding shall be authorized to review the student's College file to determine the student's prior disciplinary history and may consider that history in determining appropriate sanction(s) for violations of the Student Conduct Guidelines.

SUMMARY OUTLINE OF DISCIPLINARY PROCEDURES

NOTE: This Attachment is merely an outline for convenient reference. In all cases, the provisions of PM V-4 shall control over the provisions of this Attachment 1.

1. Sanctions:
 - A. Admonition
 - B. Failing Grade(s) - on assignment, quiz, exam, or other exercise/matter
 - C. Failure of Course(s)
 - D. Disciplinary Probation
 - E. Restitution
 - F. Interim Suspension
 - G. Suspension
 - H. Dismissal - from college or from particular courses, programs, etc.
2. Informal Procedures Concerning Academic Misconduct
 - A. Applies to Academic Misconduct cases *only*.
 - B. Faculty Member (FM) has jurisdiction. Academic Dean (AD) may intervene and exercise his/her authority. FM and AD cooperation expected.
 - C. FM or AD may impose Sanctions A and/or B. Exception: If Sanction B would result in course failure, student will be given opportunity to elect Formal Procedure handling.
 - D. Before sanctioning, advise student (S) of violation alleged; give S opportunity to explain conduct/mitigating circumstances; allow S reasonable time to respond (at least 24 hours).
 - E. Written decision to S from FM/AD if sanction imposed.
 - F. No appeal allowed.
 - G. Not required to use Informal Procedures before Formal Procedures.
 - H. Must use Formal Procedures for Sanctions C through H.
3. Informal Procedures Concerning Non-Academic Misconduct
 - A. Applies to Non-Academic Misconduct *only*.
 - B. Campus Dean (CD) may impose Sanction A only (Admonition).
 - C. CD must first offer to informally meet with S. Purpose of this meeting is to advise student of misconduct alleged and give student opportunity to explain conduct/mitigating circumstances. Must allow student a reasonable time to respond (at least 24 hours).
 - D. No appeal allowed.
 - E. Not required to use Informal Procedures before Formal Procedures.
4. Formal Disciplinary Procedures
 - A. For Academic Misconduct – Formal procedures required prior to (1) Sanctions other than A and/or B, or (2) when Sanction B results in course failure and student elects Formal Procedures.
 - 1) Complaint must be written to or by AD. AD receiving/initiating complaint notifies VP of Educational Services.

- 2) VP of Educational Services designates an Academic Dean to serve as Investigating Disciplinary Official (IDO) to handle complaint.
 - 3) IDO may refer complaint to appropriate faculty member who may proceed under Informal Procedures if not already done.
 - 4) IDO may initially attempt to resolve informally. (Continued at 4.C.)
- B. For Non-Academic Misconduct – Required prior to any of Sanctions D through H.
- 1) Complaint must be written to or by CD receiving/initiating complaint. CD notifies Vice President of Campuses & Student Affairs (VPCSA).
 - 2) VPCSA designates a Campus Dean to serve as Investigating Disciplinary Official (IDO) to handle complaint. (Continued at 4.C.)
- C. For Both Academic and Non-Academic Misconduct
- 1) If, after initial investigation, the IDO deems student to pose serious and immediate threat to College or other people, may ask President or Executive Vice President to impose an Interim Suspension.
 - 2) If no informal resolution is achieved, IDO will notify S by certified mail that a hearing will be held by the IDO unless S timely requests the IDO to appoint an Adjudicating Body (AJB). In letter, the IDO also must provide other information to student (see Section III.C.5 of PM). Case to be automatically heard by AJB if "program rule" is involved.
 - 3) If S requests AJB in timely manner, or if conduct charged involves program rule, IDO appoints AJB according to PM (Sections III.C.5 and 6).
 - 4) Ten calendar days' notice to S of hearing. Special rules apply if S's conduct is described in Section I.B. 23 of P.M.
 - 5) Requirements relating to a quorum, notice of hearing, disclosure of evidence, hearing attendance, hearing record and hearing procedures are specifically covered in PM (Section III.C.7 through 13).
 - 6) A written decision is sent by certified mail to the student (and the original complainant, in certain cases). Letter states findings of fact and imposes Sanctions, if warranted.
 - 7) An appeal by S to VP of Educational Services for Academic Misconduct

or VPCSA for Non-Academic Misconduct is possible if any Sanction other than A and/or B is imposed. Limited grounds of appeal are stated (Section III.C.16).

- 8) Appeal to Exec. VP is possible only if Sanction H is imposed. Limited grounds for appeal are stated (Section III.C.17).
- 9) No appeal to Board of Governors or President is allowed.

- 5. Miscellaneous – Student withdrawal does not affect College’s ability to proceed with discipline. Student’s prior disciplinary history may be considered in determining sanction(s).

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