

SOUTHWESTERN COMMUNITY COLLEGE	STUDENT SERVICES DISCIPLINE AND APPEAL PROCEDURES FOR NON-ACADEMIC RELATED VIOLATIONS	Procedure 6.03.02.02
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I. OVERVIEW

The Executive Vice President for Instruction and Student Services (“Executive Vice President”) is responsible for implementing student discipline procedures. In the event any discipline procedure conflicts with the state or federal law, the Executive Vice President shall follow state or federal law and refer the discipline matter to the appropriate official as outlined by state or federal law.

The Executive Vice President shall appoint a Conduct Officer to administer the disciplinary procedures.

These procedures only apply to non-academic violations, outlined herein and defined in Policy 6.03.02 – Standards of Student Conduct. For academic-related violations, see 6.03.02.01 – Discipline and Appeal Procedures for Academic Related Violations. For violations involving domestic violence, sexual assault, sexual or other unlawful harassment, dating violence or stalking, the initial investigation will be conducted pursuant to Policy 6.03.03 – Discrimination and Unlawful Harassment.

II. DEFINITION OF NON-ACADEMIC VIOLATIONS

Except as otherwise stated above, these procedures cover the followed non-academic violations (defined in Policy 6.03.02 – Standards of Student Conduct):

- A. Theft and Property Damage
- B. Trespass
- C. Drugs and Alcohol
- D. Lewd and Indecent Behavior
- E. Mental/Physical Abuse
- F. Assault
- G. Domestic Violence
- H. Sexual Assault
- I. Sexual and Other Unlawful Harassment
- J. Dating Violence
- K. Stalking
- L. Communicating Threats
- M. Bullying
- N. Threats
- O. Disorderly Conduct and Disruption
- P. Possession of Weapons
- Q. Tampering with Fire Alarms
- R. Gambling
- S. Use of Tobacco
- T. Traffic Violations

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- U. False Information
- V. Disobedience / Insubordination
- W. Financial Impropriety
- X. Public Laws
- Y. Failure to Report Criminal Activities
- Z. Unauthorized Access to College Records
- AA. Animals on Campus
- BB. Use of the Internet
- CC. Use of Social Media

III. IMMEDIATE REMOVAL FROM CAMPUS

If an act of misconduct threatens the health, safety or well-being of any member of the academic community and/or seriously disrupts the function and good order of the College, an instructor will immediately notify an administrative officer who will direct student(s) involved to cease and desist such conduct and advise them that failing to cease and desist will result in immediate dismissal from the class or campus. If the student(s) fail to cease and desist, or if the behavior is such that the student(s) need to immediately be removed from campus, the administrative officer may then immediately have the student(s) removed from campus.

The administrative officer invoking such suspension shall notify the Conduct Officer in writing of the individual(s) involved and the nature of the infraction as soon as possible but no more than one (1) working day following the incident. Upon receipt of the administrative officer's written notice, the Conduct Officer shall meet with the students as soon as possible to allow them to present their side. Depending on the nature of the allegations and the demonstrated behavior, the Conduct Officer may temporarily suspend the student(s) pending the Conduct Officer's investigation.

IV. DISCIPLINARY PROCEDURES

In order to provide an orderly system for handling student disciplinary cases in accordance with due process and justice, the following procedures will be followed:

A. Charges

Any administrative official, faculty member or student may file written charges with the Conduct Officer against any student or student organization for violations of the Standards for Student Conduct. The individual(s) making the charge must complete a charge form (available from the office of the Conduct Officer) stating:

1. Name of the student(s) involved.
2. Alleged violation of the Standards of Student Conduct.
3. Time, place, and date of the incident.
4. Name of person(s) directly involved or witnesses to the infraction(s).
5. Any action taken that relates to the matter.
6. Desired solution(s).

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B. Investigation and Determination

The Conduct Officer shall conduct an investigation into the charges and allegations. Within five (5) working days after receipt of the written charges, or longer depending on the nature of the charges but no later than ten (10) working days, the Conduct Officer shall complete his/her investigation of the charges and shall meet with the student(s), present the results of the investigation and provided the student(s) with an opportunity to present their side. After discussing the alleged infraction with the student(s), the Conduct Officer may act as follows:

1. Drop the charges;
2. Impose a sanction; or
3. Refer the student(s) to a College office or community agency for services.

All disciplinary actions should be progressive in nature and should take into account the totality of the situation; however, depending on the severity of the infraction, even first time offenses could result in suspension or expulsion.

C. Notification

The Conduct Officer's decision shall be presented to the student(s) in writing immediately following the meeting with the student(s). In instances where the student (s) cannot be reached to schedule an appointment, the Conduct Officer shall send a letter to the student's last known address and to the student's College-issued email account providing the student with a list of charges, the Conduct Officer's decision, and instructions governing the appeal process.

All other notifications in the discipline and appeals process will be communicated to the student's College-issued email address unless otherwise noted.

V. SANCTIONS

- a. Reprimand: A reprimand is written communication which gives official notice to the student that any subsequent offense against the Standards of Student Conduct will carry heavier penalties because of this prior infraction.
- b. General Probation: An individual may be placed on General Probation when involved in a minor disciplinary offense. General Probation has two (2) important implications: 1) the individual(s) is given a chance to show capability and willingness to observe the Standards of Student Conduct without further penalty; and 2) if the individual errs again, further action will be taken. This probation will be in effect for no more than two (2) semesters including the current semester.
- c. Restrictive Probation: Restrictive Probation results in loss of good standing and becomes a matter of record. Restrictive conditions may limit activity in the College community. Generally, the individual will not be eligible for initiation into any local or national organization, and may not receive any College award or other honorary recognition. The individual may not occupy a position of leadership or responsibility with any College or student organization, publication, or activity. This sanction prohibits the student from officially representing the College or participating in any extracurricular activities including intramural competitions. This probation will be in effect for not less than two (2) semesters including the current semester. Any violation of Restrictive Probation may result in immediate suspension.

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- d. Restitution: Restitution is paying for damaging, misusing, destroying, or losing property belonging to the College, College personnel, or students. Restitution may take the form of appropriate service to repair or otherwise compensate for damages.
- e. Temporary Suspension: Temporary suspension is the exclusion from class and/or other privileges of activities as set forth in the notice, until a final decision has been made concerning the alleged violation.
- f. Withholding Academic Records and or the Right to Register: Withholding transcript, diploma, or the right to register or participate in graduation ceremonies is imposed when financial obligations are not met or the student(s) has a disciplinary case pending final disposition.
- g. Suspension: Suspension is the exclusion from class(es) and/or all other College privileges or activities for a specified period of time. This sanction is reserved for those offenses warranting discipline more severe than probation or for repeated misconduct. Students who receive this sanction must get specific written permission from the Executive Vice President before returning to campus. (Disciplinary suspension appears on the academic transcript.)
- h. Expulsion: Expulsion is dismissing a student from campus for an indefinite period losing student status. The student may be readmitted to the College only with the approval of the President. (Disciplinary expulsion appears on the academic transcript.)
- i. Group Probation: Group probation is given to a College club or other organized group for a specified period of time. If group violations are repeated during the term of probation, the charter may be revoked or activities restricted.
- j. Group Restriction: Group restriction is removing College recognition during the semester which the offense occurred or for a longer period (usually not more than one other semester). While under restriction, the group may not seek or add members, hold or sponsor events in the College community or engage in other activities as specified.
- k. Group Charter Revocation: Revocation is the removal of College recognition for a group, club, society or other organization for a minimum of two (2) years. Re-charter after that time must be approved by the President.

VI. DISCIPLINARY APPEAL PROCEDURE

A. Appeal to the Executive Vice President

A student who disagrees with the Conduct Officer's decision may appeal to the Executive Vice President. This appeal must be submitted in writing to the Executive Vice President within three (3) working day after receipt of the Conduct Officer's decision. The Executive Vice President shall have the authority to:

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1. Review the Conduct Officer's findings.
2. Conduct any further investigation as necessary, including speaking with the student(s), complainant(s) and other witnesses.
3. Confirm, modify, or overturn the Conduct Officer's decision.
4. Inform the student(s) in writing of the final decision within five (5) working days of the receipt of the student's appeal.

B. Appeal to the Disciplinary Review Committee

A student who disagrees with the Executive Vice President's decision may request an appeal before the Disciplinary Review Committee ("Committee"). This request must be submitted in writing to the Executive Vice President within three (3) working day after receipt of the Executive Vice President's decision. The Executive Vice President shall refer the matter to the Committee together with a report of the nature of the alleged misconduct, the name of the complainant, the name of the student(s) against whom the charge has been filed, and the relevant facts revealed by the Executive Vice President's investigation.

1. Committee Composition

Membership of the Disciplinary Review Committee shall be composed of the following:

- a. Three faculty/staff members appointed by the President. Faculty and Staff Committee members will serve two years from the beginning of fall semester through summer semester with replacements appointed by the President as necessary.
- b. Three student members selected from a pool of club council representatives and honor students approved by the President. Student members will be selected from the approved pool as needed by the Executive Vice President as necessary. If the nature of the allegation is sensitive, the Executive Vice President may choose not to appoint students to the Disciplinary Review Committee.
- c. One administrator appointed by the President to serve as Committee Chairperson who will vote only in case of a tie.
- d. At least two faculty/staff members and two students plus the Chairperson must be present in order for the Committee to conduct business.

2. Committee Hearing Procedures

- a. Pre-Hearing Procedural Responsibilities of the Executive Vice President - The Committee must meet within seven (7) working days of receipt of the student's request for a hearing. At least five (5) working day prior to the date set for the hearing, the Executive

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Vice President shall send notification to the student(s) with the following information:

- i. A restatement of the charge or charges.
- ii. The time and place of the hearing.
- iii. A statement of the students' basic procedural rights.
- iv. A list of witnesses that the Executive Vice President or designee plans to present.
- v. The names of the Committee members.

At least two (2) days prior to the hearing, the student(s) will provide the Executive Vice President with a witness list and whether or not the student will be represented by legal counsel. Failure to notify the Executive Vice President regarding legal counsel could result in the hearing being continued until such time that the College can have its legal counsel present. Should the College's legal counsel attend, he/she shall serve as the procedural officer for the hearing.

- b. The following due process rights shall apply to the Committee hearing:
 - i. The right to counsel. The role of the person acting as counsel is solely to advise the student(s). The counsel shall not address the Committee.
 - ii. The right to produce witnesses on one's behalf.
 - iii. The right to request, in writing, the President to disqualify any member of the Committee for prejudice or bias. (The request must contain reasons). A request for disqualification, if made, must be submitted at least two (2) working day prior to the hearing. If such disqualification occurs, the appropriate nominating body shall appoint a replacement to be approved the President.
 - iv. The right to present evidence.
 - v. The right to know the identity of the person(s) bringing the charge(s).
 - vi. The right to hear witnesses on behalf of the person(s) bringing the charge(s).
 - vii. The right to testify or to refuse to testify without such refusal being detrimental to the student.
- c. The following hearing procedures shall apply:
 - i. Hearings before the Committee shall be confidential and shall be closed to all persons except the following:

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- The student(s)
- Counsel(s)
- Committee Members
- Executive Vice President, or designee

Witnesses shall only be present in the hearing room when giving their testimony.

- ii. The Executive Vice President, or designee, shall present evidence and witnesses to support his/her decision. Committee members may ask questions to the witnesses.
- iii. The student(s) will then have an opportunity to present evidence and witnesses. Committee members may ask questions to the witnesses.
- iv. Each side will have an opportunity to make a short, closing argument. v. The hearing will be recorded. Recordings will become the College's property and access to the recordings will be determined by the Committee Chairperson. All recordings will be filed in the office of the Executive Vice President.
- v. Upon completion of a hearing, the Committee shall meet in executive sessions to determine concurrence or non-concurrence with the original finding and to recommend sanctions, if applicable.
- vi. Committee decisions shall be made by majority vote.
- vii. Within five (5) working days after the hearing, the Chair shall notify the student(s) and Executive Vice President of the Committee's decision. The Committee's decisions is final.

Failure of the student(s) to deliver appeal requests within the dates prescribed in these procedures will be construed as acceptance of the last issued sanction or decision and shall terminate the appeals process.

Cross Reference: 6.03.01 – Campus Safety Reporting – Clery Act;
6.03.02.01 – Discipline and Appeal Procedures for Academic Related Violations
6.03.02 – Standards of Students Conduct;
6.03.03 – Discrimination and Unlawful Harassment
6.03.06 – Student Conduct Review

Adopted: April 2012

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