



## **Student Rights, Responsibilities, and Code of Conduct Policy:**

*Approved By and Date:*

*Board of Trustees, 2-12-2018*

*Executive Leadership Team, 1-10-2018*

**Kilgore College reserves the right to maintain a safe and orderly educational environment for students and staff. Therefore, when a student's behavior disrupts or threatens to disrupt the College community, appropriate disciplinary action will be taken. The purpose of this code is not to restrict student rights but to protect the rights of individuals in their academic pursuits.**

## **Student Rights, Responsibilities, and Code of Conduct Procedures:**

*Approved By and Date:*

*Executive Leadership Team, 1-10-2018*

### **Student Rights and Responsibility Statement:**

Students at Kilgore College are considered to be mature adults who enter classes voluntarily. By entering classes, students take upon themselves certain responsibilities and obligations that include an honest attempt at academic performance and social behavior consistent with the lawful purpose of the College. Students maintain all legal rights of citizenship while enrolled and are expected to remember that they are living in a democratic situation. The reputation of the College rests upon the shoulders of students as well as on the administration, staff, and faculty; and it is hoped that each student will maintain high standards of citizenship. The campus and College will not be a place of refuge or sanctuary for illegal or irresponsible behavior. Students, as all citizens, are subject to civil authority on and off the campus. Common courtesy and cooperation make the above suffice for a long list of rules and regulations.

### **Code of Student Conduct Statement:**

#### **Introduction and Philosophy:**

Kilgore College is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life, and thoughtful study and discourse. The student conduct program within the office of the vice president of student development is committed to an educational and developmental process that balances the interests of individual students with the interests of the College community.

A community exists on the basis of shared values and principles. At Kilgore College, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the Code of Student Conduct. These standards are embodied within a set of core values that include integrity, social justice, respect, community, and responsibility.

All members of the College community bear responsibility for their conduct and are required to assume reasonable responsibility for the behavior of others. When members of the community fail to exemplify these five values by engaging in violation of the rules below, campus conduct proceedings are used to assert and uphold the Code of Student Conduct.

The Code of Student Conduct, included herein, is also included in the KC Student Handbook, which is available on the College's website. Hard copies are available upon request from the office of the vice president of student development. Students are responsible for having read and for abiding by the provisions of the Code of Student Conduct.

### **Purpose of the Code of Student Conduct:**

Kilgore College's primary concern is the student. The purpose of the Code of Student Conduct is to maintain the general welfare of the College community. Enrollment at Kilgore College is considered implicit acceptance of the rules, regulations and guidelines governing student behavior promulgated by the College and the student is responsible for this information. In addition, all students, regardless of place of residence, are expected to observe all federal, state and applicable local laws. Any student who violates any provision of those laws is subject to disciplinary action including expulsion, notwithstanding action taken by civil authorities on account of the violation.

The College reaffirms to each student the privileges of exercising rights of citizenship under the Constitution of the United States, including the right to appropriate due process in any disciplinary matter. The vice president of student development, acting on behalf of the president and the KC Board of Trustees, has authority to enforce all regulations approved and stated in College documents or otherwise except for matters pertaining to academic dishonesty. For matters of academic dishonesty, the vice president of instruction shall have jurisdiction.

The student conduct process at Kilgore College is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of College policy without information showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

Students continue to be subject to city, state, and federal laws while at KC, and allegations, charges or violations of those laws may also constitute violations of the Code of Student Conduct. In such instances, KC may proceed with disciplinary action under the Code of Student Conduct independently of any criminal proceeding involving the same conduct and may impose sanctions for violation of the Code of Student Conduct even if such criminal proceeding is not yet resolved or is resolved in the student's favor.

The Code of Student Conduct is not a contract and serves only as a guide for the fulfillment of acceptable due process procedures. The student is responsible for obtaining all published materials and updates from the vice president of student development relating to this code. In addition, the procedures contained herein may be modified by the College at any time in order to effectuate justice.

In addition to the College, entities (such as departments, clubs and student organizations) have developed standards of conduct governing their constituents and some provide procedures for sanctioning violations of those standards.

### **Core Values and Behavioral Expectations:**

The following five sub-sections (integrity, community, social justice, respect, and responsibility) are core values for positive engagement among members of the College community. Kilgore College considers the behavior described in the sub-sections as inappropriate for the College community and in opposition to the core values set forth in this document. These expectations and rules apply to all students. Kilgore College encourages community members to report to College officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in the Conduct Procedures section herein.

**Integrity:** Kilgore College students exemplify honesty, honor and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:

1. **Academic Dishonesty.** Acts of academic dishonesty as outlined in the Academic Dishonesty section below.
2. **Collusion.** Action or inaction with another or others to violate the Code of Student Conduct.
3. **Election Tampering.** Tampering with the election of any College-recognized student organization (minor election code violations are addressed by the student government association).
4. **Falsification.** Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments.
5. **Stolen Property.** Knowingly taking or maintaining possession of stolen property.
6. **Taking of Property.** Intentional and unauthorized taking of College property or the personal property of another, including goods, services and other valuables.
7. **Trust.** Violations of positions of trust within the community.
8. **Unauthorized Access.** Unauthorized access to any College building (i.e. keys, cards, etc.) or unauthorized possession, duplication or use of means of access to any College building or failing to timely report a lost College identification card or key.

**Community:** Kilgore College students build and enhance their community. Behavior that violates this value includes, but is not limited to:

1. **Abusive Conduct.** This includes, but is not limited to, unwelcome conduct by an individual(s) that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive.
2. **Animals.** Animals, with the exception of animals that provide assistance (e.g. seeing-eye dogs), and pets as outlined in the Residence Life Handbook, are not permitted on campus except as permitted by law.
3. **Damage and Destruction.** Intentional, reckless and/or unauthorized damage to or destruction of College property or the personal property of another.
4. **Disruptive Behavior.** Substantial disruption of College operations including obstruction of teaching, research, administration, other College activities, and/or other authorized non-College activities which occur on campus.
5. **Fire Safety.** Violation of local, state, federal or campus fire policies including, but not limited to:
  - A. Intentionally or recklessly causing a fire which damages College or personal property or which causes injury.
  - B. Failure to evacuate a College-controlled building during a fire alarm;
  - C. Improper use of College fire safety equipment;
  - D. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on College property. Such action may result in a local fine in addition to College sanctions; or
  - E. Interfering with, obstructing, or disrupting fire responses.
6. **Gambling.** Gambling as prohibited by the laws of the State of Texas.
7. **Instructional Technology and Acceptable Use.** Violating the College Acceptable Use and Computing Policy of the College.

8. **Rioting.** Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property.
9. **Tobacco.** Smoking or tobacco use in any area of campus where smoking or tobacco use is prohibited.
10. **Trademark.** Unauthorized use (including misuse) of Kilgore College or organizational names and images.
11. **Unauthorized Entry.** Misuse of access privileges to College premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a College building.
12. **Weapons.** Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade of longer than 4 inches on College property. Please note that in compliance with Texas S.B.11, a person, including a student enrolled at the institution, who holds a license to carry a concealed handgun may carry a concealed handgun on Kilgore College campuses, except for a limited number of exclusion zones and certain necessary restrictions as outlined in the accompanying procedures. The open carrying of handguns is prohibited on campus.
13. **Wheeled Devices.** Skateboards, roller blades, roller skates, bicycles and similar wheeled devices are not permitted inside College buildings, residence halls or on tennis courts. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities, and individuals may be liable for damage to College property caused by these activities.

**Social Justice:** Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing College community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:

1. **Abuse of Conduct Process.** Abuse or interference with, or failure to comply in, College processes including conduct and academic integrity hearings including, but not limited to:
  - A. Falsification, distortion, or misrepresentation of information;
  - B. Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
  - C. Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
  - D. Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
  - E. Failure to comply with the sanction(s) imposed by the campus conduct system;
  - F. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.
2. **Bystanding.**
  - A. Complicity with or failure of any student to appropriately address known or obvious violations of the Code of Student Conduct or law;
  - B. Complicity with or failure of any organized group to appropriately address known or obvious violations of the Code of Student Conduct or law by its members.
3. **Discrimination.** Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the College's educational program or activities.
4. **Harassment.** Any unwelcome conduct based on actual or perceived status including: sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the victim and community.
  - A. **Hostile Environment.** Sanctions can and will be imposed for the creation of a hostile environment only when unwelcome harassment is sufficiently severe, pervasive (or persistent), and objectively offensive that it unreasonably interferes with, limits, or denies the ability to participate in or benefit from the College's educational or employment program or activities.

5. **Retaliatory Discrimination or Harassment.** Any intentional, adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant or supporter of a participant in a civil rights grievance proceeding or other protected activity under this Code.

**Respect:** Kilgore College students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:

1. **Assault.** This includes, but is not limited to, assaulting or physically abusing another person or being involved in brawling.
2. **Bullying and Cyberbullying.** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.
3. **Hazing.** Defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent, failing to discourage, and/or failing to report those acts may also violate this policy.
4. **Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person.
5. **Intimate Partner/Relationship Violence.** Violence or abuse by a person in an intimate relationship with another.
7. **Public Exposure.** Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts.
8. **Sexual Misconduct.** Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and/or sexual exploitation (See College Nondiscrimination and Grievance Policy for further information).
9. **Stalking.** Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear.
10. **Threatening Behaviors:**
  - A. **Threat.** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
  - B. **Intimidation.** Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.

**Responsibility:** Kilgore College students are given and accept a high level of responsibility to self, to others and to the community. Behavior that violates this value includes, but is not limited to:

1. **Alcohol.** Use, possession, or distribution of alcoholic beverages and being under the influence of alcohol on campus or at College sponsored events.
2. **Arrest.** Failure of any student to accurately report an off-campus arrest by any law enforcement agency for any crime (including non-custodial or field arrests) to the office of the vice president of student development within seventy-two (72) hours of release.
3. **Drugs.** Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia or being under the influence of illegal drugs or other controlled substances on campus or at College sponsored events.
4. **Failure to Comply.** Failure to comply with the reasonable directives of College officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so.
5. **Financial Responsibilities.** Failure to promptly meet financial responsibilities to the institution, including, but not limited to knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.
6. **Health and Safety.** Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.).
7. **Other Policies.** Violating other published College policies or rules, including all Residence Hall/Dining policies.

8. **Prescription Medications.** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications.

9. **Violations of Law.** Evidence of violation of local, state or federal laws, when substantiated through the College's conduct process.

### **Code of Student Conduct Jurisdiction:**

The Code of Student Conduct and the student conduct process apply to the conduct of individual students and all College-affiliated student organizations. For the purposes of student conduct, the College considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the College.

The College retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll, obtain official transcripts, and/or graduate until all sanctions are satisfied. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the College may invoke these procedures and should the former student be found responsible, the College may revoke that student's degree.

The Code of Student Conduct applies to behaviors that take place on the campus, at College-sponsored events and may also apply off-campus when the vice president of student development or designee determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- An allegation, arrest, charge or conviction of a criminal offense as defined by Texas law, including repeat violations of any local, state or federal law; and/or
- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the College.

The Code of Student Conduct may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. Kilgore College does not regularly search for this information but may take action if and when such information is brought to the attention of College officials. However, most online speech by students not involving College networks or technology will be protected as free expression and not subject to this Code, with two notable exceptions:

- A true threat, defined as "a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals";
- Speech posted online about the College or its community members that causes a significant on-campus disruption.

The Code of Student Conduct applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. Visitors to and guests of Kilgore College may seek resolution of violations of the Code of Student Conduct committed against them by members of the College community.

There is no time limit on reporting violations of the Code of Student Conduct; however, the longer someone waits to report an offense, the harder it becomes for Kilgore College officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though the submission of an anonymous concern is permitted, doing so may limit Kilgore College's ability to investigate and respond to an issue. Those who are aware of misconduct are encouraged to report it as quickly as possible to the office of the vice president of student development and/or to Campus Police.

Kilgore College email is the College's primary means of communication with students. Students are responsible for all communication delivered to their College email address.

Proceedings initiated under this policy are separate from civil or criminal proceedings that may relate to the same incident.

The exercise of jurisdiction does not depend on whether a student is actually charged through the criminal justice system. Investigations or conduct proceedings by the College are not postponed while criminal or civil proceedings are pending unless otherwise determined by the conduct officer. Dismissal of criminal charges or acquittal in a criminal case does not prevent the College from investigating and adjudicating an incident.

The unexcused failure of a student to appear and/or respond to the conduct process does not prevent the College from proceeding with the conduct process.

### **Misconduct Sanctions:**

Sanctions imposed for misconduct will be based upon a consideration of all of the circumstances in a particular case. Mitigating and aggravating circumstances will be considered. Repeated violations are likely to result in progressively severe sanctions. One or more of the sanctions below may be imposed. In all cases, the conduct officer and conduct body reserve the right to use their discretion in determining the appropriate sanction for a case. All decisions regarding responsibility and appropriate sanctions will be given to a student in writing.

- 1. Educational Sanctions.** The student may be required to perform a specific number of hours of community service, complete a reflection or research paper, attend a class, program or lecture, or be involved with the community in a way that brings about a new understanding of the community and how his/her behavior may have impacted others. This is not an exhaustive list but should serve as a reference for the types of educational sanctions that may be imposed.
- 2. Admonition.** This consists of a verbal warning that the behavior was inappropriate. Verbal admonitions will not become a part of the student's confidential record in the office of the vice president of student development.
- 3. Warning/Written Reprimand.** A warning/written reprimand is a written statement from a College official that the behavior was inappropriate and that more serious conduct action will be taken should subsequent infractions occur.
- 4. Residence Hall Reassignment.** A student who resides in a residence hall is assigned to a different residence hall on campus.
- 5. Residence Hall Termination.** A student's residence hall agreement is terminated through the conduct process and the student is prohibited from residing in any College residence hall on either a permanent or temporary basis. Specific exclusion from the residence halls and adjacent parking lots and property may also be imposed. Termination may occur in cases where a student appears to be involved in violations of the Code of Student Conduct and the behavior or pattern of behavior has a significant negative impact on his/her living community.
- 6. Citation.** Citations for student misconduct are categorized as Police citations or Student Life citations. Citations issued by Kilgore College Police may carry a College and/or municipal fine. Citations issued by other College staff will carry a College fine only. Please see Appendix B of this document for a list of fines associated with Student Life citations.
- 7. Probation.** A student is placed on probation. Probation lasts for a specific period of time, and is implemented by semesters. Any violation of the Code of Student Conduct or the conditions of probation committed during the probationary period will result in further disciplinary action.
- 8. Suspension.** The student is required to leave the College for a specific period of time. The student is required to apply for readmission to the College after his/her suspension period. Suspension from the College

includes an exclusion from College property during the period of suspension. A suspension decision results in the student being suspended from all campuses of the College.

**9. Withdrawal.** Withdrawal is administrative removal of a student from a class or from the College and may be imposed in instances of unmet financial obligations to the College; for reasons of health; or pending the outcome of competent medical evaluation. The withdrawn student may also be barred from re-enrollment until such a time specific conditions have been met.

**10. Expulsion.** The student is required to permanently leave the College. An expulsion keeps the incident on file in the office of the vice president of student development permanently. Expulsion from the College includes an automatic exclusion from College property. An expulsion decision results in the student being expelled from all campuses of the College.

**11. Exclusion.** The student is denied access to all or a portion of College property. When a student is excluded from College property, that student may be permitted onto College property for limited periods and specific activities with the permission of the vice president of student development or his/her designee. Should the student enter College property without permission, action may be taken by the police for criminal trespass.

**12. Restriction or Denial of College Services.** The student is restricted from using or is denied specified College services, including participation in College activities.

**13. Recommendation for Revocation of Degree.** The revocation of degrees may occur for discovered misconduct of prior students. Allegations of misconduct which may result in a revocation of a degree will be considered by the appropriate academic process.

**14. Additional Sanctions.** Additional sanctions include, but are not limited to, requiring the student to compensate a victim for theft, damage, counseling or other expenses incurred as a result of the incident.

### **Student Disciplinary Procedures:**

Advisors. A student being investigated, a charged student, and an alleged victim of an alleged policy violation may be accompanied by an advisor during the conduct process. Witnesses to the incident may not be advisors. Advisors are not permitted to speak for or on behalf of the student during any phase of the conduct process, including hearings. However, with permission from the conduct officer, advisors may make a statement and/or ask questions of the charged student to present relevant information after the conduct officer has completed discussions with the student under investigation, charged student or alleged victim. If a student chooses to bring an advisor to the meeting, it is the student's obligation to select an advisor whose schedule allows attendance within the time frame designated in the Student Conduct Notice. Conduct officials are not obligated to reschedule the administrative review to accommodate attorneys acting as advisors to students.

### **Authority for Initiation of Disciplinary Action:**

Under direction of the president, the vice president of student development and his/her designee, or other such staff members of certain committees to whom this responsibility has been delegated have the authority to administer disciplinary procedures. Therefore, disciplinary action will in general, originate in the office of the vice president of student development, except for those cases which by their nature, or by state statute, require initial action by another College department, such as:

- A. **Matters of Academic Dishonesty.** Academic dishonesty matters may first be considered by the faculty member who may recommend penalties such as withdrawal from the course, failing the course, reduction or changing of a grade in the course, a test, assignment, or in other academic work; denial of a degree and/or performing additional academic work not required by other students in the course. Acceptance of the faculty member's recommended penalties by the student shall make the penalties final and constitutes a waiver of further administrative procedures. If the student does not accept the decision of the faculty member, he/she may shall utilize the Student Complaint Policy to appeal. If the student is ultimately found not to have been involved in academic dishonesty, the instructor shall not base his/her evaluation of the student on the alleged but unproven dishonesty. If the student is ultimately found to have violated matters of academic dishonesty, the appropriate disciplinary sanction shall be implemented. Any student who believes that a grade has been inequitably awarded should refer to the Student Complaint procedures. Examples of academic dishonesty include, but are not

limited to, cheating, plagiarism, inappropriately obtaining/sharing test content, etc. This applies to all students, including those enrolled in distance education or at off-campus instructional sites.

- B. **Housing Matters.** Students who reside within the residence hall system are under a contractual obligation to abide by the rules and regulations of the Residence Life Department, as well as being bound by the College catalog and all other College rules and regulations governing the conduct of students. Students wishing to appeal disciplinary actions arising from violations of housing rules shall utilize the Student Complaint process.
- C. **Financial Matters.** In matters involving a violation of a financial obligation to the College, including the issuance of a check without sufficient funds, the business office will initiate action and may assign penalties such as late fees, service charges, fines, loss of money-related privileges, blocks from re-enrollment, etc. If the student believes the penalties have been applied prejudicially or in an arbitrary or capricious manner, or where penalties are the result of an alleged error on the part of the College, he/she may utilize the Student Complaint Policy to appeal. Upon failure of the student to meet financial obligations within time limits set by the State statutes, the appropriate department administration may recommend the student's withdrawal from the College. Financial withdrawal is not a disciplinary measure but may require nullification of the institutional/student relationship. In the event of unpaid financial obligations, the withdrawal will be processed by the registrar's office after the College has complied with State statutory requirements for notification. After the debt is paid and all administrative procedures have been complied with, the student may request, within a set time period, his/her reinstatement or re-enrollment. If the request is denied, the student may appeal the decision to the vice president of student development.
- D. **Health Matters.** Students whose physical or mental health problems may affect the health, safety and/or welfare of the College community or who represent a danger to themselves or others, or whose continuing presence disrupts the academic or administrative process, or who fail to follow the directives given by the medical or psychological authority regarding these problems may be medically withdrawn from the College. Action may be initiated by the vice president of student development upon the recommendation of medical community members after attempts to achieve the student's cooperation have failed. If the student does not accept the decision of the vice president of student development, he/she may file a written Student Complaint. After the mental or physical health problem has been resolved and the directives of a medical doctor or other medical/psychological authority have been complied with, the student may apply for re-admission to the College.

### **Interim or Emergency Disciplinary Action:**

Pending a hearing, the president of the College or the vice president of student development may take such immediate interim disciplinary action as is deemed necessary against a student or a group of students when in his/her opinion, such action is necessary to protect the health, safety, life or property of members of the academic community or to prevent the disruption of the educational process. In cases where contact with the student can be reasonably obtained, the vice president of student development shall contact the student, provide information regarding the nature of the charges and provide the student with an opportunity to respond.

### **Office of the Vice President of Student Development Disciplinary Procedures:**

The following disciplinary procedures will be used in all cases referred to the office of the vice president of student development, except those infractions in housing, which will be administered by the housing coordinator.

1. When a report alleging misconduct is received in the office of the vice president of student development, the student may be summoned. Failure to report after two notices may result in suspension from the College.
2. After a preliminary investigation of alleged misconduct, the charges against the student will be read to him/her and the procedures will be explained. The student will be given copies of the Code of Student Conduct Disciplinary Procedures and the charges; he/she will also be informed of the names of any

witnesses and given a summary of their testimony. The student will be given an opportunity to present his/her case.

3. Using a preponderance of the evidence standard, the office of the vice president of student development shall then make a determination of whether disciplinary action is necessary and, if so, shall prescribe appropriate misconduct penalties as outlined in this code.
4. For prescribed penalties, not including suspension and/or expulsion, the student can either accept the prescribed penalties or appeal the decision by filing a formal written complaint pursuant to the Student Complaint and Grievance procedures listed within this document. If the student accepts the recommended penalties, they become final. Appeals must be filed in writing via the online Student Complaint Form within 72 hours of receiving the sanctions. Failure to meet this deadline shall constitute a waiver of all rights for further review of the matter.
5. For the prescribed penalties of suspension or expulsion, the student can either accept the penalty or appeal the decision by filing a formal written complaint pursuant to the Student Complaint and Grievance procedures listed within this document. Appeals must be filed in writing via the online Student Complaint Form within 72 hours of receiving the sanction. Failure to meet this deadline shall constitute a waiver of all rights for further review of the matter. Upon receipt of the appeal, a hearing shall be set on a date that affords the student at least five (5) business days to prepare an adequate defense. The hearing will be closed to the public and will be conducted by the College's standing hearing committee for employee and student dismissals.

At the hearing, the student may employ counsel. If the student chooses to be represented by counsel, he or she must notify the vice president of student development at least three (3) business days before the hearing of same so that counsel for the College may be present. The hearing panel will set 30-minute time limits for each side. The student also has the right to hear the evidence upon which the charges are based, to cross-examine all adverse witnesses, and to present evidence why the proposed action should not be taken. The hearing may be recorded and the rules of evidence do not apply. The hearing committee will determine whether to uphold the prescribed penalty of suspension or expulsion. The College bears the burden of proof by preponderance of the evidence. Such determination shall be based solely on the evidence presented in the hearing. A written statement of the hearing committee's decision shall be given to the student and the vice president within two working days of the hearing, and this decision is final.

It should be noted that any interim or emergency disciplinary actions, such as suspension or exclusion, prescribed by the vice president of student development will remain in effect throughout the entire disciplinary process, including an appeal.

### **Right to Due Process:**

A student accused of violating the Student Code of Conduct is guaranteed the right to due process as the matter is resolved. Specifically, a student is guaranteed:

1. the right to a specific written notice of the charges.
2. the right to know the names of accusers and to have a copy of all their written statements regarding the charges.
3. the right to a prompt hearing.
4. the right to have counsel present at the hearing. (Note: If the student elects to have legal counsel present, the institution will also be represented by legal counsel)
5. the right to confront accusers and to hear all witnesses.
6. the right to present witnesses or evidence.
7. the right to remain silent to avoid self-incrimination.
8. the right to a full and complete record of the hearing.
9. the right to an appeal.

**Appeals Procedure:**

The only permissible bases for an appeal is procedural error or previously unavailable relevant evidence that significantly impacts the outcome of the case. The vice president of student development's office will determine if the appeal has standing and will move forward.

The request for an appeal must be submitted via the Student Complaint procedures within three working days after receipt of the initial decision. The vice president of student development may delegate another College administrator to act on his/her behalf.