POLICIES & PROCEDURES FOR EMPLOYEES

Southwestern Community College - Policies and Procedures Manual

Procedure Title: Discipline and Appeals Procedure

Responsible Division: Instruction and Student Services

Date Approved: October 2001

1. **Discipline Procedure**
   a. **Immediate Suspension**
      1. If an act of misconduct threatens the health or well being of any member of the academic community or seriously disrupts the function and good order of the College, an instructor or administrative officer may direct student(s) involved to cease and desist such conduct and advise them that failing to cease and desist will result in immediate suspension. If the student(s) fail to cease and desist, the instructor may then suspend the student(s) from the class. An administrative officer may suspend the student(s) from either the class or the College until a resolution of the matter can be made.

   2. The instructor or administrative officer invoking such suspension shall notify the Vice President for Instruction and Student Services in writing of the individual(s) involved and the nature of the infraction as soon as possible but no more than two (2) days following the incident. (For purpose of brevity, the title of “Vice President” will refer to the Vice President for Instruction and Student Services throughout this document.) The Vice President shall resolve the matter in a timely fashion utilizing the steps outlined below in Section c.

   b. **Responsibility for Implementation**
      1. The Vice President is responsible for implementing student discipline procedures. In the event any discipline procedure conflicts with the state or federal law, the state or federal law shall be followed. The Vice President shall refer the discipline matter to the appropriate official as outlined by state or federal law.
c. Disciplinary Procedure

1. 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 charges with the Vice President against any student or student organization for violations of college regulations. The Individual(s) making the charge must complete a charge form (available for the office of the Vice President) 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 infractions.
   5. Any action taken that relates to the matter.
   6. Desired solution(s).

b. Investigation and Decisions: Within five (5) working days after the charge is filed, the Vice President shall complete a preliminary investigation of the charge and shall schedule a meeting with the student. After discussing the alleged infraction with the student, the Vice President may act as follows:
   1. Drop the charges.
   2. Impose a sanction consistent with those shown in Section 2.
   3. Refer the student to a college office or community agency for services.

c. Notification: The decision of the Vice President shall be presented to the student in writing immediately following the meeting with the student. In instances where the student cannot be reached to schedule an appointment with the Vice President shall send a certified letter to the student’s last known address providing the student with a list of charges, the Vice President decision, and instructions governing the appeal process (Section 3).

2. Sanctions
a. **Reprimand:** A 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: first, the individual is given a chance to show capability and willingness to observe the Standards of Student Conduct without further penalty; and second, if the individual errs again, further action will be taken. This probation will be in effect for no more than two (2) semesters.

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. Any violation of Restrictive Probation may result in immediate suspension.

d. **Restitution:** 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. **Interim Suspension:** 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. **Loss of Academic Credit or Grade:** Imposed as a result of academic dishonest.

g. **Withholding Academic Records and or the Right to Register:** Withholding transcript, diploma, or the right to register or participate in graduation ceremonies imposed when financial obligations are not met or the student has a disciplinary case pending final disposition.

h. **Suspension:** Exclusion from class(es), and/or all other privileges or activities of the College 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 Vice President before returning to campus.

i. **Expulsion:** 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.

j. **Group Probation:** This 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.

k. **Group Restriction:** 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.

l. **Group Charter Revocation:** Removal of college recognition for a group, club, society, or other organization for a minimum of two (2) years. Recharter after that time must be approved by the President.

3. **Disciplinary Appeals Procedure**

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

      b. Three student members appointed by the Student Leadership Association and approved by the President.

      c. One administrator appointed by the President to serve as Committee Chairperson who will vote only in case of a
tie.

d. The Vice President as an ex-officio, non-voting member.

e. Committee members will serve one year from the beginning of fall semester through summer semester with replacements appointed by the President or SLA as necessary.

f. At least two faculty/staff members and two students plus the Chairperson must be present in order for the Committee to conduct business.

2. Procedures for Hearings Before the Disciplinary Review Committee

a. Procedural Responsibilities of the Vice President

The Disciplinary Review Committee must meet within ten (10) working days of receipt of a request for a hearing. At least five (5) working days prior to the date set for the hearing, the Vice President shall send a certified letter to the student’s last known address providing the student with the following information:

1. A restatement of the charge or charges.
2. The time and place of the hearing.
3. A statement of the student’s basic procedural rights.
4. A list of witnesses.
5. The names of the Committee members.

On written request of the student, the hearing may be held prior to the expiration of the five-day (5) notification period, if the Vice President concurs with this charge.

b. Basic procedural rights of students include the following:

1. The right to counsel. The role of the person acting as counsel is solely to advise the student. The counsel shall not address the Committee.
2. The right to produce witnesses on one’s behalf.
3. 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 three (3) working days prior to the hearing. If
such disqualification occurs, the appropriate nominating body shall appoint a replacement to be approved by the President.

4. The right to present evidence.

5. The right to know the identity of the person(s) bringing the charge(s).

6. The right to hear witnesses on behalf of the person(s) bringing the charge(s).

7. The right to testify or to refuse to testify without such refusal being detrimental to the student.

8. The right to appeal the decision of the Committee to the President who will review the official record of the hearing. The appeal must be in writing and must be made within (5) working days of the completion of the hearing.

c. The Conduct of the Committee Hearing

1. Hearings before the Committee shall be confidential and shall be closed to all persons except the following:

   a. The student.
   b. Counsels.

   c. Witnesses who shall:
      1. Give testimony singularly and in the absence of other witnesses.
      2. Leave the committee meeting room immediately upon completion of the testimony.

2. The hearing will be tape recorded. Tapes will become the property of the College, and access to them will be determined by the Chairperson of the Committee and the Vice President. All tapes will be filed in the office of the Vice President.

3. The Committee shall have the authority to adopt supplementary rules of procedure consistent with this code.

4. The Committee shall have the authority to render written advisory opinions concerning the meaning and application of this code.

5. 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.

6. Decisions of the Committee shall be made by majority vote.

7. Within two (2) working days after the decision of the Committee, the Vice President shall send a certified letter to student’s last known address providing the student with the Committee’s decision.

d. Appeal to the President

A student who refuses to accept the findings of the Committee may appeal in writing to the President within five (5) working days after receipt of the Committee’s decision. The President shall have the authority to:

1. Review the findings of the proceedings of the Committee.
2. Hear from the student, the Vice President and the members of the Committee before ruling on an appeal.
3. Approve, modify, or overturn the decision of the Committee.
4. Inform the student in writing of the final decision within ten (10) working days of the receipt of the appeal.

e. Appeal to Board of Trustees

Any party of the Disciplinary Review Committee hearing may request, in writing, a hearing before the Board of Trustees or a committee of the Board as an appeal of the President’s decisions within five (5) working days of that decision. The Board of Trustees or a committee of the Board may review information to the date and render a decision without the personal appearance before them of the parties of the Disciplinary Review Committee hearing or they may choose to have the parties involved in the hearing appear before them before rendering a decision. The decision of the Board will be made within twenty (20) working days and will be final.