

<b>Student Discipline Adjudication Procedure</b>	Procedure Number	3.16P
	Effective Date	June 1, 2004

### 1.0 POLICY AND PURPOSE

The purpose of this procedure is to document the College’s due process for responding to Student Code of Conduct violations including gender discrimination and sexual misconduct under Title IX. (See Procedure 3.15P Student Code of Conduct.)

### 2.0 REVISION HISTORY

Adopted on: 6/1/04

Revised on: 11/1/14, 9/25/15

### 3.0 PERSONS AFFECTED

LCCC students and employees are affected by this procedure.

### 4.0 DEFINITIONS

- A. *Academic Integrity* – the moral code or ethical policy of academia. This includes values such as avoidance of cheating or plagiarism and maintenance of academic standards. Students are expected to submit original work and give credit to other peoples’ ideas. Maintaining academic integrity involves: creating and expressing your own ideas in course work; acknowledging all sources of information; completing assignments independently or acknowledging collaboration; accurately reporting results when conducting your own research or with respect to labs; and honesty during exams.
- B. *Advisor* – Any person (other than an individual who may be called to provide witness testimony) who attends a discipline hearing to provide support or guidance to the student participant. The advisor is not allowed to participate in questioning or present information.
- C. *Campus* – All land, buildings, facilities and property in the possession of or owned, used or controlled by the College or the LCCC Foundation.
- D. *Code of Conduct* – Describes and documents the behaviors that are inconsistent with the values of Laramie County Community College; it outlines procedures to respond to such behaviors; and it suggests possible sanctions and interventions that are intended to educate and safeguard members of the College community. The Code of Conduct may be found in the LCCC Student Handbook on the College website.
- E. *College* – Laramie County Community College
- F. *College Official* – Any person employed by the College.
- G. *Complainant* – The student filing a complaint.

- H. *Faculty* – Benefited, full-time, instructor at LCCC
- I. *Dean* – Head of one of the four (4) academic schools or department/functional areas as listed: Arts and Humanities, Business, Agriculture and Technology, Health Sciences, Math and Sciences, Outreach and Workforce Development, and the Dean of Students
- J. *Formal Resolution* – A meeting between a hearing panel and a student(s) or organization who has/have been accused of violating the Code of Conduct. This process allows the student(s) or organization the opportunity to respond to the concern, to contest the information within the reports if applicable, and appeal the outcome of the hearing under certain criteria.
- K. *Hearing Board* – A team of two College officials designated to hear conduct cases, and make recommendations of responsible or not responsible.
- L. *Informal Resolution* – A meeting between a conduct officer and a student(s) or organization who has/have violated the Code of Conduct. The informal process is for students who have taken responsibility for their actions and are not disputing the facts of what occurred. Informal resolutions are mutually agreed upon decisions and as such are not appealable. If a mutual decision cannot be reached by the conclusion of the informal resolution, the case will transfer to the formal resolution process.
- M. *Investigator* – A trained College official designated by the Title IX Coordinator or Dean of Students to investigate cases of misconduct.
- N. *Medical Amnesty* – Students actively involved in assisting someone in danger due to overconsumption of drugs and/or alcohol will not be disciplined by the College for any violation of the College’s drug and/or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident when a companion’s health may be in danger. See Policy 3.21 and Procedure 3.21P.
- O. *Respondent* – Student responding to allegations of student misconduct
- P. *Retaliation* – Any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for an allegation, for supporting a reporting party or for assisting in providing information relevant to an allegation is a serious violation of LCCC policy.
- Q. *Sanction* – A consequence issued as a result of being found responsible for violating the Student Code of Conduct.
- R. *Student* – Any person enrolled in credit bearing courses offered by Laramie County Community College, either full time or part time. This definition includes persons attending College orientation and enrollment events, signed athletes, and others on a direct path to becoming students.
- S. *Student Code of Conduct* – Behavioral expectations listed as Statements of Student Rights and Responsibilities, Academic Code of Conduct and General Code of Conduct.

T. *Working Day* – Any day the College’s administrative offices are open

## 5.0 PROCEDURES

- A. Students Rights and Responsibilities in the Student Conduct Process
  - 1) When student misconduct is reported, and it is determined that disciplinary proceedings will be initiated, the student will be notified of the specific allegation(s) in writing via LCCC e-mail, U.S. Mail, and/or hand-delivered letter, and of the requirements to attend a conduct hearing. The responsibility for all decisions relative to the hearing, including the determination of responsibility and the imposition of disciplinary sanctions, if any, are the responsibility of the hearing board and/or the Dean of Students and/or the Title IX Coordinator. Should the student fail to appear at a hearing, the hearing board may consider the evidence in the absence of the student and come to a decision. Being under the influence of alcohol and/or other drugs does not in any way excuse responsibility for a student’s actions. Individuals under the influence of drugs or alcohol who seek medical or campus safety assistance may have medical amnesty under Policy 3.21P.
  - 2) Student disciplinary actions initiated by the College will adhere to the following due process considerations.
    - a. All LCCC Students receive written notice of behavioral expectations via the Student Handbook—available online and in alternative formats by request.
- B. Students receive notification of the conduct proceeding and the nature of the alleged misconduct via official College e-mail, U.S. Mail, and/or a hand-delivered letter.
- C. Students are given the opportunity to participate in the investigation.
- D. Students may have a personal advisor present during the investigation. Advisors may be anyone other than an individual who may be called to provide witness testimony. The advisor is not allowed to participate in questioning or presenting information and is there purely in a support role.
- E. Students may speak on their own behalf and to suggest witnesses to speak on their behalf during the investigation process
- F. Students have the right to review summary reports concerning the alleged incident, in accordance with FERPA.
- G. Students are notified of the results of the hearing in writing.
- H. Students have the right to appeal the hearing board’s decision according the Conduct Procedures below.
- I. Students are responsible for reading and understanding the information provided in the *Student Handbook, Residence Hall Guide, and College Catalog*.
- J. Students are responsible for reading the information provided in the letter scheduling students’ conduct hearing and responding as indicated.
- K. Students are responsible for responding to all reports and information presented.

- L. Students are responsible for telling the truth with the intent of clarifying the incident for the investigators so that an informed decision can be made.
- M. Students are responsible for reading and following the guidelines set forth in the “Notice of Sanction” letter.
- N. Students are responsible for following the procedures for filing appeals as set forth in the “Notice of Sanction” letter.

### **Conduct Procedures**

- A. Student conduct cases will be reviewed by a committee including the Dean of Students, Director of Student Conduct and the Vice President of Academic Affairs or designee. All student conduct cases will be triaged in one of the following four areas:
  - 1) First offense academic integrity cases will be handled in the classroom. Faculty will enter integrity issues into database system for tracking of multiple academic integrity issues. Academic integrity issues involving possible permanent dismissal from a class or program are automatically referred to the Dean of Students for adjudication.
  - 2) All gender discrimination and sexual misconduct under Title IX cases will be referred to the Title IX Coordinator.
  - 3) All student conduct cases including multiple offenses of academic integrity will be referred to the Dean of Students or designee.
  - 4) All CARE (Campus Assessment, Response, and Evaluation) reports will be referred to the CARE Team.
- B. In all cases other than gender discrimination and sexual misconduct, a student may choose between an informal resolution and the formal adjudication process. Some gender discrimination and sexual misconduct cases may be resolved informally at the purview of the Title IX Coordinator.
- C. In all academic integrity issues, the School Dean and the Vice President of Academic Affairs will be notified.
- D. Informal Resolution
  - 1) Students may choose to resolve conduct issues through informal resolution with the following provisions:
    - 1) The student admits to the misconduct.
    - 2) The student agrees to the sanctions.
    - 3) Informal resolution is not appealable.
  - 2) At any point in the informal resolution process, a student may choose to move to the formal resolution process.
- E. With the exception of gender discrimination/misconduct violations, student code of conduct complaints must be initiated within 10 working days of the alleged violation.
  - 1) The complaint must be filed through the online Incident Report form, Campus Housing, Campus Safety, or with the Dean of Students.
  - 2) The written complaint shall contain a concise statement of the alleged offense including dates, places, witnesses and others involved.
  - 3) Gender discrimination and sexual misconduct cases under Title IX do not have a statute of limitations.

- 4) All gender discrimination and sexual misconduct violations (See Procedure 3.17P Student Code of Conduct.) should be reported to the LCCC Title IX Coordinator.
- F. The Title IX Coordinator or Dean of Students/designee will perform an initial assessment of the alleged violation(s) and make a determination of how to proceed.
  - G. At the conclusion of the initial assessment, the Title IX Coordinator or Dean of Students/designee will determine if the allegation(s) have merit.
    - 1) If the allegation(s) are found not to have merit, the complainant will be notified that the allegation(s) have been dismissed.
    - 2) If the allegation(s) are found to have merit, the Title IX Coordinator or Dean of Students/designee will refer the matter to a set of trained investigators.
      - a. The Respondent will be notified of the following information:
        - i. Initiation of the investigation, including the date of the incident being investigated.
        - ii. The nature of the alleged misconduct.
        - iii. Information regarding the student's rights and responsibilities in the conduct process.
        - iv. Possible outcomes/sanctions of the process, should the student be found responsible.
      - b. In cases of gender discrimination and sexual misconduct, the complainant and respondent will both receive the same, regular communication regarding the progress of the investigation.
      - c. Upon completion of the investigation, the results will be shared with the respondent. The Respondent will be given the opportunity to accept or reject the findings. In cases of gender discrimination and sexual misconduct, both the respondent and complainant will be given the results of the investigation.
  - H. If the findings are accepted, the case moves to the sanction phase. If the findings are rejected, a hearing board will convene to hear the case. The investigators will prepare a written statement to the hearing board.
  - I. The hearing board will make a decision based on a preponderance of the evidence (more likely than not standard).
  - J. The hearing board will prepare a written report concluding the conduct process. This report will be submitted to the Dean of Students/designee and contain the following information.
    - 1) The report initiating the investigation, including the date of the incident
    - 2) A copy of the investigative reports
    - 3) The nature of the alleged misconduct and the Code of Conduct violation
    - 4) The date, time and location of the hearing
    - 5) A concise summary of the hearing, including a review of the evidence used in making a decision
    - 6) Rationale for the decision regarding the student's responsibility
  - K. If the student is found responsible for violations of misconduct, the Dean of Students/designee will determine appropriate sanctions(s) based on the relevant College procedures and case precedents, noting any institutional standards, as well as considering the student's prior relevant conduct (if any). The Dean of Students/designee will follow up as necessary to ensure sanctions are completed in a timely manner.

- L. The Dean of Students/designee will communicate the outcome of the hearing to the student via written notification (“Notice of Sanction Letter”) through official College e-mail within 5 working days of the hearing. This notification will:
  - 1) Explain the rationale for the decision regarding the student’s responsibility.
  - 2) Review the required sanctions (if any) being imposed.
  - 3) State expectations for future success within the college community.
  - 4) Explain the appeal procedures
  
- M. The investigators, hearing board, and Dean of Students or Title IX Coordinator will document all steps of a case within a secure conduct tracking program.

**Sanctions for Misconduct**

- A. When a student is found responsible for violating the LCCC Student Code of Conduct, one or more of the following sanctions may be imposed:
  - 1) Warning – A warning is an official written or verbal notice to a student that such conduct is in violation of LCCC policies and procedures. The continuation of such conduct or action may result in further disciplinary action.
  - 2) Disciplinary Probation – Disciplinary probation is a written reprimand for a violation of the Code. Probation is a period of observation and review of conduct during which the student must demonstrate compliance with LCCC policies and procedures. Students placed on Disciplinary Probation are not considered to be in good judicial standing with LCCC for the duration of the probationary period. Progressive disciplinary action will result, including suspension or expulsion, if repeat violations occur; especially during the probationary period. Terms of the probationary period will be determined at the time probation is imposed and will be confirmed in writing to the student.
    - a. Required Compliance – For educational purposes other sanctions may be imposed requiring the student to complete a specific mandate as a condition for continuing enrollment, transfer or graduation from LCCC; restriction or denial of privileges.
    - b. Educational Activities – For educational purposes, mandatory participation in educational activities such as workshops, service learning, writing assignments, etc. may be imposed.
    - c. Restitution – The student may be billed for loss or damages or requested to make payment to LCCC or to other persons, groups, or organizations for loss or damages incurred. Payment may take the form of appropriate service and/or monetary or material replacement.
    - d. Disciplinary Suspension – Disciplinary suspension temporarily terminates the student's enrollment and/or residence hall contract. The suspension may be for a specified period of time or for an indefinite period of time until stated conditions are met. If a student desires to be reinstated, the Dean of Students must be notified in writing with evidence that any specified conditions for reinstatement have been satisfied.
    - e. Academic Sanctions – failing grade for assignment, quiz, or test; or failing grade for the class.
    - f. Expulsion – Expulsion terminates a student's academic program and residence hall contract and right to future enrollment. The student may also be prevented from returning to LCCC premises. Students who are expelled are responsible for all financial obligations at the College.
    - g. The following sanctions may also be imposed upon recognized student organizations:
      - i. Those sanctions listed in a. thru f. above
      - ii. Loss of all privileges, including LCCC recognition, for a specified or indefinite period of time

## **Appeals Process**

- A. First offense academic integrity decisions may be appealed to the School Dean/Assistant Dean. These decisions may be appealed for the same reasons as noted below in section B.
  
- B. Decisions may be appealed for the following reasons:
  - 1) There were procedural errors made which significantly impacted the sanction or the findings.
  - 2) The severity of the sanction imposed was not appropriate based on the nature of the violation or the circumstances.
  - 3) New information is discovered that was not available at the time of the investigation that would significantly impact the sanction or the findings.
  
- C. Respondents have the right to appeal the decision to the Office of the Dean of Students by filing a written appeal within (5) five working days after receiving notification of the decision. In cases of gender discrimination or sexual misconduct, both the Respondent and Complainant have the right to appeal.
  - 1) The following should be addressed in the appeal letter:
    - a. Were the procedures, as stated in the code of conduct/adjudication followed? If not how did the process error affect the outcome of the case.
    - b. What new information has been discovered, why was it not available at the time of the investigation, and how would it potentially affect the outcome of the case?
  - 2) The Office of the Dean of Students will assign an appeal reviewer to review the appeal and determine whether it should go to the appeal board.
  - 3) If the case is appealable, it will be referred to an appeal board to review the case and the appeal documents, meet with the student(s), and may affirm, reverse, or remand the case for further proceedings. The board will make a recommendations to the Vice President of Student Services or Vice President of Academic Affairs. A written decision shall be provided to each party via official College email. The decision of the Vice Presidents shall be final.

## **Extenuating Circumstances – Interim Suspension**

- A. **In certain circumstances, students may be placed on interim suspension from the College** pending a code of conduct hearing. Interim suspension is the immediate termination of a student's privilege to attend the College and all of its related functions. The Vice President for Student Services, the Dean of Students, or the Director of Student Services at the Albany County Campus will have the authority to place a student on interim suspension when it is determined such suspension is necessary to:
  - 1) Maintain order on the campus.
  - 2) Preserve the orderly functioning of the College.
  - 3) Stop interference in any manner with the public or private rights of citizens on College-owned and controlled property or at College-sponsored activities.
  - 4) Stop assault or battery.
  - 5) Stop actions that are destroying or damaging property of the College, its students, employees, guests, or the general public.
  - 6) Deal with any violation of the Academic or General Codes of Conduct deemed to be serious or repetitive enough to warrant interim suspension.
  
- B. A student who has been placed on interim suspension may not attend classes, may not participate in any College activities, and is excluded from all College property, including the


residence hall. The student's faculty will be notified of the suspension. Should the student ignore the conditions of this suspension, the College will take further action deemed appropriate. If a student is granted the opportunity to return to classes, the Dean of Students and Academic Dean will work with faculty to reintegrate students to class and create alternative opportunities to complete course objectives.

- C. The student shall be granted a hearing in accordance with these policies, within 5 College business days of the interim suspension.

**Release of Disciplinary Information**

- A. Access to any student's disciplinary file shall be governed by provisions of the Family Educational Rights and Privacy Policy (FERPA).
- B. Only the student charged and those College officials who have a legitimate educational interest in disciplinary information may have access to the files.
- C. All other inquiries, including but not limited to employers, governmental agencies, news media, relatives, friends, or local police agencies must have a written release from the student to gain access to College disciplinary files.
- D. When cases involve any crime of violence, the results of the disciplinary proceedings will be released upon request to the victim(s).
- E. In cases of Title IX Sexual Misconduct, the results of the disciplinary proceedings will be released to the victim(s).

Every effort will be made by the College to respect the privacy of the student. However, where the identity of the student has been publicly disclosed in the news media, the College reserves the right to respond as it deems appropriate to describe fairly and accurately the disposition of disciplinary matters.

REQUIRED APPROVALS	NAME/SIGNATURE	DATE
Originator(s) Name(s)	Jill Koslosky, Dean of Students Judy Hay, Vice President of Student Services/Title IX Coordinator José Fierro, Vice President of Academic Affairs	2/1/15
Approval by President's Cabinet		9/22/15
Ratified by College Council	Chad Marley, College Council Co-chair	9/25/15
Approval by President (Signature)		9/25/15





## Student Conduct/Title IX Adjudication

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