

**Aims Community College Procedure**  
**Student Engagement, Inclusion, and Success**  
**Student Disciplinary Process**

**Purpose:** The purpose of the disciplinary process is to ensure a safe learning environment through the provision of a prompt and equitable means to address violations of the Student Code of Conduct or other Aims Community College (“College”) policy or regulation. This procedure will be used in a fair and equitable manner and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other authorities.

**Not Applicable to Title IX Sexual Harassment Procedures.** This procedure will be followed when a student is charged with violating the Student Code of Conduct, as set forth in Procedure 611-01, or other College policy or regulation. This disciplinary process does not apply if the alleged sexual misconduct meets the definition of sexual harassment as outlined in the College’s Title IX Sexual Misconduct Policy and Procedure, or Title IX Sexual Misconduct Process Guide 623-01.

**Pending Criminal Charges.** The College’s disciplinary proceedings may be instituted against a student charged with violation of a law if the violation occurred at the College or College-sanctioned activities or was of such a nature to be detrimental to the safety and well-being of other students and staff or the educational interest of the College. Proceedings under this procedure may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus at the discretion of the College.

**Privacy.** The College is committed to respecting the right to privacy of each student involved in the student disciplinary process.

**Review.** The disciplinary process will be reviewed annually.

**Notice:**

Notices required by this procedure will be considered served to the student when given by personal delivery, via assigned College email address, or by postal mail to the address the student has filed with the College’s Registration and Records Office. If notice is mailed, the student will be given three (3) additional business days to respond.

**Reporting:**

1. **Reports.** Reports of violations of the Student Code of Conduct or other College policy or regulation can be made to the Dean of Students by faculty, staff, and students using the appropriate form available on Dean of Students Office website. Reports must be made in writing and must include alleged misconduct including location, date, parties involved, and incident details. Reporting parties can remain anonymous; however, investigation and resolution may be difficult without identification of the reporting party.

2. **External Reporting.** Only cases involving disciplinary sanctions will be reported to external agencies upon student request or subpoena. Disciplinary records are maintained for a period of at least seven (7) years from the date of the last disciplinary decision.

### **Interim Measures:**

In certain circumstances, the Dean of Students or designee may issue interim measures upon notification of alleged student misconduct. Interim measures are not sanctions and do not replace the disciplinary process. Rather, they are issued while the investigation or disciplinary process is proceeding. The Dean of Students or designee will assess the specific situation and the severity of the allegations to determine the appropriate interim or supportive measures to implement pending the outcome of the disciplinary process.

1. **Class Removal by Instructor Determination.** If a student's behavior has disrupted the learning environment and the student is unresponsive to an instructor's intervention, it is appropriate to ask the student to leave for that class session. Immediate notification to the Department Chair and Dean of Students Office is required. A follow-up meeting with the instructor and/or Department Chair is required prior to the student returning to class. At the instructor's discretion, further action such as mediation or reporting to the Dean of Students may be taken in accordance with College procedures.
2. **Interim Suspension.** Allowed only when a student poses a danger to persons or property. All decisions regarding interim suspensions will be reviewed and affirmed by the Dean of Students prior to notification of the student. The suspended student will be notified by letter delivered in person. At the student's request, a review hearing with the Dean of Students or designee and the Director of Campus Safety and Security will be conducted within one (1) business day of the notification of the interim suspension. At this time, the student can present information to support discontinuing the interim suspension. A final decision to uphold or void the interim suspension will be made within one (1) business day of the review hearing.

### **Notice of Charge, Investigation, and Conduct Hearing:**

1. **Deadlines.** The Dean of Students or designee may establish deadlines by which the student or any relevant party are required to respond to correspondence or meet with the Dean of Students or designee. The Dean of Students or designee will attempt to ensure that a decision is rendered as soon as reasonably possible, but no later than sixty (60) calendar days after receiving a report. If a deadline has passed with no response from the party, the party has waived their right to respond or participate. The Dean of Students or designee will proceed with the process without their response or participation. Extensions of deadlines may be granted for good cause at the discretion of the Dean of Students or designee. Extension requests must be received prior to the deadline in order to be considered.
2. **Referral or Disposition.** Upon receipt of a report, the Dean of Students will assess whether the charges are jurisdictional to the Dean of Students Office and whether to refer a case to informal resolution through the Dean of Students Office, to the informal complaint process, or to refer the case for formal conduct through the disciplinary process.
3. **Notice of Charge.** A charge is an allegation of a potential violation of the Student Code of Conduct or other College policy or regulation. Except in cases involving interim suspension, the Dean of Students or designee will provide a student charged with misconduct written notice within five (5) business days after receiving a report. The notice

will include the incident summary, the alleged violation of the Student Code of Conduct or other College policy or regulation, and possible sanctions. Upon receipt of the notice, the student is required to contact the Dean of Students Office within five (5) business days to schedule a conduct hearing. Students who do not comply with this requirement may be cited with additional conduct violations and a conduct hold will be placed on their record.

4. **Investigation.** Upon receipt of a report, the Dean of Students or designee will gather information regarding the alleged incident in order to determine the appropriate means of resolution. Investigations may include interviews, a review of related documents, requests for written statements from any person involved in the alleged incident, and review of material available electronically. Students and student organizations are encouraged to be forthright and cooperative.
5. **Conduct Hearing.** Conduct hearings are not legal proceedings and are not constrained by the same rules of procedure and evidence typically used in a court of law.
  - a. Standard of Evidence. The College disciplinary process operates under the preponderance of evidence standard of proof as defined in the Definitions section of this Policy and is grounded in a standard of fundamental fairness, which includes an opportunity for the student to be heard.
  - b. Advisors. Students are permitted to bring one (1) advisor to the conduct hearing. The advisor may be a family member, friend, or other personal or professional connection providing support or counsel to the student during the disciplinary process. The advisor may also be an attorney retained by the student at the student's own expense. The advisor may attend the hearing but they may not speak, actively participate, disrupt or delay the proceedings. Advisors cannot communicate orally or in writing with the other party or any other College official involved in the disciplinary process. The College official overseeing the hearing may dismiss an advisor who becomes disruptive or who does not abide by these restrictions on their participation.
  - c. Procedure. During the conduct hearing, the Dean of Students or designee will discuss the alleged charge(s), policy violations under consideration, and information discovered during the investigation. The student will be given an opportunity to provide additional information regarding the incident and evidence disputing the alleged charge(s).
  - d. ADA Accommodations. If reasonable accommodations are required, written notification of accommodations should be provided to the Dean of Students at least five (5) business days before the scheduled hearing.
  - e. Participants and Confidentiality. Hearings will be confidential and closed to everyone other than those involved in the conduct of the hearing, witnesses only while testifying, and the student charged unless all parties agree otherwise.
6. **Waiver.** The procedural rights afforded to students in this procedure may be waived by the student.

### **Final Decision:**

The Dean of Students or designee will issue a decision called an Outcome Letter to the parties by electronic mail or via postal mail to the student's address on file, making findings by a preponderance of the evidence as to whether the alleged conduct occurred; whether the conduct violated the Student Code of Conduct or other College policy or regulation; and whether to impose sanction(s) if appropriate. All sanctions will be issued in writing and a copy will be

placed in the student's confidential file maintained by the Dean of Students Office. The probability of more severe disciplinary action increases with subsequent violations of the Student Code of Conduct or other College policy or regulation. Potential sanctions are listed below. The Dean of Student's or designee's final decision will advise the student of their right to appeal. Sanctions imposed in the case will go into effect immediately unless they are officially stayed pending the conclusion of the appeal process.

### **Possible Sanctions:**

The Dean of Students or designee may impose sanctions, including disciplinary sanctions, pursuant to the Student Code of Conduct up to and including expulsion of a student or group of students who violate the Student Code of Conduct. A sanction is a consequence assessed when there is a finding that a student has violated the College's Student Code of Conduct or other published College policies and regulations. The following are types of sanctions:

1. **Official Warning.** A notice served upon the student advising of violation(s) of the Student Code of Conduct or some other College policy or regulation.
2. **Probation.** A reprimand for violation of specified regulations for a designated period of time during which the student is required to show appropriate changes in attitude and behavior. Specific restrictions may be imposed as part of this probation, which may include prohibiting the student from representing the College through official events, participating in College organizations, or holding office in a student organization.
3. **Loss of Privileges.** Denial of specified privileges such as use of computing resources, electronics/equipment check-out, etc., for a designated period.
4. **Other Disciplinary Sanction.** Fines, restitution, assignment to perform services for the benefit of the College or community; required meetings with an academic advisor or other College official; administrative restriction to selected parts/locations of campus sites; or other sanction that does not result in the student being denied the right of attending classes.
5. **Withdrawal from Class.** Administrative withdrawal with consequent loss of tuition and fees from a class or classes.
6. **Exclusion from College Facilities, Activities, or Academic Programs.** Prohibition from attending one or more classes or courses, participating in an academic program, undertaking College employment, entering a building, participating in some or all extra-curricular activities sponsored by the College, representing the College in an official capacity, or using other services provided by the College. Such exclusion will be:
  - for a definite amount of time,
  - until certain requirements placed on the student are completed, or
  - indefinitely.
7. **Educational Program/Project.** Requirement to complete an educational or reflection project designed to support students in their understanding of the overall impact of their behavior, or a requirement to attend, present, and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about the violation for which the student was found responsible.
8. **College Suspension.** An involuntary separation of the student from the College with consequent loss of tuition and fees for misconduct for a specified period not to exceed one academic year. Suspension differs from expulsion in that after the stated period the student is eligible for readmission. While suspended, the student may not attend classes,

use College facilities, participate in College activities, or be employed by the College. In some instances, the student must fulfill specified requirements before the College will consider readmission. Special conditions may be stipulated for reinstatement at the conclusion of the period of suspension. In the case of student appeal of suspension, the appeal hearing will occur within a reasonable timeframe.

9. **College Expulsion.** A permanent separation of the student from the College with consequent loss of tuition and fees. In the case of student appeal of expulsion, the appeal hearing will occur within a reasonable timeframe. Disciplinary expulsion is permanently noted on the student's academic transcript and will not be removed.
10. **Revocation of Admission.** The College may revoke admission for fraud, misrepresentation, or for other serious violations of the Student Code of Conduct or other College policy or regulation and in accordance with state and federal laws prior to matriculation.
11. **Withholding Degree.** The College may withhold awarding a degree or certificate otherwise earned until the completion of the process set forth in the Disciplinary Procedure including the completion of imposed sanctions.
12. **Exclusionary Order.** A notice served upon a student who has exhibited behavior that has been deemed detrimental to the College community prohibiting the student's entry on campus (or at specific places on campus) and/or all or any or specified College locations, events or activities for a specific amount of time or indefinitely.

#### **Appeal:**

1. **Appeal.** In order to initiate an appeal, the student must notify the Vice President of Student Engagement, Inclusion, and Success in writing within five (5) business days of receiving the Outcome Letter.
2. **Grounds for Appeal.** The appeal must cite at least one of the following criteria as the reason for appeal and provide supporting argument(s) as to why an appeal should be granted on these grounds. Appeal criteria include the following:
  - a. The conduct hearing was not conducted in conformity with prescribed procedures and such procedural irregularity substantially altered the outcome of the matter;
  - b. New and relevant information that was not reasonably available at the time the final decision was made could substantially alter the outcome of the matter. Failure to present information that was available is not grounds for an appeal under this provision; and
  - c. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with College procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.
3. **Initial Review of Appeal.** The Vice President of Student Engagement, Inclusion, and Success will receive and review the appeal and may dismiss the appeal as groundless either because the appeal was untimely or because the appeal is not based on the grounds specified above. If an appeal is not denied without further process, then the Appeal Hearing Committee will notify the student within five (5) business days that the appeal will proceed and a hearing will be scheduled. The Appeal Hearing Committee is designated by the President or designee to hear student disciplinary appeals.
4. **Notice of Appeal Hearing.** In the event of an appeal, the Vice President of Student Engagement, Inclusion, and Success will give written notice to the student and the Appeal Hearing Committee describing the conduct violation/decision being appealed and

the date, time and location of the appeal hearing. The notice will be given at least five (5) business days prior to the hearing, unless a shorter time is agreed to by the parties.

5. **Appeal Hearing.** The Appeal Hearing Committee will determine its own hearing procedures, keeping in mind the following guidelines:
  - a. Student will have the right to be heard by the Appeal Hearing Committee. In the event that the student is under the age of eighteen or incapacitated, they may have a guardian or advisor present to assist in presenting their case.
  - b. Students do not have the right to be represented by an attorney during these proceedings except in the case where civil or criminal actions concerning the student are pending. In that case, the attorney's role will be advisory only. The advisor attorney shall be retained by the student at the student's own expense. The advisor may attend the appeal hearing but they may not speak, actively participate, disrupt or delay the proceedings. The College official overseeing the appeal hearing may dismiss an advisor who becomes disruptive or who does not abide by these restrictions on their participation.
  - c. The record on appeal includes notices and other documents concerning the challenged action, the transcript of the testimony, if any, the hearing exhibits, the findings and recommendation of the Dean of Students or designee, the Outcome Letter, and other documents concerning the challenged action.
  - d. The Dean of Students, designee or other College officials and the student may make brief statements to the Appeal Hearing Committee. Members of the Appeal Hearing Committee may ask questions for purposes of clarification of the record.
  - e. The student may identify the documents, witness testimony, and other material that is part of the record on appeal that they would like the Appeal Hearing Committee to review before making a final decision. But no new evidence may be presented unless such evidence was not reasonably discoverable at the time of the conduct hearing.
  - f. Hearings will be confidential and closed to everyone except those involved in the conduct of the hearing and the student charged unless all parties agree otherwise.
  - g. A record of the hearing will be maintained by the Appeal Hearing Committee in accordance with disciplinary records requirements.
6. **Determination by the Appeal Hearing Committee.** The Appeal Hearing Committee will make its findings and determinations in a closed meeting without the presence of either the Dean of Students or their designee or the student charged. Separate findings are to be made as to the conduct of the student, and on the sanction(s), if any, to be imposed. The Appeal Hearing Committee can uphold, modify or reverse the original decision, including imposing a different or additional sanction. The student and Dean of Students will be given written notice of the decision. The decision will be issued within five (5) business days of the close of the hearing. The Appeal Hearing Committee's decision is final.

#### **Definitions:**

1. **Campus.** All land, buildings, and facilities owned, used or controlled by the College including all streets, alleys, sidewalks, and public ways abutting any property owned, used or controlled by the College.
2. **College.** Aims Community College including satellite campuses, outreach locations, and online programs.
3. **College Community.** All students, employees, and/or visitors of the College.

4. **College Official.** Any faculty, administrators or staff employed by the College.
5. **Dean of Students.** The individual responsible for the administration and facilitation of the student conduct process. The Dean of Students or designee serves as the initial hearing officer.
6. **Interim Suspension.** An immediate action taken by the Dean of Students or designee to ensure the safety and well-being of members of the College community or preservation of College property, to ensure the charged student's own physical or emotional safety and well-being, or if the charged student poses a threat of disruption or interference with the normal operations of the College. In such event, an interim suspension hearing with the Dean of Students will occur pursuant to the interim suspension process provided herein below.
7. **Preponderance of Evidence.** The standard of proof used in all investigations and hearings when reviewing evidence substantiating an alleged violation of policy or procedures. This means that a finding of responsibility requires that it is more likely than not that the student violated the Student Code of Conduct or other College policy or regulation. Under this standard, a student is presumed not responsible for violating the Student Code of Conduct or other College policy or regulation unless and until a finding has been made that the student has violated the Student Code of Conduct or other College policy or regulation.
8. **Student.** Any person who is applying for admission or has been admitted but not yet enrolled in courses, who is enrolled for a full-time or part-time course load, or who is pursuing undergraduate, professional, developmental, or personal enrichment programs of study. A person who is not officially enrolled for a particular term but who has a continuing relationship with the College, such as completion of academic work from a prior term, or an individual who was a student, as defined herein, at the time of an alleged misconduct will be considered a student for the purpose of the Student Code of Conduct and Disciplinary Procedure. Wherever the word "student" is used in this procedure, it may also mean more than one student, a student organization, or representatives of a student organization.

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**Responsible Administrator: Dean of Students**

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*Higher Learning Commission (HLC): Criterion 2, Sections D/E*

*Renumbered from 5-601B*