

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

Purpose: The purpose of the disciplinary process is to ensure a safe learning environment. In addition, the process serves to educate and guide students to understand their responsibilities with regard to appropriate behavior and respect for others in the College community while staying committed to fundamental fairness throughout the student disciplinary procedure. Students are subject to two sources of authority: civil/criminal authority and Aims authority. Neither is exclusive.

This procedure will be followed when a student is charged with violating the Student Code of Conduct set forth in Procedure 5-601A. Aims Community College is committed to respecting the right to privacy of each student involved in our student disciplinary process.

A. Definitions

1. **Appeal Hearing Committee.** The committee designated by the President or designee to hear student disciplinary appeals.
2. **Day.** Refers to calendar day unless otherwise noted below.
3. **Dean of Students.** The individual responsible for the administration and facilitation of the student conduct process. The Dean or his/her designee serves as the initial hearing officer.
4. **Interim Suspension.** An immediate action taken by the Dean of Students or other designated College official to ensure the safety and well-being of members of the College community or preservation of College property; to ensure the student's own physical or emotional safety and well-being; or if the student poses a definite 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.
5. **Notice.** Notices required by this procedure will be considered served to the student when given by personal delivery, via assigned College email address, or mailing by certified mail to the address the student has filed with the College's Admissions, Registration, and Records office. If notice is mailed, student will be given three (3) additional business days to respond.
6. **Preponderance of Evidence.** The term "preponderance of evidence" means that what is alleged to have happened is more likely than not what happened. This will be the standard of proof used in all conduct proceedings under this code unless a different standard is otherwise required by law, rule, or regulation.
7. **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 six (6) years from the date of the last disciplinary decision.
8. **Sanction.** A penalty assessed when there is a finding that a student has violated the College's Student Code of Conduct.

B. Procedures

1. Class Removal via Faculty Determination: If a student's behavior has disrupted the learning environment and the student is unresponsive to a faculty member's intervention, it is appropriate to ask the student to leave for that class session. Immediate notification to the Department Chair and Student Behavioral Officer is required. A follow-up meeting with the faculty member and/or Department Chair/Student Behavioral Officer is required prior to the student returning to class. At the faculty member's discretion, further action such as mediation or referral to the Dean of Students may be taken in accordance with College procedures.
2. Report: Reports of violations of the Student Code of Conduct can be made to the Dean of Students by faculty, staff, and students. Reports 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 reporting party.
3. 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 Vice President of Student Engagement, Inclusion, and Success prior to notification of the student. The suspended student will be notified by letter delivered in person. A review hearing with the Dean of Students or his/her designee and the Director of Campus Safety and Security will be conducted within one 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 business day of the review hearing.
4. Investigation: Upon receipt of a report, the Office of the Dean of Students and/or designee(s) 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 organizations are encouraged to be forthright and cooperative.
5. Referral or Disposition: Cases may be closed or referred to informal resolution through the Student Behavioral Officer, to MAAP (Mediation, Advocacy, and Assistance Program), or for formal conduct action.
6. Notice of Charge: The notice provided to the student will include the incident summary and alleged violation of the Student Code of Conduct. Upon receipt of the notice, the student is required to contact the Office of the Dean of Students 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.
7. Conduct Hearing: Conduct hearings are not trials and are not constrained by the same rules of procedure and evidence typically used in a court of law. The College disciplinary process operates under the preponderance of evidence burden of proof and is grounded in a standard of fundamental fairness, which includes an opportunity for the student to be heard. Students are permitted to bring one advisor to the conduct hearing. They are responsible for presenting their own case. Therefore, an advisor may not speak for the student nor actively participate during the meeting or hearing. During the conduct hearing, the Dean of Students or his/her 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).

8. Decision: The Dean of Students or his/her designee will issue a decision which determines whether the alleged conduct occurred; whether the conduct violated the Student Code of Conduct or College policies or procedures; and impose a 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 Office of the Dean of Students. The probability of more severe disciplinary action increases with subsequent violations of the Student Code of Conduct. Potential sanctions are listed below. The student will receive written notice of the decision (hereinafter Outcome Letter) and sanction and will be advised of his or her right to appeal. In the case of suspension or expulsion, the sanction will be imposed no earlier than seven (7) days after service of the Outcome Letter unless it is an interim suspension or the sanction is agreed to by the student. If an appeal is requested, suspension and/or expulsion will not be imposed (excluding interim suspension) until the appeal procedures under #9 have been completed.

Potential Sanctions:

- a. Warning: A notice served upon the student advising him or her of a violation of the Student Code of Conduct or some other College rule.
- b. 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 clubs, or holding office in a student organization.
- c. Loss of Privileges: Denial of specified privileges such as use of computing resources, electronics/equipment check-out, etc. for a designated period of time.
- d. Other Disciplinary Sanction: Fines, restitution, assignment to perform services for the benefit of the College or community; required meetings with an 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.
- e. Withdrawal from Class: Administrative withdrawal with consequent loss of tuition and fees from a class or classes.
- f. 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:
 - i. for a definite period of time or
 - ii. until certain requirements placed on the student are completed, or
 - iii. indefinitely

- g. College Suspension: An involuntary separation of the student from the College with consequent loss of tuition and fees for misconduct for a specified period of time not to exceed two academic terms. Suspension differs from expulsion in that after the stated time period the student is eligible for re-admission. 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.
 - h. College Expulsion: A permanent separation of the student from the College with consequent loss of tuition and fees. Disciplinary expulsion is permanently noted on the student's academic transcript and will not be removed. In the case of student appeal of expulsion, the appeal hearing will occur within a reasonable timeframe.
 - i. Revocation of Admission: The College may revoke admission for fraud, misrepresentation, or for other serious violations of the Student Code of Conduct and in accordance with state and federal laws prior to matriculation.
 - j. Withholding Degree: The College may withhold awarding a degree or certificate otherwise earned until the completion of the process set forth in the Student Code of Conduct including the completion of imposed sanctions.
 - k. Persona Non Grata (PNG): A notice served upon a student who has exhibited behavior that has been deemed detrimental to the College community and thus is no longer permitted to be present in any or specified College locations.
9. Appeal: In order to initiate an appeal, the student must notify the Vice President of Student Engagement, Inclusion, and Success in writing within seven (7) days of receiving the Outcome Letter.
- a. 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:
 - i. The conduct hearing was not conducted in conformity with prescribed procedures and substantial prejudice to the student resulted.
 - ii. New information that could substantially affect the outcome of the conduct hearing has been discovered since the conduct hearing. The information must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal under this provision.
 - iii. 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.
 - b. 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 seven (7) days prior to the hearing, unless a shorter time is agreed to by the parties.

- c. Conduct of Appeal Hearing. The Appeal Hearing Committee will determine its own hearing procedures, keeping in mind the following guidelines:
 - i. 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, he/she may have a guardian present to assist him/her in presenting his/her case.
 - ii. 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 student is responsible for presenting his/her own case; and therefore, advisors are not permitted to speak or to participate directly in any hearing except as provided in c.i. above.
 - iii. Student will have the right to identify documents, witnesses, and other material he/she would like the Appeal Hearing Committee to review before making a final decision.
 - iv. Hearings will be conducted in private unless all parties agree otherwise.
 - v. A record of the hearing will be maintained by the Appeal Hearing Committee in accordance with disciplinary records requirements.
- d. Determination by the Appeal Hearing Committee. The Committee will make its findings and determinations in closed meeting without the presence of either the Dean of Students 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 overturn the original sanction(s) if it finds by a preponderance of the evidence that the original conduct hearing was conducted without proper procedure, created substantial prejudice against the student, included sanctions deemed inappropriate for the code violation, or if new information is presented that would change the outcome of the prior hearing. The student and Dean of Students will be given written notice of the decision. The decision will be issued within five (5) calendar days of the close of the hearing. The Appeal Hearing Committee's decision is final.

C. Miscellaneous

1. College 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 impact the College which is also a violation of the College's Student Code of Conduct. Proceedings under this procedure may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
2. Time limits for scheduling of hearings may be extended at the discretion of the Dean of Students.
3. The procedural rights afforded to students above may be waived by the student.
4. This disciplinary procedure will be reviewed annually.

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November 26, 2012

April 18, 2011

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Responsible Administrator: Dean of Students

Companion Procedure Numbers: 3-600A, 3-715B, 3-725A, 4-902A, 5-601A, 5-601C, 5-601D, 5-601E, 5-1400B

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