

COLORADO COMMUNITY COLLEGE SYSTEM

SYSTEM PRESIDENT'S PROCEDURE

STUDENT DISCIPLINARY PROCEDURE

SP 4-30

References:

Board Policy 4-30

EFFECTIVE: July 1, 1998

RETITLED: September 14, 2000

RETITLED: August 25, 2001

APPROVED:

S/ Dorothy A. Horrell, System President

Application:

The procedure applies to the state system community colleges.

Basis:

Students are expected to adhere to the Student Code of Conduct and policies and procedures of the College and if a student is charged with violating his/her College's Code, he/she is entitled to have these procedures followed in the consideration of the charge.

Definitions:

1. Code of Conduct: A document developed and published by each college which defines prescribed conduct of students.
2. Impartial Decision Maker: The individual/committee designated by the college president to hear student disciplinary appeals.
3. Chief Student Services Officer: The individual designated by the College President to administer student affairs and be responsible for administering the College's Student Conduct Code and this procedure.
4. Notice: Notices which are required to be given by this procedure shall be considered served upon the student when given by personal delivery or mailing by certified mail to the address the student has filed with the College's admissions and records office. If notice is mailed, student shall be given three (3) additional days to respond.

5. Sanctions: One or more of the following may be given when there is a finding that a student has violated the College's Code of Conduct.
 - a. Warning: A Notice served upon the student advising him/her that he/she is violating or has violated College regulations.
 - b. Probation: After a finding of violation of the Code of Conduct, restriction of student's privileges for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any College regulations during the probationary period.
 - c. Other disciplinary sanction: fines, restitution, denial of privileges, assignment to perform services for the benefit of the college or community; or other sanction that doesn't result in the student being denied the right of attending classes.
 - d. College suspension or expulsion: An involuntary separation of the student from the College for misconduct apart from academic performance for a specified period of time not to exceed one/two academic terms. Suspension differs from expulsion in that after the stated time period the student is eligible for re-admission. Expulsion is a separation for more than two academic terms; student is not eligible for re-admission unless at the end of the separation he/she can prove that the behavior that resulted in the expulsion has been resolved. Students may be suspended from a class, residence hall, use of a College facility or an activity in the sole determination by an authorized College employee that the conduct is in violation of the Code subject only to an appeal to the Chief Student Services Officer to ensure that the action was taken pursuant to college policies. Students may be suspended from one class period by the responsible faculty member, longer suspensions can be done only in accordance with college procedures.
 - e. Summary Suspension: An immediate action taken by the Chief Student Services Officer 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, the hearing before the Impartial Decision Maker (if requested by the student), shall occur as soon as possible following the suspension.

6. Day: Refers to calendar day unless otherwise noted below.

PROCEDURES

1. DECISION

Chief Student Services Officer or his/her designee shall receive all allegations of student misconduct, investigate the complaints and make a Decision. He/she may decide that the charges can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to him/her. If an administrative resolution is not achieved, the Chief Student Services Officer or designee shall issue a Decision which determines whether the alleged conduct occurred; whether the conduct violated the Code of Conduct or College policies or procedures; and impose a sanction(s) if appropriate. The student shall receive written Notice of the Decision and be advised of his/her right to appeal the Decision by filing a written appeal with the Chief Student Services Officer within seven (7) days of service of the Decision. In the case of suspension or expulsion, the sanction shall be imposed no earlier than six days after service of the Notice unless it is a summary suspension or the sanction is agreed to by the student. If an appeal is requested, suspension and/or expulsion shall not be imposed until the appeal procedures below have been completed.

2. APPEAL

- a. In the event of an appeal, the Chief Student Services Officer shall give written Notice to the student and the Impartial Decision Maker which describes the conduct to be inquired into; the Code of Conduct and/or College policies or procedures which were allegedly violated; the date, time and place of the alleged violation; the sanction that is threatened and the date, time and place of the hearing before the Impartial Decision Maker. The Notice shall be given at least seven (7) days prior to the hearing, unless a shorter time is agreed to by the parties.
- b. Conduct of Hearings. The Impartial Decision Maker shall determine its own hearing procedures, keeping in mind the following guidelines:
 1. Student shall have the right to be heard by the Impartial Decision Maker. In the event that the student is under the age of eighteen or incapacitated, he/she may have an advisor present to assist him/her in presenting his/her case.
 2. 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 and in that case the attorney's role shall 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 #1 above.
 3. Student shall have the right to identify documents, witnesses and other material he/she would like the Impartial Decision Maker to review before making a final decision.
 4. Hearings shall be conducted in private unless all parties agree otherwise.

5. A record of the hearing should be maintained by the Impartial Decision Maker.
- c. Determination by Impartial Decision Maker. The Decision Maker shall make its findings and determinations in closed meeting out of the presence of the Chief Student Services Officer and 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. No discipline shall be imposed on the student unless the Impartial Decision Maker is persuaded by a preponderance of the evidence that the student committed the alleged conduct and that it constituted a violation of the Code of Conduct and/or College regulations; that the student should be sanctioned (including modifying the sanction imposed below) and that the discipline is reasonable given the violation. The student and the Chief Student Services Officer shall be given written Notice of the decision. The decision shall be issued within five calendar days of the close of the hearing and it shall become final unless a petition for review is filed.
 - d. Petition for Review. The Chief Student Services Officer or the student may petition the president to review the Impartial Decision Maker's decision by filing a written petition within five (5) days after notification of the decision. If a review is requested, the other party will be given three (3) days to respond to the petition and his/her response materials will be given to the president to review before a decision on the petition is made.
 - e. President's Decision. The president shall review the record of the case and the petition and may affirm or reverse the decision of the Impartial Decision Maker. The record shall consist of the Impartial Decision Maker's written documents and the recording of the hearing and any written materials submitted in support of the Petition for Review. The president shall notify the Chief Student Services Officer and the student in writing of his/her decision within fourteen (14) days of service of the Petition for Review. The president's decision is final.

3. MISCELLANEOUS

- a. College disciplinary proceeding 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 as to impact upon 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.
- b. Time limits for scheduling of hearings may be extended at the discretion of the Impartial Decision Maker.
- c. The procedural rights afforded to students above may be waived by the student.