

COLUMBUS STATE COMMUNITY COLLEGE
POLICY AND PROCEDURES MANUAL

STUDENT CODE OF CONDUCT
Procedure No. 7-10(G)
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Effective July 1, 2010

1) Hearing Options

CSCC uses informal and formal procedures to resolve violations of the Student Code of Conduct. The informal process is an administrative hearing and the formal process is a hearing with the Student Conduct Committee.

2) Notice

For all hearings, written notice by mail and email with delivery notification (in person can be used additionally) will be provided to the accused student stating: (1) the nature of the complaint including supporting documentation; (2) the alleged violation(s) of the Student Code of Conduct; and (3) the date, time and location of the hearing. A restriction will be noted on the accused student's record which will restrict him or her from adding or dropping classes or from obtaining transcripts until the conduct matter is resolved. Notice will include copies of the applicable procedures that will be used to decide the allegation. All notices are considered delivered when sent by the college.

3) Academic Misconduct Procedure

- a) A student alleged to have violated any provision of Policy 7-10(E)(2)(a) will be so informed by the instructor of record of the course in which the violation allegedly occurred. The student has five (5) business days to respond to this allegation and either admit or deny responsibility. The instructor must provide a full report of the incident, including the date, time, place, and nature of the alleged violation and any documents or statements of witnesses relative to the alleged misconduct to the Dean of Student Life or designee and concurrently to the appropriate academic or other chain of authority. A confidential record will be created for the student pursuant to the Federal Education Rights and Privacy Act (FERPA) and will be kept in the Office of the Dean of Student Life to track potential future violations.
- b) If the student admits responsibility for the violation or does not respond to the instructor within five (5) business days, the instructor may issue no credit for the assignment during which the misconduct occurred. If the student accepts this sanction, the matter is considered resolved. The instructor must report this result in writing to the Dean of Student Life or designee and the academic and/or other appropriate chain of authority.
- c) If the student does not admit responsibility, does not accept the sanction of no credit for the assignment, or the instructor recommends a sanction greater than receiving no credit for the assignment, the alleged violation is referred to the student conduct process for resolution. The Dean of Student Life or designee will determine if the alleged violation

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may warrant suspension or expulsion, in which case the matter will be referred to the Student Conduct Committee in Procedure 7-10(G)(5).

If the alleged violation does not warrant suspension or expulsion, it will be resolved through an administrative hearing with a conduct officer.

- d) If a student is alleged to have committed multiple violations of the academic misconduct policy, the matter must be resolved through the student conduct process.
- e) The instructor may be called as a witness in conduct hearings, may be consulted in determining the sanction as it pertains to the student's grade in that course, and will be notified of the resolution as an employee with an educational right to know under FERPA.

4) Administrative Hearing Procedure

When the alleged violation does not warrant suspension or expulsion from the college, an administrative hearing is available upon a student's request. Administrative hearings are informal, one-on-one conversations with a conduct officer to determine responsibility for alleged violations of the Student Code of Conduct and discuss how a student's behavior impacts the community. Witnesses may be called, though this happens infrequently. Students are given the option to admit responsibility for the violation and accept the sanction recommended by the conduct officer. If the student does not admit responsibility nor accept the recommended sanction, the matter will be resolved by the Student Conduct Committee. No appeal will be permitted from an administrative hearing.

5) Student Conduct Committee Procedure

- a) The Student Conduct Committee is composed of six (6) members, including two (2) faculty appointed by the Provost, one (1) staff member and one (1) administrator appointed by the Director of Human Resources, and two (2) students appointed by the Dean of Student Life, who volunteer for each hearing from a pool of members. The administrator will serve as chair of the committee.
 - i) The Student Conduct Committee is facilitated by the Student Conduct Program Coordinator, who does not participate in the hearing but serves as a resource during the deliberation and sanctioning phases of the hearing. This officer has access to a student's conduct history and will make it available to the Student Conduct Committee when appropriate.
- b) If a student who has been given notice does not appear before the hearing board, the information in support of the alleged violation(s) will be presented and considered in the student's absence. If no defense is offered, it is reasonable for the hearing officers to infer that no defense is available.

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- c) The student has the right to be assisted in the hearing by a College advisor (an administrator, faculty, staff, or other student).
Advisors may provide counsel and support to the student but are not permitted to speak to the Committee or to participate directly in the hearing. Advisors who do not observe this restriction can be removed from the hearing by the facilitator. No replacement advisor will be permitted.
- d) The student and the Dean of Student Life may arrange for witnesses to present pertinent information to the Committee. Witnesses will provide information to and answer questions from the Committee, and questions may be suggested by the student to be answered by witnesses. Such questions must be directed to the chair rather than to the witness directly. Questions of whether potential information will be received will be resolved at the discretion of the chair.
- e) The student, and his/her advisor, if any, will be allowed to attend the entire portion of the hearing at which information is received, excluding deliberations of responsibility and sanctioning. Admission of any other person to the hearing will be at the discretion of the Dean of Student Life.
- f) In hearings involving more than one student in the same situation, the Dean of Student Life may permit the hearings concerning each student to be conducted jointly.
- g) Supporting documentation, including pertinent records, exhibits, and written statements may be accepted as information for consideration at the discretion of the chair. All documentation must be submitted prior to or during the hearing.
- h) All procedural questions are subject to the final decision of the chair.
- i) The Committee will determine, by a majority vote, whether the student is responsible for violating each section of the Student Code of Conduct which the student is accused of violating. The Committee's determination will be made on the basis of whether it is more likely than not that the student violated the Student Code of Conduct. If a student is found to be in violation of the Student Code of Conduct, the Committee will then deliberate on what sanction(s) it will recommend to the Dean of Student Life.
- j) Formal rules of process, procedure and/or technical rules of evidence, such as are applied in civil or criminal court, are not used in these proceedings.
- k) Hearings (excluding deliberations) will be audio tape-recorded for the purpose of appeals.
- l) The Chair will prepare a written form to the Dean of Student Life, detailing the finding, the majority vote, the information cited by the Student Conduct Committee in support of its finding, and any information that the Student Conduct Committee excluded from its consideration and why, concluding with any recommended sanctions. This form must be submitted to the Dean of Student Life within 48 hours after the end of deliberations. The Dean of Student Life may make appropriate modifications and then will implement the final determination and inform the party or parties.

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6) Interim Suspension

- a) When it has reasonable cause to separate a student from the community, the college may suspend a student for a reasonable time pending the scheduling of a campus hearing for violation of the code of conduct, including arrest, criminal investigation, and/or charges.
- b) The college will schedule an informal meeting with the student as soon as possible to determine whether the interim suspension should continue until a formal resolution under the Student Code of Conduct is reached.

7) Voluntary Withdrawal Agreement

In certain cases where a student's behavior and continued enrollment may adversely affect his or her well being or the college, the Dean of Student Life or designee and the student may agree to discontinue his or her attendance at CSCC for a specified period of time and agree to conditions for re-admittance to the college. In such instances, the Dean of Student Life or designee and the student will sign a written Withdrawal Agreement.

8) Administrative Disenrollment

- a) A student may be disenrolled from the college; prohibited from all or any portion of College premises, College-related activities or registered student organization activities, and/or permitted to remain only under specified conditions when the Dean of Student Life finds that there is clear and convincing evidence that:
 - i) The student's continued presence poses a significant risk of substantial harm to the health or safety of themselves or others; or to property; or to College operations; or
 - ii) The student, as a direct result of an apparent health condition, is engaged in substantial, continuing disruption of teaching, learning, research, administration or other College-related activities.
- b) Before making such a determination, the Dean of Student Life shall notify the student in writing of the reasons that disenrollment is being considered, provide the student with an opportunity to respond, and consult with appropriate College personnel. The Dean of Student Life may also consult with any other persons who are deemed appropriate under the circumstances.
- c) The Dean of Student Life may request the student to undergo an appropriate examination, as specified by the Dean of Student Life, to determine whether any health condition or disability as defined by the Americans with Disabilities Act exists that may be addressed through reasonable accommodation to reduce the risk or disruption and whether any such accommodation is possible.

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If the student fails to undergo such an examination, and if the other available evidence supports administrative disenrollment, the Dean of Student Life shall, to the extent reasonably possible, take the least restrictive measure or combination of measures necessary to resolve the risk or disruption.

- d) A student who has been disenrolled, prohibited from College premises, College-related activities or registered student organization activities, or permitted to remain only under specified conditions may petition the Dean of Student Life in writing for revision of that status. The petition must include supporting documentation or evidence that:
 - i) The conditions found to have existed under paragraph (a)(i) or (ii) of this rule no longer exist and will not recur, and
 - ii) The student meets all usual and appropriate college requirements for admission and enrollment, including resolving any outstanding violations of the Student Code of Conduct.
- e) Upon receipt of such a petition, the Dean of Student Life shall evaluate the evidence and may consult with the student, any appropriate College personnel, and any other persons whom the Dean of Student Life deems appropriate. The Dean of Student Life may deny the petition, grant the petition in whole or in part under specified conditions, or grant the petition in whole or in part without condition. In the event of a negative determination, the student may request in writing to have the decision reviewed by the Provost.

9) Special Provisions for Sexual Misconduct and Other Sensitive Issues

- a) Victims are notified when written notice of the allegation/hearing is delivered to the accused student, so as to protect themselves from potential retaliation.
- b) In sensitive issues, such as stalking, violence, and sexual misconduct, all hearings will be closed to the public and at the sole discretion of the Dean of Students, only those who have a legitimate reason to be present will be permitted to be present.
- c) Sexual misconduct and other sensitive complaints are given priority to ensure that CSCC provides a prompt response.
- d) All parties to an allegation have a right not to face questions or discussion of their sexual history or character unless the facilitator determines that such information is highly relevant to determining whether the policy has been violated.
- e) Each party has the right to be present for all testimony and questioning. Deliberation is conducted in closed-session without the parties present. If findings and sanctions are presented orally at the end of the hearing, the student is permitted to be present.
- f) Whether in writing or informed orally, the victim has the right to know the outcome and sanctions of the hearing and whether an appeal has been filed.

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- g) The board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the student, respondent, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audiotape, written statement, or other means where and as determined by the Dean of Student Life to be appropriate.

10) Sanctions

- a) The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:
 - i Restitution – compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - ii Educational sanctions – including work assignments, essays, community service, behavioral contract, administrative referral, or other related educational assignments.
 - iii Formal warning – a notice to the student that further proven violations of the Student Code of Conduct will result in progressive sanctions.
 - iv Probation - The student is not in good standing for a designated period of time and is notified that further proven violations of the Student Code of Conduct will result in suspension or expulsion from CSCC, particularly if the incident occurs during the probationary period.
 - v Facility suspension- The student no longer has the privilege of entering or using a particular facility or building for a specified period of time or until a specific condition is met.
 - vi Facility expulsion- The student has lost the privilege of entering or using in a particular facility or building at any time.
 - vii Loss of privileges – denial of specified privileges for a designated period of time.
 - viii Removal from class – the student is barred from attending a particular class or may be reassigned to a different section of the same class. Details will be coordinated between the Dean of Student Life or designee and the appropriate faculty member.
 - ix Revocation of admission – the student loses admitted status to CSCC. A permanent notation will be made on the student’s transcript indicating that the admission was revoked and the date of the action.
 - x Revocation of degree – the student loses the right to claim a degree from CSCC. Awarding of the degree will be removed from the student’s transcript and a permanent notation will be made on the transcript indicating the revocation, the degree involved, and the date of the action. The Provost or designee shall review all recommendations for degree revocation.

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- xi Suspension from CSCC - suspension is defined as a complete separation from CSCC activities, services, facilities, and grounds. Suspension may be:
 - (a) Term suspension will be for a specified time, after which the suspended student may return to CSCC.
 - (b) Conditional suspension will stipulate that reentry to the community will be granted upon the fulfillment of certain conditions by the student. Subject to fulfillment of the stipulated conditions, the suspension will be indefinite.
- xii Expulsion from CSCC. The student is permanently separated from CSCC, may not be present on CSCC property, or in attendance at CSCC-sponsored events. Permanent notification will appear on the student's transcript. The Provost or designee shall review all recommendations of expulsion.
- b. More than one of the sanctions listed above may be imposed for any single violation.
- c. Any sanction imposed will be in effect at all campuses/sites or functions sponsored by or under the supervision of CSCC.
- d. Where there is reasonable cause to believe that a student has intentionally selected a person or persons to victimize or selected property to damage, or violated other provisions of the Student Code of Conduct because of the personal characteristics or status of a person or group of persons or personal characteristics or status of the owner or owners of any property, sanctions may be increased. These characteristics include, but are not limited to, race, ethnicity, creed, disability, color, religion, national origin, sex, age, Veteran's status, marital status, sexual orientation, or public assistance status.
- e. If a student is found responsible for one or more violations of the Student Code of Conduct, the student's prior conduct record will be taken into consideration and may result in progressive sanctions because of a pattern of behavior. While previous conduct violations by the accused student are not generally admissible as information about the present alleged violation, the Student Conduct Program Coordinator may supply information to the Student Conduct Committee in pattern-offense situations, such as stalking, relationship violence, sexual misconduct, only if:
 - i The accused was previously found to be responsible;
 - ii The previous incident was substantially similar to the present allegation;
 - iii Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student.
- f. By federal law, all conduct records are kept by the Dean of Student Life Office for seven (7) years from the date of the incident, and then destroyed.

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9) Appeals

- a) A student who is found responsible for violating the Student Code of Conduct may petition within 30 calendar days of the notice of the written decision for review of a decision reached or a sanction imposed. Such petitions will be in writing and shall be submitted to the Provost.
- b) If the Provost determines that the appeal may be reviewed, the matter will refer back to the original hearing body for re-opening of the hearing to allow reconsideration of the original determination and/or sanction(s). The Provost serves as the final level of review in a conduct matter.
- c) Except as required to explain the basis of new information, an appeal will be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:
 - i) The discovery of substantial new facts unavailable at the time of the original hearing;
 - ii) Prejudicial procedural error;
 - iii) Excessive severity of the sanction in proportion to the offense;
 - iv) Prejudicial error as to the findings of fact;
 - v) To assess whether bias on the part of a Committee member deprived the process of impartiality.
- d) Every opportunity should be taken to return the allegation to the original hearing body for reconsideration. Where this is not possible, the Provost may decide the appeal directly. The Provost may support or change a decision or modify a sanction. The Provost will be deferential to the original decision maker, making changes to the finding only where at least one of the grounds for appeal in 9© is met, and to the sanction only if a compelling justification to do so exists and a unanimous decision is reached.

No Current Procedures for Policy 7-10 (effective June 2000) - Rescinding Procedures 7-11 (A), 7-12 (B).

New Procedures