

Shared Governance Procedure

SGP 505: Student Disciplinary Action

Purpose: To establish procedures related to student disciplinary action.

References:

AP 592 Student Disciplinary Action

Procedure:

NOTE: If the College's Title IX Coordinator determines the incident in question should be classified as a Title IX complaint, the procedures and processes laid out in SGP 114 Title IX Sex Discrimination will be followed in lieu of SGP 505 Student Disciplinary Action.

I. Incident Response

A. Students are fully expected to comply with all College policies and local, state, and federal laws, and are solely responsible for their actions. Student behavior on campus, inside and outside of the classroom, and during any HACC-sponsored event or trip is a matter of concern of the HACC College community who are responsible for determining standards of acceptable behavior. Written course and program policies regarding standards of behavior need to be clearly communicated and consistently applied.

1. Every effort will be made by College employees to resolve minor disciplinary infractions at the point of occurrence.
2. Any College employee may request a student discontinue any behavior that violates College policies and may report such occurrences via the College's approved reporting system.
3. A faculty member may require a student to leave the physical or virtual classroom or deny the student access to a physical or virtual course because of unacceptable behavior as defined in College Policies 071 and 074 and/or the course syllabus. For minor incidents, the student will be admitted to subsequent classes if he/she has discussed the situation with the faculty member privately and the faculty member deems the matter resolved. If there have been violent actions, threats of violence, or persistent problems, the student will be referred to the behavioral intervention process. The College, providing the student with appropriate due process through the established student disciplinary procedures, will make a determination regarding the enrollment status of the student.
4. If the steps taken above do not achieve a resolution, Campus Security or other appropriate personnel may be called for assistance to manage the incident. If an infraction is considered to be sufficiently serious, meeting any criteria i, ii, iii, or iv below, a student may be removed from the premises (building, facility or campus) or the online environment.

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- a) The student engages or threatens to engage in behavior which presents the potential for causing physical or emotional harm to himself/herself or others.
 - b) The student engages in behavior which directly and substantially impedes the educational experience or lawful activities of others.
 - c) The student engages or threatens to engage in behavior which would cause significant property damage.
 - d) The student engages in any unlawful activity.
5. Such occurrences necessitating removal of students will be reported via the College's approved behavioral intervention reporting system by Campus Security (or other responding College personnel) to the Director of Student Conduct (DSC) or designee at the appropriate campus within 24 hours for purposes of follow up and possible further action.
 6. Non-class related instances of student violations should also be reported and will follow the same process outlined in this document. Employees and students are encouraged to report possible violations of College policies and local, state, and federal laws. This can be done by speaking with Campus Public Safety and Security staff or the DSC or designee. In addition, employees and students can enter concerns directly into the College's approved behavioral intervention reporting system.
 7. If all those directly involved in the incident agree on a resolution, the process may end.
 8. Depending on the severity of the incident, the DSC or designee may issue an interim suspension to the student during the investigation and resolution of alleged violations and a hold may be placed on his/her student record. Interim suspension may be imposed only: 1) to ensure the safety and well-being of members of the College community or preservation of College property; 2) to ensure the student's own physical or emotional safety and well-being; or 3) when the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College. During an interim suspension, a student may be denied access to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible. The DSC or designee makes the determination as to whether an interim suspension is required and determines its terms. The DSC or designee will communicate the student's absence in writing to the appropriate employees regarding the decision of issuing an interim suspension and next steps in the judicial process.
 9. The DSC or designee will move forward to the Investigation Process under any one of the following conditions:
 - a) If the parties involved do not agree on a resolution.

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- b) If further investigation is needed based on reports or other evidence.

II. Investigation Process

- A. Upon receipt of an allegation that a student has engaged in conduct warranting discipline, the DSC or designee will contact the student within five (5) business days to schedule a meeting unless there is a reasonable delay.
 - 1. The student is notified either by telephone, in writing by certified mail or emailed with a read receipt response of the alleged violation and the requirement to schedule a meeting between the student and the DSC or designee.
 - 2. The student will also be given copies of SGP 505 Student Disciplinary Action and any other Shared Governance Policies applicable to the reported policy violation.
 - 3. If any party involved in the investigation process believes that a conflict of interest exists with the DSC or designee, they may request that the Assistant Vice President of Student Engagement (AVPSEB) appoint an administrator to implement this stage of the procedure. The AVPSEB will make the determination if a conflict of interest does exist.
- B. The student and any other appropriate stakeholders will be asked by the DSC or designee to supply the names of any witnesses. The DSC or designee will interview witnesses, collect written accounts, and review any other evidence regarding the case.
- C. If this investigation process is due to activity involving a student in a class or in other activities related to interaction with faculty, the DSC or designee will regularly communicate with the faculty member throughout the process. This includes: 1) acknowledgement of receipt of the concern; 2) an opportunity for the faculty member to offer his/her version of the event; 3) when necessary, updates about the progress of the investigation; and 4) the outcome of the investigation related to if the student has been found in violation of policy and if he/she will be permitted back to class and/or may continue as a student at the College. If the student has been asked not to attend the class during the investigation, the DSC or designee must always communicate the outcome of the investigation prior to a student returning to class.
- D. If the student discloses that his/her behavior is related to a psychological condition, the student is expected to present documentation of that condition (cost to be borne by the student).
 - 1. The student may submit documentation pertaining to the condition at least two (2) business days prior to the meeting.
 - 2. In cases where there are questions about the ability of the student with a psychological condition to meet the academic or conduct requirements of

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- the College, the DSC or designee may require an independent psychological/psychiatric evaluation (cost to be borne by the College).
3. Documents submitted for this purpose will be treated as confidential and will be stored in the student's discipline file.
 4. This documentation does not negate the student's responsibility to follow all College policies.
- E. In the meeting, the DSC or designee meets with the student to: 1) explain the College's judicial process; 2) to provide the student the opportunity to examine and respond to documentation; and, 3) to give the student the opportunity to explain the event(s) or incident.
- F. During the meeting with the DSC or designee, the following rules will apply:
1. Any written notice relevant to the charges received or prepared by the DSC or designee will be described and explained in detail and shown to the student as appropriate. Formal rules of evidence will not apply. Confidential notes of any institutional official or participant in the case may be withheld.
 2. In the case of a virtual meeting (e.g., over Zoom) when electronic documents are being shared, no party is to take screenshots or pictures of the electronic documents or otherwise obtain digital copies without the consent of the other party.
 3. Findings of relevant interviews conducted by the DSC or designee will be summarized for the student.
 4. The student will be heard. The student may be accompanied by an advisor; however, the role of the advisor will be limited strictly to providing advice to the student. A licensed psychologist/psychiatrist of the student's choice, an official representative for the student or family member(s) may also accompany the student to the meeting. Any person(s) in attendance should only respond to direct questions from the DSC or designee, or provide advice to the student. If the DSC or designee or the student intends to have another person in attendance at the meeting, he/she should make every effort to notify the other party within two (2) business days.
 5. The meeting may be conducted in the absence of a student who fails to appear after proper notice.
 6. After the meeting, the DSC or designee may interview additional witnesses and collect additional evidence.
- G. Within five (5) business days after the meeting, the DSC or designee will offer a judicial recommendation to the student to include a ruling of "Not in Violation" or "In Violation" of College policies and procedures, using a more likely than not preponderance of evidence standard, and recommend appropriate sanction(s) for any policy and procedure violations.

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1. *Not in Violation*—indicates that charges against the student were unfounded. If applicable, the student is eligible to return to class and make up all class work missed as a result of the adjudication process. The DSC or designee will communicate to the faculty about excused absences for the period of missed classes/coursework.
2. *In Violation*—indicates that charges against the student are founded and one or more of the following sanctions may be assigned. The DSC or designee will communicate in writing with appropriate employees regarding the decision of issuing any of the following sanctions, as appropriate.
 - a) *Written Warning /Disciplinary Probation*—a summary of the disciplinary charges and official warning of action which could be taken if behavior occurs.
 - b) *Restitution*—monetary assessment for property damage, theft or other costs caused by the student.
 - c) *Proof of Resolution with the Court*—proof of resolution with the criminal court system and written proof of compliance with all mandated outcomes.
 - d) *Restriction of Privileges*—restriction from specific campus privileges for an extended period, but not to exceed twelve (12) months or until the end of any academic session during which such twelve (12) month period expires. The restrictions will be relevant to the specific violation(s) in the Student Code of Conduct.
 - e) *No Contact Directive*—restriction from written, verbal, electronic or physical contact with identified victim(s) for an identified period of time.
 - f) *Educational Sanctions (including Community Service, a Letter of Apology, Reflective Paper/Personal Journal, Behavioral Contract, Counseling Assessment, and Psychological/Psychiatric Evaluation)*--requirements imposed to focus on helping the student understand why his/her behaviors violated College policy and helping the student see how the instance of misconduct affects others.
 - g) *Trespass*—restriction from access to College property for an identified period of time.
 - h) *Suspension (for a period of time)/Expulsion (permanent removal from the College)*--restriction from attending any College-sponsored event (physical or virtual) or from presence on College-owned or leased property.
 - i) *Withdrawal*—removal from College due to, but not limited to, determination by a psychological/psychiatric evaluation that the student either lacks the capacity to respond to the disciplinary

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charges pending or determination that the student lacks the capacity to understand the wrongfulness of his/her conduct at the time of the offense.

- H. Within five (5) business days, the student must choose to either accept the recommended judicial decision of the DSC or designee or choose to proceed to a formal judicial hearing.
 - 1. The student must sign a statement accepting the charges and sanctions or a statement requesting a formal judicial hearing.
 - 2. If the student takes no action, the recommended judicial decision of the DSC or designee will be rendered as final.
 - 3. When a student accepts responsibility for the Code of Conduct violation(s) in a disciplinary conference, but contests the sanction(s) assigned by the DSC, the student may request that the assigned sanction be reviewed. The Sanction Review will ordinarily be a review of the written record of the case unless otherwise determined by the person reviewing the sanction. The student will compose a written explanation of the rationale for contesting the sanction and will submit this statement to the Assistant Vice President of Student Engagement (AVPSEB). The statement, as well as a memo from the DSC, will be forwarded with the student's file to the sanction reviewer. The sanction reviewer has the ability to sustain or modify the sanctions. The student is then notified by the AVPSEB once a decision has been reached.
 - I. If the student accepts the charges and sanctions, within three (3) business days the DSC or designee sends to the student a certified sanction letter (return receipt requested), emailed with a read receipt response, or personally delivered and receipted.
 - J. If the student signs a statement requesting a formal judicial hearing and returns it to the DSC or designee within three (3) business days, the Hearing Process will be initiated.
 - K. The student accuser can also request a formal judicial hearing based on the DSC or designee's judicial recommendation. If a student accuser makes a written request for a formal judicial hearing and returns it to the DSC or designee within three (3) business days, the Hearing Process will be initiated.
 - L. Summary of notes for the meeting, with other pertinent material of the case, shall be submitted by the DSC or designee into the College's approved reporting system and maintained as a part of the student's discipline record for a minimum of seven years.
- III. Hearing Process
- A. The Hearing Board shall consist of a Hearing Chairperson, two (2) administrators appointed by the Administrative and Professional Organization (APO), two (2) faculty appointed by Faculty Organization, and two (2) classified employees

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appointed by the Classified Employee Organization (CEO). Pools of representatives from each constituency group will be recruited on an as needed basis and must be trained. Anyone trained can be the representative for the constituency group during a hearing.

1. Administrators, faculty members, and classified employees shall be appointed for three-year terms.
2. All members must complete a mandatory judicial training session before serving.
3. The DSC or designee will be responsible for scheduling and conducting judicial training sessions.
4. The Hearing Chairperson will serve as the Ex-Officio Chair of the Hearing Board and will be responsible for communicating the rules of order to all parties and documenting proceedings. The Hearing Chairperson will not be a voting member of the committee unless a tie-breaking vote is needed.
5. The Hearing Board membership pool shall be appointed for three-year terms. There may be a mutual agreement between the DSC or designee and the board members to extend the term of service. Should a Hearing Board member desire to no longer serve on Hearing Boards, they are to notify the DSC or designee of his/her resignation. Any written resignation will be accepted.
 - a) Twelve (12) full-time faculty members appointed by the Faculty Senate.
 - b) Twelve (12) classified employees appointed by the president of the Classified Employee Organization (CEO).
 - c) Twelve (12) administrative/professional employees appointed by the president of Administrative Professional Organization (APO) or designee.
6. When a judicial hearing is being scheduled, the DSC or designee will contact all trained Hearing Board members to determine availability and interest. Any member of this committee who has a potential conflict of interest in a given judicial hearing should not participate on that particular Hearing Board.
7. Any party involved in the hearing process may request that a member be removed and the AVPSEB or designee will make the determination if a conflict of interest does exist. The appropriate organizational body shall replace the member. In the event that any party requests a Hearing Chairperson be removed due to a conflict of interest, the AVPSEB will make the determination if a conflict of interest does exist. The AVPSEB shall appoint a replacement to chair the committee.

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- B. The DSC or designee shall schedule a hearing date no later than ten (10) business days following the receipt of the request.
- C. The DSC or designee in consultation with the participants will determine the meeting site.
- D. The DSC or designee will forward any documents including witness statements, a summary from the investigator, and other pertinent documents detailing previous action to date to the Hearing Board members at least one (1) business day prior to the hearing date.
- E. Any party involved in the hearing may bring witnesses and/or an advisor to the hearing. An advisor may be any individual not directly involved in the investigation including (but not limited to) a faculty or staff member, a family member or legal counsel. If any party intends to have another person in attendance at the meeting, they must notify the DSC or designee at least three (3) business days before the hearing date and the DSC or designee must notify all parties at least two (2) business days prior to the hearing date, if possible. Witnesses are not present for the entire hearing procedure.
- F. The role of the student's advisor is limited to advising the student. Any person who becomes disruptive shall be removed from the hearing at the discretion of the Student Judicial Affairs Leader (SJAL) or designee.
- G. At least four (4) Hearing Board members (not including the Hearing Chairperson), including at least one representative from each constituency group, must be present for a hearing to proceed. These members can be any representative from the established constituency group pool.
- H. Recordings or verbatim records may be maintained only upon agreement of all parties concerned.
- I. Rules for the hearing include:
 - 1. Hearing Board proceedings shall be conducted in private.
 - 2. Formal rules of evidence do not apply to Hearing Board Proceedings.
 - 3. The person who filed the Complaint (or a representative of the College), the accused student and their advisor (if any) shall be permitted to attend the entire hearing at which information is received (excluding deliberations). Admission of any other person to the hearing shall be at the discretion of the Hearing Board.
 - 4. If a hearing involves more than one accused student, the DSC or designee may, at his/her discretion, permit the Hearing Board to conduct hearings either separately or jointly.
 - 5. The person who filed the complaint or a representative of the College, the accused student, and the Hearing Board may arrange for witnesses to present pertinent information to the Hearing Board. The College will try to arrange the attendance of witnesses who are members of the College community, if reasonably possible, and who are identified by the parties in

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a timely manner. Members of the College community that have been identified, by the DSC or Hearing Chairperson, as having information critical to the determination of the hearing are required to attend, if requested. Witnesses will provide information to and answer questions from the Hearing Board. Questions may be suggested by the accused student, person who filed the Complaint or a representative of the College to be answered by each other or by other witnesses. The Hearing Chairperson will determine which questions may be asked and the Hearing Board will conduct the questioning. Questions of whether potential information will be received shall be resolved at the discretion of the Hearing Chairperson.

6. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Hearing Board at the discretion of the Hearing Chairperson.
 7. In the case of a virtual meeting (e.g., over Zoom) when electronic documents are being shared, no party is to take screenshots or pictures of the electronic documents or otherwise obtain digital copies without the consent of the Hearing Chairperson.
 8. During the Hearing, all procedural questions are subject to the final decision of the Hearing Chairperson.
- J. After hearing all available evidence, the Hearing Board shall render a judicial ruling of “Not in Violation” or “In Violation” of College policies and procedures, using a more likely than not preponderance of the evidence standard. The Hearing Board shall also assign appropriate sanction(s) for any policy and procedure violations. More than one sanction may be imposed on a student if found in violation of College policies and procedures.
- K. If the accused student fails to appear for the Hearing Board proceedings, those proceedings shall continue in the absence of the accused student and a decision may be rendered without information or evidence from the accused student.
- L. Within five (5) days of the hearing, the Hearing Chairperson will send to the student a certified letter (return receipt requested), personally delivered and receipted letter, or email with a read receipt response detailing the decision rendered. The notification will contain minimally:
1. The judicial decision and assigned sanction(s).
 2. Brief rationale for the decision.
 3. Explanation of necessary conditions (if appropriate) for reinstatement. The Hearing Board may require in writing a psychological/psychiatric evaluation of the student (cost to be borne by the student).
 4. Explanation of the appeals process.
- M. Summary of notes for the hearing, with other pertinent material of the case, shall be submitted by the Hearing Chairperson into the College’s approved reporting

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system and be maintained by the DSC or designee as a part of the student's discipline record for a minimum of seven (7) years.

IV. Appeals Process:

A. The Appeal Board will consist of:

1. Vice President Diversity, Inclusion, and Belonging (VPDIB) or designee.
2. Faculty Organization President.
3. Student Government Association Executive Council (SGAEC) Chair.

B. Any party, including the DSC, may appeal the decision of the Hearing Board but appeals may only be made on the following grounds:

1. A procedural error occurred during the hearing process.
2. New evidence that could not have been provided earlier is available.
3. The assigned sanctions do not meet the College's sanctioning guidelines.

C. A letter must be sent to the VPDIB or designee no later than five (5) business days following the receipt of the Hearing Board's decision. The appeal letter shall state the grounds and evidence(s) of the appeal and the remedy requested, and include any documents supporting the request for an appeal.

D. The VPDIB or designee reserves the right to determine if any of the three (3) grounds for an appeal exists or does not exist. If the VPDIB or designee decides there is no ground for an appeal, he/she will indicate that to the appellate within three (3) business days following the receipt of the appeal request.

E. If grounds for appeal potentially exist, within five (5) business days, the Appeal Board will review the letter and all documentation from the hearing and render a decision. The Appeal Board may choose to either deny the appeal (if it does not meet the grounds for appeal), amend the decision or overturn the decision.

F. The decision of the Appeal Board ends the process.

G. Summary of notes from the Appeal Board shall be submitted to the DSC or designee for inclusion in the College's approved reporting system and be maintained by the DSC or designee as part of the student's discipline record for a minimum of seven (7) years.

V. Questions regarding interpretation of this policy and procedure shall be resolved by the VPDIB or designee.