

PROCEDURE: STUDENT DISCIPLINARY PROCEDURE



Effective Date: July 13, 2012

Replaces Previous Effective Date: November 11, 2010

I. POLICY:

The administration reserves the right to maintain a safe and orderly educational environment for students and staff. Therefore, when, in the judgment of technical college officials, a student's conduct disrupts or threatens to disrupt the technical college community, appropriate disciplinary action will be taken to restore and protect the atmosphere of collegiality and mutual respect on campus. This procedure is intended to provide an orderly protocol for handling student disciplinary cases in accordance with the principles of due process and justice.

II. APPLICABILITY:

This procedure is applicable to all technical colleges associated with the Technical College System of Georgia.

III. RELATED AUTHORITY

V.D. Procedure: Model Student Conduct Codes

IV. DEFINITIONS:

1. Academic Misconduct: includes, but is not limited to, the definition found in the Student Code of Conduct, Article II, Paragraphs 1-4.
2. Business days: weekdays that the technical college administrative offices are open.
3. Hearing Body: any person or persons authorized by the president of a technical college to provide a hearing as provided in this procedure.
4. Member of the technical college community: any person who is a student, faculty member, technical college official or any other person/s involved with the technical college community or employed by the technical college.
5. Policy: the written regulations of the technical college as found in, but not limited to, the Student Code of Conduct, Students Handbook(s), Residence Hall Handbook(s), Technical College Catalog(s), the Technical College Policy Manual, and the Policy Manual approved by the State Board for the Technical College System of Georgia.
6. Student: all persons taking courses at the technical college full-time, part-time, dual enrollment, joint enrollment, non-credit and credit. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the technical college are considered "students."
7. Student Organization: any number of persons who have complied with the formal requirements for technical college recognition.
8. Technical college: any college within the Technical College System of Georgia.

9. Technical college official: any person employed by the technical college, performing assigned administrative responsibilities on a part-time, full-time, or adjunct basis.

10. Premises: all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the technical college (including adjacent streets and sidewalks).

V. ATTACHMENTS:

- A. Student Code of Conduct Complaint Form
- B. Disciplinary Sanction Appeal Form

VI. PROCEDURE:

A. Filing a Complaint

1. Any person may file a complaint with the Vice President for Student Affairs or the technical college president's designee against any student for an alleged violation of the Student Code of Conduct. The individual(s) initiating the action should complete a Student Code of Conduct Complaint Form, and provide it to the Vice President for Student Affairs or the technical college president's designee.
2. Academic Misconduct may be handled using this procedure or a separate Academic Misconduct Procedure at the discretion of the technical college president.
3. Investigation and Decision
 - a. Within five business days after the Student Code of Conduct Complaint Form (the "Complaint") is filed, the Vice President for Student Affairs or the technical college president's designee shall complete a preliminary investigation of the incident, and schedule a meeting with the student against whom the complaint was filed in order to discuss the incident and the allegations. In the event that additional time is necessary, the Student will be notified. After discussing the complaint with the student, the Vice President for Student Affairs or the technical college president's designee shall determine whether the student committed the alleged conduct, and whether the alleged conduct constitutes a violation of the Student Code of Conduct.
 - b. The student shall have 5 business days from the date contacted by the Vice President for Student Affairs or the technical college president's designee to schedule the meeting. This initial meeting may only be rescheduled one time. If the student fails to respond to the Vice President for Student Affairs or the technical college president's designee within 5 business days to schedule the meeting, reschedules the meeting more than once, or fails to appear at the meeting, the Vice President for Student Affairs or the technical college president's designee will consider the available evidence without student input and make a determination

- c. In the event that a Complaint alleges violations of the Student Code of Conduct by more than one student, each student's disciplinary proceeding, as well as any appeals relating to that proceeding, shall be conducted individually.
- d. If the Vice President for Student Affairs or the technical college president's designee determines that the student has violated the Student Code of Conduct, he/she shall impose one or more disciplinary sanctions consistent with those described below. If the Vice President for Student Affairs or the technical college president's designee determines that the alleged conduct did not occur, or that the conduct was not a violation of the Student Code of Conduct, he/she shall not impose any disciplinary sanctions on the student and the investigation shall be closed.

B. Disciplinary Sanctions

Based on the severity of the incident, the Vice President for Student Affairs may take one of two actions:

1. After a determination that a student has violated the Student Code of Conduct, the Vice President for Student Affairs or the technical college president's designee may impose, without referral to the Hearing Body, one or more of the following sanctions. Notification shall be sent to the student and the person(s) who initially filed the complaint.
 - a. **Restitution** – A student who has committed an offense against property may be required to reimburse the technical college or other owner for damage to or misappropriation of such property. Any such payment in restitution shall be limited to the actual cost of repair or replacement.
 - b. **Reprimand** – A written reprimand may be given to any student. Such a reprimand does not restrict the student in any way, but it signifies to the student that he/she is in effect being given another chance to conduct himself/herself as a proper member of the technical college community, and that any further violation may result in more serious sanctions.
 - c. **Restriction** – A restriction upon a student's privileges for a period of time may be imposed. This restriction may include but is not limited to denial of the right to represent the technical college in any way, denial of use of facilities, alteration or revocation of parking privileges, or restrictions from participating in extracurricular activities.
 - d. **Disciplinary Probation** – Continued enrollment of a student on probation may be conditioned upon adherence to specified terms. Any student placed on probation will be notified of the terms and length of probation in writing. Any conduct determined after due process to be in violation of these terms while on probation may result in the imposition of more serious disciplinary sanctions, as specified by the terms of probation.
 - e. **Failing or lowered grade** – In cases of Academic Misconduct, the Vice President for Student Affairs or the technical college president's designee will make a recommendation to the Vice President for Academic Affairs or his/her designee who may authorize the instructor to

award a failing or lowered grade in the course, or a loss of credit on the assignment or examination.

2. After a determination that a student has violated the Student Code of conduct, the Vice President for Student Affairs or the technical college president's designee may recommend the imposition of one of the following sanctions if appropriate. The Vice President for Student Affairs' recommendation will be forwarded to the Hearing Body, which may impose one or more of the following sanctions, as well as those described in section VI.C.1 above, following a hearing. A copy of the written recommendation shall be provided to the student and the person filing the complaint
 - a. **Disciplinary Suspension** – If a student is suspended, he/she is separated from the technical college for a stated period of time. Conditions of reinstatement, if any, must be stated in the notice of suspension.
 - b. **Disciplinary Expulsion** –Removal and exclusion from the technical college, Technical College controlled facilities, programs, events, and activities. A record of the reason for the student's dismissal is maintained by Vice President for Student Affairs or the technical college president's designee. Students who have been dismissed from the technical college for any reason may apply in writing to the Vice President for Student Affairs for reinstatement twelve (12) months following the expulsion. If approval for reinstatement is granted, the student will be placed on disciplinary probation for a specified term. The probationary status may be removed at the end of the specified term at the discretion of the Vice President for Student Affairs or the technical college president's designee.
 - c. **System-Wide Expulsion** – Where a student has been expelled or suspended three times from the same or different colleges in the Technical College System of Georgia in the past seven years, the student will not be permitted to register at any college in the Technical College System of Georgia for a period of ten years after the most recent expulsion/suspension.
3. **Violation of Federal, State, or Local Law**
 - a. If a student is convicted or pleads nolo contendere to an off-campus violation of federal, state, or local law, but not with any other violation of the Student Code of Conduct, disciplinary action may be taken and sanctions imposed for misconduct that is detrimental to the technical college's vital interests and stated mission and purpose.
 - b. Disciplinary proceedings may be instituted against a student charged with violation of a law that is also a violation of the Student Code of Conduct if both violations result from the same factual situation, without regard to criminal arrest and/or prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following criminal proceedings.
 - c. When a student is charged by federal, state, or local authorities with a violation of law, the technical college will not request or agree to special consideration for that individual because of his/her status as a student. The technical college will cooperate fully with law enforcement and other

agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

4. **Interim Disciplinary Suspension** – As a general rule, the status of a student accused of violations of the Student Code of Conduct should not be altered until a final determination is made regarding the allegations against him/her. However, interim suspension may be imposed upon a finding by the Vice President for Student Affairs or his/her designee that the continued presence of the accused student on campus constitutes a potential or immediate threat to the safety and well-being of the accused student or any other member of the technical college community or its guests, or that the continued presence of the student on campus creates a risk of substantial disruption of classroom or other technical college-related activities. If an interim disciplinary suspension is imposed, the matter must be referred as soon as possible to the Hearing Body. The student need not request an appeal.

5. **Conditions of Disciplinary Suspension and Expulsion**

- a. A student who has been suspended or expelled from the technical college shall be denied all privileges afforded a student and shall be required to vacate technical college Premises at a time determined by the Vice President for Student Affairs or the technical college president's designee.
- b. In addition, after vacating the technical college Premises, a suspended or expelled Student may not enter upon the technical college Premises at any time, for any purpose, in the absence of written permission from the Vice President for Student Affairs or the technical college president's designee. A suspended or expelled student must contact the Vice President for Student Affairs or the technical college president's designee for permission to enter the technical college Premises for a limited, specified purpose.
- c. If the student seeks to submit a signed Disciplinary Sanction Appeal Form, the Vice President for Student Affairs or the technical college president's designee must accept the form by mail or fax if he/she refuses the Student's request to enter the Technical College Premises for that specified purpose.
- d. A scheduled appeal hearing before the Hearing Body shall be understood as expressed permission from the Vice President for Student Affairs or the technical college president's designee for a student to enter the technical college Premises for the duration of that hearing.

C. **Mediation**

1. At the discretion of the technical college president the technical college may adopt a mediation procedure to be utilized prior to the appeals set forth herein. Mediation may never be used in cases of alleged sexual misconduct.

D. Hearing/Appeals Procedure

1. A student who wishes to appeal a disciplinary decision by the Vice President for Student Affairs or the technical college president's designee regarding an assigned sanction of restitution, reprimand, restriction, disciplinary probation, or failing or lowered grade must file a written notice of appeal through the technical college president's office for review by the Hearing Body within five business days of notification of the decision. The person filing the initial complaint against the student must be notified of the hearing date.
2. If the Vice President for Student Affairs or the technical college president's designee recommended a sanction of disciplinary suspension, disciplinary expulsion, interim disciplinary suspension, or system-wide expulsion, the matter will be referred to the Hearing Body by the Vice President for Student Affairs. The student need not file a written notice of his or her desire to appear before the Hearing Body. The person filing the initial complaint shall also be given notification of the hearing.
3. The student will then have the right to appear in a hearing before a Hearing Body assigned by the technical college president or his/her designee within 10 business days to present evidence and/or testimony. If the student has been placed on an interim disciplinary suspension, the hearing must be held as soon as possible, preferably within five days. The student has the right to be assisted by any single advisor he/she chooses, at his/her own expense. 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 before a Hearing Body. The Hearing Body may consist of a single person or a group of people drawn from the technical college community. There shall be a single official record, such as a tape recording, of all hearings before the Hearing Body. The official record shall be the property of the technical college. The standard of proof in all hearings shall be a preponderance of the evidence. The chairperson of the Hearing Body shall notify the technical college president and the Vice President for Student Affairs in writing of the Hearing Body's decision. The technical college president or his/her designee will notify the student in writing of the Hearing Body's decision.
4. If the student appeared before the Hearing Body to appeal the Vice President for Student Affairs or the technical college president's designee's sanction of restitution, reprimand, restriction, disciplinary probation, or failing or lowered grade, the Hearing Body's decision regarding the appeal is final. A copy of the Hearing Body's written decision will be provided to both the student and the person who filed the original complaint.
5. If the student appeared before the Hearing Body after the Vice President for Student Affairs or the technical college president's designee recommended disciplinary suspension, disciplinary expulsion, interim disciplinary suspension, or system-wide expulsion, the student shall have the opportunity to appeal directly to the technical college president.
6. If entitled to an appeal to the technical college president, the student shall have 5 business days after receiving written notification of the Hearing Body's decision to request in writing an appeal. The student shall ensure that all relevant information is included with this request. The person who filed the original complaint shall be notified of the student's appeal.

7. The president of the technical college or his/her designee's review shall be in writing and shall only consider evidence currently in the record, new facts not brought up in earlier stages of the appeal shall not be considered. The technical college president or his/her designee shall deliver the decision to the student and the person who filed the original complaint within 10 business days. The decision of the technical college president or his/her designee shall be final and binding.

VII. Document Retention

The Vice President for Student Affairs or the technical college president's designee shall retain a copy of all documents concerning complaints, investigations, administrative actions, and communications in relation to any incident that resulted in a disciplinary investigation of any kind against a student. The Vice President for Student Affairs or the technical college president's designee will also retain records of any disciplinary appeals filed by the affected-student, as well as the resulting record of appeal and decision submitted by the Hearing Body and the technical college president or his/her designee. A record of the final decision must also be retained. All records specified in this section shall be retained for a period of five years.