

# Disciplinary Procedures by Staff

Student conduct is expected to be in accordance with standards of common decency and decorum, with recognition of and respect for the personal and property rights of others and the educational mission of the College. A student shall be subject to disciplinary action by the College, up to and including permanent expulsion, for misconduct on any property owned or controlled by the College; or off College property at any function that is authorized, sponsored, or conducted by the College; or in parking lots adjacent to areas or buildings where College functions are being conducted.

Disciplinary complaints in relation to the *Code of Student Conduct*, are routed through the Office of the Dean, Student Success and Sparks Campus. The Dean will appoint a designated college official as the investigator and the Complaint Process will begin.

*Procedures outlined in this section do not apply to the following areas: Academic Grievances, Sexual Misconduct, Civil Rights, Americans with Disabilities Act, Title IX, Motor Vehicle Violations, Educational Records, and Financial Aid.*

## Informal Complaint Process

1. [A complaint regarding the conduct of any student\(s\) may be filed by any student, faculty or staff having personal knowledge of the alleged activity. The College may also file complaints. Individuals are encouraged to report concerns within ten \(10\) working days of the occurrence of the event prompting the complaint.](#)
2. Such complaints must be in writing and shall be directed to the Office of the Dean, Student Success and Sparks Campus. The *Complaint Form*, may be submitted electronically. The Complaint Form can be found on the College's website page [Complaint & Disciplinary Procedures](#).
3. The Dean will appoint a designated College official as the Investigator. The Investigator has ten (10) working days to complete the investigation.
4. [The office of the Dean, Student Success and Sparks Campus will work with the Investigator to schedule the date, time, and location of interviews with the complainant and the accused individual\(s\).](#)
  - The student(s) shall be advised that it is permissible to appear alone or with counsel during the meeting. However; Counsel shall not speak for or on behalf of the student(s), but may act only in an advisory capacity.
  - The student(s) and Investigator will receive a calendar request through their College Email to solidify the meeting.
  - If the students are unable to attend the hearing for good cause at the appointed time, prior written notice of the inability to attend shall be submitted to the Dean, Student Success and Sparks Campus, where upon a new date shall be set by the office of the Dean in coordination with the Investigator. Only one such extension shall be granted except where additional extensions would cause undue hardship to the student(s).
5. The Investigator shall initially meet with the complainant (individual filing the complaint), to hear the details of the case. The investigator shall do the following:
  - Document details of the case including names, dates, locations, details of the incident, and evidence of the event (ex. text messages, emails, social media posts, documents, etc.).
  - Determine the type of Misconduct based on the *Code of Student Conduct*.
  - Determine what the outcome goal is for the Complainant.
  - Notify the Complainant to check their student email for final results.
6. The Investigator shall meet with the accused party to present the charges filed against them and hear their rebuttal of the events that they are being accused of. The investigator shall do the following:
  - Document details of the case including names, dates, locations, details of the incident, and evidence of the event (ex. text messages, emails, social media posts, documents, etc.).
  - If appropriate, offer an informal resolution as requested by the Complainant.
  - Notify the Accused to check their student email for final results.
  - If the accused party does not agree on an informal resolution, ensure the student has completed a *Statement of Record* for the file and begin the Formal Complaint. Students can access the *Statement of Record* on the College's website page titled [Complaint & Disciplinary Procedures](#).
7. If the complaint can be resolved immediately and informally during these meetings, the Investigator will prepare an *Informal Memorandum of Resolution* to be submitted by email, to the office of the Dean, Student Success and Sparks Campus for processing.
  - The office of the Dean will prepare the *Informal Memorandum of Resolution* for student signature's, and email to the students' college email accounts within 72 hours of the agreed upon resolution.
  - The office of the Dean will send copies of the *Informal Memorandum of Resolution* to the appropriate Dean(s).
8. Upon completion of the interview and resolution process, the Investigator shall submit all original documents to the office of the Dean, Student Success and Sparks Campus, to be filed and recorded on the Student Complaint Drive.

## Formal Complaint Process

1. For complaints that cannot be resolved immediately and informally, the Investigator will proceed with a formal investigation of the allegations including the gathering of evidence such as witness interviews, camera footage, text messages, social media posts, documents, etc.
  - Based on the information established during the investigation, the Investigator may dismiss the case for reasons of inaccurate charges or insufficient evidence.
  - All interviewed individuals shall also complete a *Statement of Record* in their own words. Students can find this form on the College's website, under [Complaint & Disciplinary Procedures](#).
  - If sufficient evidence is established, the Investigator will proceed and allow the student(s) an opportunity to admit to the charge(s), accept sanctions, and waive the right to a further hearing.
2. If the student(s) deny the charge(s), the Investigator will present the following:
  - Probable cause based on the preponderance of evidence as the burden of proof.
  - Establish reasonably that the student in question did commit the offense.
  - Address the complaint with evidences to the accused student.
3. The Investigator will offer the student(s) every opportunity to explain his or her actions. The investigator will then render a determination. Based on the determination, sanctions may become warranted. The Investigator will fully explain and prescribe in writing the sanctions imposed by using the *Sanction Agreement*. The agreement will be submitted, by email, to the office of the Dean, Student Success and Sparks Campus for processing.
  - The office of the Dean will prepare the *Sanction Agreement* for student signature and email to the student's college email accounts within 72 hours of the agreed upon resolution.
  - The Investigator shall notify the Complainant, by college email, of the resolution.
4. [On administration of the Sanction Agreement, the student will be offered the opportunity to select one of the following options:](#)
  - Sign the *Sanction Agreement*, indicating acceptance of the sanctions imposed and waiving all rights to appeal; OR
  - Sign the *Sanction Agreement*, declining the opportunity to accept the sanctions imposed and request to appeal the decision before the Dean, Student [Success](#) and Sparks Campus.
  - **Any student who fails to select 'Accept' or 'Do Not Accept,' and fails to sign the Sanction Agreement shall be deemed to have waived all rights to further appeal and the sanctions imposed will be final.**
  - **Students have five (5) working days from the date of the emailed Sanction Agreement, to sign the document. At this time the judgement is final.**
5. Upon completion of the interview and resolution process, the Investigator shall submit a *Memorandum of Record*, by email, to the office of the Dean, Student Success and Sparks Campus.
  - The office of the Dean will send copies of the *Memorandum of Record* to the appropriate Dean(s).
6. The Investigator shall submit all original documents to the office of the Dean, Student Success and Sparks Campus, to be filed and recorded on the Student Complaint Drive.