

# Disciplinary Procedures by the Staff and Judiciary Committee

Individuals designated to handle disciplinary complaints at various College locations are the Director of Student and Campus Services or Director of Enrollment Services on the Wallace Campus and the Coordinator, Student Services on the Sparks Campus. Procedures for filing complaints are presented below:

1. A complaint regarding the conduct of any student or organization may be filed by any person having personal knowledge of the alleged activity. The College may also file complaints.
2. Such complaints must be directed to the designated official at either campus and must be presented in writing. The written charge must define the specific charge and state the grounds for the charge.
3. The designated College official at either campus shall conduct, or have conducted, a thorough investigation of allegations within 10 working days from receipt of the written complaint. After the investigation, the student or organization will be offered an opportunity to admit to the charge, accept sanctions, and waive the right to a further hearing. If the student or organization denies the charge and in the designated College official's opinion, after a review of the complaint and information obtained in the investigation, enough probable cause exists to reasonably believe that the student or organization in question did commit the offense, the designated College official will discuss the complaint and evidence with the student or organization. The designated College official will offer the student or organization every opportunity to explain its actions. If sanctions are necessary, this action will be fully explained and prescribed in writing and administered by the designated College official by use of a Wallace Community College *Sanction Agreement*.
4. On administration of the Sanction Agreement, the student or organization 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 Affairs and Sparks Campus.
  - Any student or organization that fails to sign the *Sanction Agreement* as stated above shall be deemed to have waived all rights to further appeal, and the sanctions imposed by the designated College official will be final.
5. On written appeal, the student or organization will be directed to the Dean, Student Affairs and Sparks Campus, who will hear the appeal and determine, based on evidence and testimony(ies), if the student or organization is guilty as determined by the designated College official and will determine appropriate sanctions. If the Dean, Student Affairs and Sparks Campus determines that the student or organization is not guilty, the student or group will be cleared of all charges. If the student or organization is found guilty, the Dean, Student Affairs and Sparks Campus will delineate appropriate sanctions on a Wallace Community College Sanction Agreement. This process will be completed within 10 working days. On administration of the Sanction Agreement, the student or organization 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 Judiciary Committee.
  - Any student or organization that fails to sign the *Sanction Agreement* as stated herein shall be deemed to have waived all rights to further appeal, and the sanctions imposed by the Dean, Student Affairs and Sparks Campus will be final.
6. In the event that the student or organization requests a hearing before the Judiciary Committee or is brought before the Committee as a result of an interim suspension, the student or organization shall be provided with a written statement of the charges as filed to provide the student or organization reasonable notice of the conduct or circumstances on which the alleged violation is based. This statement shall be presented by the chairperson of the Judiciary Committee. The statement shall advise the student or organization that it is permissible to appear alone or with counsel before the Judiciary Committee and to be present during all phases of the hearing except during the committee's deliberation. Counsel shall not speak for or on behalf of the accused student or organization but may act only in an advisory capacity. Counsel may not question or cross-examine witnesses or committee members. Moreover, the statement shall set out that the advised student or organization will be provided the opportunity to present evidence and to conduct reasonable cross-examination of witnesses.
7. The hearing before the Judiciary Committee shall be scheduled as soon as it is practical but no later than 30 calendar days from the date of the student's or organization's meeting with the Dean, Student Affairs and Sparks Campus, or within 72 hours interim suspension.
8. A student or organization that is scheduled for a hearing before the Judiciary Committee and that fails to appear at the designated date, hour, and place of the hearing after notification thereof, shall be deemed to have waived the right to a hearing and the right to appear before the Judiciary Committee. The Judiciary Committee may then proceed with the hearing. If the accused student or organization is 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 Affairs and Sparks Campus, where upon a new date shall be set by the Dean in coordination with the chairperson of the Judiciary Committee. Only one such extension shall be granted except where additional extensions would cause undue hardship to the student or organization.
9. The hearing before the Judiciary Committee shall not be conducted as a courtroom trial, but shall proceed as follows:
  - One appointed faculty or staff member shall serve as chairperson of the Judiciary Committee. The chairperson shall screen the committee members prior to the hearing for any prejudicial knowledge. In the event of special prejudicial knowledge, those members

may be replaced by the President or his or her designee with other qualified faculty or staff members and/or students. A simple majority of the members present will be allowed to make a judgment and render a decision in the matter with regard to a finding of guilty and imposition of appropriate disciplinary action. (A minimum of 3 committee members must be present to hear and rule on the case.)

- A record of all proceedings shall be kept in the form of a tape recording, and a copy may be reproduced at the expense of the accused student(s) or organization.
10. The chairperson assumes the following duties:
- Arranges for appropriate times and places for committee meetings and hearings.
  - Informs, in writing when possible, the parties to the action being considered of the times and places of committee hearings, which they are requested or required to attend, and supplies them with a statement of the charge.
  - Informs appropriate individuals that a hearing is pending.
  - Arranges for the hearing to be electronically recorded.
  - Conducts the hearing.
  - Maintains committee records and all documents that will be presented to the Dean, Student Affairs and Sparks Campus after conclusion of the meeting.
  - Informs, in writing, appropriate individuals of the decisions of the committee, to include findings and, if appropriate, sanctions.
11. Arranges for appropriate security when necessary during hearings.
12. Proceedings shall open with the chairperson of the Judiciary Committee reading the following statement:  
***A College is an academic institution, not a courtroom or administrative hearing. The Judiciary Committee is not bound by the rules of legal evidence which would apply in a court proceeding. The committee is allowed to admit and consider evidence that might not be admissible in a court of law. This includes hearsay; however, evidence must be relevant to the charge.***

***Note: Formal rules of evidence shall not be observed in proceedings before the Judiciary Committee; however, the chairperson of the committee shall be authorized to exclude irrelevant, redundant, or unduly inflammatory evidence. The findings of the committee on the issue of violation(s) of the Code of Student Conduct will be based solely on evidence introduced at the hearing. Evidence of previous violations of rules and regulations or violations of local, state, or federal laws, ordinances, and regulations shall not be considered in any way by the committee in determining whether the violation charges were committed, but such evidence may be considered by the committee in consideration of the appropriate sanctions. They may also be introduced as evidence in rebuttal of any related character evidence introduced by the accused party.***

The chairperson of the Judiciary Committee will then read the charge against the student or organization. The student or the organization's president shall then make a plea of guilty or not guilty. If the accused student or organization admits guilt, the committee will go directly into closed session to deliberate sanctions.

The plaintiff or his or her representative shall present the evidence against the accused student or organization. The accused student or organization will be afforded the opportunity for reasonable cross-examination.

The accused student or organization may then present evidence by oral testimony, witnesses, and/or written sworn affidavits. Reasonable cross-examination will be afforded.

Rebuttal evidence may be presented by either party as necessary but not so as to be redundant.

The accused student or organization may make a closing statement.

The plaintiff, College, and the accused student or organization may each have an attorney or other personal representative present to act as an advisor. The respective attorneys or personal representatives shall not be advocates and shall not question witnesses or have any role other than to act as advisors to the committee or the accused.

After presentation of all evidence, the Judiciary Committee shall enter closed session. The committee shall deliberate and make its determination of findings and determine appropriate sanctions if the student or organization is found guilty.

Once the Judiciary Committee has reached its decision, the student or organization and the student's or organization's counsel or advisor may return and be informed of the results.

If the accused student or organization is found not guilty, the hearing is ended. If the accused student or organization is found guilty, the chairperson of the Judiciary Committee will disclose the findings and sanctions determined by the committee. The student or organization shall then have an opportunity to make a statement to the Judiciary Committee, accepting the findings and sanctions recommended by the committee, or decline to accept the findings and sanctions. If the student or organization declines to accept the findings and sanctions imposed by the committee, an appeal may be filed with the President or designee. Appeals to the President or designee must be filed in accordance with procedures outlined in the Appeals section of this handbook.

The student or organization shall be provided with a written statement of the determination of the Judiciary Committee within 72 hours of the close of the hearing.

13. Appeal to the President or designee

The determination and sanction imposed by the Judiciary Committee are subject to review on appeal by the President of the College or his or her designee. The President of the College or designee has discretionary authority to modify or affirm the sanction(s) imposed by the Judiciary Committee, to exonerate the accused student or organization, and/or to order a rehearing of the case in question.

A student or organization has 5 working days from the day of the hearing and determination by the Judiciary Committee to request a review of the proceedings and/or the sanction. Such appeal request must be submitted in writing to the designated College official on either campus. Failure to request an appeal as stated herein shall be a waiver of a review by the President of the College or designee and all rights in relation thereto. Furthermore, failure to request an appeal as stated herein shall be an admission of the charges and a consent to the sanctions imposed by the Judiciary Committee.

A written appeal must expressly state the grounds of such appeal, which are limited to newly discovered evidence, violation of procedures, or that the imposed sanction was unduly harsh, improper, or lenient under the circumstances.

The designated College official may appeal the decision of the Judiciary Committee to the President of the College or his or her designee if the sanctions delivered are not appropriate or if the committee failed to act.

The student or organization shall be provided a written statement of the decision of the President or designee within seven working days from the date of filing the request for appeal.

Appealing to the President is the final step in the College's judiciary process; however, if a student wishes to appeal the decision further, he or she may utilize the State Student Complaint Process outlined on page 240.