

DES MOINES AREA COMMUNITY COLLEGE
EDUCATIONAL SERVICES PROCEDURES

Section: STUDENT RIGHTS, APPEALS AND FERPA
 Subject: Student Conduct, Discipline and Appeals Procedure
 Effective Date: August 20, 2015
 Procedure Number: ES 4630

I. Institutional Regulations

- A. To provide procedures that will clearly inform DMACC students of the regulations that govern their behavior while on college property, at cooperating agencies, or while in attendance at college-sponsored activities or events.
- B. The Board of Directors of DMACC confers upon the faculty and staff the power to invoke sanctions to protect the educational processes and the rights of individual students, faculty and staff.
- C. Academic misconduct of students and other actions directly related to academic achievements are governed by the terms set forth in ES4670 - Academic Misconduct.

II. Statement of General Expectations

All students (any person enrolled in credit or non-credit courses) are expected and required to obey college policies, rules and regulations and not violate municipal, county, state or federal law. In addition, all students are expected to conduct themselves in such a manner as to show respect for properly constituted authority, exhibit and maintain integrity and honor in all matters related to the College and not interfere with or disrupt the orderly educational processes of the College.

III. Jurisdiction of the DMACC Student Conduct Policy

The Student Conduct, Discipline, and Appeals Procedure applies to conduct that occurs on DMACC College Property, at DMACC sponsored activities (including study abroad programs), at clinical sites, attendance centers, or any College facility, and off-campus conduct that adversely affects the DMACC community and/or the pursuit of its educational mission. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of the degree or certificate. This includes conduct that may occur before classes begin, or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The Student Conduct Policy shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Judicial Officer shall decide whether the Student Conduct Policy shall be applied to conduct occurring off-campus, on a case by case basis. Nothing in this procedure shall be construed as preventing or discouraging a student from filing a concurrent criminal complaint with the appropriate law enforcement agency, where applicable.

IV. Student Responsibilities and Rights

DMACC offers each student the freedom to learn and the freedom to enjoy community college life in an orderly and lawful manner. In return, DMACC expects every student to assume the obligation and responsibilities that accompany those freedoms. By voluntary enrollment at DMACC, students assume the obligation and responsibility of conducting themselves in accordance with the reasonable and lawful requirements of DMACC in its educational functions and processes. Violations of these responsibilities may result in sanctions that can include expulsion from the institution.

Students have the right to due process including: the right to notice of any alleged violations of student conduct, the right to a hearing if the student does not admit responsibility for the alleged violations or if the conduct may warrant suspension, and the right to appeal any action brought or taken by the College against the student as set forth in these procedures.

Students may not be harassed or discriminated against by virtue of their race, color, national origin, creed, religion, sex (including pregnancy and marital status), sexual orientation, gender identity, age, disability, and genetic information, or to the extent covered by law, veteran status.

V. Student Code of Conduct

Students are expected to comply with all Board and Administrative Policies. The following student conduct may be grounds for discipline or suspension in accordance with these procedures. This is not an exhaustive list of all the behavior that may be subject to disciplinary sanctions.

- A. Disruption of the orderly process and educational atmosphere of the College, both in the classroom and on all college property, including, but not limited to: Interfering with instructors' ability to teach or students' ability to learn, refusal to comply with faculty or staff direction regarding vocal or physical behavior, unauthorized entry into, obstruction of, or occupation of any room, building or area of the College.
- B. Acting or failing to act in a manner that causes concern for the health and safety of oneself or others.
- C. Assaulting; threatening; verbally or physically abusing; or any conduct that threatens or endangers the health or safety of any person.
- D. Misusing or misappropriating college property or private property on campus or at off-campus College activities, including, but not limited to, theft or attempted theft, burglary, possession of stolen property, and destruction, damage, defacement, or mutilation of property belonging to or in the custody of the College or member of the college community or cooperating agencies.
- E. Using, possessing, misusing, or being under the influence of any alcoholic beverage or other intoxicating beverage on college property or at college-sponsored functions except as authorized by college regulations or college authority.
- F. Manufacturing, processing, selling, delivering, providing, using, purchasing, misusing or possessing any narcotic drug, marijuana or other addictive, dangerous or controlled substance, on College property or at college-sponsored functions. Drug paraphernalia is also prohibited.
- G. Possession of a weapon or firearm on campus is prohibited. Weapons may include, but are not limited to: knives, guns, firearms, BB guns, tazers, explosives, fireworks, or simulations of any such items (devices that appear to be real such as a realistic toy, replica, paint-ball gun, etc.) A weapon may also include an object designed for use or used in a manner to inflict harm or threaten harm to a human being or animal. Current or retired licensed law enforcement professionals with a current permit may carry concealed weapons while on campus; this does not apply to current or retired military personnel.
- H. Engaging in a false alarm of a fire, bomb threat, or other catastrophe by verbally reporting one or by tampering with the alarm system or safety equipment. Engaging in the intentional setting of fires or explosions within college buildings or on the campus without proper authority. Threatening to place or attempting to place any incendiary or explosive device or material in or about the college premises or at the site of a College-sponsored activity.
- I. Engaging in forgery, alteration, or misuse of any College records or documents, College keys or keycards, or student or staff identification cards.
- J. Failing to identify oneself by name and/or to comply with a proper order of any faculty member or other college official, properly identified (by stating his or her name and title if requested by a student) and acting within the scope of his or her authority.
- K. Disrupting the orderly processes of the College, or obstructing or denying access to services or facilities by those entitled to use such services or facilities. Interfering with the lawful rights of other persons on the campus. Inciting others to do any of the above.
- L. Technology Misconduct defined by the Technology Usage Policy (IT 6100), including, but not limited to the following:
 1. Disrupting access of other students, faculty, or staff members to college computers and other technology resources.
 2. Obtaining, and/or gaining unauthorized access to college computer systems or an account assigned to another person that may include the use of another individual's identification, account, personal identification number (PIN) or other password.
 3. Using an account belonging to another student, faculty, staff, department, or organization for other than its intended purpose without permission from the owner.
 4. Using technological equipment to interfere with the lawful rights of others by such activities as falsifying or altering records or software, creating fraudulent documents, damaging programs belonging to the college or another individual.
 5. Sending harassing, threatening or sexually explicit material to another individual.
 6. Violating license agreements, copyrights or intellectual property rights including copyright, patents, etc. by copying, distributing, selling or publishing intellectual property.
 7. Permitting other persons—whether DMACC users or unauthorized users—to use a DMACC user's accounts, passwords, or access codes.
 8. Theft of DMACC hardware or software.
 9. Inappropriate or malicious use of technology resources including attempts to alter, erase, damage, or intercept technological data or programs that are the property of DMACC or DMACC users.
 10. Misuse of the College's computer systems during course registration as defined in the Registration Status Procedure ES4554.

- M. Operating a motor vehicle recklessly, so as to pose a threat to the safety of others, on campus or at college-sponsored activities off-campus. (The Campus Traffic Appeals Committee generally deals with other violations in this area.)
- N. Making noise in the vicinity of the College or college-sponsored activities, that disrupts the orderly, efficient, and disciplined atmosphere of the College, or college-sponsored activity.
- O. Engaging in willful misrepresentation of any material fact to faculty or college staff or to others about one's status or academic performance within the College or of the support, sponsorship, or approval by the College of the services or activities of any person, group, or organization. This includes knowingly submitting false information on college documents such as admissions applications or program materials.
- P. Disorderly, lewd, indecent or obscene conduct.
- Q. Any other willful or intentional conduct that seriously threatens (1) any educational process or other functions of the College, or (2) the health or safety of any member of the academic community.
- R. Illegal or unauthorized use of college property.
- S. Engaging in behavior that is discriminatory, including harassment of other students and staff, based on race, color, national origin, creed, religion, sex (including pregnancy and marital status), sexual orientation, gender identity, age, disability, and genetic information, or to the extent covered by law, veteran status; behavior of this nature will be investigated in accordance with the procedures set forth in the Discrimination Complaint Procedure for Students, ES4645. Sexual Harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature (HR3005),
- T. Engaging in a sex offense, including behavior that constitutes dating violence, domestic violence, sexual assault, and stalking, as defined by ES 4631 and 34 C.F.R. § 664(a).
- U. Violation of any federal, state or local law. (Section III)
- V. Academic Misconduct, as defined in the Academic Misconduct Policy, ES 4670, including but not limited to the following:
 - 1. Engaging in any form of plagiarism, which is defined as the appropriation of and use of another person's writing, and passing it off as the product of one's own efforts or copying any work and submitting it as original work.
 - 2. Falsifying with respect to any examination, paper, project, application, recommendation, transcript or test, or by any dishonest means whatsoever, or by aiding or abetting another student to do so.
 - 3. Using materials or collaborating with another person (or persons) during a test or other assignments without authorization.
 - 4. Substituting for another student, or permitting another person to substitute for oneself, to take an examination, course or test, or to provide the work for any assigned project.
 - 5. The acquisition of grades, academic credits, degrees, honors, awards, certification or professional endorsements by means of cheating.
 - 6. Failing to comply with the policies of the student's program or department stated in College publications.
- W. Violation of DMACC Student Housing Guidelines.
- X. Violation of any College policy, rule or regulation published in the College Catalog or Student Handbook.

VI. Investigation and Charge Procedures for Alleged Violations of Student Conduct

- A. Any person may bring a complaint against a student under these procedures based on the student's alleged violation of one of the above regulations.
 - 1. All such complaints shall be made to the Provost/ Associate Provost or the Judicial Officer. Complaints may be made verbally or in writing using the online Misconduct Incident Reporting system. The Provost/Associate Provost or Judicial Officer shall promptly investigate and review the complaint, determine whether an informal resolution is possible, or whether formal charges should be instituted.
 - 2. The investigator shall, at a minimum, interview the complaining party and the accused student. Both parties shall be given equal opportunity to present oral and written evidence for the consideration of the investigator. The investigator will also interview witnesses identified by any party as having knowledge relating to the complaint, as necessary to conduct a reasonably thorough investigation of the complaint.
 - 3. Following the period of investigation, the Provost/ Associate Provost, in consultation with the Judicial Officer, shall determine if evidence exists for formal charges to be brought against a student for a violation of the Student Conduct Code.
 - a. If the charges are of a minor nature (suspension is NOT warranted), the case will be heard in a disciplinary conference (Section VIII.A.) before the Provost/Associate Provost or Judicial Officer.
 - b. If the charges are of a major nature (suspension is warranted), the case will be heard by the College Judicial Hearing Board (Section VIII.B.). If expulsion is warranted, the case will be referred to the Office of the President (Section X).
 - c. If there is a lack of evidence or formal charges are not deemed necessary, an informal resolution may be sought. If an informal resolution is made, the student signs a letter by the Provost/ Associate Provost or Judicial Officer stating the terms of the resolution and indicating his/her consent to these terms. In cases involving alleged sexual harassment, if the Provost/Associate Provost or Judicial Officer offers informal resolution to the

complainant/target of the harassment, the complainant/target has the right to end informal resolution efforts at any time in lieu of proceeding with a formal complaint. At no time shall the complainant/target be required to confront the harasser or participate in informal resolution or mediation. In cases involving a sex offense, the complainant/target will never be asked to confront the accused or participate in informal resolution or mediation.

- d. The standard for determining whether a violation occurred shall be whether it is supported by the preponderance of the evidence available to the Provost/Associate Provost or Judicial Officer.
 4. If it is determined that formal charges should be brought, the Provost/Associate Provost or Judicial Officer shall send to the student involved a Notice of Charge (Section VIII. A & B).
- B. In cases involving sexual harassment or a sex offense, both the complainant/target and the respondent shall be notified in writing of the outcome of the investigation and disciplinary process within five (5) school days of the conclusion of the process.
- C. Absent extenuating circumstances, the Provost/Associate Provost or Judicial Officer should complete the initial investigation in cases involving sexual harassment or a sex offense within 60 days of receiving the complaint. If he or she determines that completion of the investigation within 60 days is not practicable, he or she shall notify both parties as soon as possible of the delay and of the expected date for completion of the initial investigation.

VII. Interim Actions

- A. Hold: The Provost/Associate Provost, Judicial Officer or Executive Dean for Student Services may place a hold on the accused student's registration, transcripts, new awards of financial aid and/or other College records until the case is adjudicated when the following circumstances occur:
 1. The student has failed to appear for a hearing or a request for a meeting with the Provost/Associate Provost or Judicial Officer
 2. The alleged conduct is such that, if true, may pose a threat of harm to persons or property
- B. Disciplinary Removal: A faculty or staff member may enact immediate temporary removal of a student from a class, office, attendance center, clinical site or other DMACC related facility for disciplinary reasons. These include, but are not limited to:
 1. An attempt or threat by words or actions that causes concern for the health and safety others.
 2. Possession, use, sale, or purchase of illegal drugs on campus.
 3. Destruction or theft of college property or another person's personal property.
 4. Possession or use of intoxicating beverages on campus.
 5. Any activity(ies) causing a major disruption or disturbance.
 6. Possession on-campus of any object appearing to be a potentially lethal weapon unless approved in writing by the appropriate Provost.
 7. A violation of the student code of conduct (Section V).
 8. Ignoring a summons for a hearing.

The faculty or staff member should complete an online Misconduct Incident Report documenting the incident and immediately notify the Provost/Associate Provost or Judicial Officer of the disciplinary removal, who then will conduct an investigation pursuant to Section VI.
- C. Interim Suspension: The Executive Dean for Student Services, Provost/Associate Provost or Judicial Officer may take immediate interim action when the student's continued presence may constitute a significant danger to the student, others or College property by suspending the student from class(es), clinical site, attendance centers or any College facility; denying the student privileges and the ability to participate in activities and/or altering the status of a student for a violation of a provision of Section V, and informing the student of such action and the procedures to be followed pursuant to Sections VI and VIII.
 1. The alleged violation and removal must be immediately reported by the faculty/staff member in writing to the Provost/Associate Provost or Executive Dean for Student Services, who will review the allegation, contact the Judicial Officer who will then initiate disciplinary actions as set forth in these procedures.
 2. Appeal of Interim Suspension: The student will meet with the administrator who issued the interim suspension no longer than three business days after the interim suspension was issued, who will take one of the following actions:
 - a. Dismiss the allegation;
 - b. Proceed with formal hearing procedures as set forth in this policy.
 3. Reinstatement: If the suspended student receives a favorable appeal or favorable hearing, the student shall be permitted to make up class work required for satisfactory completion of a course or courses begun prior to the beginning of the disciplinary process.

VIII. Hearing Procedures for Alleged Violations of Student Conduct

- A. Disciplinary Conference Procedures
 Alleged violations of a minor nature (do not warrant suspension) will be adjudicated in a disciplinary

conference between the Provost/ Associate Provost and/or the Judicial Officer and the student. Except as provided below for cases involving alleged sexual harassment or a sex offense, no other witnesses will be present.

1. The Provost/Associate Provost or Judicial Officer shall send to the student involved a Notice of Charge/Hearing. In cases involving sexual harassment or a sex offense, a copy of the Notice of Charge/Hearing will be simultaneously sent to the complainant/target.
 - a. The Notice of Charge/Hearing details the alleged violations of the student conduct code, a summary of the alleged misconduct, the student's rights, the time and date of a hearing, and a copy of the Student Conduct, Discipline, and Appeals Procedure ES4630.
 - b. The Notice of Charge/Hearing shall be sent by registered mail to the student's last known address if the student is no longer enrolled at DMACC; if they are a current student the Notice will be sent to their DMACC email account or delivered in person with a receipt acknowledged in writing by the student.
 - c. If the student charged cannot appear at the time specified, the student must contact the Provost/Associate Provost or Judicial Officer at least two (2) business days before the hearing is scheduled to arrange a different time for the hearing.
 2. If the student has not contacted the Provost /Associate Provost or Judicial Officer and/or does not appear at the hearing, the Provost /Associate Provost or Judicial Officer may make a decision of responsibility or non-responsibility and the sanction.
 3. At the disciplinary conference, the Provost /Associate Provost or Judicial Officer will review the charges, evidence, and student's rights with the student. The student will have an opportunity to present any evidence or testimony on their behalf.
 4. For any hearing relating to charges of sexual harassment or a sex offense, the complainant/target will have equivalent rights to attend the hearing and present evidence or testimony relating to the complaint. Where appropriate, alternative means of participation (including electronic means) may be provided so that the complainant/ target need not be in the same room as the respondent.
 5. After reviewing the evidence and hearing from the student, the Provost /Associate Provost or Judicial Officer will determine whether the preponderance of the evidence indicates that the student is responsible or not responsible for the alleged violation.
 6. Any student who is found to have violated a regulation governing student conduct will be subject to the following sanctions:
 - a. Reprimand. Written censure by the College. This written warning serves to remind the student that further violation of the student conduct code may result in more serious sanctions. Early Warning Referral and Student Action Report conferences are examples of sanctions of reprimand. A record of the disciplinary action is kept in the student's disciplinary file.
 - b. Restitution. Reimbursement for damage to or appropriation of Des Moines Area Community College property. Written notice will be sent to the student requiring restitution when the student has damaged or misappropriated Des Moines Area Community College property. Reimbursement may take the form of appropriate service to repair or compensate for damages.
 - c. Conduct Probation. A period of review during which the student must demonstrate his/her ability to comply with the Student Code of Conduct, all DMACC policies, and other requirements stipulated for the probation period including limitation of activity or access to College facilities.
 - d. Educational Sanctions. A requirement to participate in a project, class, counseling, or other college/community sponsored activity that is relevant to the nature of the offense and appropriate for the violation at the student's expense.
 - e. Other Sanctions: Other sanctions or conditions may be imposed instead of or in addition to those specified in of this Code. Examples include, but are not limited to restriction of access to specific areas of campus, monetary penalty, monetary reimbursement, public or community service, research projects, compulsory attendance at education programs, compulsory psychiatric/psychological evaluation and counseling, such as alcohol and drug counseling and restorative justice conferences and actions which will be guided by the Judicial Officer.
 7. The Provost/Associate Provost or Judicial Officer's decision as to whether a student is responsible for a student conduct violation and the appropriate sanction, if any, will be sent to the student, and, in cases involving sexual harassment or a sex offense, to the complainant/ target as well, within five business days by registered mail at the last known address provided by the student to the institution if a student is no longer enrolled. If they are a currently enrolled student, the decision will be sent to their DMACC email account or delivered in person with receipt acknowledged in writing by the student. This letter will include the reasoning by which the decision was reached. The action is effective upon the date the notification was written. A copy of the letter will be placed in the student's disciplinary file maintained by the Judicial Officer. Students have the right to appeal this decision as described in Section IX.
 8. Where appropriate, the Provost/ Associate Provost or Judicial Officer must also consider remedial measures to prevent future violations of the student conduct code and to lessen the effect of the violation on the complainant/target of the violation.
- B. College Judicial Hearing Board Procedures
 Alleged violations of a major nature (those that may warrant suspension) will be adjudicated by the College Judicial Hearing Board.

1. The Judicial Officer shall send to the student involved a Notice of Charge/Hearing.
 - a. The Notice of Charge/Hearing details the alleged violations of the student conduct code, a summary of the alleged misconduct, names of any witnesses intended to be called at the hearing, the time and date of the hearing, the student's rights and a copy of the Student Conduct, Discipline, and Appeals Procedure ES4630.
 - b. The Notice of Charge/Hearing shall be sent by registered mail if the student is no longer enrolled to their last known address; to a student who is currently enrolled it will be sent to their DMACC email account or delivered in person with receipt acknowledged in writing by the student.
 - c. If the student charged cannot appear at the time specified, the student must contact the Judicial Officer at least two (2) business days before the hearing is scheduled to arrange a different time for the hearing.
2. If the student has not contacted the Judicial Officer and/or does not appear at the hearing, the College Judicial Review Board may make a decision of responsibility or non-responsibility and the sanction.
3. The College Judicial Hearing Board (XIII.C.) will be comprised of five members (two faculty members, a student, and two staff representatives). The Board will hear all evidence in the case including witness testimony and documentation and make a decision as to whether the student is responsible or not responsible for the alleged violation and determine an appropriate sanction.
4. Each campus will have at least six trained members to serve on the College Judicial Hearing Board. Members will be appointed by the campus Provost and will serve for a term of three years.
5. One member of the College Judicial Review Board will serve as Chairperson and shall preside at the hearing; the Chairperson shall inform; the Respondent of the charge(s), the hearing procedures, and his or her rights; and shall answer any questions the student charged may have on the matters. In cases involving sexual harassment or a sex offense, the Chairperson shall also inform the complainant/target of the charge(s), the hearing procedures, and his or her rights; and shall answer any questions the complainant/target may have on the matters.
6. The Judicial Officer may request that College personnel be present during a hearing without consultation with the student. Additionally, College personnel serving as witnesses may have their supervisors present during a hearing while testimony is being given.
7. The hearing will be recorded and a copy of the recording will be maintained for the period of the appeal process. The recording will remain the property of the College.
8. The chair shall call witnesses and ask the Provost/ Associate Provost/Dean or designee to provide an oral summary of the written testimony in support of the student conduct violation. The student may then share information with the Board, which may include written testimony and witnesses in his or her behalf.
9. The student charged has the following rights at a hearing:
 - a. Right to due process
 - b. Right to a hearing
 - c. Right to notice of allegations and summary of facts in the case
 - d. Right to have up to two advisor(s) present during the hearing
 - e. Right to attend the hearing and present on your behalf
 - f. Right to refuse to participate in the hearing
 - g. Right to present summary of case from their viewpoint
 - h. Right to present documentary, testimonial, or physical evidence
 - i. Right to call witnesses who have a direct bearing on the case
 - j. Right to the College Judicial Hearing Board's decision based on the evidence presented at the hearing and evaluated by the standard of preponderance of the evidence
 - k. Right to be notified of the final decision of the hearing
 - l. Right to appeal the final decision
10. For hearings concerning sexual harassment or a sex offense, the complainant/target shall have equivalent rights to the charged student with respect to 9(a)–(l), above. Where appropriate and upon request by complainant/target an alternative means of participation (including electronic means) may be provided so that the complainant/target need not be in the same room as the charged student.,
11. The College Judicial Hearing Board Chairperson may exclude irrelevant, immaterial, or unduly repetitive information.
12. Advisors for the student may assist the student with the preparation of the hearing, but may not actively participate by questioning witnesses, cross-examining witnesses or other participants or formally addressing the hearing participants as stated in Procedure ES 4625. For hearings concerning sexual harassment a sex offense, the complainant/target shall have equivalent rights to receive assistance from advisors as are granted to the charged student.
13. The College Judicial Hearing Board's decision based on the standard of preponderance of the evidence as to whether a student regulation was violated and the appropriate sanction, if any, will be sent within five business days to the student, and, in cases of sexual harassment or a sex offense, to the complainant/target as well. If the student is no longer enrolled at DMACC the decision will be sent by registered mail at the last known address provided to the college by the student. If the student is currently enrolled it will be sent to their DMACC email account or delivered in person with receipt acknowledged in writing by the student. This letter will include the reasoning by which the decision was reached. The action is effective upon the date the notification was written. A copy of the letter will be placed in the student's disciplinary file maintained by the Judicial Officer.

14. Any student who is found to have violated a regulation governing student conduct will be subject to the following sanctions:
- a. Reprimand. Written censure by the College. This written warning serves to remind the student that further violation of the student conduct code may result in more serious sanctions. A record of the disciplinary action is kept in the student's disciplinary file.
 - b. Restitution. Reimbursement for damage to or appropriation of Des Moines Area Community College property. Written notice will be sent to the student requiring restitution when the student has damaged or misappropriated Des Moines Area Community College property. Reimbursement may take the form of appropriate service to repair or compensate for damages.
 - c. Conduct Probation. A period of review during which the student must demonstrate his/her ability to comply with all DMACC rules and regulations and other requirements stipulated for the probation period including limitation of activity or access to College facilities.
 - d. Re-enrollment Requirements: A requirement to meet with the Executive Dean of Student Services and/or Judicial Officer and this meeting may include a designated group of college personnel. The student may also be directed to provide appropriate documentation relevant to the violation to demonstrate the student's readiness to return to the college prior to reenrolling in courses at the institution. The college administrator will have the discretion to determine if the student can be re-enrolled at the institution following the suspension period imposed by the College Judicial Hearing Board or if the suspension will be extended. A Student may appeal this decision using the established procedures in Section (IX).
 - e. Educational Sanctions. A requirement to participate in a project, class, counseling, or other College/community sponsored activity that is relevant to the nature of the offense and appropriate for the violation at the student's expense.
 - f. Suspension or Termination of the Use of College Property, Resources, or Activities. A student's use of College property or resources involved in the offense, or a student's participation in activities associated with the offense, may be temporarily suspended or permanently terminated.
 - g. Suspension from the College or Certain Courses for a Specified Period. Suspension can be from a class, specific number of classes, program, or a campus. The privilege of re-admission may depend on the fulfillment of certain conditions imposed by the College and/or the program. A suspended student may be prohibited from appearing on the campus, at attendance centers, at off-campus classes at cooperating agencies, or any activity sponsored by the College.
 - h. A recommendation for expulsion (Section X below).
 - i. Other Sanctions: Other sanctions or conditions may be imposed instead of or in addition to those specified in of this Code. Examples include, but are not limited to restriction of access to specific areas of campus, monetary penalty, monetary reimbursement, public or community service, research projects, compulsory attendance at education programs, compulsory psychiatric/psychological evaluation and counseling, such as alcohol and drug counseling and restorative justice conferences and actions which will be guided by the Judicial Officer.
 - j. Where appropriate, the College Judicial Hearing Board must also consider remedial measures to prevent future violations of the student conduct code and to lessen the effect of the violation on the complainant/target of the violation.
15. In the case where the College Judicial Hearing Board finds that a student did not violate a regulation:
- a. The board may make recommendations to the student and/or the appropriate Campus Provost or Academic Dean (or designee).
 - b. In situations where the student has been temporarily suspended from class, the matter will be turned over to the appropriate Campus Provost or Academic Dean (or designee). The Campus Provost or Academic Dean (or designee) will consult with the original instructor to determine the student's previous progress in the course, obtain all course assessments completed, and a list of competencies not yet completed.

The Campus Provost or Academic Dean (or designee) will consider options on how the student can complete the course. Options may include, but are not limited to: returning to the class, changing to a new section, if available; completing a directed study; or completing course competencies in another way acceptable to the program chair or alternative faculty member. An alternative to the above list is a withdrawal from the course (with or without refund).

The final grade will be assigned by the instructor overseeing the selected option. The instructor assigning the grade will take into account the assessment information gathered from the previous instructor.

IX. Appeal Procedures

- A. The student, or in cases concerning sexual harassment or a sex offense, the complainant/target may appeal the decision of a Provost /Associate Provost, Judicial Officer or College Judicial Hearing Board.

1. Appeals by the student (or where applicable, the complainant/target) must be made in writing and delivered to the Senior Vice President of Academic Affairs (or designee) (Appellate Officer) within ten (10) business days of receiving the decision. The notice of appeal shall contain the student's name, the date of the decision or action, and reasons for appeal.
 2. The following constitute reasons for an appeal:
 - a. The student's due process rights were substantially violated in the hearing process.
 - b. There was not substantial evidence to support the decisions reached.
 - c. There is new material evidence that could not have been discovered at the time of the hearing.
 - d. The sanctions imposed were too severe or not appropriate for the violation.
- B. Failure to appeal or comply with appeal procedures will render the original decision final. In the event of extenuating circumstances, an extension in time may be requested by submitting a written request to the Senior Vice President of Academic Affairs (or designee) stating good reasons for the request of additional time.
- C. Any sanction imposed as the result of a Disciplinary Conference or College Judicial Board Hearing will remain in effect during the process of appeal. The appellate officer has the authority, under extenuating circumstances, to defer the imposed sanction while the appeal is in process.

The Appellate Officer shall review the case file and if available, the tape recording of the hearing. The Appellate Officer may then ask to meet with each party for a short oral summary of the arguments. For hearings concerning sexual harassment or a sex offense, the complainant/target shall have equivalent rights to the charged student with. Where appropriate, alternative means of participation (including electronic means) may be provided so that the complainant/target need not be in the same room as the charged student.

- D. The Appellate Officer may do one of the following:
1. Affirm the original decision.
 2. Reverse the decision by finding no violation occurred.
 3. Remand the case for a new hearing.
 4. Remand the case for consideration of new evidence.
 5. Reduce the sanction.
- E. The Appellate Officer's decision and reasons for the decision will be delivered to the student, the complainant/target if the appeal relates to sexual harassment or a sex offense, and the Judicial Officer by registered mail to the student's last known address if the student is no longer enrolled or if a current DMACC student to the student's DMACC email account within five business days of the receipt of the appeal.
- F. The Appellate Officer's decision is the final decision of the College.

X. Expulsion

The Executive Dean of Student Services or College Judicial Hearing Board may recommend expulsion to the Board of Directors. In that event, the College shall serve the student with Notice of Charges and schedule the matter for hearing before the Board of Directors.

XI. Disciplinary Records

- A. If disciplinary action is taken against a student under the procedures outlined above and a sanction is imposed, a record of the action including a copy of the Student Conduct/Discipline Report Form, Notice of Hearing Letter, and Decision will be placed in the student's disciplinary file maintained by the Judicial Officer.
- B. If the student is suspended or expelled from DMACC, a notation will be placed on the student's transcript for the entire term of the student's suspension indicating that the student is suspended due to disciplinary action.
- C. Disciplinary actions are part of the education records of the student, and consequently, are not available for public disclosure or discussion. The College will not disclose information outside the College relating to the student's disciplinary record, except as allowed by law, if prior written permission from the student has not been received.
- D. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including security personnel and the campus nurse); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Directors; or a student serving on an official committee, such as the Petition for Policy Waiver Committee, College Review Board or College Judicial Hearing Board, or assisting another school official in performing his or her tasks. A school official has legitimate

educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibilities. "College officials" include students serving on institutional committees. College officials who have access to student records in the course of performing their professional responsibilities shall not be permitted to release the record to persons outside the College, unless authorized in writing by the student or unless one of the exceptions stated earlier applies.

- E. The College will retain discipline files for suspended or expelled students indefinitely. All other disciplinary records may be maintained for a period of seven years and then may be destroyed by the College. Recordings of disciplinary hearings may be destroyed following the exhaustion of the appeal process.

XII. Responsibilities

Responsibilities as set forth in these procedures are:

- A. Faculty and staff:
1. Requests a disciplinary removal of a student from class, office, or facility as set forth in these procedures.
 2. Provides documentation to Provosts or Associate Provosts and the Judicial Officer about alleged violations of the Student Conduct Code (Section V).
 3. May provide written or oral statements regarding incidents.
- B. Provosts (Boone Campus; Carroll Campus; Newton Campus; Urban Campus; West Campus) and/or Associate Provosts (Boone Campus; Urban Campus; West Campus):
1. Authorizes an interim suspension as set forth in these procedures (Section VII).
 2. Receives written complaints against a student based on the student's alleged violation of the Student Conduct Code. (Section V).
 3. Investigates and reviews complaints (Section VI).
 4. Determines in consultation with Judicial Officer if there is enough evidence to charge a student with a violation and whether the violation is of a major (constitutes suspension or expulsion) or minor nature. This includes a charge(s) as a result of a disciplinary removal from the classroom (Section VII.B) and/or a discrimination complaint (Procedure ES4645).
 5. May seek an informal disposition of the complaint by conducting a disciplinary conference for cases of a minor nature.
 6. May present the case for DMACC at College Judicial Board Hearings.
- C. Judicial Officer:
1. Receives written and oral complaints against a student based on the student's alleged violation of the Student Conduct Code (Section V).
 2. Investigates and reviews complaints (Section VI).
 3. Determines whether there is enough evidence to charge a student with a violation and whether the violation is of a major (constitutes suspension or expulsion) or minor nature (Section VI).
 4. Conducts disciplinary conferences on charges of a minor nature brought pursuant to these procedures (Section VIII.B).
 5. Issues the formal charges and recommends the appropriate sanction or expulsion.
 6. Coordinates the process for College Judicial Board Hearings and may present evidence for DMACC during College Judicial Board Hearings.
 7. Authorizes an interim suspension as set forth in these procedures.
 8. Provides training to Provosts/Deans/Associate Provosts/Assistant Deans and the College Judicial Hearing Board on the Student Conduct, Discipline and Appeals Procedures.
 9. Seats the Judicial Board for hearings.
- D. Executive Vice President of Academic Affairs (or designee):
1. Reviews appeal of Provost /Associate Provosts, Judicial Officer's or College Judicial Hearing Board decisions.
 2. May do one of the following: affirm the formal charges and sanctions imposed by the Provost /Associate Provost or Judicial Officer or College Judicial Hearing Board; reverse the decision by finding no violation occurred; remand the case for a new hearing; remand the case to the College Judicial Hearing Board for the consideration of new evidence; and/or reduce the sanction.

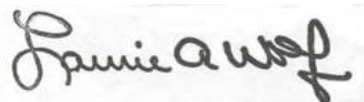
XIII. Definitions

Definitions as set forth in these procedures are:

- A. Interim Actions (Section VI) are actions such as placing a hold on a student's records, disciplinary removal, and/or an interim suspension, which are taken before Section V Investigation and Charge Procedures for Alleged Violations of Student Conduct can be conducted in extreme circumstances when a student's continued presence may constitute a significant danger to themselves, others, or College property. All interim actions implemented by a Provost /Associate Provost/ or Judicial Officer will remain in place until the completion of an investigation at which time it can be determined that evidence exists to institute formal charges and a hearing can be conducted.

- B. Disciplinary Conferences (Section VIII A) are informal, administrative hearings used to adjudicate alleged violations of a minor nature (those that do not warrant suspension or expulsion). Following the completion of an investigation, the Provost /Associate Provost or Judicial Officer will send a Notice of Hearing Letter to the student charged including the alleged violations, and provide an opportunity for the student to admit or deny responsibility for the conduct in a one-on-one disciplinary conference between the student and the Provost /Associate Provost or Judicial Officer. The decision of the Provost /Associate Provost or Judicial Officer will be sent to the student in writing within five business days in a manner previously designated in this procedure and a copy of the Student Conduct/Discipline Report Form, Notice of Hearing Letter, and Decision will be sent to the Judicial Officer to be placed in the student's disciplinary file. In cases involving alleged sexual harassment or sex offenses, the complainant/ target of the offense will have an equivalent right to receive the Notice of Hearing Letter, attend and participate in the conference, and receive the written decision.

- C. College Judicial Hearing Board (Section VIII B) will be comprised of five members (two faculty members, a student, and two staff representatives) to adjudicate alleged violations of student conduct which are considered to be of a major nature—those that may warrant suspension from the institution. In the event the Board cannot be seated with the members as designated above, the respondent and if applicable, the complainant/target will be notified and sign off on the composition of the seated Judicial Board. Each campus will nominate a minimum of three faculty, two students, and three staff representatives for the College Judicial Hearing Board. The Board will hear all evidence in the case including witness testimony and documentation and make a decision as to whether the student is responsible or not responsible for the alleged violation and determine an appropriate sanction.



APPROVED: _____
Executive Dean, Student Services

Date: 4-26-16 _____



Senior Vice President, Academic Affairs

Date: 4-26-16 _____



Faculty & Staff Instructions for Completion of Student Conduct/Discipline Report Form-ES4630

1. The Board of Directors of DMACC confers upon the staff the power to invoke sanctions to protect the educational processes and the rights of individual students and staff.
2. Student Conduct, Discipline and Appeals Procedure, ES4630, provides procedures that regulate the behavior of DMACC students while on college property, at cooperating agencies, or while in attendance at college-sponsored activities or events.

The form can be used for the following:

- a) To report your concern to your immediate supervisor regarding disruptive student behavior but not to request disciplinary action.
- b) To report alleged violations of the Student Conduct policy, to request that an investigation be conducted, and/or that disciplinary action be considered. Copies of this form should be provided to your supervisor, the Provost/Dean, Judicial Officer, and the student.

Incidents involving more than one student should be completed on separate forms for confidentiality of student records.

NOTE: It is important to complete this form even if you are only reporting a concern. This concern will create a record in the student's disciplinary file maintained by the Judicial Officer and several reported concerns for one student may warrant an investigation.

3. Part 3. Detailed descriptions of the incident are very important. Responses and actions to your concern will be based on these descriptions.
4. Part 4. "Follow-up action requested" is your important decision; some actions need only to be reported, while some other actions need to be considered for disciplinary action.
5. Distribution of copies:

Copy to Judicial Officer

A copy of the Student Conduct/Discipline Report Form will be included in the student's disciplinary file maintained by the Judicial Officer. Student disciplinary records are part of the student's educational record and are not available for public disclosure. Persons desiring access to a student's disciplinary record may do so by securing a written waiver from the student whose record is requested.

Copy to Student

Students are guaranteed their constitutional right to due process including the right to be notified of the alleged violations of the Student Conduct policies and the right to a hearing when the conduct may warrant suspension from a class, campus, or college. Students have the right to appeal any action brought or taken against them, and notification of those actions must be communicated to the student in writing.

Copy to Target of Sexual Harassment/Sex Offense

Title IX provides the target of sexual harassment or a sex offense with the right to be notified of the alleged violations of the Student Conduct policies and an equivalent right to participate in a hearing relating to the charges hearing that is given to the accused. The target also has an equivalent right as the accused to appeal any action, and notification of those actions must be communicated to the target in writing.

Copy to Provost/ Associate Provost

Notification of concerns about a student or alleged violations of the student discipline policy must be reported to administrative personnel. The Provost /Associate Provost and/or the Judicial Officer are responsible for the investigation and filing of formal charges.

Copy for Originator

Please keep a copy for your records.



TO REPORT INCIDENTS OF STUDENT CONDUCT/DISCIPLINE:

<https://infopath.dmacc.edu/security/default.aspx>

For questions or additional guidance, please contact the Judicial Officer at Ext. 6574