



CONNORS

— STATE COLLEGE —

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Student Conduct Process

The responsibility for the campus student conduct system is delegated from the Board of Regents for Connors State College to the Vice-President for Academic Affairs through the President. The Vice-President for Academic Affairs further delegates authority for student conduct to the Dean of Students, who may designate conduct officers. A conduct officer is a College employee who is an officially designated administrator or staff member. The goal is to resolve cases by the lowest appropriate authority for maximum educational benefit.

Student Conduct Procedures

The following information is provided to inform students of the procedures in place at CSC for resolving alleged violations of College regulations. The procedures are designed to allow for fact-finding and decision-making in the context of the CSC educational community. The objective is to provide procedures that balance the rights of the individual with the legitimate interests of the College and community.

1. Complaints

- a. Any member of the College community (faculty, staff or student) or any person who is unaffiliated with the College who has knowledge of an alleged violation of the Student Code of Conduct may file a complaint against a student alleging that a violation of the Student Code of Conduct has occurred. The College may itself initiate a complaint.
- b. Such complaints should be filed with the Dean of Students or Assistant Dean of Students as soon as possible but within 180 calendar days (not College business days) of the alleged

violation. A late complaint may be accepted with the approval of the Vice-President for Academic Affairs, the Dean of Students, or their designee.

- c. The complaint must be submitted in writing and signed by the complainant(s), or submitted via the approved online form and electronically signed by appropriate technical method, and must include the date, time, place, name(s) of the person(s) involved (e.g., the accused, witnesses) and sufficient detail to determine whether disciplinary action may be warranted.
- d. Complaints may be initiated for incidents where concurrent criminal charges are pending. The College may adjudicate incidents without regard to either pending civil litigation or criminal prosecution. College conduct proceedings may proceed before, during, or after court proceedings.

2. Interim Suspension

In cases where student health or safety is reasonably believed to be significantly jeopardized, the Vice-President for Academic Affairs, in consultation with the President of the College, or designee, may suspend a student for the period required to allow a thorough investigation and opportunity for a hearing. Students who are so suspended are not permitted on campus or in College buildings, facilities, or activities at any time for any reason during the period of the interim suspension unless otherwise permitted in writing by the Dean of Students.

If the conduct or behavior of a student residing in a Connors State College residence hall is determined by the Vice-President for Academic Affairs or the Dean of Students to be a threat to self or others, the ability to live in the residence hall may be immediately suspended for a brief period pending the outcome of a hearing. During an interim housing suspension, the student is immediately removed from the residence hall and is not to re-enter any campus residence hall until a hearing is held and a decision regarding the pending complaint has been made.

3. Evidentiary Standard

For a student to be found responsible, the information must support a determination that it is more likely than not that a violation of the Student Code of Conduct occurred. Hearsay evidence may be considered but will be weighed accordingly.

4. Disposition of Allegations

The College conduct process is administered through the Office of the Dean of Students. Alleged violations of College regulations where neither suspension nor expulsion is a possibility are normally resolved through a **Student Conduct Meeting**.

Allegations that could result in suspension or expulsion, or that are complex, sensitive, or require a number of witnesses or that involve an alleged victim are often referred to as a **Hearing Panel**. After a Student Conduct Meeting, the conduct officer may refer the case for a Hearing Panel if further development of the facts is warranted and would be aided by a more formal hearing; the conduct officer will not make any findings.

In instances where a student has been convicted of a felony through the criminal process or the College believes they have enough information that would make it more likely than not a

violation of the Student Code of Conduct has occurred the College may file a complaint against the alleged student without the cooperation from the victim.

Student Rights in Conduct Process

The College views the conduct process as an educational experience that can promote growth in personal understanding of one's role as a member of an educational community and one's rights, responsibilities and privileges therein.

During the conduct process, both the respondent and the complainant have the rights to:

1. A written notice of the alleged violation(s);
2. An explanation of the student conduct process upon request;
3. Have no violation assumed;
4. A timely hearing;
5. Be accompanied by an advisor during the conduct process. In matters not involving possible suspension or expulsion, the advisor is limited to advising the student and may not present information, question relevant parties or make statements during the proceedings;
6. Have access to the information and documents to be presented at the hearing in advance;
7. Be present during the entire proceeding, except during deliberation;
8. Present material witness(es) with firsthand knowledge of the incident;
 - a. The respondent and complainant are responsible for contacting and arranging for the attendance of their witnesses in all cases.
 - b. The respondent and complainant may question any party or witness present, either directly or indirectly, at the discretion of the Hearing Panel Chair.
9. An avenue for appeal from a hearing.

The respondent will receive written notification of the outcome of the hearing; the complainant may receive written notification of the outcome of the hearing when permitted by federal law.

Student Conduct Meeting

Upon determining that sufficient evidence exists to believe that a violation of the Student Code of Conduct may have occurred, the Dean of Students or another conduct officer with jurisdiction will notify the student in writing of the alleged violations against him/her. The written notice will be hand-delivered directly to the student, sent electronically to the student's institutional email address, or mailed to the student's last known address as filed in the Registrar's Office.

Students are responsible for providing and maintaining a current local address and email address with the Registrar's Office.

At the meeting, the student will be provided with the following:

1. An explanation of the alleged violation(s) of College policy;
2. A summary of the facts and information that substantiate the allegations;
3. The opportunity to reflect upon and give his/her account of the incident or circumstances pertaining to the allegation(s);
4. An explanation of the decision of the conduct officer that may result in the following:
 - a. The allegation(s) may be dismissed as unfounded.
 - b. The student may admit responsibility for the violation(s) and have sanction(s) imposed.
 - c. The student may be found responsible for violating the Student Code of Conduct and have sanction(s) imposed.

- d. Any sanction, except suspension, deferred suspension, and expulsion may be imposed.
- e. Decisions reached the meeting will be final with no option to appeal or other proceedings.
- f. Failure to respond to a written allegation(s) or failure to complete the assigned sanction(s) will result in either a hold being placed on the student's enrollment privileges or graduation, additional alleged violations, or a decision being made based on the information available at the time.

Hearing Panel Hearing

Hearing procedures are provided for allegations against a student where suspension or expulsion from the College is possible if the student is found responsible, and for student discrimination grievances.

The Hearing Panel option may not be available during final examinations, breaks, or other periods. If feasible for the Hearing Panel, a hearing will proceed during these times. Additionally, a Hearing Panel may not be available when the Dean of Students or Vice-President for Academic Affairs determine that appearing before the panel poses a threat to the physical welfare of panel members or witness(es).

The Hearing Panel shall be selected from the Student Conduct Committee which is comprised of a minimum of 5 faculty nominated by the Vice-President for Academic Affairs and appointed by the President; 5 staff nominated by the Vice-President of Financial Affairs and appointed by the President; and 5 students, appointed by the Advisor of the Student Government Association.

A Hearing Panel shall consist of three disinterested members — one faculty member, one student, and one staff member —selected from the Student Conduct Committee by the Dean of Students. The faculty member will be the chairperson. A list of panel members will be available three days in advance of the hearing. Before the hearing, alternate Hearing Panel members may be seated to be available in case of conflicts.

A professional staff member from the Office of Academic Affairs and/or a member of Legal Counsel will be present as a non-voting participant. His/her role will be to facilitate dialogue between the Hearing Panel and the student(s) involved, direct the attention of the panel and the parties to relevant points, act as an advisor to the Hearing Panel and answer procedural questions as needed.

If an attorney accompanies the respondent or the complainant at the hearing, the College will have an attorney present. The College's attorney will serve as a non-voting advisor to the Hearing Panel. The advisor may participate directly to the same extent as the student could. Such direct participation is a privilege which, if abused, may be withdrawn by the Chair of the Hearing Panel. If the privilege is withdrawn, the advisor may continue to advise the student. However, if the advisor fails to act per hearing procedure, the Chair of the Hearing Panel may bar the advisor from the hearing. The student must notify the Dean of Students two College working days in advance of the hearing if accompanied by an attorney. In such cases, the College may have an attorney in attendance.

In cases of sexual harassment, sexual misconduct, discrimination, and/or when the College conducts an investigation, the College investigator will present an investigation report as part of the hearing proceedings. The investigator will present the report and answer questions. The role of the investigator is to serve as an unbiased party conducting a thorough investigation of all allegations of sexual harassment or sexual misconduct. The investigation report is a compilation of facts, not a verbatim report, and is not appealable or rebuttable.

1. Pre-Hearing Procedures

Hearing panel members will be selected by the Dean of Students based on their availability.

The Dean of Students or designee will prepare and send a written notice to the respondent and the complainant at least five days before the hearing. The notice will be delivered in person, sent electronically to the institutional email address, or sent via certified mail to the student's last known address of record as filed with the Registrar's Office and will include:

- a. The date, time, place, and nature of the hearing;
- b. Reference to the section(s) of the Student Code of Conduct involved;
- c. A brief explanation of the alleged violation(s) including the approximate date, time and place where the alleged violation(s) occurred;
- d. Name(s) of witness(es), if known;
- e. The right to be accompanied by an advisor and the advisor's role in the hearing.

The Dean of Students or designee will be available to meet with the complainant and the respondent, separately, to discuss and explain the hearing procedure and answer questions.

2. Three Days in Advance of the Hearing

- a. The respondent and the complainant will provide to the Office of the Dean of Students copies of documents to be presented at the hearing and the name(s) of witness(es) who will be called.
- b. It is the responsibility of each student to notify their witness(es) of the date, time, and location of the hearing.
- c. The respondent and the complainant have the right to have access to documents to be presented at the hearing, by prior appointment.

3. Hearing Procedures

The hearing provides a forum where all the information and documents can be presented, where questions can be asked of all parties, and where the Hearing Panel can deliberate and decide to the standard of "more likely than not" that a violation of the Student Code of Conduct did or did not occur. Formal rules of process, procedure, and technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings. Deviations from prescribed procedures will not necessarily invalidate a decision or proceeding unless significant prejudice to the student or the College may result.

If the Hearing Panel concludes that a violation did occur, the Hearing Panel decides what conduct action is appropriate.

To protect the privacy of all parties and per FERPA (Family Educational Rights and Privacy Act), hearings will be closed.

The respondent and complainant can present witnesses, who may be questioned by the Hearing Panel. Questioning by the complainant or the respondent is permitted so long as it is not threatening or harassing.

In the case of sexual harassment and sexual misconduct, the Hearing Panel may, in its discretion, exclude evidence of the complainant's sexual history with the respondent from discussion during the hearing. The past sexual history of the complainant with persons other than the respondent is irrelevant.

The hearing (excluding the deliberations) will be audio recorded. The recordings are the property of the College. Others will not be allowed to make a recording of any type. The College is not responsible for equipment malfunctions. Requests to review audio recordings may be made to the Dean of Students.

If the respondent or complainant elects not to appear for the hearing, the hearing will be held in his/her absence. Failure to appear will be noted without prejudice. Findings will be based on the information presented at the hearing.

Material witnesses will be present during the introductory comments of the hearing, including the honesty statement, at which point they will be excused until time to give their testimony. Witnesses will be excused upon completion of testimony and questioning, but they may be asked to remain available for recall. The complainant and respondent remain throughout the hearing.

After the hearing, all parties will be dismissed except for the Hearing Panel so they may deliberate and reach a decision.

Conduct history is not relevant in determining responsibility but can be used as information in determining an appropriate sanction. A student's conduct history will be available to the Hearing Panel if the respondent is found responsible.

The order of presentation at the hearing will be as follows:

- a. The opening statement provided by the Hearing Panel Chair.
- b. The complainant may present an opening statement.
- c. The respondent may present an opening statement.
- d. If relevant, the College investigator will present the investigation report and answer related questions in cases of sexual harassment, sexual misconduct, discrimination, or when the College has conducted an investigation.
- e. The complainant will present information and call witnesses.
- f. The respondent will present information and call witnesses.
- g. After each witness statement, the witness may be questioned by the Hearing Panel, the respondent and the complainant either directly or indirectly.
- h. The complainant may make a closing statement.
- i. The respondent may make a closing statement.

- j. All parties are dismissed for Hearing Panel deliberation.

The Hearing Panel may accommodate concerns for the personal safety, well-being, or fears of confronting the complainant, respondent, or other witnesses. Procedures or the hearing environment may be modified as determined by the Dean of Students.

4. Hearing Panel Deliberations and Decision

The Hearing Panel will deliberate and, by majority vote determine whether it is more likely than not that a violation(s) of the Student Code of Conduct did or did not occur as alleged.

- a. The panel may find that the information presented was not sufficient to establish a finding of responsibility for the violation(s) of the Student Code of Conduct and dismiss the case.
- b. The panel may find that the information presented was sufficient to affirm the allegations and impose a sanction appropriate with the violation(s).

The Hearing Panel decision will be communicated in writing to the Dean of Students, which will notify the respondent, and if appropriate, the complainant in writing within two days.

The notification letter will include findings of fact, sanction(s) imposed (if any), and the rationale for the decision. The notification letter will be delivered in person, sent electronically to the institutional email address, or sent by certified mail to the student's last known address of record as filed with the Registrar's Office. The notification letter may also be picked up in the Office of the Dean of Students, Room 141, Student Union Building, within two days of the hearing.

In compliance with the Department of Education requirements in cases of sexual violence, sexual harassment, or physical violence, the complainant will be notified of the outcome at the same time as the respondent. In other violations, the complainant will not be notified of the outcome.

5. Complainant Notification

Complainants are entitled to know about the results of proceedings involving alleged crimes of violence or non-forcible sex offenses, as defined by FERPA. Both the respondent and complainant will be notified in writing of the results of any hearing involving alleged crimes of violence or non-forcible sex offenses.

Complainants who have alleged a sexual assault, dating violence, domestic violence, or stalking will be provided with notification in writing of the outcome of the conduct hearing against the alleged perpetrator, as required by the Campus Security Act.

Sanctions

Although not intended to be inclusive, the following are possible sanctions that may be imposed, either singularly or in combination for a student if a violation of the Student Code of Conduct is found. During a Student Conduct Meeting, the student and the conduct officer will work together to develop an Action Plan to aid the student in their ethical, personal, and intellectual development.

1. **A written warning** is an official written notice that the student has violated College policies and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the College.
2. **The restriction** is a limitation on a student's privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent the College, or denial of participation in extracurricular activities not directly associated with academics (e.g., intramural sports, attending athletic events, student organizations/clubs/associations, leadership positions within the housing or other organizations). Students must apply to reinstate the privilege by submitting documentation of their significant proactive efforts to become good citizens of the community and engage in responsible, productive behavior.
3. **Educational and Behavioral Change Requirements** are assigned as an opportunity for personal development and can include, but are not limited to, attending alcohol education, a reflection essay, community service, seeking academic counseling, decision-making class, and other relevant educational opportunities.
4. **Class Removal** occurs when a student is dropped from a class or moved to another section of a class. Faculty members, in consultation with the Dean of Students, reserve the right to interim suspend a student from class pending a hearing for alleged violation(s) of the Student Code of Conduct occurring in the classroom that substantially interferes with teaching or other students' ability to learn.
5. **No Contact Order** is an absolute prohibition from contact with a specified person or persons in any form whatsoever, including but not limited to contact in person, by phone, electronically, or through another person. A No Contact Order may be implemented as an interim measure for issues regarding sexual violence or other Title IX issues. Violating a No Contact Order may result in suspension from the College.
6. **Restitution** is compensation for the damage caused to the College or any person's property on campus. This is not a fine but rather a repayment for labor costs and/or value of property destroyed, damaged, consumed, or stolen.
7. **Residence Hall Status Change:** The following sanctions may include:
 - a. **Restrictions** on visitation to specified buildings or all College housing;
 - b. **Reassignment** to another College housing facility as determined by Residential Life staff;
 - c. **Suspension** from a College housing facility for a specified period of time, after which the student is eligible to return (conditions for returning may be specified);
 - d. **Removal** from living in or visiting any College housing facility.
8. **Conduct Probation** is a specified period of time during which the student is placed on formal notice that he/she is not in good standing with the College and that further violations of College regulations will subject him/her to suspension or expulsion from the College.
9. **Conduct Suspension** is the exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are outlined in the hearing outcome letter are met. Students who are suspended from Connors State College are not permitted on campus or in College buildings, facilities, or activities at any time for any reason during the period of suspension unless otherwise permitted by the Dean of Students or designee. Notation on the transcript is not made; however, a record of the action is maintained in the student's record in the Registrar's Office. If a transcript is requested during the period of suspension, a letter will be sent with the transcript to the requesting party/

institution stating the student is under suspension for conduct reasons. Only unofficial transcripts will be released to the student directly. Any refund of tuition or fees will be subject to the College's normal withdrawal policy.

10. **Conduct Expulsion** is the termination of student status for an indefinite period. The conditions of readmission, if any, shall be stated in the hearing outcome letter. Students who are expelled from Connors State College are not permitted on campus or in College buildings, facilities, or activities at any time for any reason unless otherwise permitted by the Dean of Students. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record in the Registrar's Office. If a transcript is requested during the period of expulsion, a letter will be sent with the transcript to the requesting party/institution stating the student has been expelled for conduct reasons. Only unofficial transcripts will be released to the student directly. Expulsion becomes a permanent part of a student's conduct record. Any refund of tuition or fees will be subject to the College's normal withdrawal policy.

Parental Notification

Connors State College reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

Failure to Complete Conduct Sanctions or Comply with Conduct Office Requests

All students, as members of the College community, are expected to comply with conduct sanctions within the timeframe specified by the Dean of Students or designee. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions and an enrollment hold, which is a "hold" on enrollment privileges. This hold can prevent the adding or dropping of classes or enrollment for subsequent terms. Cancellation of enrollment occurs when a previous enrollment hold has been cleared with the condition that the enrollment will be canceled for failure to meet the conditions of the clearance. If canceled, the refund of tuition or fees will be subject to the College's normal withdrawal policy. A graduation hold is a hold on a student's participation in graduation exercises and diploma for failure to respond to a request to meet with the Dean of Students or another conduct officer, or for non-compliance with conduct sanctions. The Vice-President for Academic Affairs may recommend a graduation hold.

Implementation of Sanctions

Conduct actions or grievance decisions shall not be implemented until the time for appeal has expired until the entire appeal process is completed, or if the individual voluntarily waives the right to appeal in writing. The exceptions to delaying sanctions until the process is complete include: 1) when the interim suspension has been invoked by the Vice-President for Academic Affairs or his/her designee; 2) to protect the health or safety of students on the campus.

Appeal Procedure

An appeal is a review of the record of the original hearing, not a new hearing. It is the responsibility of the person who initiated the appeal to show that one or more of the listed grounds for appeal has merit. A student will not appear before the College Conduct Appeal Panel (Appeal Panel) unless specifically requested to do so by the Appeal Panel.

Any outcome decided in a hearing may be appealed to the Appeal Panel by the respondent or the complainant.

The Appeal Panel has three members appointed by the Vice-President for Academic Affairs: any student representative of the Student Conduct Committee; one staff representative of the Student Conduct Committee; and one faculty representative of the Student Conduct Committee. The faculty representative serves as the Chair. The Appeal Panel will have one advisor, either a representative from the Dean of Students or Legal Counsel.

Appeals must be submitted in writing to the Dean of Students by 5 p.m. within seven days of the original hearing. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.

The appeal must cite at least one of the following appeals criteria as the reason for the appeal and provide a supporting argument(s) as to why an appeal should be granted on these grounds. Appeals criteria include the following:

1. The hearing was not conducted in conformity with prescribed procedures, and substantial prejudice to the complainant or the respondent resulted.
2. The information presented at the hearing does not support the finding. An appeal is not a reevaluation of the credibility of the information but is a determination as to whether the information presented, if believed, is sufficient to support the findings.
3. New information that could substantially affect the outcome of the previous lower hearing has been discovered since that hearing. The information must not have been available at the time of the original hearing. Failure to present available information is not grounds for an appeal under this provision.
4. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with College procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.

The Appeal Panel will review the record of the original hearing, including documents, and issue a finding as to the merits of the criteria cited as the reason for appeal.

1. If the Appeal Panel finds there is no merit to any of the grounds cited in the appeal, it will issue a finding as such.
2. If the Appeal Panel finds the previous hearing was not conducted as prescribed and had substantial prejudice, the matter may be remanded to a new hearing.
3. If the Appeal Panel is presented with new information that could not have been presented at the original hearing, the matter may be resubmitted to the original Hearing Panel.
4. If the sanction is determined to be inappropriate for the violation, the Appeal Panel may recommend the sanction be modified by the Vice-President for Academic Affairs and state the reasons for that recommendation.

5. If the Appeal Panel finds there is no merit to any of the submitted grounds for appeal, that decision will be final.

The Appeal Panel's final decision will be communicated in writing by the Dean of Students to the complainant and the respondent. The decision will normally be communicated within two days of receiving the written recommendation.

If the Appeal Panel recommends modifying the outcome or the sanction, the Vice-President for Academic Affairs will review the Appeal Panel's recommendation and may consult with Appeal Panel members in reaching a final decision. The final decision will be communicated in writing by the Vice-President for Academic Affairs to the complainant and the respondent. The decision will normally be communicated within 10 days of receiving the written recommendation. The decision of the Vice-President for Academic Affairs will be final.

Reviewing Authority

Reviewing authority is retained by the Vice-President for Academic Affairs, at his/her discretion, to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to a Hearing Panel for review or reconsideration.

Conduct Files and Records

Case referrals will result in the development of a conduct file in the name of the respondent. If the student is found not responsible for the allegations, the file will be marked no action, no record, and will not constitute a conduct record. Student Conduct records with sanctions less than suspension or expulsion will be maintained in the Office of the Dean of Students for seven years following the calendar year of record, and then destroyed. Records of cases in which suspension from the College occurred are kept for at least 10 years.

All conduct records are private and may not be disclosed in whole or in part except as provided by law, by the written authorization of the student, under legal compulsion, or where the safety of other persons may be involved. Conduct records are maintained separate from the student's academic record but are part of the student's educational record.