

# Discipline and Appeal for Non-Academic Violations Procedure

## I. Overview

The Associate Vice President for Student Affairs (AVP) is responsible for implementing these Procedures.

These Procedures apply to non-academic violations defined in [Policy 05.03.02 – Student Code of Conduct](#). For academic-related violations, see [Procedure 05.03.02.01 – Discipline and Appeal for Academic Violations](#). For issues regarding sexual harassment and sexual violence, see Procedure 05.03.04.01 – Sexual Harassment and Sexual Violence and for issues related to other forms of unlawful discrimination, see Procedure 05.03.04.02 – Unlawful Discrimination.

## II. Sanctions for Violations

The following sanctions may be imposed for non-academic violations (any imposition of sanctions is a matter of record):

1. Reprimand. A reprimand is written communication which gives official notice to the student that any further disciplinary offense will carry heavier penalties because of this prior infraction.
2. Disciplinary Probation. Disciplinary probation results in loss of good standing. While on disciplinary probation, the student will not be eligible for initiation into any local or national organization and shall not receive any College award or other honorary recognition. The student may not occupy a position of leadership or responsibility with any College or student organization, publication or activity. This sanction prohibits the student from officially representing the College or participating in any extracurricular activities including intramural competitions. Disciplinary probation will be in effect for not less than two (2) semesters including the current semester. Any further disciplinary offenses while under disciplinary probation will result in the student's immediate suspension.
3. Restitution. Restitution is paying for damaging, misusing, destroying or losing property belonging to the College, College employees or students. Restitution may take the form of financial payment or appropriate service to repair or otherwise compensate for such damages.
4. Withholding the Right to Register. Withholding the right to register or participate in graduation ceremonies may be imposed if the student has a disciplinary case pending final disposition.
5. Temporary Suspension. Temporary suspension may include the exclusion from any/all College property and any/all College activities pending the resolution of a disciplinary proceeding.
6. Disciplinary Suspension. Disciplinary suspension is the exclusion from all College property and all College activities for a specified period of time. This sanction is reserved for those offenses warranting discipline more severe than disciplinary probation. A student under disciplinary suspension must receive specific written permission from the Associate Vice President before returning to campus. Disciplinary suspension appears on the student's academic transcript.

7. Expulsion. Expulsion is dismissing from the College. The student may be readmitted to the College only with the approval of the President. Expulsion appears on the student's academic transcript.
8. Group Probation. Group probation is given to a College club or other organized student group for a specified period of time. If group violations are repeated during the term of probation, the charter may be revoked or activities restricted.
9. Group Restriction. Group restriction is removing College recognition during the semester which the offense occurred, or for a longer period (usually not more than one subsequent semester). While under restriction, the group may not seek to add members, hold or sponsor events in the College community or engage in other activities as specified.
10. Group Charter Revocation. Revocation is the removal of College recognition for a group, club, society or other organization for a minimum of two (2) years. Re-charter after that time must be approved by the President.

In addition to the above stated sanctions, the College may require counseling as a condition of a return to good standing. The student may be required to attend one or more counseling sessions with a licensed professional counselor. The student may be required to complete counseling before returning to the College after a period of suspension or expulsion. The student must provide written documentation from the licensed professional that the requirement has been met. Additionally, if required by the Associate Vice President, the student must also provide a statement from the licensed professional that the student is able to return to class based on their professional judgment. The student may be referred to a licensed professional counselor provided by the College at no charge or elect to use their own licensed professional counselor and bear the cost.

### **III. Immediate Removal from Campus**

If an act of misconduct threatens the health, safety or well-being of any member of the academic community and/or seriously disrupts the function and good order of the College, an instructor will immediately notify any College Vice President or Dean who will immediately meet with the student and direct the student to cease and desist such conduct and advise the student that failing to cease and desist will result in an immediate removal from campus. If the student(s) fails to cease and desist, or if the behavior is such that the student(s) needs to immediately be removed from campus, the College Vice President or Dean may then immediately have the student(s) removed from campus.

The College Vice President or Dean invoking the removal shall notify the Associate Vice President in writing of the student involved and the nature of the infraction as soon as possible but no more than one (1) working day following the incident. Upon receipt of the College Vice President or Dean's written notice, the Associate Vice President shall meet with the student as soon as possible to allow the student to present their side. If, in the Associate Vice President's opinion, the student behavior threatens the health, safety and well-being of the College community, the Associate Vice President shall place the student on temporary suspension pending the outcome of the disciplinary matter. Temporary suspension may be imposed only: (a) to ensure the safety and well-being of members of the College; (b) to ensure the student's own physical or emotional safety and well-being; or (c) if the student poses a direct threat of disruption or interference with the normal operations of the College.

## **IV. Disciplinary Procedures**

In order to provide an orderly system for handling student disciplinary cases in accordance with due process and justice, the following procedures will be followed:

### **A. Incident Report**

Any College employee or student may submit an incident report with the Associate Vice President against any student or student organization for violations of the Student Code of Conduct. The individual(s) making the charge must complete and submit an Incident Report within five (5) business days of the incident given rise to the alleged violation.

### **B. Investigation and Determination**

The Associate Vice President shall conduct an investigation into the charges and allegations. Within ten (10) business days after receipt of the incident report, the Associate Vice President shall complete their investigation of the charges and shall meet with the student (or student representative(s) on behalf of a student organization), present the results of the investigation and provide the student (or student representative(s)) with an opportunity to present their side. After discussing the alleged infraction with the student, the Associate Vice President may act as follows:

1. Dismiss the investigation without sanction;
2. Impose a sanction; or
3. Refer the student(s) to a College office or community agency for services.

All disciplinary actions should be progressive in nature and should take into account the totality of the situation; however, depending on the severity of the infraction, even first-time offenses could result in suspension or expulsion.

### **C. Notification**

The Associate Vice President shall provide the student with a written decision and instructions governing the appeal process. Such notice shall be given in person or sent to the student's College email address or mailing address of record.

## **V. Disciplinary Appeal Procedure**

### **A. Appeal to the Disciplinary Review Committee**

A student who disagrees with the Associate Vice President's decision may request an appeal before the Disciplinary Review Committee ("Committee"). This request must be submitted in writing to the Associate Vice President within three (3) business days after receipt of the Associate Vice President's decision. The Associate Vice President shall refer the matter to the Committee together with a report of the nature of the alleged misconduct, the name of the complainant, the name of the student(s) against whom the complaint has been filed, and the relevant facts revealed by the Associate Vice President's investigation. The Associate Vice President's decision shall not be enforced pending appeal.

## 1. Committee Composition

Membership of the Disciplinary Review Committee shall be composed of the following:

- a. Four members which may include faculty, staff, or students appointed by the President.
- b. One administrator appointed by the President to serve as Committee Chairperson who will vote only in case of a tie.
- c. At least two committee members plus the Chairperson must be present in order for the Committee to conduct business.

## 2. Committee Hearing Procedures

- a. Pre-Hearing Procedural Responsibilities of the Associate Vice President – The Committee must meet within ten (10) working days of receipt of the student's request for a hearing. At least five (5) working days prior to the date set for the hearing, the Associate Vice President shall send notification to the student(s) with the following information:
  - i. A restatement of the charge or charges.
  - ii. The time and place of the hearing.
  - iii. A statement of the students' basic procedural rights.
  - iv. A list of witnesses that the Associate Vice President or designee plans to present.
  - v. The names of the Committee members.  
At least two (2) days prior to the hearing, the student(s) will provide the Associate Vice President with a witness list and whether or not the student will be represented by legal counsel. Failure to notify the Associate Vice President regarding legal counsel could result in the hearing being continued until such time that the College can have its legal counsel present. Should the College's legal counsel attend, they shall serve as the procedural officer for the hearing.
- b. The following due process rights shall apply to the Committee hearing:
  - i. The right to counsel. The role of the person acting as counsel is solely to advise the student(s). The counsel shall not address the Committee.
  - ii. The right to produce witnesses on one's behalf.
  - iii. The right to request, in writing, the President to disqualify any member of the Committee for prejudice or bias. A request for disqualification, if made, must contain a clear rationale and be submitted at least three (3) working days prior to the hearing. If such disqualification occurs, the President shall appoint a replacement.
  - iv. The right to present evidence.
  - v. The right to know the identity of the person(s) bringing the charge(s).
  - vi. The right to hear witnesses on behalf of the person(s) bringing the charge(s).
  - vii. The right to testify or to refuse to testify without such refusal being detrimental to the student.
- c. The following hearing procedures shall apply:
  - i. Hearings before the Committee shall be confidential and shall be closed to all persons except the following:
    - The student(s) involved
    - Committee Members
    - Associate Vice President, or designee

- ii. Witnesses shall only be present in the hearing room when giving their testimony.
- iii. The Associate Vice President, or designee, shall present evidence and witnesses to support their decision. Committee members may ask questions to the witnesses.
- iv. The student(s) will then have an opportunity to present evidence and witnesses. Committee members may ask questions to the witnesses.
- v. Each side will have an opportunity to make a short, closing argument. The hearing will be audio recorded. Recordings will become the College's property and access to the recordings will be determined by the Committee Chairperson. All recordings will be filed in the office of the Associate Vice President. The Chairperson shall establish the record at the close of evidence.
- vi. Upon completion of a hearing, the Committee shall meet in closed session to affirm, reverse or modify the Associate Vice President's decision.
- vii. Committee decisions shall be made by majority vote.
- viii. Within two (2) working days after the hearing, the Chair shall notify the student(s) and Associate Vice President, in writing, with the Committee's decision.

## **B. Appeal to the President**

If the Associate Vice President or student disagrees with the Committee's decision, either may request an appeal to the President. This request must be submitted in writing to the President within three (3) business days after receipt of the Committee's decision.

The President will conduct a review of the record presented to the Committee. The President shall provide a written decision to the student and Associate Vice President within ten (10) business days from receipt of the student's appeal.

## **VI. Student Voluntary Withdrawal**

If a student is accused of violating the Student Code of Conduct and voluntarily withdraws prior to the conclusion of the disciplinary matter without the consent of the Associate Vice President, the student will not be allowed to re-enroll to the College unless reasonable re-entry restrictions, as determined by the President, are satisfied. For students who withdrew prior to a determination regarding alleged misconduct that threatened the health, safety or well-being of any member of the academic community and/or seriously disrupted the function and good order of the College, in addition to other reasonable re-entry restrictions, the student may be required to provide proof from a psychiatrist or licensed psychologist, at the student's expense, that the student no longer poses a direct threat.

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