

# STUDENT CODE OF CONDUCT PROCEDURES

## Charges and Student Conduct Hearings

Any member of the College community may file an incident report that alleges student(s) violation of the Student Code of Conduct. The student(s) will be notified in writing of the alleged violation and directed to the Conduct Officer who will determine the hearing process. An incident report should be submitted as soon as possible after the event takes place, preferably within forty-eight (48) hours of the incident.

1. The Conduct Officer, as appropriate, reviews the referral to see if it appears there may have been a violation of the Code. If so, the student is notified and asked to meet for an Administrative Hearing with the Conduct Officer to discuss the incident. Most cases are resolved through this meeting. If the Conduct Officer and the student can reach an agreement about what happened, and if the student is willing to accept responsibility and any appropriate sanctions, then the matter may be resolved administratively by mutual consent of the parties involved. Such disposition shall be final with no subsequent proceedings.

There is no appeal. If the allegation(s) is not admitted, the student chooses not to participate, or where an agreement is not reached, then the Conduct Officer shall determine, based upon a review of the accused student's previous conduct history and the specific nature of the violation, appropriate sanctions or whether to refer the case to the Student Conduct Board.

2. In cases where the student chooses not to participate or where an agreement is not reached, the Conduct Officer shall review the violation of code and issue appropriate sanctions if necessary. All allegations and sanctions shall be presented to the accused student in written form within ten days of the scheduled Student Conduct Hearing.

3. The Student Conduct Hearings shall convene not less than three, no more than ten calendar days after the student has been notified. Maximum time limits for scheduling of the Student Conduct Hearings may be extended at the discretion of the Conduct Officer.

4. A Student Conduct Board shall conduct student conduct board hearings. The Board will consist of nine (9) members: two (2) college administrators, two (2) non-academic staff members, two (2) faculty members, two (2) students, and the Conduct Officer. When student conduct hearings are conducted, only five (5) members will be present, one from each area (i.e. 1 college administrator, 1 faculty, etc.). Student conduct board hearings shall be conducted according to the following guidelines:

a. Student conduct board hearings are confidential and as such shall be conducted in private.

b. The complainant, accused student, and their advisors, if any, shall be allowed to attend the entire portion of the student conduct board hearing at which information is received (excluding deliberations). Admission of any other person to the Student conduct board hearing will be at the discretion of the Conduct Officer.

c. In Student conduct board hearings involving more than one accused student, the Conduct Officer, at their discretion may permit the Student Conduct Board Hearings concerning each student to be conducted either separately or jointly.

d. The complainant and the accused student have the right to be assisted by an advisor of their choice and at their own expense. The advisor must be a member of the College community and may not be an attorney. The complainant and/or the accused student is responsible for presenting their own information, and therefore, advisors are not permitted to speak or to participate directly in any student conduct board hearing before a Student Conduct Board. A student should select an advisor whose schedule allows attendance at the scheduled date and time for the Student conduct hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor. If an accused student is also the subject of a pending subsequent criminal matter arising out of the same circumstances, they may be allowed to have an attorney serve as their advisor, at their own expense, to behave in the same manner as any other advisor.

e. The complainant, the accused student, and the Student Conduct Board may arrange for witnesses to present pertinent information to the Student Conduct Board. The College will try to arrange the attendance of possible witnesses who are members of the College community, if reasonably possible, and who are identified by the complainant and/or the accused student at least two (2) weekdays prior to the Student conduct board hearing. Witnesses will provide information to and answer questions from the Student Conduct Board. The accused students and/or complaint(s) to be answered by each other or by other witnesses may suggest questions. The Student Conduct Board will conduct this with such questions directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid the creation of an adversarial environment. Questions of whether potential information will be received shall be resolved at the discretion of the chairperson of the Student Conduct Board.

f. A Student Conduct Board at the discretion of the chairperson may accept pertinent records, exhibits, and written statements (including Student Impact Statements) as information for consideration. All procedural questions are subject to the final decision of the chairperson of the Student Conduct Board.

g. Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration by a Student Conduct Board at the discretion of the chairperson.

h. All procedural questions are subject to the final decision of the chairperson of the Student Conduct Board.

i. After the portion of the student conduct board hearing concludes in which all pertinent information has been received, the Student Conduct Board shall determine (by simple majority vote) whether the accused student has violated each section of the Student Code of Conduct as alleged. If the vote results in a tie, then the Conduct Officer will have the tie-breaking vote.

j. The Student Conduct Board's determination shall be made based on whether it is more likely than not that the accused student violated the Student Code of Conduct.

k. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Conduct Board proceedings.

5. There shall be a single verbatim digital record of all questioning of witnesses and testimony in all student conduct board hearings before a Student Conduct Board. Deliberations of the Board will not be recorded. The record shall be the sole property of the College.

6. The Conduct Officer shall hold all recordings in a locked cabinet. The recording will be destroyed after the period for filing an appeal has passed and/or the final appeal has been adjudicated.

7. If an accused student, with notice, does not appear before a Student Conduct Board Hearing, the information in support of the charges shall be presented and considered even if the accused student is not present. A finding may be filed in absentia.

8. The Student Conduct Board may accommodate concerns for personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed-circuit television, video conferencing, videotape, audiotape, written statement, or other means, where and as determined in the sole judgment of the Conduct Officer to be appropriate.

### Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:

a. Warning – a notice in writing to the student that the student is violating or has violated the Student Code of Conduct.

b. Probation – a written reprimand for violation of specified regulations. Probation is for a designated period and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.

c. Loss of Privileges – denial of specified privileges for a designated period.

d. Fines – previously established and published fines may be imposed.

e. Restitution – compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

f. Discretionary Sanctions – work assignments, essays, service to the College, or other related discretionary assignments.

g. College Suspension – separation of the student from the College for a defined period of time, after which the student is eligible to return. Conditions for readmission may be specified.

h. College Expulsion – permanent separation of the student from the College with no opportunity to return.

i. Revocation of Admission and/or Degree – admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

2. Withholding Degree – The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct including the completion of all sanctions imposed if any.

3. Sanctions outlined in subsections (g) through (i) above may not be imposed by a Conduct Officer, even if the student admits violating institutional rules or such sanctions would be merited by the student's previous conduct record; such sanctions may be recommended to the Student Services Department by the Student Conduct Board. The final determination will be made by the President of the College.

4. Any or all of the sanctions listed above may be imposed for any single violation.

5. Only disciplinary sanctions of expulsion, revocation or withholding of a degree for violation of Student Code of Conduct will be made part of the student's permanent academic record, and all other sanctions shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than, College suspension, expulsion, revocation or withholding of a degree, upon application to the Conduct Officer; otherwise, these shall be expunged from the student's confidential record three (3) years after final disposition of the case.

6. The following sanctions may be imposed upon groups, organizations and/or members of groups or organizations acting on behalf of the group or organization

a. Loss of selected rights and privileges for a specified period of time

b. Loss of all privileges, including College recognition, for a specified period of time. In each case in which a Student Conduct Board determines that a student and/or group or organization has violated the Student Code of Conduct, the sanction(s) shall be determined and imposed by the Student Conduct Board as prescribed by the Student Code of Conduct. Following the hearing conducted by the Student Conduct Board or Conduct Officer, the Conduct Officer shall advise the student member(s) of the group and/or organization and the complainant in writing of its determination and of the outcome of the hearing and sanctions, if any are imposed.

### Interim Suspension

In certain circumstances, a campus interim suspension may be imposed prior to the Student Conduct Board Hearing. The Conduct Officer may impose interim suspension.

1. To ensure the safety and well-being of members of the College community or preservation of College property; 2) to ensure the student's own physical or emotional safety and well-being; or 3) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.

2. The student shall be notified in writing of this action at the time it is imposed. Notification will include the reasons for the interim suspension. The notice will include the place, date, and time (within 24 hours of the notification) of an appeal hearing at which the student may show why his/her continued presence on the campus does not constitute a threat.

3. During the interim suspension, a student will be denied access to the campus (including classes) and/or all other College activities or

privileges for which the student might otherwise be eligible, as the Conduct Officer may determine to be appropriate. Any negative impact (including academic or financial) of interim suspension is borne by the student.

4. The interim suspension does not replace the regular process, which will proceed on the normal schedule, up to and through a Student Conduct Hearing, and if the suspension is applied as a sanction, through the appeal process.

### **Appeals**

Only decisions resulting in suspension, expulsion, or revocation of admission and/or degrees may be appealed.

1. A decision reached by the Student Conduct Board or a sanction imposed by the Conduct Officer may be appealed in writing by the accused student(s) to the Student Services Department within three (3) class days of the decision.
2. An appeal may only be made if it is discovered that there was information in possession of the College that was not included in the previous hearing; the sanction(s) was beyond the scope of the Student Conduct Code, or notification and/or hearing procedures were not followed.
3. Except as required to explain new information, an appeal will be limited to a review of the verbatim record of the Student Conduct Board Hearing and supporting documents.
4. If an appeal is upheld by the lead authority within the Student Services Department, s/he will reach a final determination. If a new sanction is imposed, the finding of the lead authority within the Student Services Department is final and may not be appealed.
5. In cases where a sanction of suspension, expulsion, or removal from the College is imposed according to the procedures outlined in this Code, the sanction will take effect according to the timeline established by the Conduct Officer or Student Conduct Board regardless of whether or not an appeal is pending. The College will not be responsible for any hardships that an accused student may entail in the completion of duly imposed sanctions which are later reduced or overturned upon appeal.

### **Interpretation and Revision**

1. Interpretation – Any question of interpretation of the Student Code will be referred to the Conduct Officer.
2. Revision – The Student Conduct Board for compliance with Wisconsin will review the Student Code annually and Federal Laws pertaining to areas covered by Student Codes of Conduct and for effectiveness.