

## **3354-1-30-03.5 Student Conduct Code and Student Judicial System**

### **(A) INTRODUCTION**

- (1) The College is committed to equity and civility in an inclusive environment. To maintain high standards, the College must furnish an atmosphere conducive to personal development and educational growth, as well as one that fosters collaboration through a lens of diversity. The Student Conduct Code is established to protect the mission of the college and the commitment to our core values. The Student Conduct Code addresses the promotion of safe and secure learning environments, and the protection of people, properties, and processes that support the College and its mission.
- (2) The Student Conduct Code identifies prohibited conduct and clarifies when the code applies to student behavior. The College recognizes the student's property interest in their education. Students are entitled to due process which is defined in this procedure.
- (3) The Student Conduct System Procedures establishes the process for alleged violations of the Student Conduct Code. Meetings and hearings encompassed in the Student Conduct System Procedures are administrative and do not follow the protocol for civil or criminal proceedings.

### **(B) JURISDICTION**

- (1) The Student Conduct Code applies to the on-campus conduct of all students and registered student organizations, including conduct using the College's computing or network resources. The College reserves the right to address through this procedure any conduct on or off campus which poses a risk or threat of harm to the health safety and welfare of the general public. In addition, the College reserves the right to address any conduct which may put the College in a negative light. The Student Conduct Code also applies to the off-campus conduct of students and registered student organizations in direct connection with:
  - (a) Academic course requirements or any credit or noncredit experiences, such as internships, field trips, study aboard trips, clinicals or practicums;
  - (b) Any activity sponsored, conducted or authorized by the College or by a registered student organization;
  - (c) Any activity that causes substantial destruction of property belonging to the College or members of the College community or causes or threatens serious harm to the safety or security of members of the College community;  
or
  - (d) Any activity in which a police report has been filed, a summons or indictment has been issued or an arrest has occurred for a crime of violence
  - (e) The Office of Institutional Equity (OIE) is responsible for coordinating the resolution of complaints of harassment and discrimination based on an individual's protected class.
- (2) Each student shall be responsible for their conduct, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a student has ceased to be enrolled).
- (3) The College reserves the right to administer the Student Conduct Code and proceed with the Student Conduct System Procedures even if the student withdraws from the College, is no longer enrolled in classes or subsequently fails to meet the definition of a student while a disciplinary matter is pending.

- (4) Students continue to be subject to city, state and federal laws while at the College, and violations of those laws may also constitute violations of the Student Conduct Code. The College reserves the right to review the conduct in light of our community standards when the conduct has a direct nexus to the college or to individuals in the College. In such instances, the College may proceed with College disciplinary action under the Student Conduct Code independent of any criminal proceedings involving the same conduct and may impose sanctions for violation of the Student Conduct Code even if such criminal proceedings are not yet resolved or are resolved in the student's favor. Determinations made or sanctions imposed under this Student Conduct Code shall not be modified because criminal charges arising out of the same facts giving rise to the violation of the Student Conduct Code were dismissed, reduced or resolved in favor of or against the criminal law defendant.

## (C) DEFINITIONS

- (1) These definitions apply to both the Student Conduct Code and the Student Conduct System Procedures as described in section F of this Student Conduct Code.
- (a) Advisor – A person, chosen by the respondent or complainant, at their own expense, who advises/supports them through the Student Conduct System Procedures. The advisor is not permitted to represent the respondent or complainant in the Student Conduct System Procedures or participate directly in the proceedings (examples of advisors include, but are not limited to, parents, attorneys, etc.).
  - (b) Allegation – Communication of a claim that the Student Conduct Code has been violated.
  - (c) Allegation Letter – Formal notice of an allegation of a specific violation of the Student Conduct Code.
  - (d) Appeal – The method by which a decision can be reviewed to ensure compliance with the Student Conduct Code. All appeals must be submitted in writing to the Office of Student Affairs and may be denied if not in accordance with Student Conduct System Procedures.
  - (e) Appellant – A student who appeals the decision of a student conduct administrator
  - (f) Appellate Board – A group of three (3) administrators authorized by the executive vice president of Access, Learning and Success, or their designee, in accordance with the Student Conduct System Procedures, to hear appeals of conduct meetings and/or level one hearings. The Appellate Board shall not have previously participated in the conduct process under review.
  - (g) Business day – Monday through Friday, excluding any date that is a College holiday, winter leave day or a day that the College is closed for weather, emergency or any other reason.
  - (h) Campus – Includes everything encompassed in the College Premises including but not limited to all virtual learning environments and electronic means of communication supported by the College.
  - (i) College – Cuyahoga Community College District, all College property, or property leased or under the control of the College including College-sponsored events or activities.
  - (j) College Official – Any person, officer or agent, of the College performing assigned administrative or professional responsibilities, including campus police and safety services.
  - (k) College premises – All land, buildings, facilities and other property in the possession of or owned, used or controlled by the College (including adjacent streets, parking lots, garages and sidewalks).

- (l) Complainant – Person providing information alleging that a student violated College rules, regulations or

policies.

- (m) Conduct code – Document that contains and explains College rules, regulations policies and procedures for addressing student behavior.
- (n) Conduct hold – A hold may be implemented during the Student Conduct System Process or in order to address a student’s failure to respond to a communication from the Office of Student Affairs, which will impact a student’s ability to conduct any current or future business to include enrollment, obtain transcripts, or graduation, until such time as a sanction determination is made.
- (o) Conduct meeting – Presentation of allegations, fact finding and investigation of alleged conduct, conducted by the student conduct administrator.
- (p) Conduct report/public report - Written or electronic statement or report provided by a complainant to the Office of Student Affairs.
- (q) Cyberbullying – The use of social media or any electronic means to send messages of an intimidating or threatening nature.
- (r) Decision Letter – Written decision from the student conduct administrator that explains the outcome and sanction, if any, of a Conduct Meeting or Level One Hearing
- (s) Expungement – Elimination of a student disciplinary file or redaction of a person’s name from a disciplinary file.
- (t) Faculty member – Any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.
- (u) Level one hearing – Meeting conducted with student conduct administrator involving both the respondent and the complainant, either separately or together. Both parties may have the assistance of an Advisor.
- (v) Member of the College community – Any person who is a student, guest, faculty member, College official or any other officer, agent, or person employed by the College. A person’s status in a particular situation shall be determined by the student conduct administrator.
- (w) No Contact Order – A prohibition from having any and all contact or communication with a designated party for an indefinite or specified period of time. Contact includes in-person, electronic, email, telephonic or by use of a third party.
- (x) Persona non grata – A person who has been deemed detrimental to the College community and is no longer permitted to frequent or be present in any or specified College locations.
- (y) Plagiarism - The use of published or unpublished words, ideas or other work that is not your own without full and clear acknowledgement of the source. Examples of plagiarism include, but are not limited to:
  - i. Using someone else’s information (regardless of whether you choose to quote or paraphrase) without citing the source;
  - ii. Failing to use quotation marks when quoting a source word-for-word;
  - iii. Failing to cite a paraphrased source;
  - iv. Submitting work prepared by another person or agency engaged in the selling of term papers or other academic materials;

- v. Copying any information from an internet site (or other source) without properly acknowledging the source; and/or
  - vi. Resubmitting a portion of one's own prior work, unless explicitly permitted to do so by the instructor in the current course.
- (z) Preponderance of the evidence – The standard used in determining if the respondent is responsible for a Student Conduct Code violation; specifically; it must be found that it is “more likely than not” that the alleged behavior/conduct occurred and was a violation of College rules, regulations or policies.
- (aa) Registered student organization – Any number of groups who have complied with the formal requirements for College recognition through the Student Life and Engagement Offices.
- (bb) Respondent – Any person defined as a member of the College community who has been alleged to have violated College rules, regulations or policies.
- (cc) Revocation – The process by which a College degree, certificate or license can be revoked.
- (dd) Student – A person who has applied, registered or is taking credit or noncredit courses at the College, either full time or part time, to pursue training, certification, undergraduate or professional studies. A person withdraws after allegedly violating the Student Conduct Code, who is not officially enrolled for a particular term but who has a continuing academic relationship or educational interest with the College, or who has been notified of their acceptance for admission.
- (ee) Student conduct administrator – Any person or persons authorized by the executive vice president of Access, Learning and Success or their designee.
- (ff) Tenure – Any period of active enrollment at any College location.
- (gg) Witness – Any person who has direct information regarding an alleged incident

#### **(D) PROHIBITED CONDUCT**

Any student found to have engaged, or to have attempted to engage, in any of the following conduct while within the College's jurisdiction, as set forth in 3354-1-3003.5(B), will be subject to disciplinary action by the College. Conduct prohibited by 3354:1-60-01, the College policy on discrimination, harassment, sexual misconduct, retaliation and Title IX shall be addressed under the procedure outlined in section 3354:1-60-02 discrimination, harassment, sexual misconduct and Title IX procedure.

- (1) Academic Dishonesty - Acts of dishonesty including, but not limited to:
- (a) Cheating, plagiarism or other forms of academic dishonesty;
  - (b) Furnishing false information to any College official, faculty member or office;
  - (c) Forgery, alteration or misuse of any College document, record or instrument of identification; and

**3354-1-30-03.5**

**5**

- (d) Resubmitting a portion of one's own prior work, unless explicitly permitted to do so by the instructor in the current course.
- (2) College rules - Violation of any College policy, procedure, directive or other requirement (including, without limitation, requirements set forth in the Student Handbook) available electronically.

- (a) Unauthorized possession, duplication or use of keys or other modes of entry to any College premises or unauthorized entry to or use of College premises.
  - (b) Unauthorized use of College supplies or equipment for personal purposes.
  - (c) Violating campus traffic rules or regulations or obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College-sponsored or College-supervised functions.
  - (d) Violating public health procedure, including but not limited to; failure to adhere to “personal statement of responsibility” and/or other health protocols.  
<https://www.tri-c.edu/administrative-departments/business-continuity/covid-19/personal-safety-responsibility.html>
- (3) Controlled substances - Violation of the College’s alcohol, drug and tobacco policy (3354:1-20-05) or any related College procedure.
- (4) Destruction/misuse of property
- (a) Destroying, defacing, tampering with, materially altering or otherwise damaging property not one’s own. This includes, but is not limited to: doors, windows, elevators, swipe card mechanisms, restroom equipment, vending machines, signs, College vehicles, computer equipment and classroom equipment.
  - (b) Creating a condition that endangers or threatens property that is not one’s own.
- (5) Disorderly conduct – Disorderly or disruptive conduct which unreasonably interferes with College activities or with the legitimate activities of any member of the College community, including but not limited to any language considered obscene or profane as determined by the student conduct administrator.
- (a) Participating in an on- or off-campus demonstration, riot or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College community in the pursuit of their education or employment; or leading, inciting or attempting to lead or incite others to disrupt the schedule and/or normal College activities, whether on or off College premises (this includes social networking sites and virtual environments).
- (6) Gambling - Gaming or betting for money or other possessions on College property or in any College-operated or managed facility.
- (7) Harassment
- (a) Threatening or intimidating a person, sufficient to create a reasonable fear of harm by that individual, including bullying, cyberbullying, or coercion.
  - (b) Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear. Examples include repetitive and menacing pursuit, following, and or interfering with the peace and or safety of another.

3354-1-30-03.5

6

- (c) Creating a condition that endangers or threatens the health, safety or welfare of another person.
  - (d) Physically restraining or detaining another person, or removing any person from any place where they are authorized to remain.
- (8) Hazing – Doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization, including but not limited to national or international organizations, or any act to continue or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial

risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse, as defined by the Ohio Revised Code.

- (9) Abuse of Student Conduct System Procedures – Abuse of the Student Conduct System Procedures includes, but is not limited to:
- (a) Failure to obey the notice from a student conduct administrator or other College official to appear for a meeting or hearing as part of the Student Conduct System Procedures;
  - (b) Falsification, distortion or misrepresentation of information before a student conduct administrator;
  - (c) Initiation of a Student Conduct Code allegation in bad faith or malicious intent or for retaliation for a protected activity;
  - (d) Using harassment, intimidation, threats, force or coercion while attempting to discourage an individual's proper participation in or use of the Student Conduct System Procedures;
  - (e) Attempting to influence the impartiality of a member of the Student Conduct System Procedures prior to, during and/or after the Student Conduct System Procedures and;
  - (f) Harassment (verbal or physical) and/or intimidation of a member of the Student Conduct System Procedures prior to, during and/or after the Student Conduct System Procedures;
  - (g) Failure to comply with the sanction(s) imposed under the Student Conduct System Procedures; and
  - (h) Influencing or attempting to influence another person to commit an abuse of the Student Conduct System Procedures.
- (10)Laws – Engaging in conduct that is sufficient to constitute a violation of federal, state, or local law that causes, or could cause, harm to the campus community to the extent the college's interests are distinctly and clearly involved.
- (11)Physical violence - Physical abuse including, but not limited to: punching, slapping, kicking, spitting or otherwise striking any person(s) and/or other conduct whether or not it threatens or endangers the health, safety and/or welfare of any person.
- (12)Reasonable request - Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons as, and when, requested to do so.
- (13)Recording privacy – Any use of electronic or other devices to make an audio, photographic or video record of any person without the person's consent, when such a recording is likely to cause injury, distress or damage to reputation. This includes, but is not limited to, taking video or pictures of another person in a gym, locker room, restroom, or any location where there is a reasonable expectation of privacy. The storing, sharing and/or distributing of such unauthorized records by any means is also prohibited.

3354-1-30-03.5

7

- (14)Sexual misconduct - See the College Policy on Discrimination, harassment and Title IX. 3354:1-60-01.
- (15)Theft - Using, taking and/or possessing property or services that are knowingly not one's own and/or without permission of the owner.
- (16)Weapons - Illegal or unauthorized possession, use or distribution of firearms, explosives, other weapons, or dangerous chemicals or other materials on College premises or use of any such item, even if legally possessed, in a manner that harms or threatens others.
- (a) As identified in the College Safety and Security Policy, 3354:1-50-04.

## (E) SANCTIONS

The following sanctions may be imposed upon any student found to have violated the Student Conduct Code (more than one of the sanctions listed may be imposed for any single violation):

- (1) Warning - Official notice in writing or given verbally to the student that the student is violating or has violated the Student Code of Conduct. Such warning will be recorded in the student's conduct record.
- (2) Probation – A written reprimand. Probation is for a designated time period. Probation includes but is not limited to rehabilitative or restorative action with the probability of more severe disciplinary sanctions if the student violates any College rules during the probationary period.
- (3) Dismissal/Suspension – Temporary separation of the student from the College or specific activities/events, buildings or locations for a defined period of time, after which the student is eligible to request, in writing, permission of the student conduct administrator to be readmitted. Such permission may be granted or denied at the sole discretion of the student conduct administrator. Additional conditions for readmission may be specified including, without limitation, the completion of the normal application process.
- (4) Expulsion – Permanent separation of the student from all College locations, events and activities.

IN ADDITION, THE FOLLOWING SANCTIONS MAY BE INCORPORATED INTO ANY OF THE ABOVE SANCTIONS:

- (a) Behavioral Requirement – Required activities including, but not limited to: seeking academic or personal counseling, substance abuse screening, written apology, etc.
- (b) Discretionary sanction - Work assignments, essays, workshops, services to the College or other related discretionary assignments.
- (c) Eligibility restriction - Student deemed not in good standing for conduct purposes for a specific time period. Restriction may include:
  - i. Ineligibility to hold an office in any registered student organization or hold an elected or appointed office at the College, or
  - ii. Ineligibility to represent the College in any way, including participating in a study abroad program, attending conferences or representing the College at an official function, event or competition, whether virtually or in-person
  - iii. Loss of privileges – Denial of specified privileges for a designated time period. Student may be denied specific privileges or be restricted to a specific mode of coursework.

3354-1-30-03.5

8

- (5) Reasonable fines - may be imposed as determined by the student conduct administrator.
- (6) Revocation of admission and/or degree – Student Affairs may recommend to the Board of Trustees that the Board vote to revoke a degree awarded from the College on the basis that the student has engaged in conduct established as dishonest, fraudulent, misrepresentation or any other violation of the College standards for obtaining the degree, or for other serious violations committed by a student prior to graduation.
- (7) Restitution – Compensation for Loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement. This is not a fine, but rather a repayment for the value of the property or loss of service due to damage or loss inflicted.

- (8) Withholding degree – The College may withhold awarding a degree otherwise earned until the completion of the Student Conduct System Procedures, including completion of all sanctions imposed, if any.
- (9) Group sanctions – The following sanctions may be imposed upon groups or registered student organizations found to have violated the Student Code of Conduct One or more of the sanctions listed above; or
- (10) Deactivation, de-recognition or loss of all privileges (including status as a registered student organization) for a specific time period.
- (11) A violation that leads to a suspension, expulsion or other sanction may have the additional consequence of loss of tuition and fees. While not a sanction, students should consider this as a potential consequence resulting from violations of the Student Conduct Code.

## (F) STUDENT CONDUCT SYSTEM PROCEDURES

### (1) Bringing Allegations:

- (a) Any student or employee may report an alleged violation of the Student Conduct Code through an electronic reporting tool made available through the Office of Student Affairs. If a conduct report is received by an employee or office other than Student Affairs it must be routed to the Office of Student Affairs.
- (b) All allegations should be submitted as soon as possible after the event or knowledge of the event takes place, preferably within Fifteen (15) business days. After this timeframe, and except where longer timeframes are required by law, no allegation may be submitted without prior written permission of the Executive Vice President of Access, Learning & Success or their designee who may grant or deny such permission at their sole discretion.
- (c) The Student Conduct Administrator will determine if the allegations contained in the incident report are within the parameters of the administration of the student conduct code. The Student Conduct Administrator may conduct an initial investigation to determine if the allegation has merit and/or if they can be addressed administratively by mutual consent of the parties.
- (d) The Student Conduct Administrator shall present all allegations in written form to the student.
- (e) A time shall be set to discuss the allegation(s) during a conduct meeting not more than ten (10) business days after the student has been notified of the alleged violations. Maximum time limits for scheduling a conduct meeting may be extending at the discretion of the Student Conduct Administrator.

3354-1-30-03.5

9

### (2) Interim Suspension

- (a) The College recognizes a student's constitutionally protected property interest in their education and students are entitled to due process. After an incident report has been filed, the Student Conduct Administrator in their sole discretion may impose an interim suspension, but only if the Student Conduct Administrator determines the suspension to be appropriate to:
  - i. protect the safety and well-being of members of the College community or to protect College property;
  - ii. protect the reporting and/or respondent's own physical or emotion safety and well-being; or
  - iii. prevent or deter disruption of, or interference with, the normal operations of the College.
- (b) During the interim suspension, a student may be denied access to all or part of the College premises (including

classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Student Conduct Administrator may determine to be appropriate.

- (c) The interim suspension does not replace the regular Student Conduct System Procedures, which shall proceed normally.
  - (d) The student should be notified in writing of the interim suspension and the reasons for the action. The notice should include the time, date, and place of a conduct meeting where the student may show cause why the interim suspension should not be in place or should be modified pending the final resolution of the allegation(s).
- (3) Conduct Meeting(s) - Presentation of allegations to the respondent which includes but is not limited to fact finding and investigation of the conduct issue which can occur in one meeting or over the course of multiple meetings. Upon the conclusion of the Conduct Meeting(s) the Student Conduct Administrator, in their sole, reasonable discretion, will either issue a Decision Letter or proceed to a Level One Hearing. If the respondent fails to appear for their scheduled conduct meeting, the conduct meeting shall continue in accordance with the Student Conduct System Procedures. The Conduct Administrator shall provide the decision in writing to the respondent. In the event there is a finding of responsibility the respondent shall be held accountable for any finding of responsibility and all resulting sanctions.
- (4) Level one hearings - shall be conducted by the Student Conduct Administrator according to the guidelines below:
- (a) Level one hearings will be conducted in private, but communications in such hearings should not be considered confidential.
  - (b) The reporting party and the respondent have the right to be assisted by an advisor they choose, at their own expense. The complainant and/or respondent is responsible for presenting their own information, and therefore, advisors may be present but are not permitted to participate in the Level One Hearing.
  - (c) The Student Conduct Administrator, will determine if the level one hearing involving multiple parties are conducted either separately or jointly. Should a joint conduct meeting occur all parties are required to complete the appropriate FERPA releases to allow joint participation.
  - (d) The Student Conduct Administrator, at their discretion may permit the Reporting Party and/or other Witnesses to attend the Level One Hearing.

- (e) The reporting party, the respondent and the Student Conduct Administrator may arrange for witnesses to present pertinent information to the Student Conduct Administrator. Witnesses will provide information to and answer questions from the Student Conduct Administrator. Only the Conduct Administrator is permitted to ask questions.
- (f) Pertinent records, exhibits, and written statements may be accepted as information for consideration by a Student Conduct Administrator at their discretion.
- (g) All procedural questions are subject to the final and sole discretion of the Student Conduct Administrator.
- (h) The Student Conduct Administrator, at their sole discretion may require multiple level one hearings in order to more fully and fairly evaluate alleged violations.

- (i) The Student Conduct Administrator will determine whether the respondent has committed the alleged violation(s) after consideration of all relevant information and the final level one hearing concludes.
- (j) The Student Conduct Administrator's determination shall be made on the basis of the Preponderance of the Evidence, defined as whether it is more likely than not that the respondent violated the Student Conduct Code.
- (k) Formal rules of process, procedure, and technical rules of evidence, such as are applied in criminal or civil court proceedings, are not used in Student Conduct System Procedures.
- (l) The Student Conduct Administrator shall create a record, this may include all or some combination of video, audio or written record of the level one hearing. The record shall be the property of the College, subject to all local, state and federal laws.
- (m) If the respondent fails to appear for their scheduled level one hearing, the hearing shall continue in accordance with the Student Conduct System Procedures. The Conduct Administrator shall provide the decision in writing to the respondent. In the event there is a finding of responsibility the respondent shall be held accountable for any finding of responsibility and all resulting sanctions

(5) Decision Letter

- (a) Upon the conclusion of a Conduct Meeting and/or Level One Hearing, the Student Conduct Administrator shall prepare and issue a Decision Letter.
- (b) In each case in which a Student Conduct Administrator determines that the respondent has violated the Student Conduct Code, the Student Conduct Administrator shall determine and impose sanction(s). Following the Conduct Meeting and/or Level One Hearing, the Student Conduct Administrator shall notify the respondent and the reporting party, if required by law, in writing of the determination and any sanction(s) imposed, if applicable. The Student Conduct Administrator is not otherwise required to provide notice of assigned sanction(s) or meeting details to the reporting party.

(G) Appeals

- (1) Appellate Board Panel - The Appellate Board Panel shall consist of three (3) of the following individuals from a cross section of the campuses: Student Affairs Deans and Assistant Deans, Academic Affairs Deans and Assistant Deans, Associate Deans, full time faculty, and/or staff members at Director level and above.

3354-1-30-03.5

11

(2) Appeal Process

- (a) A decision reached by the Student Conduct Administrator or a sanction imposed by the Student Conduct Administrator may be appealed by the respondent. within ten (10) business days of the date the Student Conduct Administrator's decision letter is issued. Notice of intent to appeal must be in writing and must set for the documentation that provides the basis of the appeal. The appeal shall be limited to a review of the record of the Conduct Meeting and/or Level One Hearing and supporting documents for one or more of the following purposes:
- (b) To determine whether the conduct meeting and/or level one hearing was conducted fairly in light of the alleged violations and information presented, and in conformity with prescribed procedures. Any inquiry into fairness shall consider, at a minimum, whether the complaining party had a reasonable opportunity to prepare and to present information that the Student Conduct Code was violated, and whether the respondent had a reasonable opportunity to prepare and to present a response to those allegations. Deviations from prescribed procedures will not be a basis for sustaining an appeal unless such deviations might reasonably have led to a different decision and/or different sanctions than were imposed.

- i. To determine whether there were facts presented that, if believed by the Student Conduct Administrator, were sufficient to establish that a violation of the Student Conduct Code occurred.
- ii. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Conduct Code which the respondent was found to have committed.
- iii. To consider whether the Conduct Meeting and/or Level One Hearing should be reopened to allow the Student Conduct Administrator to review newly available information. The Appellate Board may direct a re-opening of the Conduct Meeting and/or Level One Hearing to review newly-available information if and only if the Appellate Board determines that:
  1. the appellant neither knew nor should have known such information at the time of the Conduct Meeting and/or Level One Hearing, and the information could reasonably be expected to alter the decision made by the Student Conduct Administrator.

(3) Appellate Board Decision - Following the Appeal, the Appellate Board shall advise the respondent, in writing of the Appellate Board's decision.

- (a) If the Appellate Board overturns the decision of the Conduct Meeting and/or Level One Hearing, the matter will be returned to the Student Conduct Administrator for re-opening of the Conduct Meeting and/or Level One Hearing as applicable. In accordance with the ruling of the Appellate Board the Student Conduct Administrator shall reconsider the Conduct Meeting and/or Level One Hearing determination and/or sanction(s). The Student Conduct Administrator shall then issue a Decision Letter in accordance with this procedure. The student may appeal the findings in the Decision Letter per Section F(5) of this procedure as any other Conduct Meeting and/or Level One Hearing.
- (b) If the Appellate Board upholds the decision of the Conduct Meeting and/or Level One Hearing, the matter shall be considered final and binding upon all involved.

**3354-1-30-03.5**

**12**

#### PROCESS TO EXPUNGE STUDENT CONDUCT CODE RECORDS

- (1) A Student wishing to remove disciplinary actions from their educational record must provide a written request to the Student Conduct Administrator at the campus of their enrollment that administered the discipline, no less than two years after the sanction has been completed. The request must include the following information:
  - (a) Student's full name at the time of attendance/disciplinary action;
  - (b) Student number;
  - (c) Disciplinary record for which student is requiring removal;
  - (d) Date of disciplinary action; and
  - (e) Reason for request; please describe and document any actions that represent personal growth that you have taken that support your request to expunge your conduct record. Examples of personal growth include: Mentoring, community service, academic growth, personal counseling, etc. Please explain where/how you believe you have grown as a person and provide additional documentation that supports that growth.

- (2) Requests will be reviewed by a College-wide panel consisting of student affairs deans, administrative deans and faculty.
- (3) The student will be advised in writing of the panel decision. Expulsion, dismissal, revocation of degree or any sanctions related to egregious and/or repeated academic dishonesty as determined by the Office of Student Affairs may not be expunged.

Effective date: March 6, 2023

Prior effective date: December 1, 2022; May 11, 2020; June 1, 2014; June 10, 2008

Procedure amplifies: 3354: 1-30-03