

3354:1-30-03.6 Student judicial system.

(A) Introduction.

The Student Judicial System establishes the disciplinary process for alleged violations of the Student Conduct Code, and sets forth sanctions for violations.

(B) Charges, interim suspensions, level one hearings, and written findings.

(1) Bringing charges.

- (a) Any student or employee may file a charge against a student for violations of the Student Conduct Code. A charge shall be prepared in writing and directed to the Student Conduct Administrator for the campus the accused student generally attends, or to the Vice President of Academic and Student Affairs. If the charge is submitted to the Vice President of Academic and Student Affairs, that person shall forward the charge to the appropriate Student Conduct Administrator.
- (b) All charges should be submitted as soon as possible after the event takes place, preferably within ninety (90) calendar days. After this 90-day timeframe, and except where longer timeframes are required by law, no charge may be submitted without the prior written permission of the Executive Vice President of Academic and Student Affairs (EVP-ASA), who may grant or deny such permission in the EVP-ASA's sole discretion. The Office of Legal Services should be consulted when such decisions are to be made.
- (c) The Student Conduct Administrator may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties. Administrative disposition of charges is completed through a student conduct meeting between the student and the Student Conduct Administrator. The Student Conduct Administrator shall provide the student with written notice of the charge(s); an

outline of processes in this student judicial system; and an opportunity to review available information, documents, exhibits, and a list of witnesses that may testify against the student. Such a disposition shall be final and there shall be no subsequent proceedings. If the charges are not admitted and/or cannot be disposed of by mutual consent, the Student Conduct Administrator may conduct one or more hearings as described below. If the student admits violating College rules, but sanctions are not agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s).

- (d) The Student Conduct Administrator shall present all charges in written form to the accused student, prior to the disposition of charges.
- (e) A time shall be set for a Student Judicial System “level one” hearing, not more than ten (10) business days after the student has been notified of the charges. Maximum time limits for scheduling of level one hearings may be extended at the discretion of the Student Conduct Administrator.

(2) Pre-hearing interim suspension.

- (a) After a charge has been filed, the Student Conduct Administrator may impose an interim suspension, but only if the Student Conduct Administrator determines the suspension to be appropriate to help:
 - (i) protect the safety and well-being of members of the College community or to protect College property;
 - (ii) protect the accused’s own physical or emotional 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 (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 Judicial System process, which shall proceed normally.
 - (d) The student should be notified in writing of this action and the reasons for the suspension. The notice should include the time, date, and place of a subsequent hearing at which the student may show cause why his or her continued presence on the campus does not constitute a threat.
- (3) Level one hearings: the Student Conduct Administrator.

Level one hearings shall be conducted by the Student Conduct Administrator according to the following guidelines below:

- (a) Level one hearings normally will be conducted in private, but communications in such hearings should not be considered confidential.
- (b) The complainant and the accused student have the right to be assisted by an advisor they choose, at their own expense. The complainant and/or the accused student is responsible for presenting his or her own information, and therefore, advisors are generally not permitted to participate directly in a level one hearing. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the level one hearing. Delays will not normally be allowed due to the scheduling conflicts of an advisor.
- (c) In level one hearings involving more than one accused student, the Student Conduct Administrator, in his or her discretion, may permit the level one hearings concerning each student to be conducted either separately or jointly.

- (d) The complainant, accused student, and advisor, if any, shall be allowed to attend the entire portion of the level one hearing at which information is received (excluding deliberations). Admission of any other person to the level one hearing shall be at the discretion of the Student Conduct Administrator.
- (e) The complainant, the accused student 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.
- (f) Pertinent records, exhibits, and written statements may be accepted as information for consideration by a Student Conduct Administrator at his or her discretion.
- (g) All procedural questions are subject to the final decision of the Student Conduct Administrator.
- (h) The Student Conduct Administrator may require multiple level one hearings in order to more fully and fairly evaluate alleged violations. After the final such level one hearing concludes in which all pertinent information has been received, the Student Conduct Administrator shall determine whether the accused student has committed the alleged prohibited behaviors.
- (i) The Student Conduct Administrator's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Conduct Code.
- (j) Formal rules of process, procedure, and technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Judicial System proceedings.

- (k) The College shall create a verbatim record, including at least a voice recording, of all level one hearings. The record shall be the property of the College.
- (l) If an accused student, after receiving required notice of a hearing, does not appear before a level one hearing, the information in support of the charges may be presented and considered even if the accused student is not present.
- (m) The Student Conduct Administrator may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the level one hearing by providing separate facilities; including a campus security officer; using a visual screen; and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the judgment of the Student Conduct Administrator to be appropriate. The Office of Legal Services should be consulted when making such accommodations.

(4) Written findings of Student Conduct Administrator.

In each case in which a Student Conduct Administrator determines that a student has violated the Student Conduct Code, the sanction(s) shall be determined and imposed by the Student Conduct Administrator. Following the level one hearing, the Student Conduct Administrator shall advise the accused student and the student who files a charge or claims to be a victim in writing of the determination and any sanction(s) imposed.

(C) Level two hearings: appeals.

- (1) A decision reached by the Student Conduct Administrator or a sanction imposed by the Student Conduct Administrator may be appealed by the accused student or complainant within ten (10) business days of the date the Student Conduct Administrator's written notice is sent. Notice of intent to appeal must be in writing

and shall be delivered to the Student Conduct Administrator who conducted the level one hearing or to the Vice President of Academic and Student Affairs. Within ten (10) business days of receipt of the notice of intent to appeal, the College shall attempt to contact the appellant and schedule a level two hearing. Appeals will be heard by the Appellate Board.

- (2) Except as set forth in Section (C)(2)(c) below, the Appellate Board's level two hearing shall be limited to a review of the verbatim record of the level one hearing and supporting documents for one or more of the following purposes:
 - (a) To determine whether the level one hearing was conducted fairly in light of the charges 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 accused student 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 different sanctions than were imposed.
 - (b) To determine whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Conduct Code occurred.
 - (c) To determine whether the sanction(s) imposed were appropriate for the violation of the Student Conduct Code which the student was found to have committed.
 - (d) To consider whether the 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 level one hearing to review newly-available information if and only if the Appellate Board determines that:

- (i) the appellant neither knew nor should have known such information at the time of the level one hearing, and
 - (ii) the information could reasonably be expected to alter the level one decision.
- (3) Following the level two hearing, the Appellate Board shall advise the accused student and the student who files a charge or claims to be a victim in writing of Appellate Board's determination(s).
 - (a) If the Appellate Board overturns the decision of the level one hearing Student Conduct Administrator, the matter will be returned to the Student Conduct Administrator for re-opening of the level one hearing.
 - (i) The Student Conduct Administrator shall then reconsider the level one hearing determination and/or sanction(s), in accordance with the ruling of the Appellate Board. Generally, this will not require an entirely new level one hearing. Instead, the Student Conduct Administrator shall select, from Sections (B)(3) and B(4) of this Student Judicial System, any level one processes to be taken.
 - (ii) The Student Conduct Administrator shall then issue written findings in accordance with Section (B)(4). The determination and sanction(s) may be appealed as any other level one hearing results, in accordance with this Section (C).
 - (b) If the Appellate Board upholds the decision of the level one hearing Student Conduct Administrator, the matter shall be considered final and binding upon all involved.

(D) Sanctions.

- (1) The following sanctions may be imposed upon any student found to have violated the Student Conduct Code:
 - (a) Warning – A notice in writing to the student that the student is violating or has violated institutional regulations.
 - (b) Probation – A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student violates any College rules during the probationary period.
 - (c) Loss of privileges – denial of specified privileges for a designated period of time.
 - (d) Restitution – compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - (e) Discretionary sanctions – work assignments, essays, service to the College, or other related discretionary assignments.
 - (f) Suspension – separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - (g) Dismissal – separation of the student from the College for a definite period of time, after which the student is eligible to request, in writing, permission of the Appellate Board to be readmitted. Such permission may be granted or denied in the sole discretion of the Appellate Board. Additional conditions for readmission may be specified, including without limitation completion of the normal student application process.

- (h) Expulsion – permanent separation of the student from the College.
 - (i) Revocation of admission and/or degree – admission to the College or a degree awarded from the College, may be revoked for dishonesty, fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
 - (j) Withholding degree – the College may withhold awarding a degree otherwise earned until the completion of the Judicial System process, including the completion of all sanctions imposed, if any.
- (2) More than one of the sanctions listed above may be imposed for any single violation.
- (E) Impact on Tuition and Fees.

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 potential consequence of violations of the Student Conduct Code.

- (F) Student records.

Other than expulsion or revocation, or any sanction relating to cheating, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. After graduation, at the sole discretion of the Student Conduct Administrator and following a written request from the student to the Vice President of Academic and Student Affairs, the student's disciplinary record may be expunged of disciplinary actions other than suspensions, expulsions, revocation of a degree, or any sanction involving cheating. Records of the student judicial process and any sanctions imposed shall be parts of the education records of both the accused student and any student who files a charge or claims to be a victim.

- (G) Authorizing a Student Conduct Administrator and Appellate Board.
- (1) The EVP-ASA shall authorize one or more College employees as “Student Conduct Administrators” to address one or more specific charges; or to address various charges that may occur over the course of time.
 - (2) The EVP-ASA shall authorize an “Appellate Board” to address one or more specific charges; or to address various charges that may occur over the course of time. The Appellate Board shall consist of three members, all of whom shall be College employees. The Appellate Board shall have a College-wide jurisdiction.
- (H) Definitions. (These definitions apply to both the Student Conduct Code and the Student Judicial System.)
- (1) The term “College” means Cuyahoga Community College District.
 - (2) The term “student” includes all persons registered or taking classes at the College, either full-time or part-time, to pursue training, certification, undergraduate, or professional studies. Persons who withdraw after allegedly violating the Student Conduct Code, who are not officially enrolled for a particular term but who have a continuing academic relationship with the College, or who have been notified of their acceptance for admission are considered “students.”
 - (3) The term “faculty member” means 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.
 - (4) The term “College official” includes any person employed by the College, performing assigned administrative or professional responsibilities.
 - (5) The term “member of the College community” includes any person who is a student, visitor faculty member, College official or any other person employed by the College. A person’s status in a particular situation shall be determined by the Student Code Administrator.

- (6) The term “College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).
- (7) The term “organization” means any number of persons who have complied with the formal requirements for College recognition.
- (8) The term “Student Conduct Administrator” means any person or persons authorized by the EVP-ASA in accordance with Section (G) of this procedure.
- (9) The term “Appellate Board” means those persons authorized by the EVP-ASA in accordance with Section (G) of this procedure.
- (10) The term “shall” is used in the imperative sense.
- (11) The term “may” is used in the permissive sense.
- (12) The term “plagiarism” means the use of published or unpublished words, ideas, or other work that is not your own without full and clear acknowledgment of the source. Examples of plagiarism include, but are not limited to:
 - (a) Using someone else’s information (regardless of whether you choose to quote or a paraphrase) without citing the source.
 - (b) Failing to use quotation marks when quoting a source word-for-word.
 - (c) Failing to cite a paraphrased source.
 - (d) Submitting work prepared by another person or agency engaged in the selling of term papers or other academic materials.
 - (e) Copying any information from an Internet site (or other source) without acknowledging the source.

- (13) The term “business day” means a day that falls on or between Monday through Friday, excluding any date that is a College holiday; winter leave day; or day that the College is closed for weather, emergency, or any other reason.

(I) Authority.

- (1) The Executive Vice President of Academic and Student Affairs (EVP-ASA) or the EVP-ASA’s designee, shall determine the College official(s) who will serve as the Student Conduct Administrator(s) and will also determine the composition of the Student Conduct Appellate Board.
- (2) Decisions made by the Appellate Board shall be final, pending the normal appeal process.
- (3) The EVP-ASA has overall responsibility for the administration of the Student Judicial System, and is hereby directed by the District President to take all steps necessary and appropriate for the implementation of this procedure.

Effective date: June 10, 2008

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Procedure amplifies: 3354:1-30-03