INTRODUCTION

Statement of Applicability

Students are expected to adhere to the Student Code of Conduct: Responsibilities and Rights, and to all policies and procedures of Arapahoe Community College and if a student is charged with violating the College’s Code, he/she is entitled to have these procedures followed in the consideration of the charge.

STUDENT DISCIPLINARY PROCEDURE

1. Decision

The Vice President for Student Services or designee shall receive all allegations of student misconduct, investigate the complaints and make a Decision. He/she may decide that the charges can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to him/her. If an administrative resolution is not achieved, the Vice President for Student Services or designee shall issue a decision, which determines whether the alleged conduct occurred; whether the conduct violated the Code of Conduct or College policies or procedures; and impose a sanction(s) if appropriate. The student shall receive written Notice of the Decision and be advised of his/her right to appeal the Decision by filing a written appeal with the Vice President for Student Services within seven (7) calendar days of service of the Decision. In the case of suspension or expulsion, the sanction shall be imposed no earlier than six (6) calendar days after service of the Notice, unless it is a summary suspension or the student agrees to the sanction. If an appeal is requested, suspension and/or expulsion shall not be imposed until the appeal procedures below have been completed.

In the case of plagiarism, cheating or other forms of academic dishonesty, the instructor will impose a sanction within ten (10) calendar days of the occurrence of the event, and report the incident to the Vice President for Student Services, within five (5) calendar days of imposing the sanction. Grades are not grievable or appealable.
2. Appeal

a. In the event of an appeal, the Vice President for Student Services or designee shall give written Notice to the student and the Impartial Decision Maker which describes the conduct to be inquired into; the Code of Conduct and/or College policies or procedures which were allegedly violated; the date, time and place of the alleged violation; the sanction that is threatened and the date, time and place of the hearing before the Impartial Decision Maker. The Notice shall be given at least seven (7) calendar days prior to the hearing (unless the parties agree to a shorter time).

b. Conduct of Hearings. The Impartial Decision Maker shall determine his/her own hearing procedures, keeping in mind the following guidelines:
   1. The student shall have the right to be heard by the Impartial Decision maker. In the event that the student is under the age of eighteen or incapacitated, he/she may have an advisor present to assist him/her in presenting his/her case.
   2. Students do not have the right to be represented by an attorney during these proceedings except in the case where civil or criminal actions concerning the student are pending and in that case the attorney’s role shall be advisory only. The student is responsible for presenting his/her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing except as provided in #1 above. However, the student may have one person present on his/her behalf.
   3. Student shall have the right to identify documents, witnesses and other material he/she would like the Impartial Decision Maker to review before making a final decision.
   4. Hearings shall be conducted in private unless all parties agree otherwise.
   5. The Impartial Decision Maker will maintain a record of the hearing.

c. Determination by Impartial Decision Maker. The Decision Maker shall make his/her findings and determinations in closed meeting out of the presence of the Vice president for Student Services or designee and the student charged. Separate findings are to be made as to the conduct of the student, and on the sanctions(s), if any, to be imposed. No discipline shall be imposed on the student unless the Impartial Decision Maker is persuaded by a preponderance of the evidence that the student committed the alleged conduct and that it constituted a violation of the Code of conduct and/or College regulations; that the student should be sanctioned (including modifying the sanction imposed below) and that the discipline is reasonable given the violation. The student and the Vice President for Student Services or designee shall be given written Notice of the Decision. The decision shall be issued within five (5) calendar days of the close of the hearing and it shall become final unless a Petition for Review is filed.

d. Petition for Review. The Vice President for Student Services or designee or the student may petition the president to review the Impartial Decision Maker’s decision by filing a written petition within five (5) calendar days after notification of the decision. If a review is requested, the other party will be given three (3) calendar days to respond to the
petition and his/her response materials will be given to the president to review before a decision on the petition is made.

e. President’s Decision. The president shall review the record of the case and the petition and may affirm or reverse the decision of the Impartial Decision maker. The record shall consist of the Impartial Decision Maker’s written documents and the recording of the hearing and any written materials submitted in support of the Petition for Review. The president shall notify the Vice President for Student Services or designee and the student in writing of his/her decision within fourteen (14) calendar days of service of the Petition for Review. The president’s decision is final.

3. Miscellaneous

a. College disciplinary proceeding may be instituted against a student charged with violation of a law if the violation occurred at the College or College-sanctioned activities or was of such a nature as to impact upon the College which is also a violation of the College’s Student Code of conduct. Proceedings under this Procedure may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

b. Time limits for scheduling of hearings may be extended at the discretion of the Impartial Decision Maker.

c. The procedural rights afforded to students above may be waived by the student.

DEFINITIONS

Chief Student Services Officer: The Vice President for Student Services is the individual who has been designated by the College President to administer student affairs and who is responsible for administering the College’s Student Conduct Code and this procedure. He/she may designate another person to handle complaints/grievances. He/she is authorized by the President to appoint an Impartial Decision Maker or the Student Affairs Committee for formal hearings.

Code of Conduct: A document developed and published by each college, which defines prescribed conduct of students.

College Student Affairs Committee: A standing committee of the College which works with the Vice-President for Student Services and the Director of Student Life in enforcing policies and programs relating to student life. Membership of the Committee includes one faculty member, one administrator, one classified employee, two students, the Chairperson of the Committee (non-voting), and the Student Senate Student Affairs Officer (non-voting). The Vice-President for Student Services designates the Chair.

Complaint: A concern expressed by a student who feels that his/her freedoms have been violated or where there is alleged academic or non-academic misconduct. Resolution occurs
using the informal grievance proceedings as outlined in this document with the appropriate parties involved.

**Day:** Refers to calendar day unless otherwise noted.

**Disruptive Behavior:** Behavior that impedes the normal daily operations of the College, its classes or events.

**Impartial Decision Maker:** The individual/committee designated by the college president or his/her designee to hear student disciplinary appeals.

**Member of the College Community:** Any student, faculty, instructor, employee (governmental or contractual), administrator, or staff.

**Non-Grievable Matters:** The following matters are not grievable under this procedure except as noted: matters over which the College is without authority to act; grades and other academic decisions unless there is an allegation that the decision was motivated by illegal discrimination; and disciplinary actions taken pursuant to BP 4-30.

**Notice:** Notices which are required to be given by this procedure shall be considered served upon the student when given by personal delivery or mailing by certified mail to the address the student has filed with the College’s admissions and records office. If notice is mailed, student shall be given three additional days to respond.

**Sanctions:** One or more of the following may be given when there is a finding that a student has violated the College’s Code of Conduct.

- **a)** Warning: A notice served upon the student advising him/her that he/she is violating or has violated College regulations.

- **b)** Probation: After a finding of violation of the Code of Conduct, restriction of a student’s privileges for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any College regulations during the probationary period.

- **c)** Other disciplinary sanctions: fines, restitution, denial of privileges, assignment(s) to perform services for the benefit of the College or community; or other sanction that doesn’t result in the student being denied the right to attend classes.

- **d)** College Suspension or expulsion: An involuntary separation of the student from the College for misconduct apart from academic performance for a specified period of time not to exceed one/two academic terms. Suspension differs from expulsion in that after the stated time period the student is eligible for re-admission. Expulsion is a separation for more than two academic terms; student is not eligible for re-admission unless at the end of the separation he/she can prove that the behavior that resulted in the expulsion has been resolved. Students may be suspended from a class, residence
hall, and use of a College facility or an activity in the sole determination by an authorized College employee that the conduct is in violation of the Code subject only to an appeal to the Vice-President for Student Services to ensure that the action was taken pursuant to College policies. Students may be suspended from one class period by the responsible faculty member. Longer suspensions can be done only through written request to the Vice President for Student Services.

e) Summary Suspension: An immediate action taken by the Vice-President for Student Services to ensure the safety and well-being of property; to ensure the student’s own physical or emotional safety and well-being; or if the student poses a definite threat of disruption or interference with the normal operations of the College. In such event, the hearing before the Impartial Decision Maker (if requested by the student) shall occur as soon as possible following the suspension.

**Student:** Any individual enrolled in a College-sponsored credit class or non-credit class or classes.

**NOTE:** The complete text of the Arapahoe Community College Student Disciplinary Procedure (AP 4-30), Student Code of Conduct: Responsibilities and Rights (AP 4-30a), the Student Grievance Procedure (AP 4-31), a detailed flowchart of the student grievance procedure, the hearing procedure, and grievance forms can be obtained in the Office of Student Life (M 2820). Any questions of interpretation regarding this policy can be referred to the Director of Student Life and/or the Vice-President for Student Services for final determination.