

Walla Walla Community College Draft – Student Conduct Process

Section 1. Policy Jurisdiction

The student conduct code shall apply to student conduct that occurs on college premises, to conduct that occurs at or in connection with college sponsored activities, and to off-campus conduct that adversely affects the college community or the pursuit of its objectives. Jurisdiction includes, but is not limited to, locations in which students are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events, training internships, cooperative and distance education, on-line education, practicums, supervised work experiences or any other college-sanctioned social or club activities. Students are responsible for their conduct from the time of application for admission through the actual receipt of a degree, 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. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending. The college has sole discretion, on a case by case basis, to determine whether the student conduct code will be applied to conduct that occurs off-campus.

Section 2. Definitions

Definitions of terms used in this policy shall be as follows:

- ***Student Conduct Officer*** - A college administrator designated by the president or vice president of student services to be responsible for implementing and enforcing the student conduct code. The president or vice president of student services is authorized to reassign any and all of the student conduct officer's duties or responsibilities as set forth in this policy as may be reasonably necessary.
- ***The President*** - The president of the college. The president is authorized to delegate any of his or her responsibilities as set forth in this Section as may be reasonably necessary.
- ***Disciplinary Action*** - The process by which the student conduct officer imposes discipline against a student for an alleged violation of the student conduct code.
- ***Respondent*** - The student against whom disciplinary action is initiated.
- ***Service*** - The process by which a document is officially delivered to a party. Unless otherwise provided, service upon a party shall be accomplished by:
 - Hand-delivery of the document to the party; or
 - By sending the document by email and by certified mail or first class mail to the party's last known address.

- **Filing** - The process by which a document is officially delivered to a responsible college employee. Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official. Unless otherwise provided, filing shall be accomplished by:
 - Hand delivery of the document to the specified college official or college official's assistant; or
 - By sending the document by email, and first class mail to the specified college official's office and college email address.
- **Disciplinary Appeal** - The process by which an aggrieved student can appeal the discipline imposed by the student conduct officer.
- **College Premises** - Shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, or controlled by the college.
- **Student** - Includes all persons taking courses at or through the college, whether on a full-time or part-time basis, and whether such courses are credit courses, non-credit courses, on-line courses, or otherwise. Persons who withdraw after allegedly violating the code, who are not officially enrolled for particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admission are considered "students."
- **Business Day** - A week-day, excluding weekends and college holidays.
- **College Sponsored Activity** - Any activity, event, function, program, or service on or off College properties that is organized, sponsored, supervised, or directly initiated by the College, including its employees on behalf of the College or registered student organizations.
- **Responsible Employee** – Any college employee that has the authority to take action to redress sex-based misconduct; has been given the duty of reporting incidents of sex-based misconduct or any other misconduct by students; or that a student could reasonably believe has this authority or duty.
 - Considering alleged student complaints, responsible employees include but are not limited to administrators (president, vice presidents, deans, directors, assistant directors, etc.), athletic director/assistant athletic director, coaches, student activities director/assistant director, Student Development Center staff, completion coaches, advisors, and executive assistants and secretarial staff reporting to positions designated above.
- **Student Organization** - A student club, society, group, or sports team approved, registered, recognized or going through the process to be recognized through student activities, an academic unit, or other administrative department. The term "student" shall also include student organizations.

Section 3. Respondent Rights

A student charged with a violation of the Student Code of Conduct has the right to:

- A. A notice of the alleged violation(s) and a brief description of the factual allegations upon which the charge is based, the provision(s) of the conduct code the respondent is charged with violating, and the range of possible sanctions for the offense.
- B. A designated opportunity to review all information in her/his judicial file prior to a hearing. The Student Conduct Officer reserves the right to modify any report or documentation if it is deemed necessary to protect identifiable information of any person filing the report, witness or alleged victim.
- C. A prompt, fair, and impartial proceeding.
- D. Five (5) business days from the date of the information session, before a hearing is held, to prepare for the hearing, except in cases where the student waives his/her right and chooses an immediate resolution of the case through an informal Summary Resolution.
- E. An opportunity to present evidence and information on his/her behalf, including presenting witnesses and/or signed written statements, except in cases where the student waives his/her right, or chooses a summary resolution.
- F. Examine witnesses providing testimony in the proceeding, except where the student has waived his/her right or opted for a summary resolution. If called witnesses do not appear, their written and signed statements, if submitted, will be considered by the judicial body.
- G. Accompaniment by an adviser of the student's choice, except where the student has waived his/her right or opted for a summary resolution. The student is responsible for obtaining his/her own adviser. The adviser may not serve as a witness, represent the student before the judicial body, or speak on the student's behalf.
- H. Notification of the decision of the hearing in writing after the final decision has been determined by the judicial body.
- I. Request an appeals review of the decision, in writing, within five (5) business days of the receipt of the hearing decision (See appeal section of this process).

Section 4. Victim Rights

Victim rights apply to any case alleging any of the following: sexual misconduct; endangerment/acts of violence; harassment; stalking; hazing; property theft (restitution portion of outcome); and property theft (restitution portion of outcome only).

Victim rights include:

- A. To have an adviser of the alleged victim's choice accompany him/her when presenting information to the judicial body and to any other relevant meetings held throughout the disciplinary process.
- B. To submit a victim impact statement to the judicial body. This information will be used only in the sanctioning phase of deliberations, if the charged student is found responsible for the charge(s).

- C. To have unrelated past behavior excluded from the hearing. The Student Conduct Officer or chair of the judicial body will decide if such information is unrelated.
- D. To submit questions to the judicial body. The judicial body will then consider posing those questions to the accused student.
- E. To testify in limited privacy, as long as the process does not compromise the accused student's right to cross-examination. Determination on this matter will be made by Student Conduct Officer or chair of the judicial body.
- F. To be present throughout the entire hearing, or portions thereof. Determination on this matter will be made by the Student Conduct Officer or chair of the judicial body.
- G. To be notified of the disciplinary outcome and appeals outcome.
- H. To appeal the hearing decision (See appeals section of this document).

Section 5. Judicial Bodies and Forums

There are two types of hearings provided by this policy, informal and formal. Under certain circumstances, where the alleged behavior and/or incident could be solved through mediation rather than formal disciplinary proceedings, the Student Conduct Officer, in consultation with all parties involved, may redirect the matter through mediation.

A. Informal Hearings (Summary Resolutions)

Informal hearings or summary resolutions are for students choosing to accept responsibility for the alleged charge as presented. Informal hearings are not tape recorded. Written decisions will serve as the official records of informal hearings.

Brief adjudicative proceedings (Summary Resolutions) shall be conducted by a Student Conduct Officer. The Student Conduct Officer shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.

Before taking action, the Student Conduct Officer shall conduct an informal hearing and provide (a) each party an opportunity to be informed of the College's view of the matter and (b) an opportunity for the respondent to explain the view of the matter. Students who choose a summary resolution automatically waives their right to have an adviser, cross-examine witnesses, and to have five (5) business days before a hearing is held.

B. Formal Hearings (Administrative Hearings and Board Hearings)

Generally, students and student organizations may choose which judicial forum and judicial body they would like to conduct their disciplinary case. However, the Student Conduct Officer reserves the right to choose the appropriate hearing forum and body, or may determine that mediation, a behavioral intervention program or other approved College processes is best rather than formal disciplinary action.

Formal hearings may require the judicial body to call appropriate witnesses to provide information in support of the charges and to allow the presence of an adviser. Formal hearings will be tape recorded and the recording will serve as the official record of the proceedings. A formal disciplinary outcome letter will be sent to the student and any other appropriate individuals (i.e. instructors, deans, supervisors, etc.).

i. Administrative Hearing

This hearing is formal and conducted by the Student Conduct Officer or other authorized hearing officer.

ii. Board Hearing

This hearing is formal. This judicial body is comprised of a chair (non-voting capacity), two faculty members, two enrolled students appointed by the Associated Student Body or Student Conduct Officer, and two staff members appointed by the vice president of student services or designee.

Section 6. Burden of Proof (Formal Hearings)

The standard used in all disciplinary cases is “preponderance of evidence.” The term “preponderance of evidence” means that evidence, considered as a whole, indicates the fact sought to be proved is more probable, or that it is more likely than not the alleged behavior did violate the Student Code of Conduct. The burden of proof will be such that the charged student will not be presumed responsible, and his/her responsibility must be established to the satisfaction of the judicial body by a preponderance of the evidence. The burden of proof for disciplinary hearings always rests with the College.

Section 7. Disciplinary Process

A. Initiating Charges

Any person may request a review of the alleged actions of a student which may violate the WWCC Student Code of Conduct, federal, or state law. Determination of whether formal charges will be filed is at the discretion of the vice president of student services or designee with oversight for the disciplinary process. A review for possible charges may be initiated in the following ways:

- i. A Police Department report or report from another law enforcement agency.
- ii. Any faculty, staff, student or other individual providing a written statement (not anonymous) to the Student Conduct Officer.
- iii. The Student Conduct Officer shall be responsible for determining whether the documentation is sufficient to warrant formal disciplinary charges. The Student Conduct Officer reserves the right to request additional documentation, if it is deemed necessary in determining whether formal charges are warranted on behalf of the College.
- iv. If the Student Conduct Officer determines that documentation is insufficient or there are no grounds to file charges on behalf of WWCC, no

charges will be filed and the individual initiating the report will be notified, in writing, as to the reason why the documentation is insufficient to file charges.

- v. In some cases, the Student Conduct Officer may determine that it is in the interest of the student's academic and social development for student learning, that the case is referred to mediation, a behavioral intervention program or withdrawal due to psychological/medical reasons, rather than the formal disciplinary process.

B. Timely Reporting

Reports must be filed with the Student Conduct Officer within ninety (90) calendar days of the incident, or knowledge about the incident. However, WWCC reserves the right to exercise professional discretion to extend this timely reporting in cases of harassment, endangerment, stalking, or other behaviors which pose a threat to the safety, welfare or well-being of another person or the WWCC community or when the delay is related to victimization issues.

Complaint forms and appeal notices may be filed by hand-delivery, electronic communication, including e-mail and fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the appropriate administrator or designee by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student, at any point during the complaint process. The student may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

C. Notice of Charges

The notice given to any student/student organization charged with a violation of the Student Code of Conduct will include the following:

- i. Notice of charge, including specific code charge(s) and a brief description of alleged offense(s) within ten (10) business days from receipt of an incident report or written statement. Extended time may be required if further investigation or additional documentation is required to substantiate initiating disciplinary charges.
- ii. The charged student will be provided an opportunity to attend an information session, except in cases involving interim suspension as outlined in Section 10(C), during which the student may review all materials to be used in his/her case, receive information regarding his/her

- due process rights and procedures used in a disciplinary hearing, and have an opportunity to select the forum in which the case will be heard. In addition, the student will receive information regarding the resources available to the student in preparation for his or her disciplinary case.
- iii. If a student fails to respond to a request to schedule an information session and/or attend a scheduled information session and/or ten (10) business days have expired since the date of the charge letter, the student waives his/her right to an information session, and the Student Conduct Officer will select a hearing forum for the student and schedule a hearing date in the student's absence. The Student Conduct Officer may extend the time for scheduling an information session or reschedule a hearing where a student can prove that an extenuating circumstance prevented him or her from responding to the charge letter by the deadline date.

D. Information Session

During the information session, the student/student organization will be provided the following:

- i. Clear and complete description of the Student Code of Conduct charges and description of the allegations upon which the charge is based.
- ii. Information related to the student's rights and responsibilities and preparation for the disciplinary hearing.
- iii. An opportunity to review relevant information in his/her disciplinary file which will be used during the disciplinary hearing.
- iv. The Student Conduct Officer reserves the right to modify any report or documentation if is deemed necessary to protect identifiable information of any person filing the report, witness or alleged victim.
- v. The right to accept responsibility for all charges and enter into a summary resolution or the right to dispute the allegation and request a formal hearing. If the student or student organization accepts the charges as presented, takes responsibility for the violation, and agrees to a summary resolution by the Student Conduct Officer, the Student Conduct Officer will provide the appropriate sanction(s), in writing, to the student at that time or within ten (10) business days from the summary resolution. The grounds for an appeal for cases resolved through summary resolution is limited solely on the basis that the severity of the sanction is disproportionate with the nature of the offense.
- vi. If the student or student organization does not accept responsibility or disagrees with the allegation, a formal hearing shall be conducted on the matter.

E. Hearing Notification

Charged students requesting a formal hearing shall be notified, at least five (5) business days prior to a formal hearing, unless the student waives his/her right and requests a hearing before five business days. Notice shall include:

- i. The date, time and location for the hearing.

- ii. If the charged student fails to appear at the scheduled hearing and fails to provide adequate written notice prior to the scheduled hearing, the hearing will be held in the student's absence. No student may be found responsible for a violation of the Student Conduct Code solely because the student failed to appear before a judicial body. The decision of the judicial body will be determined based on all the documentation and testimony presented at the time of the hearing.

F. Scope of Inquiry

A student's academic and previous disciplinary record (if applicable) cannot be considered when determining whether the charged student has violated the Student Code of Conduct. However, after a student is found responsible for a violation of the code, any academic and previous disciplinary record may be taken into account when determining the appropriate educational sanction(s).

G. Disciplinary Consolidations

Whenever possible, in cases where more than one student is charged with an alleged violation of the Student Code of Conduct and the students' conduct arose out of the same incident(s), each case should be heard by the same judicial body. Additionally, a single hearing may be held for all the students charged. Such students may request their case be consolidated with the others or separated from others.

The Student Conduct Officer shall make determinations regarding consolidation with the charged students, and if necessary, with the party filing the formal complaint. The Student Conduct Officer shall make the final decision on all consolidations.

H. Role of the Student Conduct Officer

The role of the Student Conduct Officer when presiding over a formal hearing will be to:

- i. Ensure a fair and impartial hearing and that all of the student's and/or victim's rights are protected pursuant to the Student Code of Conduct.
- ii. If an adviser is present, review the adviser's role and limitations during the hearing as outlined in Sections 3 and 4, under victim's rights and respondent's rights.
- iii. Make all administrative decisions on matters relating to the conduct of the hearing, including matters regarding admission of relevant evidence, testimony and questions.
- iv. Ensure the student charged with a violation of the student code of conduct has the right to present questions to all witnesses in an orderly and respectful fashion. The Student Conduct Officer reserves the right to determine the method for delivery of questions to the witness by the student.
- v. Maintain an orderly hearing and permit no person to be subjected to abusive treatment, intimidation or harassment. The Student Conduct Officer, at his/her discretion, may remove anyone who refuses to be orderly and conduct him/herself in a manner conducive to a learning environment.

- vi. Administer an appropriate oath of truthful testimony to the charged student and all witnesses.

I. Hearing Procedures

All hearings are private and closed to the public. Formal hearings are taped via audio recording, and the audio tape will act as the official record of the hearing. The following procedures are applicable to formal hearings before all judicial bodies:

- i. Presentation of formal charges by the Student Conduct Officer (or chair of the Conduct Review Board).
- ii. Administer an appropriate oath of honesty and truthful testimony to the charged student prior to testimony before the judicial body.
- iii. Opening statement by the charged student.
- iv. Questions directed to the charged student by the judicial body.
- v. Administer an appropriate oath of honesty and truthful testimony to each witness prior to testimony before the judicial body.
- vi. Presentation of witnesses by the judicial body, followed by questioning of those witnesses by the judicial body and the charged student. The Student Conduct Officer reserves the right to determine the relevance of the question. Witnesses are then dismissed. Witnesses, other than the respondent, may, at the discretion of the Student Conduct Officer, be excluded from the hearing during the testimony of other witnesses. Written statements may not be admitted into evidence unless signed by the witness and witnessed by a WWCC official. An advance copy of written statements must be furnished to the respondent and judicial body.
- vii. Follow-up questions to the charged student.
- viii. Closing statement by the charged student.

J. Adjournment of the Hearing

The Student Conduct Officer will exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. The Student Conduct Officer has the right to make the appropriate revisions to the hearing procedure so long as the student's rights are upheld and maintained. Any person, including the adviser, who disrupts a hearing or who fails to adhere to the rulings of a Student Conduct Officer, may be excluded from the proceedings.

K. Deliberations

Deliberations are closed, except for members of the judicial body, and are not audio taped. Responsibility is determined by the Student Conduct Officer, or in cases resolved by the Student Conduct Board, by a majority vote of the judicial body members, except in cases involving expulsion. The vote and final decision of the judicial body, including the determination of responsibility and sanctions, if appropriate, are taped and become the official record of the hearing.

Cases involving expulsion must be unanimous. The vote and the final decision of the judicial body, including the determination of responsibility and the sanctions, if appropriate, are taped and become the official record of the hearing.

The accused student and victim (as outlined in Section 3 and 4), shall be informed of the outcome of the disciplinary proceeding. Witnesses will not be notified of the outcome of the hearing. In cases of suspension or dismissal, the appropriate College officials will be notified in accordance with federal and state law.

L. Findings

Within ten (10) business days after the conclusion of deliberations, the judicial body shall provide a written outcome to the student, which will include:

- I. A summary of the evidence/finding of fact used to support its determination;
- II. Its determination of the appropriate sanction(s); and
- III. The procedure for appeal. The student's enrollment status shall remain unchanged pending the College's final decision in the matter except in cases where the Student Conduct Officer or designee determines that the safety, health, or general welfare of the student, any individual, or any part of the College may be jeopardized.

Section 8. Educational Interventions/Sanctions

One or more of the following interventions and educational sanctions may apply when a student or student organization is found responsible for violations of the Student Code of Conduct:

A. Warning

Verbal or written reprimand to the student or student organization that the student/student organization has violated the Student Code of Conduct, and that further violation of the code will result in more serious disciplinary action.

B. Educational Assignment

An educational assignment is a developmental task for the purpose of making a positive contribution to the student's well-being and/or the College community. Assignments may include, but are not limited to: attendance at educational workshops/seminars; tutoring or support from learning centers (i.e., testing, writing, reading or math labs); research projects; reflection papers and essays; apology letters; meetings/interviews with WWCC or other officials; or planning and implementing educational programs. Any costs associated with participation in or completion of educational assignment(s) is the responsibility of the student.

C. Community Service

Completion of a specified number of hours of service to the College or local community.

D. Fine

Previously established and published fines may be imposed. Failure to pay all fines, in full, will result in denial of a final grade report, diploma and/or transcripts. All fines, except those established by Business Services, Student Services, or an academic or workforce department, are to be used solely to support and provide educational programs to the WWCC community regarding ethics, moral development, academic integrity or other programs related to improving student learning.

E. Restitution

Restitution for loss or damages may be a part of any sanction, and may include monetary compensation, property replacement or services up to the amount of the damage, loss or injury incurred. Restitution may also be in the form of work service to the person, group or organization where the damage, loss or injury occurred.

F. Campus Access Restriction

Termination of a student's or student organization's privilege to enter into and be in the near vicinity of one or more campus areas, facilities or buildings, or restriction from entering onto WWCC campus grounds in its entirety. A student will lose their privilege to enter onto campus grounds entirely if under suspension or expulsion from WWCC.

G. Academic Grade/Testing Sanctions

For academic dishonesty violations, the student, in addition to other approved sanctions, may be given a reduced grade, zero or failing grade for the assignment or course, denial of academic credit, or invalidation of college credit or of the degree based upon such credit. Academic grade/testing sanctions shall be given in consultation with the appropriate faculty member, when appropriate.

H. Admission/Enrollment Revocation

A student may be denied admission or further registration at the College, and the College invalidate academic credit work done by a student and may invalidate or revoke the degree based upon such credit if it is determined that the student has made false, fraudulent, or incomplete statements in the application, residence affidavit or accompanying documents or statements in connection with, or supplemental to, the application for admission to or graduation from the College.

I. Removal from Class

Behavior which has been disruptive to a class to the extent that the continued presence of the student in that class will impair, interrupt or interfere with the instructor's ability to deliver instruction or other students' ability to obtain instruction will result in a withdrawal from that class without a refund or grade penalty.

J. No Contact Order

A directive to refrain from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, e-mail, telephone, any form of electronic communication, or third parties.

K. Counseling Assessment

Referral for personal, mental or academic assessment through the Student Development Center, Disability Support Services, other WWCC counseling, other academic support services, or a certified/licensed health agency may be required for some cases where it is deemed the intervention may positively affect the student's learning, behavioral modification, and/or academic success. In cases of probation, deferred sanctions, suspension, counseling assessment conditions that permit the student's satisfactory completion of the probationary status or readmission to WWCC will be specifically outlined in writing. Any costs associated with assessment/evaluation or visit to a licensed health agency is the responsibility of the student.

L. Loss of College Privileges or Associations

Certain privileges or associations within the College are withdrawn for a specified period of time, not to exceed two (2) academic years. This includes, but is not limited to: removal from athletic events; denial of the privilege of participating in recreational/sports activities, student organizations or hold office in an organization; or revocation of social function privileges for student organizations.

M. Disciplinary Probation

A specified period of time during which a student/student organization has an opportunity to demonstrate their ability to be a responsible member of the WWCC community. Any further violation of the Student Code of Conduct places the student's or student organization's status with the College in jeopardy.

N. Deferred Suspension

A sanction of suspension may be deferred pending successful completion of all educational assignments or other outlined sanctions specified as a condition of the deferred sanction. All sanctions must be completed by the specified deadline date to satisfy the conditions of the deferred sanction. If a student/student organization fails to complete all the sanctions as set forth for a deferred sanction, suspension from the College will automatically be enacted without further review. For students found responsible for misconduct that results in a deferred sanction, the conferring of an academic degree will be deferred for the duration of the sanction.

O. Suspension (Individual Student)

Separation of the student from WWCC to include removal from academic enrollment and revocation of other privileges or activities, and the privilege to enter all WWCC campuses for a period of time not to exceed two (2) years. Conditions that will permit the student's readmission, if appropriate, will be

specifically outlined in writing. Any communications with the College and student during the period of suspension will be directed to the Student Conduct Officer or designee.

P. Suspension (Student Organization)

Separation of the student organization from WWCC to include removal from and revocation of all privileges or activities for a period of time not to exceed two (2) years. Conditions that will permit the student organization's reinstatement, if appropriate, will be specifically outlined in writing. Any communications with the College during the period of suspension shall be directed to Student Conduct Officer or designee.

Q. Dismissal (Individual Student)

Separation of the student from WWCC to include removal from academic enrollment and revocation of other privileges or activities, and the privilege to enter all WWCC campuses for a period of time not less than two (2) years and no more than five (5) years. Conditions that will permit the student's readmission, if appropriate, will be specifically outlined in writing. Any communications with the College during the period of dismissal will be directed to the Student Conduct Officer or designee.

R. Dismissal (Student Organization)

Separation of the student organization from WWCC to include suspension from and revocation of all privileges or activities for a period of time not less than two (2) years and no more than five (5) years. Conditions that will permit the student organization's reinstatement, if appropriate, will be specifically outlined in writing. Any communications with the College during the period of dismissal shall be directed to the Student Conduct Officer or designee.

S. Expulsion (Individual Student)

Complete termination of a student's status and academic enrollment at WWCC. Any communications with the College and student during the period of expulsion will be directed to the Student Conduct Officer or designee. Expelled students will have the following notation made on their college transcript: "Disciplinary Expulsion."

T. For academic dishonesty cases, the following shall apply:

- I. If the instructor determines that an act of academic dishonesty has occurred, the instructor may: issue a verbal or written warning; require the student to resubmit the work/ assignment; require the student re-take a quiz or examination; assess a lower grade on the assignment or examination; issue a grade of zero (0) on the assignment, lab work, internship or examination; and/or issue a failing grade for the course, lab or internship.
- II. Faculty members are encouraged to report all academic misconduct incidents to the Student Conduct Officer. The Student Conduct Officer shall record and maintain these reports in a confidential file. The Student Conduct Officer shall

also send a letter to the student confirming this action and outlining the consequences of subsequent offenses.

Section 9. Appeal Process

Any student found responsible for a violation of the Student Code of Conduct may request a review of the disciplinary outcome and/or of the sanction(s).

A. Appeals

- i. All appeals shall be requested through the office of the vice president of student services.
- ii. If a student files an appeal request, the sanctions are not enacted until a final decision is made by the appellate body, except in cases of an interim suspension or if it is determined by the vice president of student services or designee that the student poses a threat to the safety or welfare of the College community.

B. Burden of Proof

The burden of proof at the appellate level rests with the student to clearly show that an error has occurred during the disciplinary process. An appeal review is not a re-hearing of the disciplinary case, but rather a review of the specified error as outlined in Section 9 (D), Grounds for Appeal.

C. Appellate Forums

- i. Decisions of an instructor related to academic misconduct offenses may be appealed to the appropriate Academic Dean through the grade appeal process established by the College.
- ii. Decisions of the Student Conduct Officer or any judicial body shall be appealed to the vice president of instruction or designee. The vice president of instruction or designee has the authority to refer the request for an appeal to an Appeals Review Board or other judicial appellate body established by the College president or designee.
 - a) Decisions resulting in suspension, dismissal, or expulsion from the college are automatically granted an appeal due to the level of severity of the decision made. A respondent may choose to deny their right to an appeal at this stage.

D. Grounds for Appeals

Failure to describe the nature of the evidence in full detail in the appeal letter will result in the denial of an appeal. Appeal considerations are limited to:

- i. A violation of the victim's rights and/or the respondent's rights (see Sections 3 and 4, student's rights) occurred which substantially affected the outcome of the hearing. Appeals based on this consideration will be limited solely to a review of the record and tape recording of the disciplinary hearing.
- ii. The evidence presented during the hearing was not substantial enough to justify a decision by the judicial body. Appeals based on this consideration

will be limited solely to a review of the record and tape recording of the disciplinary hearing.

- iii. New evidence, which was not available at the time of the original hearing and could have substantially affected the outcome. The nature of the evidence must be described in full detail in the appeal letter and support documentation provided with the letter of appeal.
- iv. The intervention(s) or sanction(s) imposed were disproportionate to the nature of the offense.
- v. The grounds for an appeal for students whose case was determined through a summary resolution is limited solely to the severity of the sanction is disproportionate to the nature of the offense.

E. Appellate Review Process

A written appeal must be submitted within five (5) business days of the receipt of the written decision of the judicial body to the appropriate appellate body listed in Section 9(A)(i). If the judicial body's decision is not appealed within that time frame, the decision of the judicial body becomes final.

F. Record of Appeal

The record of appeal will consist of and be limited to the written appeal, audio recording (if applicable), written decision of the disciplinary body and all other documentation relevant to the grounds for appeal.

G. Appellate Review

- i. The appellate body shall review the appeal within ten (10) business days after receipt of the written appeal. Additional time may be granted at the discretion of the vice president of instruction or designee.
- ii. The appeal review must be solely limited to the issues put forth in the appeal and the grounds for appeal as outlined in Section 9(D), grounds for appeal. The appellate body will review the written appeal, tape recording (if applicable) and all documentation from the hearing, and determine if there is a basis for appeal.
- iii. If there is a basis for an appeal, the appellate body may grant an appellate conference. A written decision will be sent to the student, within five (5) business days of the decision to grant an appeal, stating that an appeal has been granted and the basis for granting the appeal. The date for an appellate conference should be scheduled and provided to the student within ten (10) business days from the decision to grant the appeal.
- iv. If there is no basis for appeal, a written decision will be sent to the student stating appeal denial and basis for the denial within the five (5) business days from the final determination of the appeal. The decision of the appellate body will constitute final action on behalf of the College.

H. Appellate Conference Procedures

If an appeal is granted, an appellate review may be scheduled within ten (10) business days of the decision to grant an appeal. The appellate conference is recorded. The appellate conference may involve the following:

- i. Questioning, by the appellate body, of any party involved in the disciplinary process, but limited to Section 9(D), Grounds for Appeal.
- ii. If the student is requested at the appellate conference, he/she may bring an adviser.

The appellate decision is sent in writing to the student, within ten (10) business days of an appellate review, unless notification is given that additional time is necessary for consideration of the record on appeal. Except in the case of an interim suspension, the student's status will remain unchanged, and all sanctions are placed on hold during the appellate process. If a student has been invited to attend an appellate conference, but fails to appear, the conference will occur in the absence of the student, and the appellate body's decision will constitute final action on behalf of the College.

I. Appellate Decisions

After an appellate conference, the appellate body may:

- i. Uphold the judicial body's decision (sanction deadline dates may be changed to reflect the time taken to complete the appeals process).
- ii. Reverse the judicial body's decision and dismiss the case.
- iii. Modify the judicial body's decision.
- iv. Modify the sanctions rendered by the judicial body. A review of the sanction by the appellate body will not result in more severe sanction(s). The appellate body may reduce, but not increase, the sanctions imposed by the judicial body.

Decisions of the appellate body reflect final action on behalf of the College.

Section 10. Interim and Emergency Suspensions

Grounds for interim/emergency suspensions include but are limited to the following:

A. Individual Students

- i. In situations where the vice president of student services or designee has reasonable cause to believe a student's alleged behavior or action and/or continued presence at the College poses a threat or danger to the health, safety or general welfare to self, others, the campus community or the continuance of normal College functions, an Interim (temporary) Restriction of a student from specific WWCC facilities, buildings and/or classrooms or an Interim (temporary) Suspension from the WWCC campuses will be imposed. Behaviors or actions which may result in an interim suspension include, but are not limited to, threats, sexual assault,

physical assault, hazing, possession or use of a firearm or explosives, felony drug possession or distribution, and acts which pose or may pose a threat to the safety or security of oneself, others and/or the property of the WWCC community.

- ii. A student under Interim Suspension from the College is not allowed on any WWCC campus and/or cannot enter any WWCC facility and/or function until he/she has been given permission by the vice president of student services or designee to do so.
- iii. A student under Interim Suspension from a facility, class or other specific area(s) of the campus is prohibited from entering the specified location(s) until he/she has been given permission by the vice president of student services or designee to do so.
- iv. A student under Interim Suspension may also be prohibited from communicating with a specific person or persons to ensure the safety of that individual or individuals or maintain the integrity of disciplinary proceedings.

B. Student Organizations

In situations where the vice president of student services or designee has reasonable cause to believe a student organization's alleged behavior or action presents a threat or danger to the health, safety or general welfare of others or the campus community, an Interim (temporary) Suspension will be imposed. Behaviors or actions, which may result in an Interim Suspension include, but are not limited to sexual assault, physical assault, hazing, possession or use of a firearm or explosives, felony drug possession or distribution, and acts which pose or may pose a threat to the safety or security of oneself, others and/or the property of the WWCC community.

C. Interim/Emergency Suspension Procedures

- i. The notice given to a student or student organization under Interim Suspension will include the notice of charge(s), enactment notice of an Interim Suspension, specific code charge(s) and a brief description of alleged offense(s). An Interim Suspension notice will be provided to the student, in writing via express mail or hand delivery by a College official, within 72 hours from the decision to enact the Interim Suspension. The letter must include the contact information and specify the student is responsible for contacting the Student Conduct Officer to schedule an information session.
- ii. If a student or student organization fails to respond to a request to schedule an information session and/or attend a scheduled information session, and five (5) business days have expired since the date of the Interim Suspension notice, the student waives his/her right to an information session and will be deemed to have selected a formal administrative hearing, and the hearing will be scheduled in the student's absence. A letter will be sent to the student, at least five (5) business days

prior to the scheduled hearing, which indicates the date, time and location of the administrative hearing.

- iii. The vice president of student services or designee may extend the time in which to hold an information session or hearing, in cases where further investigation is required or where the student is incarcerated or unable to attend an information session or hearing due to circumstances beyond one's control. The student is responsible for contacting the Student Conduct Officer regarding mitigating circumstances.

D. Information Session

During the information session, the student will be provided the following:

- i. Clear and complete description of the Student Code of Conduct charges and description of the allegations upon which the charge is based.
- ii. Information related to the student's rights and responsibilities and preparation for a disciplinary hearing.
- iii. An opportunity to review relevant information in his/her disciplinary file which will be used during the disciplinary hearing. The Student Conduct Officer reserves the right to modify any report or documentation if it is deemed necessary to protect identifiable information of any person filing the report, witness or alleged victim.
- iv. The right to accept responsibility for all charges and enter into a summary resolution or the right to dispute the allegation and request a formal hearing. If the student or student organization accepts the charges as presented, takes responsibility for the violation, and agrees to a summary resolution by the Student Conduct Officer, the Student Conduct Officer will provide the appropriate sanction(s), in writing, to the student or student organization within three (3) business days from the date of the summary resolution. The grounds for an appeal for cases resolved through summary resolution is limited solely on the basis that the severity of the sanction is disproportionate with the nature of the offense.
- v. If the student or student organization does not accept responsibility or disagrees with the allegation, a formal hearing shall be conducted on the matter. A formal hearing will be scheduled within three (3) business days from the date of the information session, unless the charged student or student organization requests additional time to prepare, not to exceed ten (10) business days. The interim suspension shall remain in effect until a final outcome is decided by a judicial body.

E. Interim/Emergency Suspension Hearing Procedures

Formal hearing procedures for Interim Suspensions will be conducted in accordance with the procedures outlined in Section 7(l), Hearing Procedures.

F. Interim/Emergency Suspension Appellate Procedures

The appellate process will be conducted in accordance with the processes and procedures outlined in Section 9, Appeals.

Section 11. Official Record of Disciplinary Proceeding

An audio tape recording will be made of all formal hearings. The tape recording shall be the official record of the disciplinary proceeding and shall be maintained by the vice president of student services as outlined in Section 17, Disciplinary Records.

If a tape malfunction occurs, the judicial body shall include a summary of the testimony, which is detailed to permit a review of the hearing in case of appeal. The student may review the tape recording of his/her hearing by scheduling an appointment with the Student Conduct Officer. A copy of recorded hearings will not be provided to any person.

Section 12. Failure to Respond to Disciplinary Action

A student who fails to complete a sanction within the specified time frame may be charged with the Student Conduct Code violation, "Failure to Comply." It is the student's responsibility to notify the Student Conduct Officer if there are mitigating circumstances that prevent him/her from completing the sanction(s) by a specified time frame. The Student Conduct Officer may extend the deadline time, at his/her discretion. It is the student's responsibility to complete all sanctions within the specified time frame to avoid a hold and or a charge of "Failure to Comply."

A disciplinary hold will be placed on a student's records if a student fails to respond to requests of judicial bodies or fails to complete sanctions as determined through final action of the College. The disciplinary hold will not be removed until the matter is resolved or all sanctions have been completed by the student.

Section 13. Disciplinary Holds

A disciplinary hold will be placed on the records and registration of any student who:

- A. Fails to respond to a disciplinary notice by a judicial body. Any pending disciplinary matters must be resolved prior to reregistration or a student's graduation. No student will be allowed to register, graduate, obtain transcripts or financial aid until the pending disciplinary case is completed;
- B. Is under an Interim Suspension from the College. The disciplinary hold will not be removed until the pending disciplinary case is completed;
- C. Is under suspension from the College. The disciplinary hold will not be removed until the student's suspension status has expired and/or the requirements as set forth by the judicial/appellate body for readmission have been successfully met;
or
- D. Is under expulsion from the College. The disciplinary hold will only be removed, upon written request, for a student to obtain his/her transcript.

Section 14. Parental Notification

In accordance with the Family Educational Rights and Privacy Act (FERPA), WWCC officials may inform the parents or legal guardians of students under the age of 18 of any disciplinary action taken by the College.

Section 15. College Official Notification

- A. In cases of suspension or expulsion, notification is sent to the director of admissions and registrar, vice president of instruction, the appropriate academic dean(s) and victim (if applicable).
- B. In cases where a student/student organization is restricted from a specific area/facility, notification may be sent to the student activities coordinator, director of facilities, faculty adviser and department director/dean of the restricted area/facility.
- C. In cases where a student's privilege to participate in a College-sponsored event, activity, student organization or committee has been removed, notification is sent to the WWCC faculty/administrator with oversight for the activity or organization and/or faculty adviser for the organization.

Section 16. Delivery of Disciplinary Notification

The address on file with the Registrar's Office will be used for all disciplinary notices sent to the student. It is the responsibility of the student to ensure the address on file with the Registrar is current and updated on a regular basis.

- A. In cases where the assurance of the safety of the person or others is required, written disciplinary notices may be delivered by hand to a student.
- B. In cases where a judicial notice has been sent back to the College due to an insufficient address, written disciplinary notices may be delivered by hand to a student.
- C. In cases involving a student organization, disciplinary notices will be delivered to the student organization president or chair via their student club mailbox, and a copy of all disciplinary notices will be sent to the faculty adviser for the organization and WWCC administrator responsible for the oversight of student organizations.

Section 17. Disciplinary Records

A. Official Records Management

All student discipline records, in accordance with the Family Educational Rights and Privacy Act (FERPA), including complete disciplinary records and appellate records of WWCC students and student organizations and taped audio recordings (if applicable), will be maintained by the vice president of student services.

B. Transcript Notation

In cases of expulsion, the following notation is made on the student's transcript: "Disciplinary Expulsion."

C. Disciplinary Record Expiration and Removals

- i. Disciplinary files remain a part of the student's disciplinary record for seven (7) years after final disposition of the case or in accordance with

current state law or College policy, except in cases involving expulsion. Upon reaching the seven (7) year mark, the entire disciplinary record is removed from disciplinary databases and files. Disciplinary records of exonerated students shall not be maintained.

- ii. Disciplinary cases involving expulsion become part of the student's permanent record.
- iii. All paper records will be destroyed by shredding or other similar process. Reports will be modified in a manner so that statistical data can be obtained, but personally identifiable information is deleted. Electronic information (e.g., audio recordings) will be destroyed in a manner that will ensure the information cannot be traced to any individual or any discipline case.
- iv. Upon graduation, a student's disciplinary file involving minor offenses may be expunged (removed from disciplinary record) by filing a written request to the vice president of student services or designee. The vice president of student services or designee has sole discretion in determining whether a disciplinary file will be expunged prior to the time as specified in this Code.

D. Disciplinary Records Request

Students may obtain a copy of the information in their disciplinary file by submitting a written request to the vice president of student services or designee. Copies will be provided in accordance with federal and state laws regarding the privacy of disciplinary records and WWCC policy. Handwritten notes of a judicial body are not released to the student. Some reports may be modified to ensure that identifiable information of the reporting individual (or victim) or witnesses are protected for safety purposes.

The charged student or victim (as classified under Sections 3 and 4), will be afforded an opportunity to review the disciplinary hearing recording, upon written request to the vice president of student services. Information will be placed in the disciplinary file indicating the person who was afforded the opportunity to review the recording, and the date the review of the recording occurred.

A student may choose to sign a release form granting the appropriate judicial body permission to discuss information related to his/ her disciplinary file with any individual that he/she designates. Any college, university or other agency requesting any disciplinary information related to a current or former WWCC student is required to submit a request, in writing, to the vice president of student services. All written requests must include the signature of the student granting the release of information related to his/her disciplinary record, and his/her current contact information. The Student Conduct Officer may contact the student for verification prior to the release of any disciplinary information.

Section 18. Interpretation and Evaluation of Policy

Any question of interpretation regarding the Student Code of Conduct and the Student Conduct Process shall be referred to the vice president of student services for final

determination. The vice president of student services may confer with the State Attorney General's Office in the rendering of the final determination. The Student Code of Conduct and Student Conduct Process shall be reviewed biennially by a committee appointed by the vice president of student services. At the discretion of the Board of Trustees, President or designee, a review of the Student Code of Conduct and Student Conduct Process may be requested prior to the two year term date. The Student Discipline Review Committee shall consist of faculty, staff and student representatives, and current members of the Student Conduct Review Boards that reflect the diverse and cultural dynamics of the College. The biennial review shall occur during each even year and recommendations must be made to the vice president of student services no later than December 31 of the review year. The Board of Trustees shall have final approval and adoption of the Code and/or any revisions thereof.