

A) Student's name and contact information, including day-time phone number, mailing address, and email address (if available)

B) A full description of the grievance, providing relevant dates of events and including the names of all parties involved

C) A statement describing attempt(s) to resolve the issue informally

D) The proposed resolution, relief or action sought

2) Upon receipt of the written grievance, the supervisor will review the document and meet with any or all of the parties cited in the grievance. The supervisor will render a decision within 10 working days. If either the student or employee is not satisfied with the decision and wishes to appeal, he/she must do so by submitting a written appeal to the dean of Student Affairs within 5 working days. In addition to a copy of the original grievance and supervisor's decision, the student or employee must provide a brief statement justifying the appeal.

3) Upon receipt of the written appeal, the dean of Student Affairs will review the documents and investigate the request. The dean will render a decision within 10 working days. If either the student or employee is dissatisfied with the dean's decision, he/she has 10 working days to request it be reviewed by the executive vice president. In addition to a copy of all information provided to the dean, the student or employee must provide a brief statement justifying the additional appeal.

4) Upon receipt of the written appeal, the executive vice president will review the documents and investigate the request. The executive vice president will render a decision within 10 working days. If either the student or employee is dissatisfied with the executive vice president's decision, he/she has 10 working days to request it be reviewed by the College president. In addition to a copy of all information provided to the executive vice president, the student or employee must provide a brief statement justifying the continued appeal.

5) The president of the College is the final reviewer for SAC and will render a decision in writing within 10 working days of receiving the written request of appeal.

### **Student Intellectual Property**

Intellectual property developed, created, or conceived by students within the scope of classroom activity or through the use of school property is to be shared with fellow students and faculty at the College. The release of intellectual property to entities outside the College is at the discretion of the authoring student. The authoring student shall retain rights to royalties derived from the sale of intellectual property outside the College. If royalties are derived from the sale of intellectual property within the College, such royalties shall be donated to a scholarship or department fund designated by the student or the President of the College.

## **STUDENT CODE OF CONDUCT**

(Revised and Approved March 1998)

### **General Provisions**

#### **I. Provisions**

**A.** Students of San Antonio College are protected by all laws which provide rights of citizenship to every individual. Students must, however, assume the responsibilities of citizenship. They are expected to obey both the penal and civil statutes of the State of Texas and Federal government, and the policies of the Board of Trustees, College policies and regulations and administrative rules.

**B.** This code contains regulations for dealing with alleged student violations of College standards of conduct in a manner consistent with the requirements of procedural due process. It also contains descriptions of the standards of conduct to which students must adhere and the penalties which may be imposed for the violation of those standards.

#### **II. Application**

**A.** This Code applies to individual students and states the role of students, faculty and administrative staff members of the College in disciplinary procedures.

**B.** The College has jurisdiction for disciplinary purposes over a person who was a student at the time he/she allegedly

violated a Board rule, College policy or regulation, or administrative rule and violated said Board rule, College policy or regulation or administrative rule on the College campus and/or in attendance at official District functions.

### III. Definitions/Violations

**A. Definitions** - In this Code, unless the context requires a different meaning, the following applies:

1. Administration: any administrative position, from the level of Dean through College President.
2. Board: the Board of Trustees of the Alamo Community College District.
3. Campus: the "campus" of the College is deemed as all real property over which the College has possession and control.
4. Class Day: a day or evening on which classes are scheduled or final examinations are given.
5. Committee: the Student Disciplinary Hearing Committee for San Antonio College.
6. District: the Alamo Community College District.
7. Formal Complaint: a written summary of the essential facts constituting a violation of Board rules, College policies and regulations or administrative rules.
8. President: the President of San Antonio College, or designated representative.
9. Student: a person who is currently enrolled or who has been accepted for admission or readmission to the College.
10. Vice President: the Vice President of the College, or designated representatives.

**B. Student Conduct** - Each student shall be charged with notice and knowledge of the contents and provisions of the District's rules and regulations concerning student conduct.

All students shall obey the law, show respect for properly constituted authority, and observe correct standards of conduct. In addition to any and all activities prohibited

by law, the following is a nonexclusive list of expressly prohibited behavior:

1. Academic Dishonesty - College personnel with administrative authority (i.e., chairs, directors, deans) may initiate disciplinary proceedings against a student accused of "Academic Dishonesty" which includes, but is not limited to, cheating on a test, plagiarism and collusion

a. Definitions of Terms

(1) "Cheating on a test" includes, but is not limited to:

(a) Copying from another student's test paper;

(b) Using materials during a test which are not authorized by the person giving the test;

(c) Collaborating with another student during a test without authority;

(d) Knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or in part, the contents of a test without consent of the instructor;

(e) Substituting for another student, or permitting another student to substitute for one's self to take a test;

(f) Bribing or otherwise influencing another person to obtain a test not authorized for distribution by the instructor;

(g) Reporting fraudulent research results.

(2) "Plagiarism" means the appropriation of another's work and the unacknowledged incorporation of that work in one's own work offered for credit.

(3) "Collusion" means the unauthorized collaboration with another person in preparing any scholastic work offered for credit or non-credit.

b. Penalties for Academic Dishonesty

Students found guilty of an act of academic dishonesty may be subject to:

- (1) Academic penalty including one or more of the following when not inconsistent:

- (a) A requirement to perform additional academic work not required of other students in the course;
  - (b) A reduction in grade;
  - (c) Assignment of a grade of "F" in the course.
- (2) Disciplinary penalty including any penalty which may be imposed in a student disciplinary hearing pursuant to this Code of Conduct.

c. Procedures in Cases of Academic Dishonesty

(1) Initiation of Action: When any member of the faculty determines that a student in a course taught by the faculty member or taking an examination given or supervised by the faculty member, or performing other academic work under his/her supervision has committed an act of academic dishonesty, the faculty member shall summon the student verbally or in writing to a private conference.

(2) Faculty Disposition: If, after presenting the student with evidence of academic dishonesty and allowing the student an opportunity to respond, the faculty member is convinced that an act of academic dishonesty did occur, he/she shall advise the student in writing of such fact and the penalty to be imposed.

The student may appeal the decision through appropriate administrative channels which will include the department chair and the appropriate Dean prior to taking action pursuant to the Student Code of Conduct (See IV. A. for Appeal Procedure)

When disciplinary action is taken by the faculty member and the student registers an appeal, the department chair should report the incident to the appropriate Dean.

Additionally, the faculty member may refer the case to the Vice President for additional disciplinary action pursuant to the Student Code of Conduct. (See IV. A)

2. Gambling - Gambling, as described by the Texas Penal Code, is forbidden.

3. Alcohol and Narcotics

a. The use of intoxicating beverages shall be prohibited in classroom buildings, laboratories, auditoriums, library buildings, museums, faculty and administrative offices, intercollegiate and intramural athletic facilities, and all other public campus areas; provided, however, that with the prior consent of the Board, the provisions herein may be waived with respect to any specific affair that is sponsored by the College. State law shall be strictly enforced at all times on all property controlled by the District in regard to the possession and consumption of alcoholic beverages.

b. No student shall possess, use, transmit or attempt to possess, use, or transmit or be under the influence of (legal intoxication not required) any of the following substances on campus or off-campus premises at a District-sponsored activity, function or event at all times:

(1) Any controlled substance or dangerous drug as defined by law, including, but not limited to, marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine or barbiturate.

(2) Alcohol or any alcoholic beverage.

(3) Any abusable glue, aerosol paint, or any other chemical substance for inhalation.

c. The transmittal, sale, or attempted sale of what is represented to be any of the above listed substances is also prohibited under this policy.

d. A student who uses a drug authorized by a licensed physician through a prescription specifically for that student's use shall not be considered to have violated this rule.

e. Lockers and cars parked on College campus or on premises leased or used for District or College functions may be inspected by College personnel if there is reasonable cause to believe they contain alcohol and/or narcotics.

4. Disorderly Conduct - Disorderly conduct shall include, but is not limited to, any of the following activities occurring at any time on property owned or controlled by the College or at College sponsored functions:

a. Behavior of a boisterous and tumultuous character such that there is a clear and present danger of alarming persons where no legitimate reason for alarm exists.

b. Interference with the peaceful and lawful conduct of persons under circumstances in which there is reason to believe that such conduct will cause or provoke a disturbance.

c. Violent and forceful behavior, such that there is a clear and present danger that free movement of other persons will be impaired.

d. Behavior involving personal abuse or assault when such behavior creates a clear and present danger of causing assaults or fights.

e. Violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which there is reason to believe that such conduct will cause or provoke a disturbance.

f. Willful and malicious behavior that interrupts the speaker of any lawful assembly or impairs the lawful right of others to participate effectively in such assembly or meeting when there is reason to believe that such conduct will cause or provoke a disturbance.

g. Willful and malicious behavior that obstructs or causes the obstruction of any doorway, hall or any other passageway in a District building or off-campus premises at any District-sponsored activity, function or event, to such an extent

that students, employees, officers, or other persons, including visitors, having business with the District are denied entrance, exit or free passage in such buildings

5. Disruptive Activities and Disruption of Lawful Assembly - No student or group of students acting in concert may willfully engage in disruptive activity or disrupt a lawful assembly on the campus or property of any College in the District or off-campus at any District-sponsored activity, function or event. Disruptive activity means:

a. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the College.

b. Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research or other authorized activity.

c. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration.

d. Disrupting by force or violence, or the threat of force or violence, a lawful assembly in progress.

e. Obstructing or restraining the passage of any person at an exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from said property or campus without the authorization of the administration of the College.

A lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.

6. Demonstrations - Student demonstrations and similar activities may be prohibited when there is evidence that the activity may reasonably lead College authorities to forecast

substantial disruption of, or material interference with, normal College operations or approved College activities. Students who, once informed of the prohibition of a demonstrative activity, continue to participate in such activity, are subject to disciplinary action. All student demonstrations and similar activities shall be pre-cleared through the Vice President, and shall adhere to the guidelines for student expression and demonstration available in the Office of the Vice President.

7. Falsification of Records of Information - Intentionally falsifying any official College record or giving false information in response to requests by the College or College officials.

8. Financial Transactions with the College

a. Refusing to pay or failure to pay a debt, such as loans, fines, or other charges, owed to the College.

b. Giving the College an "insufficient funds" check or draft or stopping payment on a check or draft.

c. Failure to pay the College the amount due on a check, draft or order on or before the fifth class day after the day the Business Office sends written notice that the drawee has rightfully refused payment on the check, draft or order constitutes prima facie evidence that the student intended to defraud the College.

d. Acting as representative of the College in an attempt to legally bind the College without authorization.

e. Making or attempting to make personal use of College or District property.

f. As a student employee, knowingly accepting overpayment or refusing to return an overpayment, once notified of same within the subsequent pay period.

g. Students who default on student direct loans shall be subject to those additional requirements and may avail themselves of those defenses relevant to Federal and State law and regulations governing such loans.

9. Weapons - Entering District premises or any off-campus premises at a District-sponsored activity, function or event, with a prohibited weapon, unless pursuant to written regulations or written authorization of the College.

a. This prohibition shall not normally apply to instructional supplies such as pencils, compasses, and the like, unless those instruments are used in a menacing or threatening manner.

b. Weapons shall include, but not be limited to, the following:

(1) Explosive weapons

(2) Firearms

(3) Firearm ammunition

(4) Switchblades or other illegal knives

(5) Martial arts weapons

(6) Chemical-dispensing devices

(7) Fireworks

(8) Straight razors

(9) Clubs and other weapons as more specifically defined in the Penal Code of the State of Texas and the City Code of the City of San Antonio, Texas.

c. Lockers and cars parked on college campus or on premises leased or used for official District or College functions may be inspected by College personnel if there is reasonable cause to believe they contain weapons.

10. Hazing - Any kind of hazing is forbidden. "Hazing" is defined as any intentional, knowing, or reckless act, occurring on or off the College campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include students at the College. The term includes, but is not limited to:

a. Any type of physical brutality, such as whipping, beating, striking,

branding, electronic shocking, placing of a harmful substance on the body, or similar activity;

b. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

c. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance which subjects the student to an unreasonable risk of harm of which adversely affects the mental or physical health or safety of the student;

d. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered at the College, or that may reasonably be expected to cause a student to leave the organization or the College rather than submit to acts described in this subsection;

e. Any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the Penal Code.

11. Assault - includes:

a. Intentionally, knowingly, or recklessly causing bodily injury to another,

b. Intentionally, or knowingly threatening another with imminent bodily injury,

c. Intentionally, or knowingly causing physical contact with another when the student knows or should reasonably believe that the other person will regard the contact as offensive or provocative.

12. Intentionally, knowingly or recklessly endangering the health or

safety of members of the District community or visitors to the campus.

13. Intentionally, knowingly or recklessly damaging, defacing or destroying College property.

14. Forging, altering or misusing College documents, records or ID cards.

15. Violating College policies or regulations concerning traffic, parking and the use of College facilities.

16. Failing to comply with lawful directions of College or District employees acting in performance their duties.

17. Failing to comply with the College attendance policy or classroom academic requirements of the faculty.

18. Failing to comply with the rules and regulations of the Board, College and administration.

19. Committing an act which violates State or Federal law while on campus.

**C.** Any student violating the foregoing (Items 1-19 above) shall be subject to discipline, including suspension or expulsion.

**D.** Authorized Disciplinary Penalties

1. Nature of Penalties. The following penalties comprise the range of official college actions which may be taken when a student engages in prohibited conduct. These penalties are not exclusive but may be imposed together with other penalties. They are not listed in priority or sequential order.

a. Admonition: a written reprimand from the Vice President to the student on whom it is imposed.

b. Warning Probation: indicates that further violations of regulations will result in more severe disciplinary action. Warning probation may be imposed for any length of time, up to one calendar year, and the student shall be automatically removed from probation when the imposed period expires.

c. Disciplinary Probation: indicates that further violations may result in suspension. Disciplinary probation may not be imposed for longer than one (1) calendar year.

d. Withholding of Transcript or Degree: imposed upon a student who

fails to pay a debt owed the College or who has a disciplinary case pending final disposition. The penalty terminates on payment of the debt or final disposition of the case.

e. Bar against Readmission: imposed on a student who has left the College on academic dismissal for disciplinary reasons.

f. Restitution: reimbursement for damage to or misappropriation of funds or property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.

g. Suspension of Privileges: a penalty which may impose limitations or restrictions to fit the particular case.

h. Suspension of Eligibility for Official Co-Curricular Activities: prohibits, during the period of suspension, the student on whom it is imposed from joining a registered student organization; taking part in a registered student organization's activities, or attending its meetings or functions; and from participating in an official co-curricular activity. Such suspension may be for any length of time, up to one calendar year.

i. Denial of Degree: may be imposed on a student found guilty of scholastic dishonesty and may be imposed for any length of time, up to and including permanent denial.

j. Suspension from the College: prohibits, during the period of suspension, the student on whom it is imposed from being initiated into an honorary or service organization, from entering the College campus except in response to an official summons and from registering either for credit or for non-credit courses or other scholastic work through the College.

k. Expulsion: permanent severance from the College and/or District. Expulsion from the District may be imposed only with the concurrence of the Chancellor of the District.

l. Sustain the Penalty Imposed by a Faculty Member for Academic Dishonesty: original penalty imposed by the faculty member may be upheld.

#### **E. Faculty Initiation of Disciplinary Action for Disorderly Conduct**

1. Initiation of action: When any member of the faculty is confronted with a student involved in disorderly conduct of a threatening or disruptive nature in or out of the classroom, the faculty member may ask the student to leave. If necessary the faculty member may request that the Department Chairperson and/or Campus Security aid in the removal of the student

2. Faculty disposition: If the Department Chairperson is not aware of the student's removal, the faculty member should report the action, in writing, to the Chairperson as soon as possible. The faculty member and the chairperson may attempt to resolve the conflict with the student.

Additionally the faculty member may refer the case to the Vice President for additional disciplinary action pursuant to the Student Code of Conduct. (See IV. A.)

#### **IV. Investigation**

**A.** When the Vice President receives information that a student has allegedly violated a law, Board policy or College regulation, the Vice President or a designated representative shall investigate the alleged violation. After completing the preliminary investigation, the Vice President may:

1. Dismiss the allegation as unfounded;

2. Summon the student for a conference for further evaluation of the severity of the allegation, and, if the facts of the alleged violation or the administrative decision are not disputed by the student, proceed administratively

3. Summon the student for a conference for further evaluation of the severity of the allegation, and, if the alleged allegations and/or the administrative decision are disputed by the student, prepare a formal complaint based on the allegation for use in disciplinary hearings, along with a list of

witnesses and documentary evidence supporting the allegations.

**B.** The President of the College may take immediate interim disciplinary actions, including suspending the right of a student to be present on the campus, if it is determined that an emergency exists which requires immediate action to preserve the educational environment.

#### **V. Summoning Student**

**A.** In connection with an alleged violation, a student may be summoned to appear by certified letter, addressed to the student at his/her address as it appears in the records in the Office of Admissions and Records or by other such means as are available and appropriate.

**B.** The summons shall direct the student to appear at a specified time and place not less than five class days after the date reflected on the letter. The letter shall also contain a brief description of the alleged violation.

**C.** The Vice President may place on disciplinary probation a student who fails, without good cause, to comply with a certified letter of summons, or the Vice President may proceed against the student under Paragraphs VI and VII below.

#### **VI. Administrative Disposition of a Violation**

**A.** When the facts are undisputed by the student, the Vice President may administratively dispose of the violation if:

1. It is in the best interest of the College and the student concerned, and
2. The student concerned consents in writing to administrative disposition and signs a statement that he/she understands the violation charges, the right to a hearing, the penalty imposed, and the waiver of the right to appeal.

**B.** At a conference with a student in connection with an alleged violation, the Vice President shall advise the student of his/her rights and explain disciplinary procedures to be followed in the disposition of the matter.

**C.** In administratively disposing of a violation, the Vice President may impose any disciplinary action authorized under this code.

**D.** A student may refuse administrative disposition of the alleged violation and, on refusal, is entitled to due process and a hearing under Paragraph VII below.

**E.** The Vice President shall prepare an accurate, written summary of each administrative disposition of a major violation and forward a copy to the student and to the parents or guardian of an unmarried student who is under eighteen (18) years of age (with the exception of emancipated minors) and to appropriate administrative personnel.

#### **VII. Disciplinary Hearing Committee**

**A.** When a student refuses administrative disposition of a violation, he/she is entitled to due process and a hearing before a Disciplinary Hearing Committee. This request to the Vice President must be made in writing and in the Office of the Vice President on or before the fifth class day following the administrative disposition.

**B.** The Disciplinary Hearing Committee shall be selected by the College President or designee and shall consist of five (5) members, as follows:

1. Two students chosen from the student government or campus organization officers.
2. A faculty member.
3. A staff member.
4. An administrative officer.

**C.** The College President shall appoint one of the Disciplinary Hearing Committee members to chair the Disciplinary Hearing Committee.

**D.** The Vice President shall represent the College before the Disciplinary Hearing Committee and present evidence to support any allegations of violations of Board rules, College regulations, and/or administrative rules. The Vice President may be assisted by legal counsel when, in the opinion of the Vice President, the best interests of the student or the College would be served by such assistance.

#### **VIII. Notice**

**A.** The Vice President shall notify the student concerned by letter of the date, time, and place for the hearing, which shall take place not fewer than ten (10) class days after

the date of the letter. The ten day notice requirement may be altered by mutual agreement of the Vice President and the student. An opportunity for hearing shall precede suspension or expulsion of a student unless a student's presence on the campus poses a danger to persons, property or the academic process. If interim suspension is necessary before a hearing can be provided, the President, the Vice President, or their designee must make a reasonable attempt to meet with the student, discuss the charges and evidence, and allow the student the opportunity to respond so as to have the opportunity to correct any mistakes in the factual record. A hearing before the Disciplinary Hearing Committee, in compliance with the requisites of this Code, shall then be held as soon as practicable thereafter, which in no event shall take place later than five (5) class days after the date of the suspension or expulsion.

**B.** The notice under A above shall:

1. Be in sufficient detail to apprise the student of what he/she is charged with and the potential punishment for that charge and to enable the student to prepare a defense.
2. Direct the student to appear on the date and at the time and place specified.
3. Advise the student of his rights as outlined below:
  - a. To a private hearing.
  - b. To appear in person and with a representative or legal
  - c. To know the identity of each witness who will testify for the District.
  - d. To call witnesses and ask for copies of evidence in the District's possession in advance of the hearing and to offer evidence and argue in his own behalf at the hearing.
  - e. To have the hearing recorded verbatim and have a stenographic digest made of the recording and/or make a transcript of the hearing, at the student's expense.
  - f. To cross-examine each witness who testifies against the student.
  - g. The right to appeal.
  - h. To have his/her parents or legal guardian present at the hearing, if he/she is a minor.

4. Contain the names of witnesses who will testify against the student and a description of documentary and other evidence that will be offered against the student.

5. Contain a copy of the complaint.

6. Notify the student that the Vice President may be represented by counsel and that the Vice President or counsel may cross-examine a student witness testifying on the student defendant's behalf, or the student defendant, if the student testifies in own behalf.

**C.** Failure to Comply with Notice - the Vice President may, on behalf of the District and at his discretion, elect to proceed with the hearing in the student's absence.

#### **IX. Procedure**

**A.** The College may be represented by staff members of the Vice President's office, legal counsel or other persons designated by the Vice President of the College. The Chairperson shall provide reasonable opportunities for witnesses to be heard.

**B.** The Disciplinary Hearing Committee shall proceed generally as follows during the hearing:

1. The Vice President reads the complaint.
2. The Vice President presents the College's case.
3. The student presents his/her defense.
4. The Vice President and the student present rebuttal evidence and argument.
5. The Disciplinary Hearing Committee shall make its decision strictly upon the evidence presented at the hearing.
6. All evidence shall be offered to the Disciplinary Hearing Committee during the hearing and made part of the hearing record.
7. A student may not be compelled to testify against himself/herself.
8. Disciplinary Hearing Committee members may, if necessary, question witnesses, but are encouraged to allow the participants to conduct the examinations.
9. The Disciplinary Hearing Committee will vote the issue of whether

or not there has been a violation of Board rule, College regulations or administrative rule. If the Disciplinary Hearing Committee finds the student has violated a Board rule, College regulation or administrative rule, the Disciplinary Hearing Committee will recommend an appropriate penalty, as stated herein.

10. The Disciplinary Hearing Committee shall date in writing each finding of a violation of a Board rule, College regulation, or administrative rule and the penalty recommended. Each Disciplinary Hearing Committee member concurring in the finding and recommendation shall sign the statement. The Disciplinary Hearing Committee shall include in the statement its reasons for the finding and recommendation.

11. The Vice President, acting on behalf of the Disciplinary Hearing Committee, informs the student of the decision and penalty, if any.

#### **X. Evidence**

**A.** Legal rules of documentary evidence do not apply to hearings before the Disciplinary Hearing Committee. The Disciplinary Hearing Committee will admit evidence that possesses probative value with respect to the alleged violation. The Disciplinary Hearing Committee shall exclude irrelevant, immaterial and unduly repetitious evidence.

**B.** The Disciplinary Hearing Committee shall recognize as privileged communications between a student and a member of the professional counseling staff, where such communications were made in the course of performance of official duties and when the matters discussed were understood by the staff member and the student to be confidential.

**C.** The administration has the burden of proving its case by a preponderance of the evidence. Preponderance of the evidence means proof that leads a reasonable person to find that the facts in issue are more likely to have occurred than not.

**D.** A student may not be compelled to testify in his/her own behalf. If the student chooses not to testify, no inference may be drawn from the failure to testify. If the

student does testify, he/she may be fully cross-examined.

#### **XI. Hearing Record**

**A.** The hearing record shall include:

1. A copy of the notice required herein;
2. All documentary and other evidence offered or admitted in evidence;
3. Written motions, pleas, and any other materials considered by the Disciplinary Hearing Committee; and
4. The Disciplinary Hearing Committee's findings and conclusions;
5. The Disciplinary Hearing Committee's decision;
6. A transcript or electronic record of the hearing (at the student's expense) if any.

**B.** The disciplinary records and proceedings shall be kept separate from the student's academic record.

#### **XII. Petition for Administrative Review**

**A.** A student is entitled to appeal to the President of the College.

**B.** The President of the College shall automatically review every expulsion.

**C.** In order to reverse the decision of the Disciplinary hearing Committee, the President must find the following:

1. Procedural error;
2. Arbitrary or capricious treatment of the student; or
3. Substantial evidence supporting reversal.

**D.** The petition on appeal shall contain the record required by Paragraph XI above. A student shall file the petition for appeal in the office of the President of the College within ten (10) calendar days of the date the Disciplinary Hearing Committee announces the decision. The petition shall specifically point to the procedural error, arbitrary or capricious treatment alleged, or the substantial evidence supporting a reversal of the Disciplinary Hearing Committee below.

**E.** In the appeal or review process, the President may take any action that the Vice President is authorized to take under Paragraph XIII below. The President may receive written briefs and hear real arguments during the review or request

additional evidence. The decision of the President shall be issued within 30 days of the date of appeal, or, in the case of expulsion, 30 days from the date of the Disciplinary Hearing Committee's decision, whichever is later.

**XIII. Authorized Disciplinary Penalties**

The President, Vice President, or the Disciplinary Hearing Committee may impose one or more of the penalties listed under III. D. 1. for violation of a law, Board Policy, or College regulation or rule.

**XIV. Maintaining Campus Order During Declared Periods of Disruption**

See "Guidelines for Maintaining Campus Order During Declared Periods of Disruption," available in the Office of the Vice President.