

**MAYLAND
COMMUNITY COLLEGE** **STUDENT SERVICES
DISCIPLINE AND APPEAL
FOR NON-ACADEMIC
VIOLATIONS** **PROCEDURE
5.3.2.2**

I. OVERVIEW

The Dean of Students is responsible for implementing these Procedures.

These Procedures apply to non-academic violations defined in Policy 5.3.2 – Student Code of Conduct. For academic-related violations, see Procedure 5.3.2.1 – Discipline and Appeal for Academic Violations. For issues regarding sexual harassment and sexual violence, see Procedure 5.3.4.1 – Sexual Harassment and Sexual Violence and for issues related to other forms of unlawful discrimination, see Procedure 5.3.4.2 – Unlawful Discrimination.

II. SANCTIONS FOR VIOLATIONS

The following sanctions may be imposed for non-academic violations:

- A. Reprimand. A reprimand is written communication which gives official notice to the student that any further disciplinary offense will carry heavier penalties because of this prior infraction.
- B. Disciplinary Probation. Disciplinary probation results in loss of good standing and becomes a matter of record. While on disciplinary probation, the student will not be eligible for initiation into any local or national organization and shall not receive any College award or other honorary recognition. The student may not occupy a position of leadership or responsibility with any College or student organization, publication or activity. This sanction prohibits the student from officially representing the College or participating in any extracurricular activities including intramural competitions. Additional limitations, restrictions, or requirement may be placed on the student as conditions of the probation. Disciplinary probation will be in effect for not less than two (2) semesters including the current semester. Any further disciplinary offenses while under disciplinary probation will result in the student's immediate suspension.
- C. Educational Assignment. Educational sanctions may include, but are not limited to, work assignments, essays, community service, behavioral contracts, and other related educational assignments.
- D. Restitution. Restitution is paying for damaging, misusing, destroying or losing property belonging to the College, College employees or students. Restitution may take the form of financial payment or appropriate service to repair or otherwise compensate for such damages.

- E. Withholding Academic Records and/or the Right to Register. Withholding transcripts, diplomas or the right to register or participate in graduation ceremonies is imposed when a student's financial obligations are not met or the student has a disciplinary case pending final disposition.
- F. Temporary Suspension. Temporary suspension is the exclusion from all College property and all College activities pending the resolution of a disciplinary proceeding.
- G. Disciplinary Suspension. Discipline suspension is the exclusion from all College property and all College activities for a specified period of time. This sanction is reserved for those offenses warranting discipline more severe than disciplinary probation. A student under disciplinary suspension must receive specific written permission from the Dean of Students before returning to campus. Disciplinary suspension appears on the student's academic transcript.
- H. Expulsion. Expulsion is dismissing from the College. The student may be readmitted to the College only with the approval of the President. Expulsion appears on the student's academic transcript.
- I. Referral to Law Enforcement. If the student is suspected to have violated a law, a referral to local law enforcement may be made. This sanction can be used for educational purposes as part of the discipline process.
- J. Group Probation. Group probation is given to a College club or other organized student group for a specified period of time. Additional limitations, restrictions, or requirement may be placed on the group as conditions of the probation. If group violations are repeated during the term of probation, the charter may be revoked or activities restricted.
- K. Group Restriction. Group restriction is removing College recognition during the semester which the offense occurred, or for a longer period (usually not more than one other semester). While under restriction, the group may not seek to add members, hold or sponsor events in the College community or engage in other activities as specified.
- L. Group Charter Revocation. Revocation is the removal of College recognition for a group, club, society or other organization for a minimum of two (2) years. Re-charter after that time must be approved by the President.

In addition to the above stated sanctions, the College may require counseling. The student may be required to attend one or more counseling sessions with a licensed professional at his/her expense. The student may be required to complete counseling before returning to the College after a period of suspension or expulsion. The student must provide written documentation from the licensed professional that the requirement has been met. Additionally, if required by the Dean, the student must also provide a statement from the licensed professional that the student is able to return to class based on his/her professional

judgment. The student may be referred to the College's counselor at no charge or elect to use his/her own licensed professional and bear the cost.

Repeating an offence for which a sanction has been imposed will be grounds for the imposition of a more severe sanction, including expulsion.

Students may be expelled from an individual program by the appropriate Dean if that program has particular requirements the student fails to meet, making the student ineligible for completion and/or graduation from that program. See individual program handbooks for details.

III. IMMEDIATE REMOVAL FROM CAMPUS

If an act of misconduct threatens the health, safety or well-being of any member of the academic community and/or seriously disrupts the function and good order of the College, an instructor will immediately notify any College Vice President or Dean who will immediately meet with the student and direct the student to cease and desist such conduct and advise the student that failing to cease and desist will result in an immediate removal from campus. If the student(s) fails to cease and desist, or if the behavior is such that the student(s) needs to immediately be removed from campus, the College Vice President or Dean may then immediately have the student(s) removed from campus. If a class or activity occurs in the evening, off-campus, or on a campus where a Vice President or Dean is not available, the instructor may follow the process outlined here and remove the student from campus or activity if deemed necessary.

The College Vice President or Dean invoking the removal shall notify the Dean of Students in writing of the student involved and the nature of the infraction as soon as possible but no more than one (1) working day following the incident. Upon receipt of the College Vice President or Dean's written notice, the Dean shall meet with the student as soon as possible to allow the student to present his/her side. If, in the Dean's opinion, the student behavior threatens the health, safety and well-being of the College community, the Dean shall place the student on temporary suspension pending the outcome of the disciplinary matter. Temporary suspension may be imposed only: (a) to ensure the safety and well-being of members of the College; (b) to ensure the student's own physical or emotional safety and well-being; or (c) if the student poses a direct threat of disruption or interference with the normal operations of the College.

In the case of short term workforce training classes, the student may accrue too many absences during this process to continue the course. The student will be allowed to enroll at no cost in the next available section if found innocent of alleged misconduct.

IV. DISCIPLINARY PROCEDURES

In order to provide an orderly system for handling student disciplinary cases in accordance with due process and justice, the following procedures will be followed:

A. Incident Report

Any College employee or student may file written charges with the Dean of Students against any student or student organization for violations of the Student Code of Conduct. The individual(s) making the charge must complete and submit an Incident Report within five (5) business days of the incident given rise to the alleged violation.

B. Investigation and Determination

The Dean of Students ~~Vice President~~ shall conduct an investigation into the charges and allegations. Within ten (10) business days after receipt of the incident report, the Dean shall complete his/her investigation of the charges, shall provide the student with the charges in writing, and request a meeting with the student (or student representative(s) on behalf of a student organization) to present the results of the investigation and provided the student (or student representative(s)) with an opportunity to present his/her side. The student has five (5) business days to meet with the Dean after receiving notification of the charges. The student may have one advisor present during this meeting. The advisor must be unobtrusive and the student must speak for him/herself. If the student elects to be advised by legal counsel during this meeting, the student may do so at the student's own expense, for advising purposed only, and the student must inform the Dean of Students 48 hours in advance.

After discussing the alleged infraction with the student, the Dean may act as follows:

1. Based on new information provided by student, investigate the charge further;
2. Determine the student did not violate the Student Code of Conduct and drop the charges;
3. Determine the student violated Student Code of Conduct and impose a sanction; and/or
4. Refer the student(s) to a College office or community agency for services.

All disciplinary actions should be progressive in nature and should take into account the totality of the situation; however, depending on the severity of the infraction, even first-time offenses could result in suspension or expulsion. The decision is based on the evidentiary standard of Preponderance of the Evidence, meaning it is more likely than not a student violated the Student Code of Conduct.

C. Notification

The Dean shall provide the student with his/her written decision, even if the determination is there was no violation, and instructions governing the appeal

process. Such notice shall be given in person or sent to the student's College email address or mailing address of record. The Dean's decision shall not be tolled pending appeal.

B. Appeal to the Vice President of Instruction

A student who disagrees with the Dean's decision, may request an appeal to the Vice President. This request must be submitted in writing to the Vice President within three (3) working days after receipt of the Dean's decision.

The Vice President will conduct an "on the record review" of the record. The Vice President shall provide a written decision to the student and Dean within ten (10) business days from receipt of the student's appeal.

V. Student Voluntary Withdrawal

If a student is accused of violating the Student Code of Conduct and voluntarily withdraws prior to the conclusion of the disciplinary matter without the consent of the Dean, the student will not be allowed to re-enroll to the College unless reasonable re-entry restrictions, as determined by the Dean, are satisfied. For students who withdrew prior to a determination regarding alleged misconduct that threatened the health, safety or well-being of any member of the academic community and/or seriously disrupted the function and good order of the College, in addition to other reasonable re-entry restrictions, the student must provide proof from a psychiatrist or licensed psychologist, at the student's expense, that the student no longer poses a direct threat.

VI. A confidential file regarding disciplinary procedures shall be maintained by the Office of the Dean of Students and, if appropriate, incidents are recorded in a Student Complaint Log and/or a Crime Log to comply with the Clery Act and SACS-COC.

The student may review the file, including written statements made against them. Students must make a request to the Dean of Students five (5) business days in advance to review documents.

Adopted:

Updated: 11/30/2018