



ADMINISTRATIVE PROCEDURE

TITLE: Student Discipline

ADMINISTRATIVE PROCEDURE # 5520

RELATED TO POLICY # 5500 STANDARDS OF STUDENT CONDUCT

I. Introduction

- A. Umpqua Community College will discipline students in accordance with UCC policy, and state and federal law. In keeping with the educational purposes of the College, disciplinary actions other than those requiring expulsion are intended to be educational and restorative, rather than punitive. In determining or recommending a sanction for misconduct, all relevant factors will be considered, including the nature of the offense, the severity of any damage, injury or harm resulting from the offense, and the student's past disciplinary record, if any.
- B. The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.
- C. These administrative procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions and will not be used to punish expression that is protected.
- D. The President of Umpqua Community College designates the Dean of Student Services to implement the procedures as outlined in this Administrative Procedure.

II. Informal Process

- A. The informal procedure attempts to resolve the matter through cooperative meetings with the parties involved short of a written charge of misconduct, investigation, and disciplinary action. The Dean of Student Services will work with the parties involved to facilitate meetings.

- B. If the parties are not satisfied with the informal discussion and any suggested resolution, a formal written charge of misconduct may be filed.
- C. **Informal Sanctions** – In a restorative justice model, all parties involved may wish to pursue natural and logical consequences that keep the student(s) in classes and in the college community, while also working to restore the relationships and status of everybody involved prior to the behavior(s) in violation of the Standards of Student Conduct. The imposition of informal sanctions must be related to the nature of the violation and agreed upon by all parties. Creative ideas to restore the situation are encouraged. The following are examples of informal sanctions:
1. Restitution or reimbursement for damage to, or misappropriation of property which may take the form of monetary or material replacement or appropriate service to repair or otherwise compensate for damages. Restitution may be imposed in combination with any other penalty.
 2. Service to the community or other related discretionary assignments.
 3. Educational activities and/or training.
 4. Decision-making skills workshops/peer education, written responses to posed questions.
 5. Mandatory counseling or therapy, possibly at the student's cost.
 6. Revocation of degree, holding transcripts, removal from specific courses.
 7. Loss of institutional grants, scholarships, and/or merit awards.
 8. Loss of privileges or denial of specified privileges for a designated period of time up to an academic year.
 9. Exclusion from a portion of the campus (which may result in the filing of a trespass complaint with the Douglas County Sheriff's office if violated).

III. Formal Process: Short-term suspensions, Long-term suspensions, and Expulsions

If the informal process does not resolve the initial complaint against the student, then the following procedures for disciplinary action apply.

A. Step 1: Filing of Complaint

Any employee or student of the College may file a complaint against any student for misconduct. The complaint shall be prepared in writing, be signed, and shall contain the student's name and contact information (if readily available) and a statement of concern with full and relevant detail and documentation. The written documentation

shall be submitted to (or by) the Dean of Student Services within 10 days after the event or behavior is discovered.

B. Step 2: Initial Determinations

If the Dean of Student Services or their designee deems it appropriate, one or more of the following measures may be taken prior to or in lieu of formal disciplinary action.

1. Disciplinary Admonition & Warning

Disciplinary Admonition and Warning means oral or written notice that a student's conduct in a specific instance does not meet college standards and that continued misconduct may result in more serious disciplinary action by the Dean of Student Services. The oral or written notice should be documented in the student's file.

2. Removal from Class or Campus

- a. Any instructor may order a student removed from their class for the day of the removal and the next class meeting for violations of the Standards of Student Conduct. The instructor shall immediately report (verbally or email) the removal to the appropriate Department Chair, Chief Academic Officer, and the Dean of Student Services, and will provide a written report to the Dean of Student Services within one day of the incident. If the instructor or the student requests, the Dean of Student Services shall arrange for a conference between the student and the instructor regarding the removal, and shall attend the conference if further requested.
- b. During a temporary class exclusion, the student will be provided a means of obtaining assignments, presenting assignments to the faculty member, completing projects and/or taking examinations without penalty. For a campus-wide exclusion, the student's instructors will be responsible for providing a means of obtaining assignments, presenting assignments, completing projects, and/or taking examinations without penalty. A temporary exclusion will become effective immediately upon verbal notice to the student.
- c. Nothing herein will prevent the Dean of Student Services from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

3. Summary Exclusion from Campus

- a. In certain circumstances, the Dean of Student Services may impose an exclusion sanction, whereby a student is excluded from classes or activities pending a hearing before a hearings panel and imposition of formal sanctions.

In such a case, a student's health, behavior, or other actions are deemed to be so serious that the continued presence of the student in the College community represents a serious and immediate threat to the health, welfare, and safety of the College community and to the ongoing educational activities of the College.

- b. The student may be subject to exclusion when deemed necessary to ensure the student's own physical and emotional safety and wellbeing; safety and well-being of member of the College community; preservation of college property, or stability and continuance of normal College operations and functions. The determination of the seriousness of the act(s) shall be the sole discretion of the Dean of Student Services, Provost, or President.
- c. Prior to imposing a summary exclusion, the Dean of Student Services will meet with the student, unless it can be shown that such a meeting is impossible or unreasonably difficult to afford. The student will be provided with a written notice of the exclusion. A summary exclusion will become effective immediately upon the written notice being delivered to the student.
- d. A summary exclusion is a temporary action that will be enforced and shall be in effect only until such time as a formal disciplinary hearing and resulting decision-making process has been completed. Determination of continuing exclusion (or formal suspension) or expulsion will be made through the formal hearing process.
- e. Summary exclusion may not be appealed prior to the required formal discipline hearing.

C. Step 3: Notice and Meeting

1. Upon receipt of written complaint regarding violations of the Standards of Student Conduct, the Dean of Student Services will review the documentation, conduct an investigation, and determine whether to move forward with a recommendation for additional sanctions.
2. If further disciplinary action is indicated, the Dean of Student Services (or designee) will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - a. the specific section of the Standards of Student Conduct that the student is accused of violating.
 - b. a short statement of the facts supporting the accusation.
 - c. the right of the student to meet with the Dean of Student Services or designee, to discuss the accusation, or to respond in writing.

- d. the nature of the discipline that is being considered.
3. **Time limits** – the notice must be provided to the student within 10 days of the date on which the conduct took place; in the case of continuous, repeated, or ongoing conduct, the notice must be provided within 10 days of the last incident which led to the decision to take disciplinary action.
4. **Meeting** – If the student chooses to meet with the Dean of Student Services, the meeting must occur no later than 10 days after the notice is provided. At the meeting, the student will be told the facts leading to the accusation, and will be given an opportunity to respond verbally or in writing to the accusation. The Dean of Student Services will review the possible disciplinary actions that could be taken, and the student will be given an opportunity to respond.
5. **Initial Findings** – After meeting with the student, the Dean of Student Services has the option to discuss the charges as having no grounds for further review, if the Dean concludes that the charges are: untimely; being concurrently reviewed in another forum; previously decided pursuant to this procedure; frivolous; or filed in bad faith. The Dean may also determine if the charges can be disposed of by mutual consent of the parties involved on a basis acceptable to the Dean and the parties. The Dean may also determine that the charges have merit, cannot be disposed of by mutual consent, and may impose both formal and/or supplemental sanctions. Verbal notice of the initial findings may be provided to the student at the conclusion of the meeting.

If the student does not respond to a request for a meeting with the Dean of Student Services, the Dean will move forward to assess initial findings. If so determined, the Dean will place an Administrative Hold on a student's account (which will prohibit a student from registering and/or accessing an official student transcript), which will be in place until the student meets with the Dean of Student Services. The investigation will be completed and a report, not including the student's statement, will be submitted to the President and placed on hold until the student initiates contact with the Dean of Student Services. At the time that a student initiates contact, the Dean of Student Services will review the report and meet with the student.

D. Step 4: Initial Determination

Within 5 days after the investigation is complete, the Dean of Student Services, or designee, will determine whether the student's conduct in a specific instance is in violation of the Standards of Student Conduct, whether to end the matter, or whether to refer the matter to an impartial hearing panel; and **will notify the student about**

the decision in writing, electronically. If the complaint is brought before a hearing panel, disciplinary sanctions may include, but are not limited to, the following:

- a. Disciplinary reprimand
- b. Disciplinary probation
- c. Short term suspension
- d. Long term suspension
- e. Expulsion

E. Step 5: Hearing Procedures

Within 5 days after receipt of the Dean of Student Services' decision regarding the complaint of violation of the Standards of Student Conduct, if additional sanctions are recommended beyond the initial determinations, a Hearing Panel will be convened by the President or designee. Hearing procedures will be suspended in the case of a student's failure to respond to the Dean's request to meet.

1. Schedule of Hearing

The formal hearing shall be held within 15 days after the student has been notified of the Dean's decision and, if applicable, recommendation to the President.

2. Hearing Panel

The hearing panel for any disciplinary action shall be composed of the President, or designee, an administrator, a classified employee, a faculty member, and a student. The President, or designee will not serve as the chair of the hearing panel; the chair will be selected by the panel.

3. Conduct of the Hearing

The members of the hearing panel shall be provided with a copy of the initial report against the student, the investigation report submitted by the Dean of Student Services, any written response provided by the student, and any other collected evidence, before the hearing begins.

- a. The facts and evidence supporting the charges of misconduct shall be presented by the Dean of Student Services or designee.
- b. The Dean of Student Services or designee and the student may call witnesses and introduce oral and written statements relevant to the issues of the matter.
- c. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

- d. Unless the hearing panel determines to proceed otherwise, the Dean of Student Services/designee and the student shall each be permitted to make an opening statement. Thereafter, the Dean shall make the first presentation, followed by the student. The Dean may present rebuttal evidence after the student completes their evidence. The burden shall be on the Dean to prove by the preponderance of the evidence that the facts alleged are true.
- e. The student may self-represent and may also have the right to be represented by a person of their choice, except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the College may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.
- f. The Hearing shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than 3 days prior to the date of the hearing.
- g. In a closed hearing, witnesses shall not be present at the hearing when not providing oral statements, unless all parties and the panel agree to the contrary.
- h. Within **5** days following the close of the hearing, the chair of the hearing panel shall prepare and send to the President or designee a written recommendation regarding the initial complaint. The recommendation shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

F. Step 6: President's Decision

1. Within 5 days following receipt of the hearing panel's recommended decision regarding disciplinary action against a student found to have violated the Standards of Student Conduct, the President or designee shall render a final written decision. The President or designee may accept, modify, or reject the

findings, decisions and recommendations of the hearing panel. If the President modifies, or rejects the hearing panel's decision, he or she shall review the documentation and record (if made) of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. Written notice of the decision will be provided to the student and will be placed in a student's file. The President's decision shall be final.

a. Disciplinary Reprimand

If the President imposes a Disciplinary Reprimand, written notice of the decision will be provided to the student and will state that a student's conduct in a specific instance is in violation of the College standards and that continued misconduct may result in more serious disciplinary action. Written notice of a disciplinary reprimand will be placed in the student's file.

b. Disciplinary Probation

If the President imposes a Disciplinary Probation, written notice of the decision will be provided to the student and will indicate that a student may continue to be enrolled under stated conditions. Probation is for a fixed period of time up to one year and includes the probability of more severe disciplinary sanctions if the student is found to be violating any college policy, regulation, or Standards of Student Conduct during the probationary period. Disciplinary probation may include defining specific behaviors that the student must follow to remain a part of the College community. Written notice of disciplinary probation will be placed in the student's file.

c. Short-term suspension

If the President imposes a short-term suspension, written notice of the decision will be provided to the student and will state that a student's conduct in a specific instance is in violation of the College standards and that further misconduct may result in more serious disciplinary action. Written notice of a short-term suspension will be placed in a student's file. The decision of the President shall be final.

d. Long-term suspension

If the President imposes a long-term suspension, written notice of the decision will be provided to the student and will state that a student's conduct in a specific instance is in violation of the College standards and that further misconduct may result in more serious disciplinary action. Written notice of a

long-term suspension will be placed in a student's file. The decision of the President shall be final.

e. **Expulsion**

If the President imposes an expulsion, written notice of the decision will be provided to the student and will state that a student's conduct in a specific instance is in violation of the College standards and that further misconduct may result in more serious disciplinary action. Written notice of an expulsion will be placed in a student's file. The decision of the President shall be final.

G. Time Limits

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

IV. Referral to Outside Authorities

If a student is in violation of federal and/or state laws on campus, or at college-sponsored activities, it is the practice of the College to report offenses to local law enforcement agencies for prosecution. The College reserves the right to discipline a student even if no action is taken by the local law enforcement agency.

REFERENCES: NWCCU Standard 2.C.3 *(updated 3/19/2021)*

RESPONSIBILITY:

The Dean of Student Services is responsible for implementing and updating this procedure.

NEXT REVIEW DATE:

DATE OF ADOPTION: 4/21/2020 by CC

DATE(S) OF REVISION:

DATE(S) OF PRIOR REVIEW: