

## **Chapter 16: Student Disciplinary Procedures for Non-Scholastic Dishonesty Offenses**

Board policy [FMA \(LOCAL\)](#) is associated with this chapter.

The *Non-Scholastic Dishonesty Offenses Flowchart* on page 142 in the [Student Code of Conduct](#) provides an overview of Collin College's student disciplinary procedures for all non-scholastic dishonesty offenses.

### **Notifying the Student**

If the district dean of students or designee determines the allegation warrants further consideration, the district dean of students or designee will summon the student for a notification conference to be held within a reasonable time, not to exceed five (5) College District business days, following receipt of the allegation of misconduct.

The communication will describe the alleged violation(s), provide information regarding the purpose of the notification conference, and give additional instructions to the student, as appropriate. The communication will be sent to the student through one (1) or more of the following methods:

1. A written communication sent to the student's Collin College email account;
2. A letter mailed to the student's address as listed with the Student and Enrollment Services Office. The student is responsible for keeping the Student and Enrollment Services Office apprised of his or her current home address;
3. A letter hand-delivered by the district dean of students or designee. The district dean of students or designee will document the date, time, and place of hand-delivery; and/or
4. A sealed letter given to one (1) of the student's professors for delivery at the end of class. The professor will be instructed to return the letter to the District Dean of Students Office immediately after the class if the student is not in attendance.

If the student does not respond to the communication within five (5) College District business days, the district dean of students or designee will proceed with the disciplinary case.

### **Notification Conference**

If the district dean of students or designee determines the allegation(s) warrants further consideration, the district dean of students or designee will summon the student for a notification conference to be held within a reasonable time, not to exceed five (5) College District business days, following receipt of the allegation of misconduct.

At the notification conference, the district dean of students or designee will inform the student of the allegation(s) and provide the student an opportunity to respond and submit applicable documentation or evidence for consideration by the district dean of students or designee.

Reasonable requests for extensions of time to hold the notification conference meeting may be considered and granted by the district dean of students or designee at their sole discretion.

### **Failure to Appear for the Notification Conference**

The district dean of students or designee may proceed with the disciplinary case and determine an appropriate disciplinary penalty or penalties if the student fails, without good cause, to comply with the instructions in the notification letter(s) or otherwise fails to attend the notification conference.

### **Administrative Decision**

#### **Not Responsible Administrative Decision**

After conferring with the student at the notification conference, if the district dean of students or designee determines the student did not commit a violation, the student will be found not responsible and will not be issued

a disciplinary penalty. For more information on disciplinary penalties, see *Chapter 17: Disciplinary Penalties* in the [\*Student Code of Conduct\*](#).

The student will be provided written notice of the not responsible administrative decision. A not responsible administrative decision from the district dean of students or designee will be final, binding, and the student will not be allowed to appeal the not responsible administrative decision.

#### Informal Resolution

For cases not involving allegations of scholastic dishonesty, if the district dean of students or designee determines that addressing the allegation(s) informally is more appropriate, the district dean of students or designee will recommend an *Informal Resolution* of the allegation(s).

The district dean of students or designee may recommend behavioral directives to support compliance with Collin College's *Student Code of Conduct*. If the student agrees to comply with all recommended behavioral directives, the district dean of students or designee will issue an *Informal Resolution Agreement* and the student will not be issued a disciplinary penalty. For more information on disciplinary penalties, see *Chapter 17: Disciplinary Penalties* in the [\*Student Code of Conduct\*](#).

The student will be allowed five (5) College District business days to review and respond to the *Informal Resolution Agreement*. As part of the *Informal Resolution Agreement*, the student will be required to sign an *Acknowledgment Statement* indicating the student will comply with the *Student Code of Conduct* for the designated time or for the remainder of their attendance at Collin College. Once the *Acknowledgment Statement* is signed, the *Informal Resolution Agreement* will be final, binding, and the student will not be allowed to appeal the *Informal Resolution*. The student will be expected to comply with all behavioral directives and obligations set forth in the *Informal Resolution Agreement*.

If the student does not sign the *Acknowledgment Statement* by the stated deadline, the terms listed in the *Informal Resolution Agreement* will be final, binding, and the student will not be allowed to appeal the *Informal Resolution*. The student will be expected to comply with all behavioral directives and obligations set forth in the *Informal Resolution Agreement*.

#### Formal Administrative Decision and Misconduct Warranting a Disciplinary Penalty

If the district dean of students or designee determines the student committed misconduct that warrants a penalty or penalties, the district dean of students or designee will provide the student a written administrative decision with notice of the penalty or penalties and the student's options, including the right to appeal to the Disciplinary Appeals Committee (DAC). For more information on disciplinary penalties, see *Chapter 17: Disciplinary Penalties* in the [\*Student Code of Conduct\*](#).

#### *Student Chooses to Appeal the Administrative Decision*

If the student chooses to appeal the administrative decision of the district dean of students or designee, they must submit the *Disciplinary Appeal Request Form* contained in the administrative decision documents within five (5) College District business days following the administrative decision. Once the deadline for filing an appeal has passed, the administrative decision of the district dean of students or designee will be final, binding, and the student will not be allowed to appeal that decision. The student will be expected to comply with all disciplinary penalties and obligations set forth in the administrative decision.

#### *Student Chooses to Accept the Administrative Decision*

A student who chooses to accept the administrative decision rendered by the district dean of students or designee will sign an *Acceptance of the Administrative Decision Statement* indicating they understand:

1. The *Student Code of Conduct* violation(s) and findings,
2. The disciplinary penalty or penalties imposed, and
3. That by signing the *Acceptance of the Administrative Decision Statement* they voluntarily waive the right to appeal the decision.

The *Acceptance of the Administrative Decision Statement* must be signed no later than five (5) College District business days following the administrative decision. Once the *Acceptance of the Administrative Decision Statement* is signed, the administrative decision of the district dean of students or designee will be final, binding, and the student will not be allowed to appeal that decision. The student will be expected to comply with all disciplinary penalties and obligations set forth in the administrative decision.

#### *Student Chooses to Take No Action*

If the student does not sign the *Acceptance of the Administrative Decision Statement* or submit the *Disciplinary Appeal Request Form* by the stated deadline, the administrative decision of the district dean of students or designee will be final, binding, and the student will not be allowed to appeal that decision. The student will be expected to comply with all disciplinary penalties and obligations set forth in the administrative decision.

#### **Appealing the District Dean of Students or Designee's Administrative Decision**

##### Procedures to Submit an Appeal

A student who is issued a disciplinary penalty or penalties has the right to appeal the district dean of students or designee's administrative decision, as outlined in *Chapter 16: Student Disciplinary Procedures for Non-Scholastic Dishonesty Offenses, Administrative Decision, Formal Administrative Decision and Misconduct Warranting a Disciplinary Penalty* in the [\*Student Code of Conduct\*](#). To initiate the disciplinary appeals process, the student must submit the *Disciplinary Appeal Request Form* contained in the administrative decision documents on or before the fifth College District business day following the administrative decision.

Concerns or complaints that are more appropriately addressed through another Collin College grievance process or policy (e.g., academic suspension appeals, complaints under instructional programs or core performance standards, financial aid appeals, grade appeals, Title IX complaints) will not be addressed through the disciplinary appeals process.

##### Disciplinary Appeals Committee (DAC)

The Disciplinary Appeals Committee (DAC) will be convened at the request of a student appealing the administrative decision and/or disciplinary penalty or penalties imposed by the district dean of students or designee. The student's appeal must be submitted in writing within five (5) College District business days of the date of the district dean of students or designee's written administrative decision.

##### *Composition*

The DAC will be composed of at least three (3) Collin College employees and a minimum of one (1) current Collin College student, when appropriate. To hold an appeal hearing, a quorum of three (3) DAC members must be met. The members of the DAC and the committee chairperson will be designated according to procedures developed by the designated leadership team member. All members chosen to serve on the DAC Appeal Hearing panel will be eligible to vote on the issue of whether or not the student violated Collin College policies and procedures, including the *Student Code of Conduct*, and whether the student should receive an appropriate disciplinary penalty or penalties.

#### DAC Appeal Hearing Notice

The district dean of students or designee will notify the student by letter of the date, time, and place for the DAC Appeal Hearing. Unless the student and the district dean of students or designee otherwise agree or unless there are unforeseeable circumstances beyond Collin College's control, the DAC Appeal Hearing will take place within a reasonable time period, not to exceed 10 College District business days after the date of the student's request for the appeal hearing. The district dean of students or designee may extend Collin College's 10-day timelines within this policy by sending written notice to the parties of the extension.

#### *Contents of Notice*

The notice will:

1. Direct the student to appear on the date and at the time and place specified.
2. Advise the student of their rights to:
  - a. Have a private appeal hearing.
  - b. Be assisted by an advisor or legal counsel at the appeal hearing.
  - c. Call witnesses, request copies of evidence in Collin College's possession, and offer evidence and agreement on their own behalf.
  - d. Make an audio recording of the proceedings, after first notifying the district dean of students or designee in advance of the appeal hearing, or, at the student's own expense, to both have a stenographer present at the appeal hearing and to make a stenographic transcript of the appeal hearing at the student's own expense.
  - e. Ask questions of each witness who testifies against the student.
3. 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.
4. Contain a description of the allegation(s) of misconduct in sufficient detail to enable the student to prepare their defense against the charges.
5. State the proposed disciplinary penalty or range of disciplinary penalties that may be imposed.

The student will provide to the district dean of students or designee any documentation, a list of potential witnesses, and other relevant evidence to support their appeal by the specified deadline. All documentation from the district dean of students or designee and the student will be forwarded to the DAC members assigned to the case for review prior to the hearing.

The DAC chairperson or associate chairperson will have the authority to postpone the appeal hearing for good cause as long as all parties involved are notified by the district dean of students or designee of the new appeal hearing date, time, and place.

#### Failure to Appear for the DAC Appeal Hearing

If a student has good cause to miss the DAC Appeal Hearing, the student must notify the district dean of students or designee as soon as possible and no later than 24 hours before the time set for the DAC Appeal Hearing. The DAC may impose an appropriate disciplinary penalty or penalties upon a student who fails without good cause to appear for the appeal hearing or who fails to notify the district dean of students or designee by the proscribed deadline. For purposes of assessing an appropriate disciplinary penalty or penalties, the DAC may proceed with the appeal hearing in the student's absence.

#### DAC Appeal Hearing Procedures

The DAC chairperson or an associate chairperson will be assigned to oversee each appeal hearing. DAC members assigned to each appeal hearing will review the documentation and other evidence provided by the district dean

of students or designee and the student prior to the appeal hearing.

DAC members will determine by vote whether a student has violated the *Student Code of Conduct*, Board policies, laws, and/or Collin College procedures. All DAC members assigned to a given case will be eligible to vote during the appeal hearing. DAC decisions require a majority vote.

If the DAC finds the student has violated the *Student Code of Conduct*, Board policies, laws, and/or Collin College procedures, the DAC will determine whether the appropriate disciplinary penalty or penalties were imposed by the district dean of students or designee and may adjust the disciplinary penalty or penalties, if warranted.

Each DAC Appeal Hearing will be recorded by Collin College. When a DAC Appeal Hearing is held virtually via web conferencing software approved by Collin College, all participants in the DAC Appeal Hearing are required to have their cameras on for the duration of the hearing. Failure to comply will result in the DAC Appeal Hearing chairperson or associate chairperson terminating or postponing the Appeal Hearing to ensure compliance.

The DAC will determine if a violation has occurred and assess an appropriate disciplinary penalty or penalties based solely on the evidence presented at the DAC Appeal Hearing.

All participants in DAC Appeal Hearings will be expected to behave respectfully and uphold Collin College's Core Values and policies. If any participant behaves outside of the expectations set forth by the DAC Appeal Hearing chairperson or associate chairperson, the DAC Appeal Hearing will be terminated by order of the DAC Appeal Hearing chairperson or associate chairperson.

The DAC will determine if a violation has occurred and assess an appropriate disciplinary penalty or penalties based solely on the evidence presented at the DAC Appeal Hearing. The DAC Appeal Hearing will proceed as follows:

1. The chairperson or associate chairperson will read the description of the alleged misconduct.
2. The chairperson or associate chairperson will inform the student of their rights.
3. The district dean of students or designee will present Collin College's case.
4. The student or representative will present the student's defense.
5. The district dean of students or designee will present rebuttal evidence.
6. The DAC members may ask questions of witnesses testifying on behalf of the student or Collin College.
7. The district dean of students or designee will summarize and argue Collin College's case.
8. The student or representative will summarize and argue their case.
9. The district dean of students or designee will request an opportunity for rebuttal closing arguments and the DAC chairperson may grant or deny that request.
10. The DAC members will deliberate in closed session. The DAC members will vote on the issue of whether or not the student violated Collin College policies and procedures, including the rules for student conduct, and whether the student should receive an appropriate disciplinary penalty or penalties.
11. If the DAC finds the student committed misconduct, the DAC members will determine whether the disciplinary penalty assessed, or proposed in the case of recommendation for expulsion, by the district dean of students or designee is appropriate and, if necessary, will assess a different or additional penalty.
12. The DAC chairperson or associate chairperson will communicate the decision and any findings of facts in support of the DAC's decision to the district dean of students or designee in writing within 10 College District business days of the appeal hearing. The district dean of students or designee will notify the student in writing within 10 College District business days of the appeal hearing of the DAC's decision and the disciplinary penalty or penalties imposed, if any. The notice will include procedures for accepting the DAC's decision or appealing to the designated leadership team member.

#### After the DAC Appeal Hearing

The district dean of students or designee will notify the student in writing, within three (3) College District business days of the appeal hearing, of the DAC's decision and the disciplinary penalty or penalties imposed, if any. The notice will include procedures for accepting the DAC's decision or for appealing. In cases where expulsion is not recommended by the DAC, the decision of the DAC is final, binding, and the student may not appeal that decision.

#### **Appeals to the College District President or Designee**

Only for cases when expulsion is the penalty recommended and affirmed by the DAC, the student may appeal that prior determination to the College District President or designee. Additionally, if the College District President or designee elects to review those cases where expulsion is recommended and affirmed, this policy will also apply.

The College District President or designee will review all recommendations for expulsion, whether or not the student chooses to proceed through the disciplinary appeals process. The district dean of students or designee or DAC chair will forward the recommendation for expulsion and evidence to the Collin District President or designee for review and final consideration.

The appeal request must be submitted in writing within three (3) College District business days of the prior determination. To initiate the appeal to the College District President or designee, the student must submit the *Final Appeal Form* provided to the student.

Upon request, the district dean of students or designee or DAC chair will forward the recommendation for expulsion and evidence to the College District President or designee for review and final consideration.

The College District President or designee may request a meeting with the student prior to issuing a final administrative decision.

The College District President or designee may act to affirm, modify, or reverse the recommendation for expulsion.

#### Failure to Appear for the College District President Meeting

The College District President or designee may impose an appropriate disciplinary penalty or penalties upon a student who fails without good cause to appear for the meeting. For purposes of assessing an appropriate disciplinary penalty or penalties, the College District President or designee may consider the evidence included in the student's appeal and forwarded by the district dean of students or designee or DAC chair.

#### After the Review

The student will be notified in writing of the College District President or designee's decision within five (5) College District business days. The College District President or designee's decision is final, binding, and non-appealable. Unless otherwise specified in writing, expulsion will have College District-wide effect, and an expelled student may not enroll for admission to any campus without the College District President or designee's approval unless the student's petition to revoke the expulsion is approved. For more information, see *Chapter 17: Disciplinary Penalties, Petition to Revoke Expulsion* in the [\*Student Code of Conduct\*](#).