

BEHAVIORAL/NON-ACADEMIC GRIEVANCES REPORTING VIOLATIONS OF THE CODE

Introduction

Any student, faculty or staff member, or visitor to the college may make a report to the Chief Student Affairs Officer (CSAO) (Dr. Dale Buckles: 270-706-8431, 100A RPC dale.buckles@kctcs.edu) of suspected violations of the Code of Student Conduct. A written complaint is not required, but is preferred. Those making reports are generally expected to participate in proceedings related to the report and to provide information during the process.

If the complaint is received more than one term after the incident occurred, the Chief Student Affairs Officer will assess whether or not disciplinary action should still go forward. The assessment will be based on such information as: the nature of the violation, the likelihood of repetition, and the impact upon the campus community.

Administrative Review and Resolution

1. Preliminary Review

Upon receiving a report of an alleged violation of this Code, the CSAO will notify the student within five (5) business days if necessary for an informal or formal review. The CSAO may conduct a preliminary review to determine if there is credible information to proceed with an investigation and/or to formally charge a student with a violation of this Code. During the course of this preliminary review, the CSAO may meet with affected parties and/or witnesses. The CSAO will notify any interviewees of the preliminary nature of the review and that it may result in formal misconduct charges.

- a. Case Not Pursued--If the CSAO does not find sufficient evidence that a violation of this Code has occurred, the CSAO will not pursue the matter further. The CSAO will maintain documentation of the receipt of an allegation that is separate from the formal student record. The CSAO will notify the student that the matter has been closed and no further action will be taken.
- b. Informal Response—If the CSAO finds concerning information that does not rise to the level of a violation of this Code, the College may still take reasonable action, such as requiring a student to meet with a staff member prior to registering for courses, or a verbal or written warning.
- c. Formal Response—If there is sufficient credible information that a student has violated this Code, then the CSAO will initiate the conduct process.

2. Interim Measures

Upon preliminary review, KCTCS reserves the right to enact any interim measures necessary to protect the rights, property, well-being, and personal safety of employees, students, guests, or other stakeholders. Interim measures may be imposed regardless of whether formal disciplinary action is sought or pursued against the Respondent.

Such measures may include, but are not limited to:

- referral to counseling services and other resources
- rescheduling of exams or assignments (in conjunction with appropriate faculty).
- no-contact order
- limited access to college facilities or organizations pending resolution of the report
- temporary work reassignment
- temporary class schedule reassignment
- administrative leave during the investigation and resolution
- report of the matter to local law enforcement in the jurisdiction in which the college is located
- any other remedy necessary to achieve the goals of this policy

3. Immediate Temporary Suspension

a. A student may be suspended immediately when:

- If, in the judgment of the College President (upon consultation with CSAO and/or the college Behavioral Intervention Team (BIT)), there is reasonable cause to believe the presence of the student poses a serious threat to persons and/or property, or the student has been charged with a crime so serious as to threaten the welfare of the college community, the College President may impose temporary sanctions, including temporary suspension and ban from campus.
- Except in the case of emergency circumstances, the student will be provided an informal opportunity to discuss the matter and possible resolution.
- The student may be temporarily banned from campus if he/she refuses to cease disruptive behavior or conduct in violation of this policy after direct orders from the College President (upon consultation with the CSAO and/or BIT).
- When such suspension is involved, the student must leave campus immediately. Law enforcement will be called if the student refuses to comply, which may lead to more severe consequences, including expulsion.

b. Notice of Right to Appeal

- The College President shall issue a written notice of the immediate temporary suspension and campus ban to the student. This written notice shall include the student's right to appeal the decision to the College Appeals Board (CAB).
- The student may file a written appeal with the College Appeals Board within ten (10) business days. If requested in the written appeal, the CAB shall schedule a hearing of the case within 48 hours, or as soon as practicable. The CAB shall consider the student's academic needs to attend class, use the library, and fulfill other academic commitments.
- The CAB may uphold the immediate temporary suspension, overturn the decision and return the student to regular status, or enact other remedies

and/or sanctions. The alternative remedies/sanctions may be more extensive than the temporary suspension, such as expulsion or other sanctions that are appropriate. The CAB shall communicate its findings to the College President and the Student within three (3) business days of the decision. Should the CAB uphold the immediate temporary suspension, it shall remain in effect until such time as the student proves circumstances have changed and he/she can resume attendance without posing a threat to the campus community. The CAB's decision is final except in cases of complete and total suspension for longer than a semester or expulsion that are subject to appeal to the KCTCS Board of Regents.

- If the student's circumstances change, the student may make a written request to the College President for readmission to the college.
- The College President will consult with the CSAO and/or BIT to determine if the student has demonstrated that his/her dangerous or threatening behavior has been remediated.
- The College President may require the student to enter into a behavioral contract that establishes specific terms and limitations for the student's conduct and consequences for failure to abide by those terms as a condition of readmission.

4. Formal Conduct Process

When the CSAO finds sufficient credible information, a formal conduct process will be initiated. The CSAO will present the respondent with formal written notice of the alleged violations of this Code and provide an opportunity for the respondent to make a formal statement to the CSAO, and to provide any evidence and any witnesses pertinent to the alleged violation. The CSAO shall review the evidence and conduct witness interviews. When the CSAO is satisfied that a full review has been conducted, the CSAO shall notify the respondent in writing of the findings. If the CSAO's investigation shows the respondent has violated this Code, the report of findings shall also notify the respondent of the sanctions imposed. The report of findings shall also provide the respondent with notice of his/her rights to appeal.

The CSAO will seek to resolve the formal conduct process within sixty (60) calendar days of the initial report. Extenuating circumstances may arise that require the extension of time frames, including extension beyond sixty (60) calendar days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances. In the event that the investigation and resolution exceed this time frame, the CSAO will notify affected parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

5. Appeal of a Code Violation Finding

A student may within thirty (30) calendar days appeal a code violation finding by submitting a written request for appeal to the College President. Untimely appeals will not be considered. The appeal may ask for reconsideration of guilt or innocence and/or the severity of the sanction. Upon receipt of the appeal, the College President shall notify the College Appeals Board of the request for appeal. The College Appeals Board procedures are described in the section below.

CAB Review Process

- a. Within five (5) business days of receipt of a request for hearing the CAB will meet to determine if the issue on appeal is properly before the hearing panel. If the CAB decides that the request for a hearing is not properly before the body, the Chair of the CAB will notify the student and the appropriate college officials in writing within five (5) business days, including the reasons for the CAB's decision not to hear the matter.
- b. If the CAB determines that it is proper to consider the appeal, within five (5) business days the Chair will request statements related to the appeal from the appropriate college officials. Those statements are due for submission to the CAB within five (5) business days. The CAB then has five (5) business days to review the appeal and associated statements and decide by majority vote whether to grant a hearing or to make a decision based on the record provided by each party.
- c. The CAB's decision as to the hearing will be communicated in writing within five (5) business days of the decision to the student and the appropriate college officials. If the CAB does not grant a hearing, the student has no further right to appeal within the system except in cases of suspension or expulsion, which may be appealed to the Board of Regents.
- d. If the CAB decides to hear the case, it will establish procedures (including a schedule) and notify the student and the appropriate college officials. All parties shall have the reasonable opportunity to appear at the hearing and to present oral and written evidence in support of their positions. The CAB may call for further evidence as it deems appropriate. CAB hearings are not legal processes and do not follow the rules applicable to court or outside administrative proceedings. Students do not have a right to have counsel represent them, but may bring any one person they desire as an advisor at the hearing. The advisor will not address the hearing or "represent" the student. The hearing shall be held, and a final decision made by the CAB within 15 business days after the decision to hear the case. The decision of the CAB is final and the student has no further right to appeal within the system except in cases of suspension or expulsion of a student.
- e. If the CAB hears the case because of some question about the fact of the student's guilt, it shall have the authority to impose a final decision as to guilt or innocence. If the CAB decides not to hear the case, the student has no further right of appeal within the system except in cases of suspension or expulsion.
- f. If the CAB hears the case because of an appeal of the severity of the sanction, it shall recommend an appropriate sanction to the appropriate college official(s). If the CAB does not support the sanction, the CAB shall submit its decision and a

recommendation of appropriate sanction to the Provost who shall consult with the appropriate college official(s) involved to find an appropriate sanction. The final decision is the responsibility of the College President.

To view the entire KCTCS Code of Student Conduct, go to the following web address:
<https://elizabethtown.kctcs.edu/about/media/pdfs/college-at-a-glance/policies-procedures/code-of-student-conduct.pdf>