

5. *Dismissal*: The strongest disciplinary restriction. A penalty this severe generally indicates that a student may not return to the college unless he/she is granted special dispensation from the President of the college. Disciplinary dismissal would apply to a student who is guilty of chronic violations or a major breach of conduct so that rehabilitation possibilities appear to be remote.

#### **DUE PROCESS RIGHTS OF STUDENTS**

The college recognizes the right of both substantive and procedural due process in any matter involving a student misconduct violation. A student is entitled to a notice, a hearing, and an explanation before receiving a suspension or expulsion from the college.

#### **Penalty Without Hearing**

In the event a student wishes to waive the right to a formal hearing or makes voluntary written confession of the allegation and waives the right to a hearing, the violation may be administratively disposed of 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.

At a conference with the student in connection with the allegation, he/she shall be advised of his/her rights.

If a student accepts administrative disposition, he/she shall sign a statement that he/she understands the formal charges; his/her rights to a hearing, or to waive the same; the penalty imposed; and his/her waiver of the right to appeal.

In administrative disposition, the penalties imposed shall not differ from those penalties stated in *Definitions of Disciplinary Actions*.

Once a student has been informed of his/her rights and the penalty that could be imposed should a violation be found and has knowingly and voluntarily accepted in writing the authority of the administration to impose the penalty, a student shall have waived the right to request a formal hearing.

#### **Formal Hearing**

In the event a student wishes a formal hearing

1. Notice of the charges and their implications will be given orally or in writing prior to the hearing.

2. The list of witnesses and their expected testimony will be given to the accused student prior to the hearing or at the hearing itself.

A Disciplinary Committee composed of college faculty, staff and two students will be convened to conduct the hearing. It is the duty of the Disciplinary Committee to hear all evidence presented concerning the alleged misconduct violation. Because the college is an academic institution and not a court of law, the Disciplinary Committee is not bound by the common laws of evidence or civil procedure. Therefore, hearsay may be used during the hearing. It is the committee's responsibility to render a fair and impartial decision from the evidence presented and to assure the student received due process in accordance with his/her constitutional rights.

At the hearing, a student has the right to present his/her defense against the charges and to produce other oral testimony or written affidavits of witnesses in his/her behalf. A student may be represented by counsel. If so, the college expects the courtesy of notification. The counsel will be allowed only to advise a student and not to actively participate in the hearing. The college is not required to provide the opportunity for cross-examination but may do so at the discretion of the chief hearing officer.

The Disciplinary Committee shall report findings within 72 hours of the hearing. The findings shall be reported to the President or his designee and said person will notify the student of the results of the hearing and the implications of the decision. Any student who is dissatisfied with the results of the hearing may file an appeal to the Disciplinary Appeal Committee. Further appeal may be made to the President of the College.

During the period of the student's appeal, the student shall not be present on the campus of Lawson State Community College.

#### **STUDENT GRIEVANCE PROCEDURE**

##### **Policy**

Lawson State Community College will make every effort to resolve any problem that develops among students, instructor and student, and college personnel. The College recognizes that in order to efficiently and effectively carry out its mission, its employees and students must feel confident that any valid complaint or grievance an employee or student make concerning the College will be promptly addressed by the appropriate authorities. The organizational structure of the college is designed to facilitate immediate resolution of problems once they are identified; therefore, the college does not

condone intimidation nor physical acts of one person against another.

The following procedures for resolving complaints and grievances have been adopted by Lawson State Community College.

### Procedure

Step 1: Any student of Lawson State Community College who wishes to make a complaint about an academic matter shall report that complaint in writing to the Vice President for Instructional Services. Other types of complaints shall also be reported in writing to the Dean of Student Life. If the complaint is about a specific occurrence, the complaint shall be made within ten (10) business days of the occurrence.

If, after discussion between the student and the respective College official, it is determined that the complaint can be resolved immediately, the College official will take action to resolve the complaint and will submit a report within ten working days of the filing of the complaint to the president, the College Grievance Officer, and such other appropriate College official(s) as the President may designate, detailing both the complaint and its resolution.

Step 2: If the student's complaint cannot be resolved immediately, but requires instead a "plan of resolution," the College official to whom the complaint was made shall submit a written report to the President, the College Grievance Officer, and such other appropriate College official(s) as the president shall designate. The report shall be submitted within ten (10) working days of the complaint and shall detail the complaint and the plan to resolve the complaint. Should the President, College Grievance Officer, or other respective designated official wish to assist in submitting the report, or instruct the submitting official to modify the "plan of resolution," the President, College Grievance Officer or other official shall inform the submitting official of his/her intention.

Step 3: If any student's complaint is not or cannot be resolved at the first level of supervision as described above, such as an unresolved complaint shall be termed a "grievance." A student who submits a complaint to the appropriate College official under the above stated steps and who is not informed of a satisfactory resolution, or plan of resolution, of the complaint within ten (10) business days, shall have the right to file with the College Grievance officer a written statement detailing the grievance. The written grievance statement shall be filed using the format provided by the Grievance Officer and shall include at least the following information:

- Date the original complaint was reported;
- Name of person to whom the original complaint was reported;
- Facts of the complaint; and

- Action taken, if any, by the receiving official to resolve the complaint.

The grievance statement may also contain other information relevant to the grievance which the Grievant wants considered by the Grievance Officer. If the grievance involves a claim of discrimination based on gender, race, age, national origin, religion, or disability, the complaining party should state with particularity the nature of discrimination and, if known, a reference to any statute, regulation, or policy which the Complainant believes to have been violated. The Complainant shall file any claim involving illegal discrimination within thirty (30) days of the occurrence of the alleged discriminatory act or of the date on which the Complainant knew or should have known that the alleged discriminatory act took place.

Step 4: The College shall have thirty (30) calendar days from the date of the receipt by the Grievance Coordinator of the grievance to conduct an investigation of the allegation (s), hold a hearing (if requested) on the grievance, and submit a written report to the complainant of the findings arising from the hearing. The Grievance Coordinator may recommend to the President that a grievance committee be assembled for the purpose of conducting an investigation and holding a hearing. The hearing findings shall be reported by the President (or his/her designee) to the Complainant by either personal service or certified mail sent to the Complainant's home address.

### Investigation Procedures

The Grievance Coordinator, either personally or with the assistance of such other persons as the President may designate (grievance committee), shall conduct a factual investigation of the grievance allegations and shall research the applicable statute, regulation, or policy, if any. The factual findings of the investigation by the Grievance Coordinator shall be stated in a written report which shall be submitted to the Complainant and to the party against whom the complaint was made (the "Respondent") and shall be made a part of the hearing record, if a hearing is requested by the Complainant. Each of the parties shall have the opportunity to file written objections to any of the factual findings and to make their objections a part of the hearing record. Publications or verified photocopies containing relevant statutes, regulations, and policies shall also be presented by the Grievance Coordinator for the hearing record. In the event that the Complainant does not request a hearing, the Grievance Coordinator's report and a recommendation for resolution of the Complaint shall be filed with the President, and a copy provided to the Complainant and Respondent.

### Hearing Procedures

In the event that the Complainant requests a hearing within the time frame designated by the Grievance Coordinator, the President shall designate a qualified, unbiased person or committee to conduct each grievance hearing. The hearing officer or committee shall notify the Complainant, and each Respondent, of the time and place of the hearing at least seventy-two (72) hours prior to the scheduled beginning of the hearing. The hearing shall be conducted in a fair and impartial manner and shall be open to the public unless both parties request in writing for the hearing to be conducted in private to the extent that there will be no violation of any applicable "sunshine law."

At the hearing, the Complainant and the Respondent shall be read the grievance statement. After the grievance is read into the record, the Complainant will have the opportunity to present such oral testimony and other supporting evidence as he/she shall deem appropriate to his/her claim. Each Respondent shall then be given the opportunity to present such oral testimony and other evidence as he/she deems appropriate to the Respondent's defense against the charges. In the event that the College, or the administration of the College at large, is the party against whom the grievance is filed, the President shall designate a representative to appear at the hearing on behalf of the Respondent.

Any party to the grievance hearing shall have the right to retain, at the respective party's cost, the assistance of legal counsel or other personal representative. However, the respective attorneys or personal representative, if any, shall not be allowed to address the hearing body or question any witnesses. In the event that the College is the Respondent, the College representative shall not be an attorney or use an attorney unless the Complainant is assisted by an attorney or other personal representative.

The hearing shall be recorded either by a court reporter or on audio or video tape or by other electronic recording medium. In addition, all items offered into evidence by the parties, whether admitted into evidence or not, shall be marked and preserved as part of the hearing record.

### Report of Findings and Conclusions

Following the hearing, there shall be a written report to the President of the findings of the hearing officer or the chairman of the committee, and the report shall contain at least the following:

- Date and place of the hearing;
- The name of each member of the hearing committee;
- A list of all witnesses for all parties to the grievance;
- Findings of fact relevant to the grievance;
- Conclusions of law, regulations, or policy relevant to the grievance; and

- Recommendation(s) to the President arising from the grievance and the hearing thereon.

### Procedure for Appeal

1. The accused student may appeal the decision of the grievance committee by so stating in a letter to the President of the college and the chairperson of the grievance committee within two work days after the decision.
2. A student must be able to demonstrate to the President the following:
  - a. That certain relevant evidence was not reviewed.
  - b. That new evidence is available.
3. The appeal proceedings will be conducted by a review board appointed by the President. The board shall consist of a chairperson, a member of the grievance committee, and one other person, not necessarily an employee of the college.
4. An appeal shall be limited to reviewing the full report of the grievance committee or the hearing of new evidence relevant to the case and not available at the time of the hearing before the grievance committee. In the case of new evidence, the appeal board may order a new hearing before the grievance committee.
5. Within five days of the receipt of the appeal, the chairperson of the review board will set a time for the hearing and notify all parties involved.
6. The review board will send notice of its decision to the student, the chairperson of the grievance committee, and the President of the college within two workdays after the hearing appeal.
7. Once a student has applied for and has been granted a hearing by the review board, he/she must abide by the recommendations of the review board.

### Final Approval

Final approval of the action of either the grievance committee or the review board will rest with the President of the college.

For additional information regarding the Student Grievance Procedure, contact the Dean of Student Life's Office.

### STUDENT RIGHT-TO-KNOW AND CAMPUS SECURITY ACT

The *Student Right-To-Know and Campus Security Act of 1990* requires Lawson State Community College to disclose information about student outcomes, campus security, and crime statistics. The college publishes an annual report to faculty, staff, and students to comply with the provisions of the law. This report provides projected graduation rates, program completion rates, licensure requirements, and campus crime statistics. Copies of this publication are available in the Admissions, Business, and Student Services Offices.