

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.