



HLC Accreditation Evidence

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Office of Origin: Vice President of Student Services

2016-2017

Student Handbook



BARTON
COMMUNITY COLLEGE

Disciplinary Action

If the Dean of Student Services or other designee of the President finds that the student has violated College policy, rules, or regulations, disciplinary action shall be taken. The Dean of Student Services or other designee shall impose such discipline as he/she determines is warranted taking into consideration the seriousness of the offense. For more complicated incidents, the Dean of Student Services or other designee may seek the input of a Review Board before determining discipline. The Review Board, if utilized, shall be chosen from members of the College Student Life staff. Individuals who serve on a Review Board would not later be eligible to serve on an Appeals Committee, should an appeal follow imposition of disciplinary sanctions. Permissible actions include but are not limited to: written reprimand, community service, fines, probation, full or partial suspension from classes, expulsion from housing, and/or expulsion from school.

Disciplinary action may also include a bar against readmission to the College.

Appeals

Right of Appeal

Any decision of the Dean of Student Services or such other person as designated by the President may be appealed by the accused or the complainant within five (5) College business days of the receipt of the decision. Such appeals shall be in writing and shall be delivered to the President of the College.

A student who fails to file a written notice of appeal in the President's Office, within the times specified waives the right to appeal.

Status Pending Appeal

Any disciplinary action imposed shall remain in effect during the appeals procedure, unless otherwise directed by the President of the College.

An appeal shall be conducted for one or more of the following purposes:

- To determine whether the original process was conducted fairly a) in light of the charges and evidence presented, and b) in conformity with prescribed procedures. This gives the complaining party a reasonable opportunity to prepare and present evidence that the Student Code was violated, and gives the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
- To determine whether the decision reached regarding the accused student was based on substantial evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Student Code occurred.
- To determine whether the sanction imposed was appropriate given the violation of the Student Code occurred.
- To consider **new** evidence sufficient to alter a decision or other relevant facts **not** brought out in the original process, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.

If the President or designee determines, in his or her sole discretion that the written appeal fails to meet the Standard for Appeal (noted above), he or she will inform the student in writing. If the written appeal submission fails to meet the Standard for Appeal, the matter is concluded and no further action will be taken.

Composition of Appeals Committee

The President of the College shall name an Appeals Committee Facilitator to conduct a formal Appeals Hearing in order to review the charges and imposed sanctions. The Appeals Committee shall consist of six (6) members, selected by the Facilitator and approved by the President, two of which shall be from the faculty, two staff, and two representatives from the student body. At any hearing before the committee, at least four (4) members shall be present to constitute a quorum in order to transact the business of the committee. Any member of such committee directly involved in the outcome of a hearing, or who believes they have a conflict of interest rendering them to be perceived as being incapable of providing an impartial decision, shall disqualify him/herself from the hearing and the Appeals Committee Facilitator shall appoint a person to take his/her place.

Hearing

The Appeals Committee shall set a hearing as soon as possible after the hearing has been approved. Notice of the time, date, and place of the hearing shall be given to all parties in writing no less than three (3) College business days prior to the hearing.

It is the hope of the College that disciplinary matters will be handled by members of the College community, and legal counsel will not ordinarily be present to represent the College. However, if the student is to have a professional legal advisor present (which will be at the student's expense) at any hearing, the student must notify the President's Office not later than forty-eight (48) hours before the scheduled time of the hearing, in which event, the College may, in its discretion, be represented by counsel.

A student failing to appear before the Appeals Committee at the designated time, shall forfeit any right to appeal or seek further relief of the decision.

Proceedings before the Appeals Committee shall be recorded electronically or via written minutes. Recordings and communications related to the disciplinary procedure and resulting actions shall not be considered a public record as that term is defined by the Kansas Open Records Act.

Decision

Upon the conclusion of the hearings, the Appeals Committee, by majority vote, shall decide whether the student has violated the Student Code of Conduct and whether the sanction imposed fits the nature of the violation. The Appeals Committee may uphold, modify, or completely reverse the original decision as appropriate.

A written summary of the findings must be provided and should the decision be modified it should be in accordance with one or more of the conditions delineated in this code. In all appeals any modification of the original sanctions may not result in more severe discipline for the accused student.

The Appeals Committee shall render its decision in writing within three (3) College business days of the conclusion of the hearing. The findings of the Appeals Committee shall be forwarded to the President.

Notification of Decision

The President's Office shall inform the student in writing of the Appeals Committee's decision within three (3) College business days of the receipt of the Appeals Committee's decision. The findings of the Appeals Committee shall be final.

(Based on policy 1610; revised and approved by President on 7/28/14)