

- Sanctions imposed are implemented immediately unless the CSSO or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The appeals officer or committee will render a written decision on the appeal to all parties within four (4) days from receiving the appeal request. The committee's decision to deny appeal requests is final.

### **SPECIAL DISCIPLINE PROCESS PROVISIONS**

- In the event that the student is under the age of eighteen or incapacitated, he or she may have an advisor present to assist him/her in presenting his/her case.
- Students do not have the right to be represented by an attorney or law student during these proceedings except in the case where civil or criminal actions concerning the student are pending and in that case the attorney's role shall be advisory only.
- The student is responsible for presenting his/her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing except when the student is under the age of eighteen or incapacitated.
- Student shall have the right to identify documents, witnesses and other material he/she would like the CSSO or designee to review before making a final decision.
- Any hearing held shall be conducted in private unless all parties agree otherwise.
- A record of the hearing should be maintained by the CSSO or designee.
- If student has a disability and would like to request an accommodation to assist him/her through the discipline process they may do so by informing the CSSO or designee. The CSSO or designee will then work with disability support services to accommodate the request.
- Jurisdiction-College disciplinary proceedings may be instituted against a student charged with violation of a law if the violation occurred at the College or college-sanctioned activities or was of such a nature to have an impact on the college and the violation is also a violation of the college's student code of conduct.
- Proceedings under this procedure may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
- Standard of proof-the college will use the preponderance of evidence standard in the disciplinary proceedings, meaning, the college will determine whether it is more likely than not a conduct code was violated.
- All sanctions imposed by the original decision maker will be in effect during the appeal. A request may be made to the CSSO or designee for special consideration in exigent circumstances, but the presumptive stance of the institution is that the sanctions will stand. Graduation, study abroad, internships/externships/clinical placements, etc. do not in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal

results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.

- The procedural rights afforded to students above may be waived by the student.

### **RETALIATORY ACTS**

It is a violation of this procedure to engage in retaliatory acts against any employee or student who reports an incident(s) of code of conduct violations or any employee or student who testifies, assists or participates in the discipline proceeding, investigation or hearing relating to such allegation(s) of code of conduct violations.

### **REVISING THIS PROCEDURE**

CCCS reserves the right to change any provision or requirement of this procedure at any time and the change shall become effective immediately.

#### **FOR MORE INFORMATION:**

Contact the Dean of Student Services on your campus.

**Boulder County** 303-678-3621

**Larimer** 970-204-8379

**Westminster / Brighton / Online** 303-404-5602

#### **[www.frontrange.edu/Harassment](http://www.frontrange.edu/Harassment)**

The College prohibits and will not tolerate discrimination or harassment that violates federal, state law, or Board Policy 3-120 or Board Policy 4-120. The College does not discriminate on the basis of gender, sex, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion or sexual orientation. The College complies with Titles VI and VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991, the Education Amendments of 1972 (Title IX), the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, the Americans with Disabilities Act, Pregnancy Discrimination Act of 1978, Vietnam Era Veterans Readjustment Assistance Act of 1974; Executive Order 11246, and sections 24-34-301, C.R.S. et seq. For information regarding civil rights or grievance procedures, contact: [Paul.Meese@frontrange.edu](mailto:Paul.Meese@frontrange.edu).

REVISED 10/12

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# STUDENT DISCIPLINARY PROCEDURES

## YOUR RIGHTS AND RESPONSIBILITIES



**FRONT RANGE COMMUNITY COLLEGE**  
Division of Student Services  
[www.frontrange.edu](http://www.frontrange.edu)

## BASIS

Students are expected to adhere to the Student Code of Conduct and policies and procedures of the College. If a student is charged with violating his/her College's Code, these are the procedures to be used in resolving the charge.

## DEFINITIONS:

**Code of Conduct:** A document developed and published by each college which defines prescribed conduct of students.

**Chief Student Services Officer (CSSO):** The individual designated by the college president to administer student affairs and be responsible for administering the College's Student Conduct Code and this procedure. The CSSO may delegate student discipline to another individual (designee).

**Title IX Coordinator(s) and Title VI and VII Coordinator(s) (EO Coordinator)** is the employee(s) designated by the college president to oversee all civil rights complaints.

**Notice:** Notices which are required to be given by this procedure shall be considered served upon the student when given by personal delivery, mailing by certified mail, or emailing the student to their official college email address requesting a delivery receipt notification. If notice is mailed, student shall be given three (3) additional days to respond.

**Day:** Refers to calendar day unless otherwise noted below.

**Sanctions:** One or more of the following may be imposed when there is a finding that a student has violated the College's Code of Conduct.

- 1. Warning:** A Notice served upon the student advising him/her that he/she is violating or has violated College regulations.
- 2. Probation:** After a finding of violation of the Code of Conduct, restriction of student's privileges for a designated period of time including the probability of more severe disciplinary sanctions if the student is found to be violating any College regulations during the probationary period.
- 3. Other disciplinary sanction:** fines, restitution, denial of privileges, assignment to perform services for the benefit of the college or community; or other sanction that doesn't result in the student being denied the right of attending classes.
- 4. College suspension or expulsion:** An involuntary separation of the student from the College for misconduct not based on academic performance for a specified period of time.

**a. Suspension** is a separation that shall not exceed three academic terms per suspension for any singular offense or situation. While a student is suspended, he or she is not eligible for admission or re-admission at any of the community colleges within CCCS. Once the suspension is lifted the student is eligible for admission or re-admission.

Examples of suspension include, but are not limited to the following: the college, a department or program, a class, residence hall, use of a college facility or an activity.

Students may be suspended from one class period by the

responsible faculty member or adjunct instructor. Longer suspensions can only be implemented by the CSSO or designee in accordance with this procedure.

**b. Expulsion** is an indefinite separation from the college. The student is not eligible for admission or re-admission at any of the community colleges within CCCS.

In exceptional cases where a student wants to be considered for admission or re-admission after an expulsion has been implemented, the student bears the burden to prove the behavior that resulted in the expulsion has been resolved. It is within the college's discretion to admit or deny the student.

**5. Interim Suspension:** An immediate action taken by the CSSO to ensure the safety and well-being of members of the college community; preservation of college property; or if the student poses a definite threat of disruption or interference to others or the normal operations of the college. In the event of an interim suspension, the hearing before the CSSO or designee shall occur as soon as possible following the interim suspension. If the college issues a permanent sanction, the student shall be afforded appeal rights as discussed below. If the college does not implement a permanent sanction, the interim suspension will be removed from the student's record.

## PROCEDURES:

### Decision

The CSSO or designee shall receive all allegations of student misconduct, investigate the complaints, which includes meeting with the student to give him/her the opportunity to respond to the allegations of misconduct. If the allegations of misconduct are discrimination and/or harassment based on federal or state civil rights laws, the college will investigate those incidents through the Civil Rights Grievance and Investigation Process, System President's Procedure (SP) 4-31a.

Once the investigation is complete, either through this process or the Civil Rights Grievance and Investigation process, the CSSO or designee shall render a sanction decision.

The CSSO or designee may decide that the charges can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to them. If an administrative resolution is not achieved, the CSSO or designee shall issue a decision which determines whether the alleged conduct occurred; whether the conduct violated the Code of Conduct or College procedures; and impose a sanction(s) if appropriate. The student shall receive written notice of the decision and be advised of his/her right to appeal the Decision, subject to the grounds below, by filing a written appeal with the CSSO or designee within seven (7) days of service of the Decision.

### Appeal

In the event of an appeal, the CSSO or designee shall give written notice to the other party (e.g., if the accused student appeals, the appeal is shared with the complainant who may also wish to file a response), and then the CSSO or designee will draft a response memorandum (also shared with all parties). All appeals and responses are then forwarded to the appeals officer or committee for initial review to determine if the appeal meets the limited grounds and is timely. The original finding and sanction will stand if the appeal is not timely or substantively eligible,

and the decision is final. If the appeal has standing, the documentation is forwarded for consideration. Because the original finding and sanction are presumed to have been decided reasonably and appropriately, the party appealing the decision must specifically cite the error(s) in the original determination on which the appeal is based. The ONLY grounds for appeal are as follows:

1. A material procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures); which must be explained in the written appeal; or
2. To consider new evidence, unavailable during the investigation or hearing that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the written appeal, as well as the reasons the new evidence was not available during the original proceeding.

If the appeals officer or committee determines that a material procedural or substantive error occurred, it may return the complaint to the CSSO or designee with instructions to reconvene to cure the error. In rare cases, where the procedural or substantive error cannot be cured by the CSSO or designee in cases of bias, the appeals officer or committee may order a new hearing be held by a different individual acting in the place of the designated CSSO or designee. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on the two applicable grounds for appeals.

If the appeals officer or committee determines that new evidence should be considered, it will return the complaint to the CSSO or designee to reconsider in light of the new evidence, only. If the subject matter pertains to discrimination and/or harassment pursuant to SP 4-31a, the appeals officer or committee will return the complaint to the Title IX/EO Coordinator to reconsider in light of the new evidence, only. The reconsideration of the CSSO, designee, or Title IX/EO Coordinator is not appealable.

The procedures governing the hearing of appeals include the following:

- All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- If the appeals officer or committee determines there is new evidence or error in the original proceeding, every opportunity to return the appeal to the CSSO or designee for reconsideration (remand) should be pursued.
- Appeals are not intended to be full rehearings of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal;
- An appeal is not an opportunity for an appeals officer or committee to substitute their judgment for that of the CSSO or designee merely because they disagree with its finding and/or sanctions.
- Appeals decisions are to be deferential to the original decision, making changes to the findings only where there is clear error and a compelling justification to do so.