

ARTICLE III

NON-ACADEMIC DISCIPLINARY POLICIES AND PROCEDURES

3.1 General Regulations Concerning Student Behavior:

Students are responsible for knowing the college's regulations, disciplinary procedures, and penalties. It should be emphasized that students are subject to criminal statutes and legal action, in addition to the college's regulations and disciplinary system.

3.2 Disciplinary Offenses:

Though not an inclusive list, the offenses as defined below are punishable disciplinary offenses. Lack of intent may be asserted as an affirmative defense by any student charged with an offense listed below.

1. Material disruption or obstruction of teaching, research, administration, disciplinary proceedings, or any other college activities. Under no circumstances will fighting be tolerated while on college property or at off-campus events sponsored by the college.
2. Assault and/or battery.
3. Verbal and psychological abuse or harassment.
4. Participating in or inciting a riot or an unauthorized disorderly assembly.
5. Seizing, holding, commandeering, or damaging any property or facilities of the college or threatening to do so, or refusing to depart from any property or facilities of the college upon direction by college officials or other persons authorized by the institution.
6. Sexual assault or harassment.
7. Use of alcoholic beverages, including the purchase, consumption, possession, or sale of such items except where specifically authorized by state law and regulations of the college.
8. Failure to comply with the official and proper order of a duly designated college official.
9. Gambling or holding an unauthorized raffle or lottery.
10. Manufacturing, possessing, using, selling, or distributing any type of controlled substances or illegal drugs.
11. Use or possession of weapons (guns, knives, etc.) on college property, on one's person, or in one's motor vehicle.
12. Creating a fire or safety hazard or abusing/misusing safety equipment, or transmitting false fire alarms.
13. Littering.
14. Defacing, destroying, damaging, removing, or using public or private property without proper authorization.
15. Violating any rule or regulation not contained within the official college publications, but announced as administrative policy by the chief executive officer or his/her designee.
16. Encouraging or assisting others to commit any of the acts that are prohibited by the Code of Student Conduct.
17. Knowingly furnishing false information to the college, including the forgery, alteration, or misuse of college documents, instruments, or identification.
18. Unauthorized use of computers or word processors or unauthorized efforts to penetrate or modify the computer or word processing security system or any program software.
19. Allowing children under age sixteen (16) to remain unsupervised while on campus.
20. Offering or passing a worthless check or failing to meet financial obligations of the college.
21. Failing to abide by any terms of any disciplinary sanctions properly imposed by a college official, committee, or agency.
22. Creation of a health hazard.
23. Threats and/or threatening behavior.

3.3 Penalties and Sanctions:

The college has the authority to penalize or impose sanctions on students who violate college regulations. In determining possible sanctions, the college shall consider such matters as the nature of the particular offense, the welfare of the student and the college community, and the prior disciplinary record of the student. Usual sanctions are listed and explained in this section. In addition to these sanctions, other sanctions, as appropriate for a particular case, may be imposed. Each level of hearing body may use creative sanctions that are designed to be educational in nature.

1. **Reprimand:** Official written or oral statement to the student that he or she is guilty of violating a college regulation. A reprimand warns that any further such actions may result in a more severe sanction.
2. **Restitution:** Compensation to the college for damages to college property.
3. **Social Probation:** Status given to less serious policy violations, and in some cases, a restriction of privileges for a specified time.
4. **College/Community Service:** Service to the college or community of up to 16 hours be served within a specified time frame.

5. **Educational Sanction:** An educational sanction requiring attendance or participation in a pre-arranged class, program, or activity designed to prevent or deal with high-risk behavior.
6. **Counseling:** Student may be referred to counseling evaluation on appointment by Counseling Services.
7. **Eviction:** Forced removal from a classroom or other college property.
8. **College Probation:** Status that carries a severe warning that any further violation of college regulations that may result in the student going before the College Appeals Board for consideration of suspension or expulsion. This may include restrictions of privileges for a specified period of time.
9. **Suspension:** Forced withdrawal from the college for a specified period of time or until stated conditions have been met as determined by the College Appeals Board. College will place the Student Dean Hold service indicator for no future enrollments at the Home College or other KCTCS college during the specified period of time or until stated conditions had been met.
10. **Immediate Suspension:** A student may be suspended immediately when:
 - a. In the judgment of the chief executive officer (upon consultation with the chief student affair's officer), the presence of the student poses a serious threat to persons and/or property provided informal opportunity is first given to the student, except in the case of exigent circumstances, to discuss the matter and possible resolution.
 - b. The student refuses to cease disruptive behavior or conduct in violation of this policy after direct orders from the chief executive officer (upon consultation with the chief student affair's officer).
 - c. When such suspension is involved, the student must leave the campus immediately. Students refusing to do so will be removed by law enforcement authorities and charged with trespassing.

When a student is placed on immediate suspension, a disciplinary hearing will be held at the earliest reasonable time (see Section 3.6.).

11. **Expulsion:** Permanent, forced withdrawal from the college as determined by the College Appeals Board.

3.4 **Enforcement:**

All college personnel are responsible for enforcing college rules and regulations. When a violation is observed, it should be reported in writing to the chief student affairs officer. The accused will be notified in writing of the charge and an impending hearing. The college reserves the right at all times to take such prompt action as may be needed to preserve the peace, integrity, and safety of the educational process and campus environment.

3.5 **The Procedures:**

3.5.1 **The Role of the Chief Executive Officer in Student Disciplinary Matters:**

- 3.5.1.1 When the chief executive officer or designee, after investigation into an alleged violation of the disciplinary rules, believes a student has committed a disciplinary offense defined in Section 3.2, the chief executive officer or designee shall notify and charge the student with said offense. Thereafter, the chief executive officer or designee shall notify the student of "The Rights of the Accused" (see Section 3.5.1.5), after which the chief executive officer or designee may solicit a plea of guilty or not guilty, which shall be in writing and notarized.
- 3.5.1.2 When a student enters a plea of guilty, the chief executive officer or designee shall confer with the student and outline proposed disciplinary action as defined in Section 3.3 and/or counseling. Any information obtained from the student during a counseling session is strictly confidential and inadmissible in any judicial proceeding of the college except in cases where the student withdraws from the counseling process or refuses to comply with the conditions of the counseling process.
- 3.5.1.3 The accused shall enjoy the right to choose an advisor to assist during all preliminary conferences and judicial hearings and shall be informed of this right. However, the student is not entitled to an advisor during any counseling session except at the request of the chief executive officer or designee.
- 3.5.1.4 If the chief executive officer or designee and the student are unable to resolve the matter to their mutual satisfaction in the counseling process, the chief executive officer or designee shall forward the reports and evidence concerning the case to the College Judicial Board for evaluation and possible prosecution. The chief executive officer or designee is thereafter concerned with keeping the records of the College Judicial Board and Appeals Board and in aiding the student to comply with any sanction decreed by either Board.
- 3.5.1.5 To guarantee that a student receives due process, the following elements will be made available to the parties involved:

1. Published rules, regulations, and procedures (including, but not limited to, the *KCTCS Catalog* and *KCTCS Code of Student Conduct*).
2. Written notice of the charge(s) violating rules and regulations.
3. A hearing or oral proceeding before an administrative officer or committee.
4. Information about witnesses who may give evidence to support the charge(s) and the hearing.
5. Right to have counsel at the hearing to advise the student, but counsel may not participate in the hearing.
6. A written record of the hearing.
7. A prompt written decision within ten (10) business days following deliberations.
8. Information about appeals procedures.

3.5.1.6 Within the rights of the student at a college, the chief executive officer or designee may contact the parents, or other persons as the chief executive officer or designee deems appropriate in matters of discipline only if the student is less than eighteen years of age or consents.

3.5.1.7 All student complaints involving rights stated herein shall be reported to the chief executive officer or designee within 30 days of their occurrence. Complaints reported after this period or which otherwise come to the attention of the chief executive officer or designee may be acted upon according to the chief executive officer's determination of the circumstances.

3.5.1.8 The chief executive officer or designee shall investigate each student complaint to determine whether it contains merit.

- a. If the chief executive officer or designee decides that it does contain merit, the chief executive officer or designee shall use moral persuasion, negotiation, personal appeal, and the prestige of the chief executive officer's or designee's office to settle the case to the chief executive officer's or designee's satisfaction and that of the student.
- b. When the chief executive officer or designee is unable to satisfy the complaint to the satisfaction of the student or when the chief executive officer or designee has notified the student that the complaint does not contain merit, the student has the right to appeal within 30 days to the College Appeals Board.

3.5.1.9 The chief executive officer or designee shall have broad investigatory powers in nonacademic cases and shall receive prompt and full cooperation from students, student organizations, faculty and administrators. The chief executive officer or designee may recommend policies or practices that should be terminated, modified or initiated to the Student Government, the Senate Council, division heads, or other appropriate persons.

3.5.2 The College Judicial Board: Each college shall have a Judicial Board, hereinafter referred to as the J-Board, with original jurisdiction over cases involving alleged violations by students and the stated college disciplinary offenses defined in Section 3.2.

3.5.2.1 Authority

The J-Board shall have the sole authority to determine the issue of guilt in those cases referred to it pursuant to Section 3.2. It shall have the sole authority to impose sanction(s) short of actual suspension or dismissal upon any student found guilty of a violation of college disciplinary rules defined in Section 3.2. If the J-Board believes that actual suspension or dismissal is the appropriate remedy, it shall recommend such action to the chief executive officer or designee.

3.5.2.2 Composition

The J-Board shall consist of ten students, five male and five female. The college shall make every effort to ensure proportionate ethnic diversity. There shall be two co-chairpersons, one male and one female. In order for any proceeding to be taken against a student for a violation of college rules, at least five members of the J-Board must be present to hear the case, with at least two members of each sex represented. Prior to the hearing, the student may request that the Board be comprised of the student's sex only. Any decision of the J-Board must be by a majority of the members of the Board hearing the case.

3.5.2.3 Eligibility Requirements

Any student, who is enrolled in at least six (6) hours of coursework and has earned at least twelve (12) credit hours in residence in the college and who is a student in good standing is eligible for appointment to the J-Board. Consideration will be given to academic standing of the students.

3.5.2.4 The Appointment Process

- a. The chief student affairs officer or the Student Affairs Committee shall nominate all applicants for membership and forward those who have been nominated to the President of the Student Government or equivalent organization, who, with the advice and approval of the chief executive officer of the college, shall make the final appointment of the J-Board members.
- b. Any member of the J-Board is obliged to withdraw from participation in a hearing when the member feels unable to hear the case fairly and objectively and to decide its outcome impartially on the basis of the evidence presented.
- c. Representatives of the college administration and the accused shall have the right to challenge, for cause, any member of the J-Board. Any challenge(s) shall be submitted in writing to the chief executive officer no later than twenty-four hours prior to the established date of the hearing. Any challenge(s) shall be sustained or denied by the chief executive officer. Should such challenge(s) be sustained, the alternate shall be appointed by the chief executive officer.

3.5.2.5 Terms of Office

Students selected for membership on the J-Board will serve one year terms or, at the discretion of the chief executive officer, a term not exceeding three semesters.

3.5.2.6 Absence

Three unexcused absences in any one semester shall constitute automatic dismissal from the J-Board. The J-Board, acting as a unit, may make such additional regulations regarding absences as it may deem appropriate. All requests for excused absences shall be made to the chief executive officer whose decision shall be final.

3.5.2.7 Temporary Appointments to the Judicial Board

If a sufficient number of the members of the College Judicial Board are not present at any time when that Board has duties to perform, the President of the Student Government Association or equivalent organization, with the advice and consent of the chief executive officer of the college, shall make such temporary appointments as are necessary to ensure that the required number of members are present. Such temporary appointments need not be preceded by the requirements otherwise provided herein.

3.5.3 The College Appeals Board: There shall be a College Appeals Board with appellate jurisdiction over all decisions of the College Judicial Board and over decisions of any faculty members on matters of college academic offenses.

3.5.3.1 Jurisdiction on Cases of Disciplinary Offenses

- a. Within 30 days after receipt of the decision of the College J-Board, any accused student may appeal in writing to the chief executive officer for review by the College Appeals Board of the J-Board's finding of guilt or for review of the nature or severity of the sanction imposed or recommended by the J-Board. The chief executive officer shall forward the appeal to the Chairperson of the College Appeals Board for the appropriate action.
- b. If the chief executive officer believes that the sanction imposed by the J-Board was inappropriate for the offense committed, the chief executive officer may request a review thereof by the College Appeals Board. Such a request shall be directed to the Chairperson of the College Appeals Board within 30 days of the decision by the J-Board.

Disposition of Cases of Disciplinary Offenses

- a. If the student appeals on the issue of fact regarding commission of the offense, the College Appeals Board shall review the evidence, and its decision shall be final.
- b. If the student requests a review of the sanction, the College Appeals Board shall recommend what it believes to be the appropriate sanction to the chief executive officer who shall set the sanction.
- c. Any decision and/or recommendation by the College Appeals Board must be by a majority of those members sitting on the case.

3.5.3.2 Composition of the College Appeals Board:

(The composition of this Board can only be changed by the Kentucky Community and Technical College System Board of Regents.)

The College Appeals Board shall consist of six members: two full-time students and four full-time faculty members. In addition, two student alternates and two faculty alternates shall be selected on the same basis and

with the same requirements as the regular members. All members of the Appeals Board and/or their alternates shall be expected to meet within 48 hours after notice from the Chair.

Appeals Board members shall meet the following criteria:

- a. Each student member must have earned at least 24 semester credit hours at the college, must have had one full year residence in the college, and must be in good academic standing. Each student member will be appointed by the chief executive officer or designee upon recommendation of the chief student affairs officer. Appointments shall be for one-year terms. A student may not serve concurrently on both the Appeals Board and the Judicial Board.
- b. The faculty members shall be elected to staggered three-year terms by the faculty. The Chair of the Appeals Board shall be elected by the Appeals Board members.

A quorum for the conduct of business will be five members, no fewer than three of whom are faculty members.

3.5.3.3 Authority of the KCTCS Board of Regents in Cases Involving Suspension or Expulsion of a Student:

Suspension or expulsion decisions may be appealed to the KCTCS Board of Regents pursuant to KRS 164.370 (see section 2.6.2.1.).

3.6 Temporary Sanctions:

In the event that the chief executive officer (upon consultation with the chief student affairs officer) has reasonable cause to believe that a student's presence may result in injury to the student, others, or college property, or in the event that the student has been charged with a crime so serious as to threaten the welfare of the college community, the chief executive officer may impose such temporary sanctions necessary to protect members of the college community or its property including expulsion from college property. Upon taking such action, the chief executive officer shall notify the College Appeals Board and the affected student of his or her rights to be heard. The student may appeal the chief executive officer's decision to the College Appeals Board in writing within 30 days. If requested in the written appeal, the Chairperson shall call a meeting of the Board to hear the case within 48 hours or as soon as practicable thereafter. The Board shall consider the student's academic needs to attend class, use the library, and fulfill other academic responsibilities in making its recommendation. This Board may recommend to the Chancellor changes or extensions of the chief executive officer's action. The Chancellor then shall determine the sanctions to be imposed. Such temporary sanctions shall be enforced only for such time as the conditions requiring them exist. Accordingly, the college official who made the final determination of the sanction to be imposed shall have jurisdiction for the purpose of reconsidering this sanction in the light of new circumstances. Alternatively, the circumstances shall be reviewed by the Board whenever there are indications that they have changed and upon an appeal in writing from the student involved.