

Purpose

The purpose of this procedure is to promote the prompt, just, and efficient resolution of student conduct violations. Conduct violations involving discrimination, sexual harassment, sexual misconduct, or stalking are addressed in FVCC Board Policy Chapter 1, Section 60: Discrimination & Sexual Harassment Policy and the Discrimination and Harassment Grievance Procedures. Copies of this procedure and FVCC Board Policy Chapter VII, Section 60: Code of Student Conduct and Student Complaints may be obtained from the Dean of Student Affairs or online at www.fvcc.edu/current-students under “Policies, Procedures & Notifications.”

The College reserves the right to make changes to this procedure and corresponding policy as necessary and once those changes are posted online, they are in effect.

On its own initiative or at the request of any student, faculty or staff member, the College, through the Dean of Student Affairs, may file appropriate accusations/complaints of misconduct against a student.

- A. Charges should be filed no later than 30 days after the alleged violation of the Code of Student Conduct, unless good cause is shown to justify the delay. When complaints are referred to the Dean of Student Affairs for resolution, a preliminary investigation of the allegations will be conducted within (30) business days from the date the complaints were filed, unless good cause can be shown for delay.
- B. If a student has withdrawn or withdraws from the College after complaints have been filed, the College may:
 - a. place a hold on the student's academic record and notify the student that disciplinary action will be initiated before the student's re-enrollment in the College; or
 - b. proceed with the disciplinary process, determining sanctions to be imposed if the student is readmitted.
- C. The Dean of Student Affairs may order College administrative services such as grades, registration, course drop/adds, fee payment, refunds, withdrawals, fee waivers, etc., be withheld to compel students accused of violation(s) of the Code of Student Conduct to meet with the Dean of Student Affairs as necessary to properly investigate the alleged violation(s). When the preliminary investigation indicates the need for a full investigation, services may be withheld pending the outcome of the formal investigation, and any resulting sanctions and appeals, if deemed appropriate by the Dean of Student Affairs.

Pre-investigation Procedures

Upon filing a complaint, the College may conduct a preliminary investigation and an informal meeting with the accused student(s) to discuss the nature of and responsibility for an alleged offense.

- A. The College shall notify the charged student(s) in the preliminary investigation and informal meeting of the complaint on file.

- B. The College staff member conducting the preliminary investigation may withdraw any charge determined to be without basis. The person who filed the complaint initially may appeal this decision under the appeal processes.
- C. After the conclusion of the preliminary investigation, an Administrative Agreement can be proposed between the Dean of Student Affairs and the accused student(s) if the facts and any sanction(s) which may be imposed can be agreed upon. The Administrative Agreement will be prepared and signed by both the student and the Dean of Student Affairs. By signing the Administrative Agreement, the student waives the right to any appeal and agrees to accept the sanction(s).
- D. If an Administrative Agreement is not signed within five business days following the preliminary investigation, the matter shall be referred for formal investigation.

Notice

In the event of a formal investigation, the accused student shall be notified within three business days that a formal investigation is being conducted. Such notice shall be in writing and shall include the following:

- A. The specific complaint(s) citing the College policies or regulation(s) allegedly violated.
- B. A description of the alleged violation(s), including the time and place of the alleged act(s) (insofar as may reasonably be known) and a summary of the information upon which the complaints are based.
- C. The timeline expected for the conduct and conclusion of the investigation, and decision to be made as a result of the investigation.
- D. The procedures to be followed in communication with both parties of the complaint (complainant and respondent).

Formal Investigation Procedures

- A. The formal Investigation will be conducted either by the Dean of Student Affairs or designee, and when an employee is also involved in the complaint, the Executive Director of Human Resources. This investigation will be concluded within thirty (30) days of the date the matter was referred for formal investigation, unless there is good cause for delay.
- B. The Investigator(s) will identify all policies that apply to the situation, identify all witnesses and other persons to be interviewed in order to understand the matter fully.
- C. Interview of Complainant and Respondent. Both the Complainant and Respondent should be interviewed as part of the investigation, and given the opportunity to review the notes from their own interviews for accuracy. Legal counselors or advisors, if present, are not allowed to directly question the Investigator, and instead must confine their comments to their client only.
- D. The Investigator(s) will present his/her findings regarding any violation of policy or Code of Student Conduct, and recommendation for addressing of the findings to the designated College official acting in the matter. The designated College official shall, within five business days after receiving the findings and recommendations of the Investigator, determine what sanction(s), if

any, will be imposed. The official shall send a copy of the decision and the sanction to be imposed to the Respondent and the Complainant.

- E. The decision of the designated College official and the sanctions imposed may be appealed to the Vice President of Academic and Student Affairs as set forth below.

Sanctions

One or more of following sanctions may be imposed upon any student for any single violation of the *Code of Student Conduct*:

- A. *Warning*: An official written notice that the student has violated College policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the College.
- B. *Restitution*: Compensation for damage caused to the College or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
- C. *Fines*: Reasonable fines may be imposed.
- D. *Community/College Service Requirements*: For a student or organization to complete a specific supervised College service.
- E. *Loss of Privileges*: The student will be denied specified privileges for a designated period of time.
- F. *Confiscation of Prohibited Property*: Items whose presence is in violation of College policy will be confiscated and will become the property of the College. Prohibited items may be returned to the owner at the discretion of the Dean of Student Affairs or Campus Resource Officer.
- G. *Behavioral Requirement*: This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.
- H. *Educational Program*: Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
- I. *College Probation*: The student is put on official notice that, should further violations of College policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.
- J. *Eligibility Restriction*: The student is deemed “not in good standing” with the College for a specified period of time. Specific limitations or exceptions may be granted by the Dean of Student Affairs and terms of this conduct sanction may include, but are not limited to, the following:
 - a) Ineligibility to hold any office in any student organization recognized by the College or hold an elected or appointed office at the College; or

- b) Ineligibility to represent the College to anyone outside the College community in any way including: participating in the study abroad program, attending conferences, or representing the College at an official function, event or etc.
- K. *College Suspension*: Separation from the College for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Dean of Student Affairs. During the suspension period, the student is banned from college property, functions, events and activities without prior written approval from the Dean of Student Affairs. This sanction may be enforced with a trespass action as necessary.
- L. *College Expulsion*: Permanent separation from the College. The student is banned from college property and the student's presence at any College-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary. This sanction will be noted as Expulsion on the student's official academic transcript.
- M. *Other Sanctions*: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Dean of Student Affairs or designee.

The following sanctions may be imposed upon groups or organizations found to have violated the *Code of Student Conduct*:

- A. One or more of the sanctions listed above, and/or
- B. Deactivation, de-recognition, loss of all privileges (including status as a College registered group/organization), for a specified period of time.

Appeals

- A. The Respondent may appeal the decision of the designated College official following a formal investigation by delivering a letter of appeal to the Vice President of Academic and Student Affairs within five business days of the student's receipt of the official's decision. The letter of appeal shall specifically allege and factually support one or more of the following grounds:
 - a. The student's rights as set forth in this procedure were violated (i.e., there was an error in the procedure or the interpretation of the Code of Student Conduct which substantially affected the decision);
 - b. The student has discovered new evidence, not previously available, which would have materially affected the decision; or
 - c. The sanctions imposed are not appropriate given the nature of the violation.
- B. If a sufficient claim is presented under one or more of the specified grounds, the Vice President of Academic and Student Affairs (Vice President) shall request a copy of the record of the formal investigation. Within 15 business days from receipt of the record, the Vice President shall review the entire record and render a written decision. The Vice President may remand the case to the Investigator for further findings of fact or clarification. The decision of the Vice President shall

be based on the record only and is the final decision of the College. A copy of the decision shall be sent to the Respondent, the Complainant and included in the record, which shall be returned to the Dean of Student Affairs for official record keeping. Grades will be withheld until the appeal has been decided.

Interim Restrictions

- A. The Vice President of Academic and Student Affairs or their designee may impose interim restrictions or College suspension upon a student pending the resolution of disciplinary proceedings if there is reason to believe that the student's conduct poses an imminent and substantial threat of injury to or interference with persons or property.
- B. Interim restrictions may include, but are not limited to, the following:
 - a. College suspension;
 - b. Limitation of access to College facilities, or College property in general;
 - c. Restriction of communication with named individuals or groups within the College community; and/or
 - d. The requirement to secure advance authorization to engage in a specified activity and/or professional evaluation, intervention and/or treatment.
- C. The College official imposing the interim restrictions shall notify the student in writing of the restrictions imposed and shall schedule a meeting with the student to be held within two business days after the imposition of the interim restrictions. If the student is unable to attend for good cause, the meeting will be held as soon as the student is able to attend.
 - a. At the meeting, the student shall be informed of the basis of the allegations that led to the imposition of the Interim Restrictions and shall be offered the opportunity to explain his/her position regarding the charges and the imposition of the Interim Restrictions. If, after hearing the student's position, the College official believes the imposition of the Interim Restrictions was made in error or is too restrictive, he/she may rescind or modify the restrictions. Otherwise, the restrictions shall continue until the decision is rendered in the disciplinary proceedings.
 - b. The time limitations set forth in this section may be expanded upon the consent of the Complainant and by the College official.

Records and Confidentiality

The Dean of Student Affairs shall maintain disciplinary records, which shall include, but not be limited to, the student's name and related identifying information, applicable Code of Student Conduct violations, parties involved, description of the incident, sanction(s), expiration dates, agreements or restrictions, and any other data deemed relevant. Disciplinary records and related information shall be made available to Investigators and designated officials to assist in recommendation of an appropriate sanction, and to other College personnel who require such information to fulfill their official duties. Students may arrange to review their own disciplinary records and related information by contacting the Dean of Student Affairs.

Except as provided elsewhere in this Code and/or as permitted or required by law, the College shall not communicate a student's disciplinary record to any person or agency without the prior written consent of the student or, when the student is a minor, the student's parents or legal guardian. Disciplinary records shall be maintained for seven years from the last recorded entry, and then destroyed.

Amnesty

For Victims:

The College provides amnesty to victims who may be hesitant to report to College officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result.

For Those Who Offer Assistance:

To encourage students to offer help and assistance to others, College pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Director of Student Conduct, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.

For Those Who Report Serious Violations:

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the College are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result. Abuse of amnesty requests can result in a decision by the Dean of Student Affairs not to extend amnesty to the same person repeatedly.

Failure to Complete Conduct Sanctions

All students, as members of the College community, are expected to comply with conduct sanctions within the timeframe specified by the Dean of Student Affairs or designee. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from the College. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Dean of Student Affairs.