

***STUDENT DISCIPLINE AND DUE PROCESS PROCEDURE
CHAPTER 1-100 GENERAL PROVISIONS****Sec. 101: PURPOSE AND APPLICATION**

- A. A student at the College neither loses the rights nor escapes the responsibilities of citizenship. Students are expected to obey the laws of the State of Illinois and the United States of America. They are expected to comply with College regulations and administrative rules and procedures. A student may be penalized by the College for violating its standards of conduct even though the student is also punished by state or federal authorities for the same act.
- B. This procedure applies to individual students and states the role of students in disciplinary proceeding and grievances. The College has jurisdiction for disciplinary purposes over a person who was a student at the time he/she allegedly violated the policy, regulation, rule, or code.
- C. The College reserves the right to apply appropriate disciplinary provisions to persons who participate in College-sponsored activities or programs but who are not enrolled students.
- D. The College reserves the right to impose discipline for student misconduct which occurs on College premises, or while using College technology, or at an activity, event or function sponsored by the College. Discipline may be imposed for violations of the Procedure on Disciplinary Due Process which are committed off campus if the conduct interferes with the College's operations or educational programs or environment, or adversely affects the safety or well-being of members of the College community.

Sec. 102: DEFINITIONS OF TERMS

In this code, unless the context requires a different meaning, the following definitions of terms will apply:

Administrators – President, vice presidents, deans, directors, associate deans, assistant deans, managers, and persons with general administrative titles.

Authorized College Official (ACO) – an employee of the College who by assigned responsibility has authority to act in a particular situation. Frequently, but not exclusively, the ACO will be the president (CEO), vice president, Title IX Coordinator/Investigator, or a person designated by the president or vice president.

Administrative Disposition – the determination of the ACO.

Board – Board of Trustees of Carl Sandburg College District #518.

Business day – a day on which classes are regularly scheduled to be held. A business day includes days designated for registration and examination.

President – Chief executive officer of Carl Sandburg College.

District – Community College District 518

College - Carl Sandburg College

Vice President – the Vice President of Student Services, Vice President of Administrative Services, Vice President of Technology Services, or Vice President of Instructional Services.

Student – a person enrolled at the College.

Violation – an act or action which can result in a disciplinary action including expulsion or suspension from the College or in the denial of a degree, diploma, or certificate. “Violation” includes the failure to comply with College rules, regulations and procedures, and/or the failure to comply with local, state or federal laws or regulations.

CHAPTER 2-200 – INITIATION OF DISCIPLINARY PROCEEDINGS

Sec 201: OFFENSES

The College may initiate disciplinary proceedings against a student who:

- A. forges, alters, or misuses College documents, records, or I.D. cards;
- B. intentionally disrupts the orderly processes of the College or interferes with the lawful rights of others;
- C. conducts him/herself in a manner which significantly interferes with College teaching, research, administration, disciplinary procedures, or other College activities and public service functions;
- D. damages, steals, defaces, or destroys College property or property of a member of the College community or campus visitor;
- E. knowingly gives false information in response to reasonable requests from College officials;
- F. assaults, threatens, abuses, or endangers in any manner the health or safety of a person at the College or at a College-sponsored event;
- G. violates College policies or regulations, such as guidelines for student events, use of the College network computer system and activities, use of College facilities, or the time, place, and manner of public expression;
- H. fails to comply with the directions of College officials acting in the performance of their duties;
- I. is convicted of a felony offense under either municipal, state, or federal law which occurred on College property or at an off-campus, College-sponsored event;
- J. possesses, uses, is under the influence of, distributes or manufactures an illegal or controlled substance, look-alike drug paraphernalia or other chemical substance except as expressly permitted by law;
- K. repeatedly violates College policies, procedures, or guidelines and/or repeats less serious breaches of conduct;
- L. has unauthorized and/or illegal possession, use, or distribution of any alcoholic beverage as well as public intoxication while on College premises, off-campus instructional sites, or at College-sponsored or supervised functions;
- M. gambles in any form (except as authorized for College-approved events);

- N. engages in lewd, vulgar, obscene conduct/speech or other conduct/speech that substantially disrupts or interferes with College operations or student education, or threatens or endangers the health or safety of another individual or group on College property or where College sponsored activities are taking place;
- O. engages in misuse of cellular phones, pagers, and other electronic devices including, without limitation, the use of such devices to engage in academic dishonesty, or to photograph or transmit photographs of individuals without their consent or in bathrooms, locker rooms, or other areas in which they have a reasonable expectation of privacy;
- P. fails to comply with directions of College officials, faculty members, staff, or law enforcement officers acting in performance of their duties and/or fails to identify oneself to these persons when requested to do so;
- Q. fails to register with Campus Security as a registered sex offender as required by Illinois State Law;
- R. initiates or participates in incidents of bias or hate crimes;
- S. possesses any dangerous weapon as defined in the Criminal Code of the State of Illinois, 720 ILCS 5/33 A-1;
- T. commits an act of academic dishonesty;
- U. violates the Comprehensive Sexual Misconduct Policy and Grievance Procedure relating to gender-based or sexual misconduct, domestic violence, dating violence, sexual assault and stalking;
- V. commits any violation of the Tobacco Free Campus Policy located in the Board of the Trustees Policy, Procedures and Regulations Manual.

Sec. 202: INITIAL RESPONSE

- A. Students have the right to legal counsel, at the student's expense, or to have an advisor present at any time during any stage of disciplinary proceedings.
- B. Upon receiving notice of an alleged violation the ACO may investigate the matter and may:
 - 1. dismiss the allegation as being unfounded or irrelevant;
 - 2. summon the student for a conference concerning the allegation and after conferring with the student either dismiss the allegation or proceed administratively under Section 204 or 205.
- C. A counselor shall be present during the initial conference whenever possible.
- D. Upon receiving notice of an alleged violation, the ACO may take immediate interim disciplinary action by suspending the student from classes or from campus, or otherwise altering the status of a student. This action would be taken by the ACO when in the opinion of such person(s) the College would be best served by such action.
- E. No person or persons shall be authorized to search a student's personal possessions for the purpose of enforcing this code or investigating an alleged violation unless the student's prior permission has been obtained. Searches by law enforcement officers of student's possessions shall be conducted as authorized by applicable local, state and federal law.

Sec. 203: SUMMONING A STUDENT

- A. A student may be summoned to appear before an ACO in connection with an alleged violation by any of the following methods:
1. A sealed letter sent through campus mail in care of one of the student's instructors for delivery in class. The instructor is informed to return the letter immediately after the class if the student is not in attendance.
 2. A letter mailed to the student's address as listed in the Admissions and Records Office. The student is responsible for keeping the Admissions and Records Office informed of his/her current College address.
 3. A personal or telephone conversation between the student and the ACO issuing the summons.
 4. Hand delivery of a letter.
- B. The letter, message, or communication shall direct the student to appear at a specified time, date, and place not less than three (3) business days after the date of the letter. The letter shall also describe briefly the alleged violation. This time frame may be shortened per mutual agreement of the student and the ACO.
- C. The ACO may place a student on disciplinary probation if the student fails without good cause to comply with a letter of summons or the ACO may proceed against the student under Section 204 or 205.

Sec. 204: ADMINISTRATIVE DISPOSITION OF A VIOLATION

- A. Alleged disciplinary violations are initially presented to the ACO for an administrative disposition.
- B. The ACO shall prepare an accurate, written summary of each administrative disposition and forward a copy to the student, to the Vice President of Student Services, and to the President of the College and other appropriate administrators and College faculty/staff within three (3) business days. Situations requiring confidentiality may alter the distribution of information.

Sec. 205: IMMEDIATE SUSPENSION

- A. The ACO may temporarily suspend a student pending a formal administrative disposition (Section 204) or hearing. The causes for immediate suspension include, but are not limited to, the following:
1. ignoring a summons for a hearing;
 2. an attempt of bodily harm to anyone on campus;
 3. possession, use, sale, or purchase of illegal drugs on campus;
 4. destruction or theft of College property;
 5. any activities causing a major disruption or disturbance;
 6. possession any dangerous weapon as defined in the Criminal Code of the State of Illinois, 720 ILCS 5/33 A-1.
 7. violates the Comprehensive Sexual Misconduct Policy and Grievance Procedure relating to gender-based or sexual misconduct, domestic violence, dating violence, sexual assault and stalking.
- B. The student will be summoned within two (2) business days of the action of temporary suspension.

- C. If the suspended student subsequently receives a favorable administrative disposition or favorable hearing decision, the student shall be permitted to make up class work required for satisfactory completion of a course or courses begun prior to the beginning of the disciplinary process.

CHAPTER 3-300 – APPEAL

Sec. 301: APPEAL OF ADMINISTRATIVE DISPOSITION

Appeals to the DAC must meet one of the following criteria:

- a. Established administrative procedures were not followed that would have a significant impact on the outcome of the investigation.
- b. New evidence that was not available or could not have been discovered through diligent investigation before or during the investigation that merits or warrants reevaluation of the case and that would have significant impact on the outcome of the hearing
- c. The sanction(s) imposed were clearly disproportionate to the violation found. This criterion is only considered in cases where the sanction is suspension or expulsion.

The initiator (complainant) or the person charged (respondent) with the violation has the right to appeal penalties listed under the Procedure on Disciplinary Due Process to the DAC. The initiator also has the right to appeal the decision of the ACO to dismiss the allegation. The request for an appellate hearing before the DAC must be filed in the office of the Vice President for Student Services within seven (7) business days after the accused student has been informed of the decision of the ACO. The DAC must consider the appeal within seven (7) business days after the filing date.

The DAC shall have as its members:

The Committee Chair: chairperson of the Student Services Committee

Three Faculty Members: a counselor; a faculty member from the Student Services Committee; and a faculty member chosen by the chairperson of the DAC

One Staff Member: a staff member chosen by the chairperson of the DAC

A quorum consists of two faculty members, one whom should be a counselor, one staff member and the chairperson of the DAC or his /her designee of another member of the DAC. If there is a failure to obtain a quorum, the chairperson shall appoint an interim from the Student Services Committee or another institutional committee. The chairperson of the DAC has the authority to further modify the composition of the DAC if there are extenuating circumstances.

All members of the Disciplinary Appeal Committee will have voting privileges except the chairperson, who will vote only in case of a tie.

Members of the DAC will be trained in Sandburg disciplinary process and in Title IX.

The hearing shall be recorded.

The chairperson of the DAC will be responsible for all communications with the student filing the appeal, will serve as presiding officer during the hearing, and will ensure that fair and just consideration is provided.

The complainant and respondent may not be compelled to testify in the presence of the other party. If a party invokes this right, the College shall provide a procedure by which each party, at a minimum, hears the other party's testimony.

The chairperson of the DAC shall resolve any procedural questions or objections as may arise in the course of the hearing.

The DAC has the power to sustain, overrule, or modify the decision of the ACO. The chairperson of the DAC must notify the student in writing of the decision of the DAC within three (3) business school days after the decision of the DAC. The complainant and the respondent will be notified simultaneously of the decision of the DAC.

The decision of the DAC is final.

Sec. 302: FAVORABLE DECISION

A student who received a favorable decision shall be permitted to make up class work required for satisfactory completion of a course or courses commenced prior to the beginning of the disciplinary process.

***CHAPTER 4-400 – DISCIPLINARY PENALTIES**

Sec 401: AUTHORIZED DISCIPLINARY PENALTIES

A. The following penalties for a violation may be imposed by the authorized College official. The severity of the penalty will be in proportion to the gravity of the violation. Penalties will be administered consistently to the extent that students committing the same violation receive similar penalties. A student's record of previous violations may be considered when determining the student's penalties.

1. Admonish;
2. Warning probation;
3. Referral;
4. Educational project assignment;
5. Disciplinary probation;
6. Withholding of transcript;
7. Bar against re-admission;
8. Restitution;
9. Campus no contact order;
10. Suspension of privileges;
11. Suspension of eligibility for athletic and non-athletic extracurricular activities;
12. Denial of diploma;
13. Suspension; and
14. Expulsion.

B. The following definitions apply to the penalties (or supplementary actions) provided in this section:

1. **Admonishment**– a reprimand from the ACO with a notation in the campus disciplinary files.
2. **Warning probation** – a warning that further violations will result in more disciplinary action. This reprimand is more serious than an admonition. This penalty may be imposed for any length of time up to one calendar year, and the student shall automatically be removed from probation when the period expires.
3. **Referral** – a recommendation for specialized help. The College may recommend that a student seek specialized assistance if it seems required, i.e., minister, physician, parent, counselor, psychiatrist, etc.
4. **Educational project assignment** – a project assignment may be arranged so that the student has the opportunity to observe and learn specific valued human behaviors related to the conduct which led to disciplinary problems and action. A student may be required to participate in some campus or community activity with rehabilitative value, e.g., leadership seminar, alcohol seminar, personal development class, etc.
5. **Disciplinary probation** – a penalty and status indicating that further violation may result in suspension from the College. Disciplinary probation may be imposed for any length of time up to one calendar year.
6. **Withholding of transcript** – a penalty that may be imposed on a student who fails to pay a debt owed to the College. The penalty terminates on payment.
7. **Bar against readmission** – a penalty whereby a student may not re-enter the College if forced to withdraw for disciplinary reasons or failure to meet financial obligations to the College.
8. **Restitution** – an order to the student to repair damages, or reimburse the College or others for damage to, or misappropriation of, property. Restitution may take the form of monetary payment or payment in the form of time and service.
9. **Campus no contact order** – an order for a student to not have any contact with another member of the Sandburg community while on campus.
10. **Suspension of privileges** – an elastic penalty which allows the imposition of limitations or restrictions to fit a particular case.
11. **Suspension of eligibility for official athletic and non-athletic extracurricular activities** – a penalty which prohibits a student from joining a recognized College organization or participating in College extracurricular activities and/or athletics. This penalty may be imposed for any length of time up to one calendar year.
12. **Denial of diploma** – a penalty which may be imposed on a student for any length of time and may include permanent denial.
13. **Suspension** – a penalty and status whereby the student may not be initiated into a College honorary or service organization, may not enter the College campus except in response to an official summons, may not register for credit or noncredit classes and seminars, and may not earn academic credit of any form from the College. This penalty may be imposed for any length of time not to exceed two calendar years.

14. **Expulsion** – a penalty and status which permanently bars a student from enrollment at the College. The student may not enroll in any College program or activity and is considered permanently severed from the College unless the expulsion status is altered by the Board.

* Note: Material adopted from *Student Discipline and Due Process Code* of Eastern Iowa Community College District.