

DISCIPLINE AND PENALTIES
DISCIPLINE APPEAL ~~HEARINGS~~ PROCEDURE

FMA
(LOCAL)

NEW PROPOSED POLICY AS OF 5/12/2014

~~DISCIPLINE APPEALS~~
~~TASK FORCE~~
~~PROCEDURES TO~~
~~SUBMIT APPEAL~~

When a student appeals the dean of student development or designee's ~~refuses the~~ administrative decision of a general case as outlined in the *Student Code of Conduct (Code)*, ~~Chapter 4, Section 7-4.1 Authorized Disciplinary Penalties, violation,~~ the student is entitled to have the case reviewed by the ~~a hearing before the~~ Discipline Appeals Task Force (DATF). To submit a request for review by the DATF, ~~he request for a hearing shall be made by~~ the student must complete the online *Disciplinary Appeal Form* located at https://www.collin.edu/hr/studentcomplaints/DOSD_studentcomplaints.html ~~in writing to the dean of students' office~~ on or before the third (3rd) academic calendar day (not including weekends) following the administrative decision.

When a student appeals the Title IX coordinator, deputy Title IX coordinator, or designee's decision of a case involving discrimination, harassment, retaliation, and/or sexual violence, the appeal will follow the process outlined in the *Code*, Chapter 1, Section 7-1.12, *Student Complaints/Grievances: Discrimination, Harassment, Retaliation, and/or Sexual Violence*.

~~Discipline Appeals Task Force procedures and guidelines are found in the Code, Chapters 6-9.~~

The DATF will not hear student concerns that should be addressed through other Collin College grievance processes including, but not limited to, grade appeals, complaints under instructional programs, or core performance standards.

~~DISCIPLINE APPEALS~~
~~TASK FORCE (DATF)~~

Each DATF appeal shall be comprised of no less than four (4) Collin College employees. Members of the DATF shall be appointed by the district president or designee. A chair or an associate chair will be assigned to oversee each appeal.

DATF members assigned to each appeal will review the documentation and other evidence provided by the dean of student development or designee and the student.

DATF members will vote to determine whether or not there has been a violation(s) of the *Student Code of Conduct*, Board policies, laws, Collin College regulations, procedures, or administrative rules. All DATF members assigned to a given case are eligible to vote on the appeal. DATF decisions require a majority vote.

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If the DATF finds the student has violated the *Student Code of Conduct*, Board policies, laws, Collin College regulations, procedures, or administrative rules, the DATF shall determine whether the appropriate disciplinary penalty or penalties were imposed by the dean of student development or designee and may adjust the disciplinary penalty or penalties, if warranted.

~~The DATF shall be comprised of no less than three College District employees and a minimum of one current College District student. The members of the DATF shall be appointed by the College District senior vice president of academic affairs and student development or designee, who shall designate one member as chair. All members of the DATF shall be eligible to vote in the hearing.~~

~~The dean of students or designee shall set the date, time, and place for the hearing, notify the student of the same, summon witnesses, and require the production of documentation and other evidence. For information on the hearing procedures and deadlines, see the dean of students' office.~~

~~The dean of students or designee shall represent the College District before the DATF and present evidence to support the alleged violation(s). The dean of students or designee may be assisted by legal counsel; however, only the dean of students or designee shall speak on the College District's behalf.~~

~~NOTICE OF HEARING~~
EVIDENCE

Legal rules of evidence do not apply to appeals. The DATF may allow and consider evidence that possesses reasonable value to the disciplinary case. Hearsay testimony and/or evidence are admissible and may be considered by the DATF on a case-by case basis.

Regardless of the evidence provided, the DATF shall presume that the student is not responsible of committing the alleged violation(s) prior to the hearing. The DATF shall use a preponderance of the evidence standard when determining whether or not a student violated the *Student Code of Conduct*, Board policies, laws, Collin College regulations, procedures, or administrative rules.

~~NOTICE OF HEARING~~
NOTICE OF HEARING

The Dean of Student Development Office shall notify the student by letter concerning the date, time, and place for the DATF hearing. The letter shall specify a hearing date not less than three (3) academic calendar days (not including weekends) nor more than fifteen (15) academic calendar days (not including weekends) after receipt of the student's *Disciplinary Appeal Form*. The student will be provided a copy of the dean of student development or designee's administrative

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decision summary and a list of potential witnesses. The notice shall:

1. specify the alleged *Code* violation(s) and disciplinary penalty or penalties;
2. direct the student to appear at the date, time, and place specified;
3. notify the student that the hearing will be private and closed to the public; and
4. advise the student of his or her rights to:
 - a. appear with an advisor, family member, or with legal counsel at the DATF hearing; however, only the student may speak on his or her behalf. The purpose of the hearing is for the DATF to hear from the student directly. Should the student choose to appear with legal counsel, the student must notify the Dean of Student Development Office by the specified deadline in order for the Dean of Student Development Office to also secure legal counsel;
 - b. know the identity of each potential witness who will testify against him or her, to the extent permitted by law;
 - c. make an audio recording of the DATF hearing. If the student intends to make an audio recording on the proceedings, the student shall inform the dean of student development or designee by the specified deadline. The student and Collin College may each request a copy of the other's audio recording. Any other recording, telephone, computer, media and/or telecommunication device, not previously approved by the DATF chair or designee, must be completely turned off (not on silent or vibrate) during the DATF appeal hearing; and
 - d. appeal the DATF's decision to the vice president of student development or designee when the DATF upholds or adjusts the *Authorized Disciplinary Penalties* in the *Code*, Chapter 4, Section 7-4.1, categories (B) 6-13 only.

The student shall provide to the Dean of Student Development Office documentation, a list of potential witnesses, and/or other relevant evidence to support his or her appeal by the specified deadline. All documentation from both the Dean of Student Development Office and the student will be forwarded to the DATF for review prior to the hearing. For more information on specific hearing procedures or deadlines, contact the Dean of Student Development Office.

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The DATF chair may postpone the hearing for good cause as long as all parties involved are notified by the Dean of Student Development Office of the new hearing date, time, and place. Every student is responsible for updating contact information, including current mailing address, with the Admissions and Records Office. Failure of a student to keep contact information and current mailing address up-to-date constitutes a violation of the Code, Chapter 2, Section 7-2.3 *Other Offenses*, Item I.

The DATF may hold a hearing at any time if:

1. the student had actual notice of the date, time, and place of the hearing and the student failed to appear; or
2. the dean of student development or designee and/or DATF chair states in writing that because of extraordinary circumstances, the requirements of the above are inappropriate.

The DATF may suspend a student who fails to comply with the appeal notification letter.

HEARING
PROCEDURE DATF
HEARING
PROCEDURES

Hearings will be private and closed to the public. The DATF hearing shall be informal. All hearings shall be recorded. The DATF chair shall provide reasonable opportunities for the dean of student development or designee and the student to be heard, present relevant evidence, and submit a list of potential witnesses. Collin College will be represented by the dean of student development or designee.

The DATF shall generally proceed as follows during the hearing, but may deviate from these steps, if necessary:

1. Chair reads the complaint.
2. Chair informs the student of his or her rights.
3. Dean of student development or designee presents Collin College's case and evidence to support the alleged violation(s), including the disciplinary penalty or penalties imposed. The dean of student development or designee may be assisted by legal counsel. However, only the dean of student development or designee may speak on Collin College's behalf.
4. Student presents his or her case. The student may be assisted by legal counsel. However, only the student may speak on his

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or her behalf.

5. DATF chair may call relevant witnesses from the witness list(s) provided. DATF members may question these witnesses during the course of the hearing. The DATF is charged with evaluating whether or not a student has violated the *Student Code of Conduct*, Board policies, laws, Collin College regulations, procedures, or administrative rules not a student's character; therefore, character witnesses will not be considered and will not be allowed to speak during the hearing.
6. All communication by the student and the dean of student development or designee will be made directly to the DATF chair. Neither the student nor the dean of student development or designee will be allowed to directly communicate with the other party.
7. Once the dean of student development or designee and the student are given the opportunity to present a brief closing statement, the hearing will be concluded and both parties will be dismissed.

**CLOSED SESSION
DELIBERATIONS**

DATF members will deliberate in closed session and review the documentation, testimony, and other evidence provided. DATF members will vote on the issue of whether or not the student violated the *Student Code of Conduct*, Board policies, laws, Collin College regulations, procedures, or administrative rules. DATF findings require a majority vote.

If the DATF finds the student has violated the *Student Code of Conduct*, Board policies, laws, Collin College regulations, procedures, or administrative rules, the DATF shall determine whether the appropriate disciplinary penalty or penalties were imposed by the dean of student development or designee, and may adjust the disciplinary penalty or penalties, if warranted.

Within ten (10) academic calendar days (not including weekends), the DATF shall state in writing each finding and the penalty or penalties determined, if any, and may include its reasons for said finding(s) and penalty or penalties. Each DATF member concurring with the finding(s) and penalty or penalties shall sign the statement.

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AFTER THE HEARING

The Dean of Student Development Office shall notify the student in writing of the DATF's decision and disciplinary penalty or penalties imposed, if any.

A decision made by the DATF is final, binding, and nonappealable in cases where the dean of student development or designee initially imposed an authorized disciplinary penalty in the *Code*, Chapter 4, Section 7-4.1 *Authorized Disciplinary Penalties*, categories (B) 1-5.

Appeals of the DATF's decision are only allowed in cases where the dean of student development or designee initially imposed an authorized disciplinary penalty in the *Code*, Chapter 4, Section 7-4.1 *Authorized Disciplinary Penalties*, categories (B) 6-13. In these cases, students must follow the appeal process in the *Code*, Chapter 6 *Appeal of a Level Two and/or Three DATF Decision* outlined below.

Pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act), 20 U.S.C. § 1092(f), information about the DATF's decision of a student respondent will be disclosed in writing to the student complainant in cases involving crimes of violence and/or a nonforcible sex offense.

APPEAL OF DISCIPLINE APPEALS TASK FORCE (DATF) DECISION

Appeals of the DATF's decision are only allowed in cases where the dean of student development or designee initially imposed an authorized disciplinary penalty in the *Code*, Chapter 4, Section 7-4.1 *Authorized Disciplinary Penalties*, categories (B) 6-13. Following the DATF hearing, the student may appeal the DATF's decision and/or the disciplinary penalty or penalties imposed to Collin College's vice president of student development. To submit a request for review by the vice president of student development, the student must complete the online *Disciplinary Appeal Form* located on the college's website, on or before the third (3rd) academic calendar day (not including weekends) following receipt of the DATF's decision. If the student does not file an appeal by the specified deadline, the DATF's decision will stand and no further appeal will be allowed.

If the student files an appeal of the DATF's decision by the specified deadline, the Dean of Student Development Office shall provide the vice president of student development with a copy of the hearing file.

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The vice president of student development will review the records related to the case and in some instances may, at his or her discretion, designate another vice president to hear the case.

Within ten (10) academic calendar days (not including weekends) following receipt of the student's appeal, the student shall be notified in writing of the vice president of student development or designee's decision. The vice president of student development or designee has the right to change the disciplinary action imposed, if warranted. The decision of the vice president of student development or designee is considered final, binding, and non-appealable, except when expulsion is recommended.

Pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act), 20 U.S.C. § 1092(f), information about the vice president of student development or designee's decision of a student respondent will be disclosed in writing to the student complainant in cases involving crimes of violence and/or a nonforcible sex offense.

APPEAL OF A LEVEL
THREE AUTHORIZED
DISCIPLINARY
PENALTY OF
EXPULSION TO THE
BOARD OF TRUSTEES

Following receipt of the vice president of student development or designee's recommendation for expulsion, the student may appeal the decision to Collin College's Board of Trustees (Board). To submit a request for an appeal to the Board, the student must complete the online *Disciplinary Appeal Form* located on the college's website, on or before the third (3rd) academic calendar day (not including weekends) following receipt of the vice president of student development or designee's decision. The Dean of Student Development Office shall forward the appeal to the District President's Office, who will in turn, submit the appeal for expulsion to the Board for consideration.

If the student does not file an appeal of the vice president of student development or designee's decision by the specified deadline, the decision of the vice president of student development or designee will stand and no further appeal will be allowed. In this case, the recommendation of the vice president of student development or designee will be forwarded to the District President's Office to be considered by the Board.

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In the event an appeal of expulsion is filed by the specified deadline, the student will be notified of the date, time, and place of the public meeting where the Board will vote on the decision to expel the student. (Note: no names or details regarding the disciplinary case will be discussed by the Board in the public meeting.) Immediately prior to the public meeting, the Board will review the recommendation for expulsion of the student in private session. The student will not be allowed to address the Board in private session, unless requested to do so by the Board. Documentation concerning the case will be forwarded to the Board and no additional evidence shall be heard, unless requested by the Board.

Within ten (10) academic calendar days (not including weekends) following the Board's consideration of the student's appeal, the Dean of Student Development Office shall notify the student in writing of the Board's decision.

Pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act), 20 U.S.C. § 1092(f), information about the Board's decision of a student respondent will be disclosed in writing to the student complainant in cases involving crimes of violence and/or a nonforcible sex offense.

**REINSTATEMENT
PROCEDURES**

A student who has been removed from a course(s) and/or Collin College is eligible to seek reinstatement into his or her course(s) and/or Collin College in accordance with the following provisions:

1. the student receives a favorable administrative decision or favorable appeal, and
2. the case is final.

The student may then request reinstatement to Collin College and to the course(s) in which he or she was enrolled, prior to separation. Reasonable efforts shall be made, to the extent possible, to ensure that the student will be permitted to make up the course work required for satisfactory completion of a course(s) which he or she began prior to the onset of the disciplinary process.

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In a case where a student does not receive a favorable administrative decision and does not appeal, or has exhausted all levels of appeal, the final decision of the case will stand, and the student will not be allowed to return to his or her course(s) and/or Collin College.

~~The dean of students or designee shall notify the student by letter concerning the date, time, and place for the hearing. The letter shall specify a hearing date not less than three academic calendar days (not including weekends) nor more than 15 academic calendar days (not including weekends) after the date of the student's appeal letter. The notice shall:~~

- ~~1. Specify the allegations and violations;~~
- ~~2. Direct the student to appear at the date, time, and place specified; and~~
- ~~3. Advise the student of his or her rights to:~~
 - ~~a. Have a private hearing;~~
 - ~~b. Appear with an advisor, with a family member, or with legal counsel (only the student may speak on his or her behalf) so that the DATF may hear from the student;~~
 - ~~c. Know the identity of each potential witness who will testify against him or her, to the extent permitted by law;~~
 - ~~d. Summon witnesses, request production of evidence on behalf of the College District, and argue on his or her own behalf;~~
 - ~~e. Make an audio recording of disciplinary proceedings. However, if the student intends to make an audio recording of the proceedings, the student shall inform the dean of students or designee in advance. The student and the College District may each request a copy of any such recording from the other; and~~
 - ~~f. Appeal the DATF decision to the vice president of student development or designee in cases where authorized disciplinary penalties in categories 6-13 were initially imposed by the dean of students' office.~~

~~The dean of students or designee may postpone the hearing for good cause as long as all parties involved are notified of the new hearing date, time, and place.~~

~~Students are responsible for updating contact information, including current mailing address, with the admissions and records office.~~

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HEARING
PROCEDURE

~~The discipline appeals task force may hold a hearing at any time if:~~

- ~~1. The student has actual notice of the date, time, and place of the hearing and the student failed to appear; or~~
- ~~2. The dean of students or designee states in writing that because of extraordinary circumstances, the requirements of the above are inappropriate.~~

~~The dean of students or designee may suspend a student who fails to comply with a notification letter sent under this section. Further, as outlined above, the dean of students or designee, at his or her discretion, may proceed with the hearing in the student's absence.~~

~~The hearing shall be informal. All hearings shall be recorded. The DATF chair shall provide reasonable opportunities for witnesses to be heard. The College District may be represented by the dean of students or designee as designated by the vice president of student development. Hearings shall be closed unless the student requests an open hearing. In the context of the hearing, if the student raises a complaint against an employee or another student, the hearing shall be closed unless the accused employee or student requests or gives permission for it to be open.~~

~~The DATF shall generally proceed as follows during the hearing:~~

- ~~1. Chair reads the complaint.~~
- ~~2. Chair informs the student of his or her rights.~~
- ~~3. Dean of students or designee presents the College District's case.~~
- ~~4. Student speaks and presents his or her defense. Only the student shall speak on his or her behalf.~~
- ~~5. DATF members may call upon and freely question witnesses as they deem relevant during the course of the hearing. The DATF is charged with evaluating whether or not a student has violated the Student Code of Conduct, not a student's character; therefore, character witnesses shall not be considered during the hearing.~~
- ~~6. Dean of students or designee and the student may present rebuttal evidence and arguments.~~
- ~~7. DATF members will deliberate on evidence in closed session. DATF members will vote on the issue of whether or not there has been a violation(s) of College District rules, regulations, the Student Code of Conduct, procedures, and/or Board policy.~~

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- ~~8. If the DATF finds the student has violated the College District's rules, regulations, the Student Code of Conduct, procedures, and/or Board policy, the DATF shall determine whether the appropriate penalty has been imposed by the dean of students or designee and adjust the penalty, if warranted.~~
- ~~9. Within ten academic calendar days (not including weekends), the DATF shall state in writing each finding and the penalty determined, if any, and may include its reasons for said finding(s) and penalty(ies). Each DATF member concurring with the finding(s) and penalty(ies) shall sign the statement.~~
- ~~10. The DATF chair or the dean of students or designee, acting on behalf of the DATF shall inform the student, in person or in writing, of the decision and penalty, if any.~~
- ~~11. Cross-examination shall not be permitted by either the student or the dean of students or designee, and all communication by either party shall be made directly to the DATF.~~

~~EVIDENCE~~

~~Legal rules of evidence do not apply to hearings before the DATF. The DATF may admit evidence that possesses reasonable value to the intent of the task force. Hearsay testimony and/or evidence are admissible and shall be considered on a case-by-case basis.~~

~~The DATF shall presume a student is not responsible for committing the alleged violation until it is convinced by a preponderance of the evidence that the student violated the College District's rules, regulations, the Student Code of Conduct, procedures, and/or Board policy.~~

~~APPEAL OF
ADMINISTRATIVE
DECISION~~

~~To appeal an administrative decision of a disciplinary matter, the student must request a hearing as specified herein.~~

~~APPEAL OF DATF
DECISION~~

~~A decision made by the DATF is final, binding, and nonappealable in cases where the DATF upholds or adjusts the authorized disciplinary penalties in categories 1–5 initially imposed by the dean of students' office.~~

~~Appeals of the DATF decision are only allowed in cases where authorized disciplinary penalties in categories 6–13 were initially imposed by the dean of students' office. Following the DATF hearing, if the student wishes to appeal its decision and/or the disciplinary penalty imposed by the DATF, the student may appeal the decision to the College District's vice president of student development. This appeal shall be made in writing on or before the third academic calendar day (not including weekends) following receipt of notice of the DATF's decision. If a student does not file a timely written appeal with the vice president of student development following the~~

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~~DAFT's decision, the decision of the DAFT shall stand and no further appeal shall be allowed.~~

~~If a student files a written appeal of the DATE decision, the vice president of student development shall be provided a copy of the hearing file and shall review the records related to the case. In some discipline cases, the vice president of student development may, at his or her discretion, designate another vice president to hear the case.~~

~~Within 15 academic calendar days (not including weekends), following the appeal hearing or the date of the decision, the student shall be notified in writing of the vice president's decision. The vice president has the right to change the disciplinary action imposed. The decision of the vice president is considered final, binding, and nonappealable, except where expulsion is recommended.~~

~~APPEAL OF
EXPULSION TO THE
BOARD~~

~~Following receipt of the notice of the vice president's recommendation for expulsion, the student may appeal the decision to the College District's Board. This appeal shall be made in writing and submitted to the dean of students' office on or before the third academic calendar day (not including weekends) following receipt of the vice president's decision. The dean of students' office shall forward the appeal to the College President.~~

~~If a student does not file a timely written appeal, the decision of the vice president shall stand and no further appeal shall be allowed. In this case, the recommendation of the vice president shall be forwarded to the College President's office to be considered by the Board.~~

~~In the event a timely appeal of expulsion is filed with the College President's office, the President shall set and notify the student of the date, time, and place for the Board to consider the appeal. Documentation concerning the case shall be forwarded to the Board and no additional evidence shall be heard, unless requested by the Board.~~

~~Within ten academic calendar days (not including weekends) following the consideration by the Board of the student's appeal, the student shall be notified in writing of the Board's decision.~~

~~FAVORABLE
HEARING~~

~~If the student receives a favorable administrative decision or hearing, reasonable efforts shall be made to ensure that the student will be permitted to make up class work required for satisfactory completion of a course(s) he or she began prior to the onset of the disciplinary process.~~

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~~AUTHORIZED
DISCIPLINARY
PENALTIES~~

~~In the event that any provision in the Student Code of Conduct conflicts with the law of the State of Texas or the United States of America, the state or federal law shall prevail.~~

~~Penalties for a violation(s) of the Student Code of Conduct, a Board policy, or College District regulation, procedure, or administrative rule shall be imposed by an authorized College District official. The severity of the penalty shall be in relation to the gravity of the violation. Subject to additional considerations in rendering a disciplinary decision, the College District shall administer penalties consistently. A student's record of previous violations, the severity of the current violation(s), and the facts surrounding the current violation(s) may factor into the determination of the penalty(ies). Disciplinary sanctions may include one or more of the following:~~

- ~~1. Warning.~~
- ~~2. Referral.~~
- ~~3. Educational project assignment.~~
- ~~4. Disciplinary probation.~~
- ~~5. Restitution.~~
- ~~6. Withholding of transcript or degree.~~
- ~~7. Bar against admission or readmission.~~
- ~~8. Suspension of rights or privileges.~~
- ~~9. Suspension of eligibility for participation in official athletic and nonathletic extracurricular activities.~~
- ~~10. Administrative reassignment of academic grade.~~
- ~~11. Denial of degree.~~
- ~~12. Suspension.~~
- ~~13. Expulsion (must be approved by the College District Board).~~

~~The definitions of authorized disciplinary penalties shall be located in the Student Code of Conduct section of the current College District student handbook. Penalties of denial of degree, barred against admission or readmission, suspension, and expulsion shall be reserved for major violations (or repeated violations) of College District rules, regulations, the Student Code of Conduct, procedures, or Board policy, and municipal, county, state, and federal law.~~

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~~The imposition of an authorized disciplinary penalty in categories 1–5 above may be appealed to the College District's DATF through the process outlined herein. A decision made by the DATF with respect to the disciplinary action imposed is final, binding, and nonappealable.~~

~~The imposition of an authorized disciplinary penalty in categories 6–13 above may be appealed to the College District's DATF through the process outlined herein. If the student wishes to appeal the DATF's decision and/or the disciplinary penalty imposed, the student may appeal the decision to the vice president of student development through the process outlined herein.~~