

DISCIPLINE AND PENALTIES
DISCIPLINE APPEAL HEARINGS PROCEDURE

FMA
(LOCAL)

DISCIPLINE APPEALS
TASK FORCE

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 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.

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

~~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

~~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.~~

~~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.~~

HEARING
PROCEDURE

~~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.~~
- ~~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.~~

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

~~If a student files a written appeal of the DATF 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.~~

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~~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.~~

~~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.~~

~~AUTHORIZED
DISCIPLINARY
PENALTIES~~

~~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.~~

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- ~~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.~~

~~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 DATE 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.~~