

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CREDENTIALS AND RECORDS

DBA
(LOCAL)

**Social Security
Number**

The College District ~~shall~~will not use an employee's social security number as an employee identifier, except for tax purposes [see DC]. In accordance with law, the College District ~~shall~~will keep an employee's social security number confidential.

**Custodian of
Personnel Records**

The College District designates the chief human resources officer as the custodian of personnel records to serve as the agent of the District President and maintain all records relating to all present and past employees of the College District.

**Employee
Credentials**

Degrees, credit hours, and certificates ~~shall~~will be evaluated and recognized by using the following criteria:

1. The degree and/or credit hours are from a college/university accredited (or in pre-accreditation status) by a nationally recognized accrediting agency ~~and also or an accrediting agency~~ recognized by the Coordinating Board. Accredited institutions and nationally recognized accrediting agencies ~~shall~~will be determined by using the following:
 - a. Accredited Institutions of Higher Education.
 - ~~b. Education Directory, Colleges, and Universities.~~
 - ~~c. Federation of Regional Accrediting Commissions of Higher Education.~~
 - ~~d. Council on Postsecondary Accreditation.~~
 - ~~e-b.~~ U.S. Department of Education.
 - ~~c.~~ Coordinating Board.
 - ~~f-d.~~ Council for Higher Education Accreditation.
 - ~~g-e.~~ Other agencies or publications that will establish national recognition or accreditation.
2. If the degree/certificate is from a college, university, school, institution, or association outside the United States, it must be verified through a nationally recognized independent foreign transcript evaluation service or by a university in the United States qualified to conduct such evaluations.

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Comprehensive Leave Program	The Board provides a comprehensive program of leave benefits for full-time employees of the College District.
Accrual of Leave	Leave hours accrue on the last day of each month. An employee who is in a paid status (at work or on paid leave) on the last day of the month earns leave hours for that month.
Reporting Absences	Employee absences are reported through a time and attendance reporting system. Supervisors ensure appropriate documentation and use of leave and take action, as needed, if an employee does not accurately report his or her absences. [See DMAA(LOCAL)]
Family and Medical Leave	<p>For purposes of the Family and Medical Leave Act (FMLA), the following eligible conditions apply:</p> <ol style="list-style-type: none">1. For the birth of a son or daughter, and to care for the newborn child;2. For placement with the employee of a son or daughter for adoption or foster care [For the rules regarding leave for “adoption” and “foster care,” see 29 C.F.R. 825.121];3. To care for the employee's spouse, son, daughter, or parent with a serious health condition;4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job;5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status); and6. To care for a covered service member with a serious injury or illness incurred in the line of duty if the employee is the spouse, son, daughter, parent, or next of kin of the covered service member.
Immediate Family	For purposes of this policy, “immediate family” is defined as a dependent son or daughter, including a biological, adopted, or foster child; a stepchild; a legal ward, or a child for whom the employee stands <i>in loco parentis</i> who is under the age of 18, or someone 18 years or older who is incapable of self-care because of a mental or physical disability; and a spouse.
Family Emergency	The term “family emergency” will be limited to disasters and life-threatening situations involving the employee or a member of the employee’s immediate family.

Leave Day	A “leave day” for purposes of earning, use, or recording of leave will mean the number of hours per day equivalent to the employee’s usual assignment.
Catastrophic Illness or Injury	A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee’s immediate family. A catastrophic illness or injury is one that is expected to incapacitate the employee for an extended period of time (usually longer than five days) and that requires inpatient care in a hospital, hospice, or residential medical facility, or a regimen of continuing treatment of the employee by a health-care provider that requires absences from work for treatment. Catastrophic leave is only available for those employees who have exhausted all leave time earned by those employees. Such conditions typically require prolonged inpatient hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth will be considered catastrophic if they meet the requirements of this paragraph. The College District may require a second or third medical opinion, at its cost, to confirm that the illness or injury qualifies for catastrophic leave.
Earning Leave	An employee will not earn any form of paid leave when he or she is in unpaid status. An employee using full or proportionate paid leave will be considered to be in paid status.
Deductions	The College District will not approve paid leave for more leave days than have been carried over from prior years plus leave currently available. Any unapproved absences or absences beyond available paid leave will result in deductions from the employee’s pay. An employee’s final paycheck will be reduced for paid leave the employee used, but had not earned, as of the date of separation.
Leave Without Pay	
Leave Proration	Paid leave will be prorated based on the actual time employed within an academic year.
Order of Use	Earned compensatory time will be used before any available paid leave. [See DEA]
	Use of the sick leave bank will be permitted only after all available local leave has been exhausted.
Concurrent Use of Leave	When an absent employee is eligible for FMLA leave, the College District will designate the absence as FMLA leave. The College District will require the employee to use paid leave, including compensatory time, concurrently with FMLA leave.

An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. An absence due to a work-related injury or illness will be designated as FMLA leave.

Sick Leave

Full-time employees will earn eight hours of paid sick leave per month in accordance with administrative regulations.

Sick leave will accumulate to a maximum of 720 hours.

Sick leave will only be used for the following:

1. Illness of the employee.
2. Illness of a member of the employee's immediate family [see Immediate Family, above].
3. Up to three days (24 hours) of accrued sick leave each fiscal year for medical or dental appointments or to help care for an extended family member who is ill. Extended family members include parents, grandparents, adult children, grandchildren, siblings and in-laws, and step and foster relationships of the preceding.
4. Family emergency.
5. Birth or placement of a child when taken within the first year after the child's birth, adoption, or foster placement.
6. Contribution to the sick leave bank.

Sick Leave Bank

The College District will establish a sick leave bank to which all full-time employees may contribute up to 24 hours of earned but unused sick leave per year.

A full-time employee may request leave from the bank if the employee experiences a catastrophic illness or injury as defined in this policy and has exhausted all paid leave.

If the employee is unable to request leave from the sick leave bank, a member of the employee's family or the employee's supervisor may submit the request.

Eligibility

Only full-time benefits-eligible employees may apply for use of the sick leave bank.

Eligible employees may only draw from the sick leave bank for a single diagnosis code for a period not to exceed the maximum allowable hours consistent with plan operating procedures.

The District President or designee will develop procedures for the operation of the sick leave bank that address the following:

1. Procedures to request leave from the sick leave bank;

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2. The maximum number of days per academic year a member employee may receive from the sick leave bank;
3. The administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
4. Other procedures deemed necessary for the operation of the sick leave bank.

Appeal

All decisions regarding the sick leave bank may be appealed in accordance with DGBA(LOCAL).

Family and Medical Leave

Twelve-Month Period

For purposes of an employee's entitlement to FMLA leave, the 12-month period will be measured forward from the date an individual employee's first FMLA leave begins.

Combined Leave for Spouses

If both spouses are employed by the College District, the College District provides a combined total of 12 weeks (in any combination) of FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition. The College District will limit military caregiver leave to a combined total of 26 weeks. [See DECA(LEGAL)]

Intermittent or Reduced Schedule Leave

The College District will permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. [See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]

Certification of Leave

If an employee requests leave, the employee will provide certification, as required by FMLA regulations, of the need for leave. [See DECA(LEGAL)]

Fitness-For-Duty Certification

If an employee takes FMLA leave due to the employee's own serious health condition, the employee will provide, before resuming work, a fitness-for-duty certification. If the College District will require certification of the employee's ability to perform essential job functions, the College District will provide a list of essential job functions to the employee with the FMLA designation notice.

Failure to Return

If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the College District may require reimbursement of premiums paid by the College District during the leave. [See DECA(LEGAL), Recovery of Benefit Cost]

Parental Leave

Employees who have been employed in a benefits-eligible position for at least 12 months are eligible to use ten days of paid parental leave at the time of the birth or adoption of a child. Parental leave

must be coordinated with the employee's concurrent leave under the FMLA and is available for use from the time of birth or placement of the child only. Parental leave must be used while the employee is on the related FMLA leave and does not accrue or remain available for use at a later date. Adjunct faculty, part-time employees, and employees on leave without pay status are not eligible for paid parental leave as outlined in this policy but may be eligible for unpaid FMLA leave.

Personal Leave

Full-time employees will earn 24 hours of paid leave each fiscal year to conduct personal business in accordance with administrative regulations. Personal leave will be noncumulative.

Request for Personal Leave

The employee will submit a request for use of personal leave in advance in accordance with leave of absence procedures and guidelines. In deciding whether to approve or deny personal leave, the supervisor or designee will not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee will, however, consider the effect of the employee's absence on the educational program or College District operations.

Vacation Leave

All full-time, 12-month staff and administrative employees will earn paid vacation in accordance with the schedule published in administrative regulations.

Upon successful completion of the new employee 90-day (calendar day) probationary period, eligible employees will receive vacation credit retroactive to the original service date, in accordance with the published vacation plan. Employees who terminate employment prior to completion of the new employee probationary period will have no accrued vacation credit.

Use of vacation leave will not exceed 15 consecutive workdays.

Carryover of earned but unused vacation hours will be permitted within the guidelines established by the District President or designee.

If sufficient funds are available in the Board-approved budget or from other appropriate funding sources, the District President may authorize a payment of up to 160 hours of an employee's earned but unused vacation leave hours. This payment would be in lieu of time off when an employee is not permitted to take requested vacation leave due to workload, special projects, or critical needs of the college, as designated by the District President.

If sufficient funds are not available, the request must be submitted to the Board for consideration to allocate the needed funds from appropriate reserve accounts.

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Employees beyond the initial 90-day probationary period, who terminate eligible employment with the College District, will be paid for the current fiscal year's earned but unused vacation hours and up to a maximum of 80 hours of earned but unused carryover vacation hours from prior fiscal years.

**Request for
Vacation Leave**

The employee will submit a request for use of vacation leave in advance in accordance with leave of absence procedures and guidelines. In deciding whether to approve or deny vacation leave, the supervisor or designee will consider the effect of the employee's absence on the educational program or College District operations.

Sabbatical Leave

Sabbatical leaves are available to provide College District employees with a significant opportunity for professional growth. Sabbatical leaves are granted based on a review and recommendation by the sabbatical committee in response to the published priorities for the year, with subsequent review, recommendation, and consideration by the executive vice president, District President, and the Board. Sabbatical leaves are not granted on the basis of longevity and are not an entitlement.

Sabbatical leave may be granted, upon application, for study, research, writing, field observations, or other suitable purposes such as completing a degree, improving skills, and maintaining currency in the employee's discipline or field.

Eligible employees [see definition at DEC(LEGAL) Development Leaves of Absence] may apply for a sabbatical upon completion of five years of continuous full-time service. Six years of continuous full-time service must be completed before a sabbatical can commence.

The leave will be for one academic year at one-half of the faculty member's regular salary or for one-half academic year at full regular salary. Failure to return for all or part of the one-year period will make the person liable for the return of all, or part, of the sabbatical stipend in proportion to the percent of time not completed.

An otherwise eligible employee who has received a sabbatical leave within the past five years, whose position is funded by an external grant or contract, or who is in his or her last year of full-time employment with the College District is ineligible for sabbatical leave.

The chief human resources officer and the chair of the sabbatical leave committee are available to answer questions concerning the sabbatical leave policy and procedures.

Bereavement Leave

A full-time benefits-eligible employee will be granted up to 40 hours of paid bereavement leave upon the death of an employee's

spouse, child, parent, or other person who occupies a position of similar importance in the employee's family in accordance with administrative regulations.

A full-time benefits-eligible employee will be granted up to 24 hours of paid bereavement leave upon the death of other family members of the employee to include siblings, grandparents, grandchildren, parents-in-law, and siblings-in-law, or other person who occupies a position of similar importance in the employee's family in accordance with administrative regulations, including an employee's step and foster relationships of the above.

Bereavement leave will be noncumulative.

Critical Illness Leave

Definition

"Critical illness" is defined as a life-threatening condition.

Benefit

A full-time employee will be granted up to 24 hours of paid critical illness leave for absences associated with the critical illness of an immediate family member or other family members of the employee to include siblings, grandparents, grandchildren, parents-in-law, and siblings-in-law, or other person who occupies a position of similar importance in the employee's family, in accordance with administrative regulations.

Critical illness leave will be noncumulative.

Workers' Compensation

Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the College District's contribution to health insurance. [See CKD(LOCAL) regarding payment of insurance contribution during employee absences.]

An absence due to a work-related injury or illness will be designated as FMLA leave.

An employee eligible for workers' compensation income benefits may elect in writing to use paid leave.

Extraordinary Circumstances

Up to 40 hours of leave without pay may be granted to an employee for extraordinary circumstances that cannot be addressed within the paid leave benefits provided by the College District, in accordance with administrative procedures and guidelines for faculty and staff. An employee who has been employed more than 12 months may request leave without pay of up to 720 hours after he or she has exhausted all eligible leave, including paid, unpaid, and FMLA leave for his or her own serious health condition or that of an immediate family member, to include the spouse or dependent

child(ren) of the employee. Upon return from the leave of absence, the employee will be eligible for the same or similar position, upon release from his or her physician, if applicable, consistent with the College District's procedures and guidelines for faculty and staff.

Employees not Eligible for FMLA Leave

A full-time employee who has not yet worked the required 12 months and 1250 hours to qualify for FMLA leave may take a maximum of 160 hours of leave without pay for his or her own serious health condition or for the serious health condition of the employee's spouse and dependent children of the employee.

Expiration of Available Leave and Attendance Policy

When an employee is close to using all earned paid and unpaid approved leave, the College District will send a letter to the employee at the home address on file explaining that his or her leave is almost exhausted and the notification requirements for returning to work. If the employee's absence is due to his or her own medical condition, the employee must present a written medical clearance form, a health-care professional who verifies the employee is able to perform the essential functions of his or her position, and a description of any requested job-related accommodations provided by the deadline to the College District.

[See DMAA]

If an employee is not medically released to return to work, with or without reasonable accommodations, when all available paid and unpaid leave has been exhausted, the employee's employment with the College District will end, absent a request by the employee for a reasonable accommodation. Communications with the employee will be consistent with administrative procedures and guidelines.

Voting in Public Elections

An employee is expected to vote before or after his or her scheduled working hours unless voting at a polling location on a College District campus. In the rare instance that this is not possible, the employee may request prior approval from his or her supervisor for time off, not to exceed two hours, to vote.

Court Appearances

Absences due to compliance with a valid subpoena for College District-related business or for jury duty will be fully compensated by the College District and will not be deducted from the employee's pay or leave balance.

Absences due to compliance with a valid subpoena for personal business will be deducted from the employee's personal leave or vacation leave or result in loss of pay at the employee's daily rate for each day of work missed.

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**Other Absences and
Leave Without Pay**

Any other absences or granted leaves of absence will result in an appropriate deduction from pay or deduction from eligible leave balances, consistent with the College District's procedures and guidelines for faculty and staff.

**Freedom from
Capricious Grading**

Students have a right to be free from capricious grading and to be treated fairly in grading and classroom practices. In most circumstances, students ~~shall~~should seek to settle any dissatisfaction concerning grades directly with the faculty member involved. If a grade dispute cannot be settled in this way, students ~~shall~~should consult the ~~dean of the appropriate academic division~~ appropriate associate academic/workforce dean or academic/workforce dean. If the issue remains unresolved, the student may appeal to the ~~grade appeals task force~~ Grade Appeals Board (GAB).

Appeals to the ~~grade appeals task force (GATF)~~ Grade Appeals Board (GAB) ~~shall~~will be filed with the chair of the ~~GATF-GAB~~ no later than the last regular class day of the next long semester after receiving the grade. An allegation of capricious grading shall be handled according to the grade appeals procedure outlined in the student handbook.

Note: For procedures related to student discipline, see FMA.

Penalties for Student Misconduct

A student will be subject to discipline for violations of College District policies and procedures, including the rules outlining expectations for student conduct [see FLB]. If a student commits an infraction or engages in misconduct, the College District may impose one or more of the following types of penalties:

1. Reprimand - A verbal or written warning to the student following a rule violation. Repetition of such misconduct may result in more severe disciplinary action.
2. Restitution - Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damage.
3. Scholastic penalties - The assignment of a failing grade on an assignment or examination or in a course by an instructor after a student is found responsible through the student disciplinary process for ~~based on~~ scholastic dishonesty, including, but not limited to, cheating, collusion, and plagiarism; ~~committed by a student~~. The instructor will submit a written report of the incident and of the recommended ~~planned~~ scholastic penalty action to the instructor's or program director's associate dean and/or dean.
4. Educational Project Experience (EPE) – An assignment or experience allowing the student to learn specific behaviors or lessons related to the student's conduct and the specifics of the student's disciplinary case. EPEs offered by the College District include, but are not limited to, awareness seminars, essays or written assignments, and online learning modules.
5. Conditional Probation - The placing of a student on notice that continued infraction of regulations may result in suspension or expulsion from the College District. Conditional probation may include restrictions on a student's rights and privileges or specified community service. The probation may be for a specified length of time or for an indefinite period according to the relative severity of the infraction or misconduct. Failure to fulfill the terms of the probation may lead to suspension or expulsion.
6. Suspension - Forced withdrawal from the College District for either a definite period of time or until stated conditions have been met. Normally, suspension will extend through a minimum of one regular long semester (with summer sessions not

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counting in the one semester minimum time lapse). However, suspension may exceed the one semester minimum.

7. Expulsion - Permanent forced withdrawal from the College District. A student receiving expulsion will have the action noted in the student's permanent record.

Suspended or
Expelled Students

No former student who has been suspended or expelled from the College District for disciplinary reasons will be permitted on the campus or other facilities of the College District, initiated into an honorary or service organization, or permitted to receive credit for academic work done in residence or by correspondence or extension during the period of suspension or expulsion without the prior written approval of the appropriate administrator or the Board.

Disciplinary Record

The College District will maintain for every student alleged or determined to have committed misconduct at the College District, a disciplinary record that will reflect the charge, the disposition of the charge, the sanction assessed, if any, and any other pertinent information. The disciplinary record will be separate from the student's academic record and will be treated as confidential; the contents will not be revealed except on request of the student or in accordance with applicable state or federal laws.

The disciplinary record will be maintained permanently in the event that a student is expelled or subject to an extended suspension. In all other cases, the disciplinary record will be maintained in accordance with the College District's record retention schedule.

Publication

Information regarding student discipline described in College District policies and accompanying procedures will be published in the student handbook.

**Reports of Alleged
Misconduct**

College District faculty and staff will submit an alleged violation or violations of College District policies and procedures, including the rules for student conduct [see FLB], committed by a student to the dean of students within a reasonable time following an alleged incident, not to exceed ten College District business days. The allegation(s) must be submitted in writing, through traditional or electronic means, and must describe the violation and any surrounding facts.

The dean of students or designee will investigate the matter, as ~~necessary~~appropriate.

Exception

Reports of sex discrimination or sexual harassment will be submitted in accordance with DIAA or FFDA, as appropriate.

Dismissal of
Allegation

If an allegation is deemed to be unfounded, the dean of students or designee will dismiss the allegation and will provide the student written notice that the allegation of misconduct was made against the student and that the allegation was dismissed.

~~Exception~~

~~Reports of sex discrimination or sexual harassment will be submitted in accordance with DIAA or FFDA, as appropriate.~~

**Notification
Conference**

If, ~~however~~, the dean of students or designee determines ~~that~~ the allegation warrants further consideration, the dean of students or designee will summon the student for a notification conference to be held within a reasonable time, not to exceed ten College District business days, following ~~the~~ receipt of the allegation of misconduct.

At the notification conference, the dean of students or designee will ~~notify~~inform the student of the allegation(s) ~~or allegations~~ and provide the student an opportunity to respond and submit applicable documentation or evidence for consideration by the dean of students or designee.

Unfounded
Allegations Not
Responsible
Administrative
Decision

After conferring with the student, if the dean of students or designee determines ~~that~~ the student did not commit a violation, the ~~allegation or allegations will be dismissed as unfounded~~ student will be found not responsible and will not be issued a disciplinary penalty under FM. The student will be provided written notice of the ~~dismissal~~ not responsible administrative decision. A not responsible administrative decision from the dean of students or designee will be final, binding, and the student will not be allowed to appeal that decision.

Informal
Administrative
Decision Resolution

If the dean of students or designee determines that addressing the allegation(s) informally is more appropriate, the dean of students or designee will recommend an informal resolution of the allegations. The dean of students or designee will recommend behavioral directives to support compliance with the College District's Student

Code of Conduct. If the student agrees to comply with all recommended behavioral directives, then the dean of students or designee will issue an Informal Resolution and the student will not be issued a disciplinary penalty under FM. As part of the Informal Resolution, the student will be required to sign an Acknowledgment Statement indicating the student will comply with the Student Code of Conduct for the designated time or for the remainder of their attendance at the college. Once signed, the Informal Resolution will be final, binding, and the student will not be allowed to appeal the Informal Resolution.

Formal
Administrative
Decision and
Misconduct
Warranting a
Penalty

If the dean of students or designee determines ~~that~~ the student committed misconduct that warrants a penalty or penalties under FM, the dean of students or designee will provide the student a written administrative decision with notice of the penalty or penalties and the student's options, including the right to appeal to the disciplinary Disciplinary appeals Appeals committee Committee (DAC).

Student Chooses
to Appeal the
Administrative
Decision

If the student chooses to appeal the administrative decision of the dean of students or designee, they must submit the Disciplinary Appeal Request Form contained in the administrative decision documents on or before the tenth College District business day following the administrative decision. Once the deadline for filing an appeal has passed, the administrative decision of the dean of students or designee will be final, binding, and the student will not be allowed to appeal that decision. The student will be expected to comply with all disciplinary penalties and obligations set forth in the administrative decision.

Student Chooses
to Accept the
Administrative
Decision

A student who chooses to accept the administrative decision rendered by the dean of students or designee will sign an acceptance Acceptance of the Administrative Decision sStatement indicating ~~he or she~~ they understands:

1. the Student Code of Conduct violation(s),
2. the disciplinary penalty, or penalties imposed, and
- 1-3. that by signing the acceptance-Acceptance of the Administrative Decision sStatement he or she they voluntarily waives the right to appeal.

The Acceptance of the Administrative Decision Statement must be signed no later than ten College District business days following the administrative decision. Once the acceptance-Acceptance of the Administrative Decision sStatement is signed or the deadline for filing an appeal has passed, the administrative decision of the dean of students or designee will be final, binding, and the student

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	<p>will not be allowed to appeal <u>that decision</u>. <u>The student will be expected to comply with all disciplinary penalties and obligations set forth in the administrative decision.</u></p>
<p><u>Student Chooses to Take No Action</u></p>	<p><u>If the student does not sign the Acceptance of the Administrative Decision Statement or submit the Disciplinary Appeals Request Form by the deadline, the administrative decision of the dean of students or designee will be final, binding, and the student will not be allowed to appeal that decision. The student will be expected to comply with all disciplinary penalties and obligations set forth in the administrative decision.</u></p>
<p><u>Scholastic Dishonesty Violations</u></p>	<p><u>If the student was found responsible for a scholastic dishonesty violation, as defined in the College District's <i>Student Code of Conduct</i>, the student may also receive a scholastic penalty. The faculty member will determine the appropriate scholastic penalty, which may range from a grade of zero on the assignment to failing the course. [See FLB and FM.]</u></p>
<p>Interim Disciplinary Action</p>	<p>The dean of students or designee may take immediate interim disciplinary action, including, <u>but not limited to, temporary immediate suspension pending a hearing, against a student for policy violations if the continuing presence of the student poses a danger to persons or property or an ongoing threat of disrupting the educational environment.</u></p>
<p>Disciplinary Appeals Committee (DAC)</p>	<p>The disciplinary Appeals Committee <u>Disciplinary Appeals Committee (DAC)</u> will be convened on at the request of a student appealing the <u>formal administrative decision and/or</u> penalty or penalties imposed by the dean of students or designee. The student's request must be submitted in writing within ten College District business days of the date of the dean of students or designee's written administrative decision. <u>Upon receipt of the student's request for appeal and under reasons designated by the DAC, the DAC may recommend that the matter return to an Informal Resolution by the dean of students or designee prior to the scheduling of the DAC appeal hearing.</u></p>
<p>Composition</p>	<p>The disciplinary appeals committee <u>DAC</u> will be composed of at least four <u>three</u> College District employees and a minimum of one current College District student, when appropriate. <u>To hold an appeal hearing, a quorum of three DAC members must be met.</u> The members of the disciplinary appeals committee <u>DAC</u> and the committee chairperson will be designated according to procedures developed by the designated leadership team member. All members <u>chosen to serve on the DAC appeal hearing panel of the disciplinary appeals committee</u> will be eligible to vote <u>on the issue of whether or not the student violated College District policies and procedures, including the rules for student conduct, and whether</u></p>

the student should receive an appropriate disciplinary penalty or penalties during the hearing.

DAC Appeal
Hearing Notice

The dean of students or designee will notify the student by letter of the date, time, and place for the DAC appeal hearing. Unless the student and the dean of students or designee otherwise agree or unless there are unforeseeable circumstances beyond the College District's control, the DAC appeal hearing will take place within a reasonable time period, not to exceed ten College District business days after the date of the student's request for the appeal hearing ~~or the dean of students or designee's determination that the student should be suspended.~~

*Contents of
Notice*

The notice will:

1. Direct the student to appear on the date and at the time and place specified.
2. Advise the student of his or hertheir rights to:
 - a. ~~To h~~Have a private hearing.
 - b. ~~To b~~Be assisted by an adviser or legal counsel at the hearing.
 - c. ~~To e~~Call witnesses, request copies of evidence in the College District's possession, and offer evidence and agreement on his or hertheir own behalf.
 - d. ~~To m~~Make an audio recording of the proceedings, after first notifying the dean of students or designee in advance of the hearing, or, at the student's own expense, to have a stenographer present at the hearing to make a stenographic transcript of the hearing.
 - e. ~~To a~~Ask questions of each witness who testifies against the student.
3. Contain the names of witnesses who will testify against the student and a description of documentary and other evidence that will be offered against the student.
4. Contain a description of the allegation(s) of misconduct in sufficient detail to enable the student to prepare his or hertheir defense against the charges.
5. State the proposed punishment-disciplinary penalty or range of punishments-disciplinary penalties that may be imposed.

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Failure to Appear
for DAC Appeal
Hearing

The ~~disciplinary appeals committee~~DAC may impose an appropriate ~~punishment~~disciplinary penalty or penalties upon a student who fails without good cause to appear for the appeal hearing. ~~f~~For purposes of assessing ~~punishment~~an appropriate disciplinary penalty or penalties, the ~~committee~~DAC may proceed with the ap-
peal hearing in the student's absence.

DAC Appeal
Hearing Procedures

All DAC appeal hearings will be recorded by the College District.

The appeal hearing will proceed as follows:

1. The chairperson or associate chairperson will read the description of the alleged misconduct.
2. The chairperson or associate chairperson will inform the student of ~~his or her~~their rights.
3. The ~~designated official or representative~~dean of students or designee will present the College District's case.
4. The student or representative will present the student's defense.
5. The ~~designated College District official or representative~~dean of students or designee will present rebuttal evidence.
6. The ~~committee~~DAC members may ask questions of witnesses testifying on behalf of the student or the College District.
7. The ~~designated official or representative~~dean of students or designee will summarize and argue the College District's case.
8. The student or representative will summarize and argue ~~his or her~~their case.
9. The ~~designated official or representative~~dean of students or designee will have an opportunity for rebuttal argument.
10. The ~~committee~~DAC members will deliberate in closed session. The ~~committee~~DAC members will vote on the issue of whether or not the student violated College District policies and procedures, including the rules for student conduct, and whether the student should receive an appropriate disciplinary penalty or penalties.
11. If the ~~committee~~DAC finds the student committed misconduct, the ~~committee~~DAC members will determine whether the disciplinary penalty assessed, or proposed in the case of rec-

ommendation for expulsion, by the dean of students or designee is appropriate and, if necessary, will assess a different or additional penalty.

12. The ~~committee-DAC~~ chairperson or associate chairperson will communicate the decision and any findings of facts in support of the ~~committee's-DAC's~~ decision to the student dean of students or designee in writing within ten College District business days of the appeal hearing. The dean of students or designee will notify the student in writing within ten College District business days of the appeal hearing of the DAC's decision and the disciplinary penalty or penalties imposed, if any. The notice will include procedures for appealing the ~~committee's-DAC's~~ decision to the designated leadership team member.

~~All hearings will be recorded by the College District.~~

Evidence

Evidence will be handled in accordance with the following:

1. Legal rules of evidence do not apply unless otherwise required by applicable Title IX regulations; the ~~committee-DAC~~ chairperson or associate chairperson may admit evidence or exclude evidence considered to be irrelevant, immaterial, and unduly repetitious.
2. At the appeal hearing, the College District will be required to prove by a preponderance of the evidence that the charges are true.
3. A student may not be compelled to testify.
4. The ~~committee-DAC~~ will determine if a violation has occurred and assess an appropriate disciplinary penalty or penalties based solely on the evidence presented at the appeal hearing.

After the Appeal Hearing

The dean of students or designee will notify the student in writing, within ten College District business days of the appeal hearing, of the DAC's decision and the disciplinary penalty or penalties imposed, if any. The notice will include procedures for accepting the DAC's decision or appealing to the designated leadership team member.

**Appeal to College
District
Administration
the
Designated
Leadership Team
Member**

A student may, within ten College District business days of receiving notice of the ~~disciplinary~~ Disciplinary appeal Appeal committee's Committee's (DAC's) decision, petition in writing the designated leadership team member to review the decision. To initiate the appeal to the designated leadership team member, the student must submit the Disciplinary Appeal Request Form contained in the DAC's decision documents on or before the tenth College District business day following the DAC's decision. The student's petition will state with particularity why the decision is believed to be incorrect.

After receiving notice of the appeal, the ~~disciplinary appeals committee~~ DAC chairperson or associate chairperson will forward all evidence considered during the appeal hearing, the audio recording of the appeal hearing, and the digest of the appeal hearing, if applicable, to the designated leadership team member.

The designated leadership team member will hold a conference within ten College District business days after the appeal notice is filed, unless there are unforeseeable circumstances beyond the College District's control. At the conference, the student may provide information concerning any documents or information relied on by the ~~committee~~ DAC. The designated leadership team member may set reasonable scope and time limits for the conference. The conference will be audio recorded.

The designated leadership team member will provide the student a written response, stating the basis of the decision, within ten College District business days following the conference. In reaching a decision, the designated leadership team member may consider the evidence included in the student's petition, provided during the conference, and forwarded by the ~~committee~~ DAC chairperson or associate chairperson.

The designated leadership team member may act to affirm, modify, remand, or reverse the decision of the ~~disciplinary appeals committee~~ DAC. The designated leadership team member's decision is final and non-appealable, except when expulsion is recommended by the dean of students or designee and/or the ~~disciplinary appeals committee~~ DAC and affirmed by the designated leadership team member.

After the Appeal

The designated leadership team member or designee will notify the student in writing within ten College District business days of the appeal of the decision and the disciplinary penalty or penalties imposed, if any. The notice will include procedures for accepting the designated leadership team member's decision or for appealing to the District President or designee solely in those cases where expulsion is recommended and affirmed.

**District President
Review of
Recommendation for
Expulsion**

Solely in the case where expulsion is recommended and affirmed, a student may appeal to the District President or designee. An appeal to the District President or designee will be held on the request of a student appealing the designated leadership team member's decision and affirmation of expulsion. The appeal request must be submitted in writing within ten College District business days of the designated leadership team member's decision. To initiate the appeal to the District President or designee, the student must submit the Disciplinary Appeal Request Form contained in the designated leadership team member's decision documents on or before the tenth College District business day following the designated leadership team member's decision.

The District President or designee may request a meeting with the student prior to issuing a final administrative decision.

The District President or designee will review all recommendations for expulsion, whether or not the student chooses to proceed through the disciplinary appeals process. The designated leadership team member will forward the recommendation for expulsion and evidence to the District President or designee for review and final consideration. The District President or designee may act to affirm, modify, or reverse the recommendation for expulsion.

The student will be notified in writing of the District President or designee's decision within ten College District business days. The District President or designee's decision is final and non-appealable. Unless otherwise specified in writing, expulsion shall will have College District-wide effect, and an expelled student may not enroll for admission to any campus without the District President's approval unless the expulsion has expired by its own terms student's petition to revoke the expulsion is approved [see Petition to Revoke Expulsion].

**Petition to Revoke
Expulsion**

Once five calendar years from the date of the District President or designee's final decision have expireds lapsed, the student may petition to revoke the expulsion. To initiate the expulsion revocation process, the student must complete the Expulsion Revocation Form and return it to the dean of students or designee.

If the petition to revoke the expulsion is approved by the District President or designee, the student will be required to meet with the dean of students or designee prior to returning to the College District. Once the meeting with the dean of students or designee is

concluded, the student will be allowed to return to all College District campuses and may be considered to be in good disciplinary standing.

If the petition to revoke expulsion is not approved by the District President or designee, the student's expulsion will remain in effect and the student will not be allowed to return to the College District.

**Administrative
Decisions Related to
a Crime of Violence
or Non-Forcible Sex
Offense**

Upon written request, the College District will disclose to the alleged victim of a crime of violence, as that term is defined under the *Cery* Act, the report on the results of any disciplinary proceeding and/or appeals conducted by Collin College against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the College District will treat the alleged victim's next of kin as the alleged victim.