

## *Policy Statement*

To support the mission and vision of Terra State Community College, we will implement restorative justice practices that allow students to experience taking personal responsibility for harm caused to an individual and/or community. These practices empower harmed parties to confront both issues the actions that have occurred, and the individuals who acted as the offender. This will provide a way for college community members to take ownership of problems, further demonstrating a culture of responsibility and accountability.

## *Policy Details*

Restorative justice, at its most basic level, is a way for an individual to take responsibility for any harm they may have caused to another individual of the community. This process allows for all parties affected (victim, offender, and community) to determine a process for how to remedy the harm caused to individuals involved. An individual's or group's behavior may directly or indirectly affect college students, staff, faculty, and other on and off campus community members. Restorative justice practices can provide the space for profound learning moments and reparations.

Restorative Practices are a framework for building community and responding to challenging behavior through authentic dialogue leading to understanding and action right wrongs, and repair and restore damaged relationships. The process supports initiators in acknowledging and repairing the harm done, helps victims and witnesses process what happened, and helps the class or college community rebuild trust. All members of the College community bring with them diverse abilities, interests, viewpoints, and family and cultural backgrounds. These differences can be a source of great energy and strength when members of the community value and respect one another. Using restorative practices to foster positive interpersonal and intergroup relations and to address inappropriate behavior when it occurs, are cornerstone of a progressive approach to discipline.

A restorative approach to discipline changes the fundamental questions asked when a behavioral incident occurs. Instead of asking who is to blame and how those engaged in the misbehavior will be punished, a restorative approach asks four key questions:

- What happened?
- Who was harmed or affected by the behavior?
- What needs to be done to make things right?
- How can people behave differently in the future?

Students are the largest group of stakeholders in a college community and its greatest resource in creating and sustaining a safe and supportive college environment. Building community among students and between students and staff members is integral to creating a supportive and inclusive college culture. When students feel accepted, valued, respected, and included, they build a positive connection to college and foster resiliency. Community building focuses on:

- **Safety and Trust.** Community members need a sense of safety and trust to connect with one another.
- **Honor.** Members interact with fairness and integrity and acknowledge their personal responsibility for their actions.
- **Openness.** Community members feel free to share their thoughts and feelings.
- **Respect.** To bond as a community, members must feel they are valued and respected as individuals, and they must respond respectfully to one another

- **Empowerment.** A sense of empowerment is a crucial element and a desired outcome of being a member of a community. Community support enables members to gain new view of themselves and a new sense of confidence in their abilities.

**In accordance with the Code of Student Conduct, restorative justice:**

Provides an opportunity for interaction between the Respondent and any harmed party or Complaining Witness, but also may involve the community in the decision making process. Community participants may be anyone in the community concerned about the behavior. The goal is to provide everyone a voice in the process and bring understanding to all parties. Restorative conferences also facilitate collaboration in addressing any underlying problems that led to the incident, and deciding what is to be done.

Participation in a restorative conference is voluntary. All parties must willingly agree to attend. The Respondent must have previously accepted responsibility for the behavior in question in order for a restorative conference to occur. The Associate Dean of Students or his/her provides designee annual training for restorative justice conference facilitators. Restorative justice may or may not result in additional restorative actions, depending on the outcome of the session.

**Restorative Justice is driven by four guiding principles:**

Inclusive decision-making - The decision-making process is placed back into the hands of the individuals who care most about the harm that has occurred.

Active accountability - An offender cannot sit back and be judged. They must be engaged in the process and take responsibility.

Rebuilding trust - The relationships should be rebuilt so that the offender can once again be trusted and the harmed party can feel safe.

Collaborative Negotiation: The collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom he/she disagrees to arrive at a mutually satisfactory resolution. Training in collaborative negotiation includes learning conflict resolution communication skills such as active listening.

Formal Restorative Conference: The Associate Dean of Students or his/her designee will facilitate a conference, together the individual(s) who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the mental and physical health, safety, and welfare of the individual who was harmed are of paramount importance when considering this option in a school setting. Both sides may bring supporters to the circle who have also been affected by the incident. The purpose of the conference is for the harm doer and the harmed to understand each other's perspective and come to a mutual agreement that will repair the harm as much as it is able to be repaired.

*Student Code of Conduct*

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In accordance with the Code of Student Conduct, restorative justice:

Provides an opportunity for interaction between the Respondent and any harmed party or Complaining Witness, but also may involve the community in the decision-making process. Community participants may be anyone in the community concerned about the behavior. The goal is to provide everyone a voice in the process and bring understanding to all parties. Restorative conferences also facilitate collaboration in addressing any underlying problems that led to the incident, and deciding what is to be done.

Participation in a restorative conference is voluntary. All parties must willingly agree to attend. The Respondent must have previously accepted responsibility for the behavior in question in order for a restorative conference to occur. The Dean of Student Success or his/her designee provides annual training for restorative justice conference facilitators. Restorative justice may or may not result in additional restorative actions, depending on the outcome of the session.

## **ARTICLE A: DEFINITIONS**

1. The term "**COLLEGE**" means Terra State Community College.
2. The term "**STUDENT**" includes all persons taking courses at the College both full-time and part-time, pursuing undergraduate, or non-credit studies and those who attend post- secondary educational institutions other than Terra State Community College. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the College are considered "students."
3. The term "**RECOGNIZED STUDENT ORGANIZATION**" means any number of persons who have complied with the formal requirements for College recognition.
4. The term "**STUDENT GROUP**" means a number of persons who are associated with the College and each other, but who have not registered, or are not required to register as a student organization (e.g., athletic teams, spirit groups, military organizations, honor societies, musical or theatrical ensembles, bands, or clubs).
5. The term "**FACULTY MEMBER**" means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.
6. The term "**COLLEGE OFFICIAL**" includes any person employed by the College performing assigned administrative or professional responsibilities.
7. The term "**MEMBER OF THE COLLEGE COMMUNITY**" includes any person who is a student, faculty member, College official or any other person employed by the College. A person's status in a particular situation shall be determined by the Dean of Student Success.
8. The term "**COLLEGE PREMISES**" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College including adjacent streets and sidewalks.
9. The term "**SERIOUS PHYSICAL HARM**" Includes, but is not limited to, any harm that involves disfigurement; protracted loss of use of or impairment of the function of a bodily part, organ, or mental faculty; substantial risk of death or emergency hospitalization; and/or unconsciousness.
10. The term "**SHALL**" is used in the imperative sense.
11. The term "**MAY**" is used in the permissive sense.
12. The term "**STUDENT DISCIPLINE COMMITTEE**" means any person or persons authorized by the Dean of Student Success to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a violation has been committed.
13. The term "**STUDENT CONDUCT OFFICER**" means a College official authorized on a case-by-case basis by the Dean of Student Success to impose sanctions upon a student who has violated the Student Code. The Dean of Student Success may authorize a Student Conduct Officer to serve simultaneously as a Student Conduct Officer, the sole member, or one of the members of the Student Discipline Committee. The Dean of Student Success may authorize the same Student Conduct Officer to impose sanctions in all cases.
14. The term "**DISCIPLINE APPEALS COMMITTEE**" means any persons authorized by the Dean of Student Success to consider an appeal from a Student Discipline Committee's determination as to whether a student violated the Student Code.

15. The term "**POLICY**" is defined as the written regulations of the College as found in, but not limited to, the College catalog, student handbook, College web pages and computer use policy.
16. "**LEVEL I**" infractions of the Student Code are those for which the sanctions may be a warning, disciplinary probation, special restriction, loss of privileges, fines, restitution, imposed reassignment of course section, or assignments of discretionary sanctions. Level I violations will generally be heard by a Student Conduct Officer.
17. "**LEVEL II**" infractions of the Student Code are those for which the sanctions may be, in addition to those listed in Level I, suspension, expulsion from the College, revocation, or withholding of a degree. Level II violations will generally be heard by the Student Discipline Committee.
18. The term "**HAZING**" As defined by Ohio Revised Code, Section 2903.31 is Any act or coercing another, including the victim, to do any act of initiation into any student or other organization or any act to continue or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse, as defined in section 3719.011 of the Revised Code.
19. The term "**CHEATING**" includes, but is not limited to (1) use of any unauthorized assistance in taking quizzes or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or (3) the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff.
20. The term "**PLAGIARISM**" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. Examples include: the submission of an assignment purporting to be the student's original work which has been wholly or partly created by another person; the presentation as one's own, another person's ideas, organization, or wording without acknowledgment of sources; knowingly permitting one's own work to be submitted by another student as if it were the student's own; and the use of material from the Internet, videos, encyclopedias, books, magazines, student papers, and copyrighted material without indicating where the material was found. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
21. The term "**SEXUAL HARASSMENT**" is defined as unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct of a sexual nature that is unwelcome and which, because of its severity and/or persistence, interferes significantly with an individual's or a group's work or education, or adversely affects an individual or group's living conditions.
22. The term "**SEXUAL EXPLOITATION**" is defined as taking non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, such as prostituting another student, non-consensual video or audio-taping of sexual activity, going beyond boundaries of consent, voyeurism, or knowingly transmitting an STI or HIV to another student.
23. The term "**NON-CONSENSUAL INTIMATE TOUCHING**" is defined as one person engaging in the intimate touching of another person, against such other person's consent, or after such other person has withdrawn their consent, except that such intimate touching does not include oral, anal, or vaginal penetration or the fondling or manipulation thereof. This includes non-consensual kissing, or stroking, or fondling of a non-sexual body part, in an intimate way.
24. The term "**NON-CONSENSUAL SEXUAL CONTACT**" is defined as the intentional touching, manipulation or fondling either of the victim by the perpetrator or when the victim is forced to touch directly or through clothing another person's groin, genitals, breasts, thighs or buttocks or when a person is compelled to touch the above named parts of their own bodies for the sexual gratification of another, against another person's consent or after such other person has withdrawn their consent.
25. The term "**NON-CONSENSUAL SEXUAL INTERCOURSE**" is defined as any form of sexual intercourse with a person, without his or her consent, or after consent is withdrawn. This includes non-consensual anal, oral, or vaginal penetration, whether by a finger, tongue, penis, or an inanimate object, as well as compelling an unwilling person to perform any of the above named acts.

26. The term **"INTIMATE PARTNER VIOLENCE"** (domestic violence and dating violence) is defined as violence by a current or former spouse, cohabitant, significant other, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
27. The term **"STALKING"** is defined as the repeated following of or communicating with another person with the intent to kill, injure, harass, or intimidate in a manner causing that person to be under emotional duress and/or in reasonable fear of death or injury to his/herself.
28. The term **"VOYEURISM"** is defined as invading the privacy of another to videotape, film, photograph, or otherwise record the other person in a state of nudity and/or in a manner where a person has a reasonable expectation of privacy.
29. The term **"REPORTING PARTY"** means any person who submits a charge alleging a violation of this Student Code. When a person believes that they has been a victim of another student's misconduct, the student who believes they has been a victim will have the same rights under this Student Code as are provided to the Responding Part, even if another member of the College community submitted the charge itself.
30. The term **"RESPONDING PARTY"** means any student accused of violating this Student Code.

#### **ARTICLE B: STUDENT CODE AUTHORITY**

1. The Dean of Student Success is that person designated by the College President to be responsible for the administration of the Student Code. The Dean of Student Success or designee shall develop procedures for the administration of the student conduct system and rules for the conduct of conferences, which are not inconsistent with provisions of the Student Code.
2. The Dean of Student Success shall determine the composition of the Student Discipline Committee and Discipline Appeals Committee and determine which Student Discipline Committee, Student Conduct Officer, and Discipline Appeals Committee shall be authorized to hear each case.
3. Decisions made by the Student Discipline Committee and/or a Student Conduct Officer designated by the Dean of Student Success, shall be final, pending the normal appeal process.
4. A Student Discipline Committee may be designated as arbiter of disputes within the student community in cases, which do not involve a violation of the Student Code. All parties must agree to arbitration, and to be bound by the decision with no right of appeal.

#### **ARTICLE C: JURISDICTION OF THE TERRA STATE COMMUNITY COLLEGE STUDENT CODE**

The Terra State Community College Student Code shall apply to conduct that occurs on College premises, at College-sponsored activities, and to off-campus conduct that adversely affects the College community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct and conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

The Student Code of Conduct applies to guests of community members, whose student hosts may be held accountable for the misconduct of their guests. Visitors and guests of Terra State Community College are also protected by the Student Code of Conduct, and may initiate a grievance.

The Dean of Student Success or designee shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case-by-case basis, in his/her sole discretion.

#### **ARTICLE D: PROHIBITED CONDUCT**

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article I:

1. **Violation of Published College Policies** - Violation of any College policy, rule, or regulation published in hard copy, posted on campus or available electronically on the College's website.
2. **Violation of Federal, State, or Local Law** - Violation of federal, state, or local law on or off College premises or at College-sponsored or supervised activities.
3. **Actions that Endanger** - Actions that endanger the student, the College or local community, or the academic process, or cause harm to others.
4. **Acts of dishonesty** – Any act of dishonesty including but not limited to the following:
  - a. Academic Dishonesty, including but not limited to cheating, plagiarism, or other forms of academic dishonesty.
  - b. Furnishing false information to any College official, faculty member, or office.
  - c. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
  - d. Helping or attempting to help another student commit an act of dishonesty.
  - e. Any form of academically unethical behavior involving misuse of College computers.
  - f. Tampering with the election of any College recognized student organization.
5. **Disruptive Behavior** - Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public-service functions on or off campus, or other authorized non-college activities, when the act occurs on college premises.
6. **Harm to Others** - Physical abuse, verbal abuse, threats, intimidation, bullying, harassment, coercion, stalking and/ or other conduct that has the purpose or effect of unreasonably interfering with an individual's work, academic performance, or creates a hostile, intimidating, or offensive working or educational environment. This includes the utilization of technology as a vehicle to exhibit the above-mentioned behaviors.
7. **Sexual Misconduct** - Acts of sexual misconduct, including but not limited to the following: sexual harassment, sexual exploitation, non-consensual intimate touching, non-consensual sexual contact, domestic violence, dating violence, stalking, voyeurism, and non-consensual sexual intercourse.
8. **Theft** - Attempted or actual theft of and/or damage to property of the College, property of a member of the College community, or other personal or public property.
9. **Hazing** - Hazing, is defined by Ohio Revised Code, Section 2903.31 is Any act or coercing another, including the victim, to do any act of initiation into any student or other organization or any act to continue or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse, as defined in section 3719.011 of the Revised Code. Acts of hazing include but are not limited to:
  - a. Purposefully, knowingly, recklessly, or negligently hazing any person.
  - b. Involvement in the planning of hazing and/or being present during hazing.
  - c. Failing to intervene to prevent or stop hazing if the individual has prior knowledge of a planned hazing activity.
  - d. Failing to assist or seek assistance if the individual knows or reasonably should know that another is in danger from effects of hazing.
  - e. Knowingly making a false accusation of hazing.
  - f. Failing to report any information about suspected Prohibited Conduct if required to do so in Section 4 Mandatory Reporters and Reporting Requirements of the college Hazing policy.
  - g. Failing to cooperate in an investigation of hazing, as defined as noncompliance with the Conduct Process as outlined in the Code of Student Conduct.
  - h. Retaliating against or taking adverse action toward any reporting party and/or person participating in a hazing investigation or disciplinary proceeding.



10. **Failure to Comply** - Failure to comply with directions or reasonable requests of college officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself when requested to do so.
11. **Unauthorized Entry & Trespassing** - Unauthorized possession, duplication, use of keys to any College premises, or unauthorized entry to or use of College premises.
12. **Controlled Substances** - Distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law; use or possession of drugs or drug paraphernalia.
13. **Alcohol** - Use, possession, or distribution of alcoholic beverages, except as permitted by the law and College regulations, or public intoxication. Alcoholic beverages may not, in any circumstances, be used by, possessed by, or distributed to any person under the age of 21.
14. **Weapons** - Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on College premises, or any object by its intended or actual use may be used to threaten or harm people, or damage or destroy property.
15. **Interference with College Activities** - Participation in a campus demonstration which disrupts the normal operations of the College and infringes on the rights of other members of the College community to the extent that participation in such a demonstration is not protected by applicable law; leading or inciting others to disrupt scheduled and/ or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular on campus.
16. **Obstruction of Traffic** - Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at College- sponsored or supervised functions.
17. **Disorderly Conduct** - Conduct which is disorderly, lewd, or indecent breach of peace, aiding, abetting, or procuring another person to breach the peace on College premises or social media platforms, functions sponsored by, or participated in by the College or members of the academic community. This includes but is not limited to public urination and streaking.
18. **Theft or Abuse of Computer Facilities and Resources** - Theft or other abuse of computer time, including but not limited to:
  - a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
  - b. Unauthorized transfer of a file.
  - c. Unauthorized use of another individual's identification and password.
  - d. Use of computing facilities to interfere with the work of another student, faculty member, or college official.
  - e. Use of computing facilities to send obscene or abusive messages.
  - f. Use of computing facilities to interfere with normal operation of the college computing system.
19. **Tampering with Telecommunication Services** - Tampering with any telecommunication service, including but not limited to: telephone, cable television, and/or voice mail; providing unauthorized service to another room or suite by any means through unauthorized installation of wiring jacks or extensions.
20. **Abuse of the Student Conduct System** - including but not limited to:
  - a. Failure to obey the summons of a Student Discipline Committee, Discipline Appeals Committee, Student Conduct Officer, or College official to appear for a meeting or conference as part of the Student Conduct System.
  - b. Falsification, distortion, or misrepresentation of information before a Student Discipline Committee, or Student Conduct Officer.
  - c. Disruption or interference with the orderly conduct of a proceeding.
  - d. Attempting to discourage an individual's proper participation in, or use of, the Student Conduct System.
  - e. Attempting to influence the impartiality of a member of a Student Discipline Committee or Discipline Appeals Committee prior to, and/or during, and/or after a student conduct proceeding.

- f. Harassment (verbal or physical), and/or intimidation of a member of a student conduct body prior to, during, and/or after a student conduct proceeding.
- g. Failure to comply with the sanction(s) imposed under the Student Code.
- h. Influencing or attempting to influence another person to commit an abuse of the Student Conduct System.

#### **ARTICLE E: VIOLATION OF LAW AND COLLEGE CONDUCT**

1. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Student Success. Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts that gave rise to violation of College rules or regulations were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
2. When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Code, the College may advise off-campus authorities of the existence of the Student Code and of how much matters are typically handled within the College community. The College will cooperate with law enforcement or other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with applicable law). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.
3. If a student is charged with an off-campus violation of federal, state, or local laws, but not with any other violation of this Code, disciplinary action may be taken by the College and sanctions imposed for grave misconduct which demonstrates flagrant disregard for the College Community. In such cases, no sanction may be imposed unless the student has been found guilty in a court of law or has declined to contest such charges, although not actually admitting guilt (e.g., "no contest" or "nolo contendere").

#### **ARTICLE F: STUDENT CODE OF CONDUCT PROCESS**

All suspected violations of the Code will be reviewed in accordance with the procedures outlined below.

1. **Disciplinary Correspondence** - All disciplinary correspondence will be sent to the student's official Terra State Community College e-mail address and/or current mailing address as listed with the Office of Student Records. The College reserves the right to use other reasonable means to notify students.
2. **Filing Complaints** - Any member of the College community may file charges against any student for misconduct. Charges shall be prepared in writing and directed to the Dean of Student Success or designee. Any charge should be submitted as soon as possible after the event takes place, preferably within forty-eight hours. The Dean of Student Success will designate himself/herself or a Student Conduct Officer to investigate the complaint. In cases of academic dishonesty and plagiarism, the Student Conduct Officer designated may be an academic official such as an academic dean. While action on a complaint of violating a College rule or regulation is pending, the status of the student shall not be altered except for reasons outlined in Section J.
3. **Presumption of Non-Violation** - Any student charged with a violation under this Code shall be presumed not responsible until it is proven that, more likely than not, the violation of the rule or regulation occurred.



4. **Preliminary Investigation** - When the Dean of Student Success or designee receives information, a student has allegedly violated College rules, regulations, local, state, or federal law, they shall investigate the alleged violation and determine whether further action is necessary. After completing a preliminary investigation, the Dean of Student Success or designee may:
  - a. Find no basis for the complaint and dismiss the allegation as unfounded, or
  - b. Contact the student for a discussion and either:
    - i. Dismiss the allegation.
    - ii. Identify if the alleged violation(s) is equated to a Level I infraction and assign the case to a Student Conduct Officer to conduct a Student Conduct Meeting with the student(s).
    - iii. Identify if the alleged violation(s) is equated to a Level II infraction and schedule a conference with the Student Discipline Committee.
  - c. Summoning a Student for a Student Conduct Meeting

#### **ARTICLE G: STUDENT CONDUCT MEETING (INFORMAL RESOLUTION)**

A Student Conduct Meeting is a meeting between the student(s) involved in an alleged violation of the Code and a Student Conduct Hearing Officer and may include sanctions. In some cases, the meeting may resolve the matter.

1. The Student Conduct Officer shall provide the student with:
  - a. Written notice of the charge(s) and an outline of rights.
  - b. Review of all available information, documents, exhibits, and a list of witnesses that may testify against the student.
2. Following receipt of the notice of charges, a student:
  - a. May elect not to contest the charges and to accept responsibility for them. If this election is made, the student must sign a waiver of the right to a conference, and must accept the sanction imposed by the Student Conduct Officer. The decision to waive a conference and accept the sanction is final and not appealable.
  - b. May contest the charges and elect to proceed to a conduct conference. The conference shall be scheduled not less than five (5) and no more than 20 calendar days from the student conduct meeting.
  - c. A Student Conduct Meeting will be held and a Hearing Officer may make a decision of finding and issue sanctions even in the student's absence, if the student fails to attend after two notifications. The student maintains their right to appeal such outcome to the Senior Vice President for Innovation and Strategic Planning.

#### **ARTICLE H: STUDENT CONDUCT CONFERENCE (FORMAL RESOLUTION)**

A Student Conduct Conference provides the forum where parties to an allegation are afforded the opportunity to present information for review by a Student Discipline Committee presided over by the chair of the Committee and moderated by the Dean of Student Success. The Dean of Student Success is an ex-officio member of the committee. A time shall be set for a Student Discipline Committee conference, not less than five (5) nor more than 20 business days after the student (complainant, respondent, or both) has been notified. The maximum time limit for scheduling of conferences may be extended at the discretion of the Dean of Student Success or designee.

Conferences shall be conducted by the Student Discipline Committee according to the following guidelines, except as provided by Article K below:

1. In cases in which the Student Discipline Committee has been authorized by the Dean of Student Success to conduct a conference, the recommendations of the members of the Student Discipline Committee shall be considered in an advisory capacity by the Dean of Student Success in determining and imposing sanctions.
2. Composition: The Student Discipline Committee is composed of six members, including two faculty appointed by the Dean of Student Success or designee, one staff member and one administrator appointed by the Manager of Human Resources or designee, and two students appointed by the Terra State Student Government.
3. Term of service: Members shall serve for one academic year and may continue to serve at the discretion of the Dean of Student Success.
4. Student eligibility: All students, full-time or part-time, shall be eligible for recommendation to the Student Discipline Committee provided they have maintained a 2.50 cumulative grade point average, are not currently on disciplinary probation, and have not been suspended from the College.
5. Training: All members of the Student Discipline Committee, upon receiving notice of appointment, shall be given all necessary information about their responsibilities and the means for carrying them out.
6. Three members from the Student Discipline Committee will be chosen by the Dean of Student Success to hear a proceeding. The conference panel should consist of a faculty member, administrator or staff, and a student.
7. Conferences normally shall be conducted in private.
8. The Reporting Party and their advisors, the Responding Party and their advisors, if any, shall be allowed to attend the entire portion of the Student Discipline Committee conference at which information is received (excluding deliberations). Admission of any other person to the conference shall be at the discretion of the Student Discipline Committee and/or the Dean of Student Success, or designee.
9. In the case of Student Discipline Committee conferences involving more than one student as the Responding Party, the Dean of Student Success or designee, at his/ her discretion may permit the Student Discipline Committee conference concerning each student to be conducted either separately or jointly.
10. The Reporting Party and the Responding Party have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney. Reporting Party and the Responding Party are responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any conferences before the Student Discipline Committee. A student should select an advisor whose schedule allows attendance at the scheduled date and time for the Student Discipline Committee because delays will not normally be allowed due to the scheduling conflicts of an advisor.
11. The Reporting Party, Responding Party, and the Student Discipline Committee may arrange for witnesses to present information to the Student Discipline Committee. The College will try to arrange the attendance of possible witnesses who are members of the College community, if reasonably possible, and who are identified by the Reporting Party and/or Responding Party at least two (2) business days prior to the Student Discipline Committee conference. Witnesses will provide information to and answer questions from the Student Discipline Committee. Questions may be suggested by the Reporting Party and/or Responding Party to be answered by each other or by other witnesses, with such questions directed to the chairperson, rather than to the witnesses directly. This method is used to preserve the educational tone of the conference and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved at the discretion of the chairperson of the Student Discipline Committee, in consultation with the Dean of Student Success or designee.
12. Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration by the Student Discipline Committee, at the discretion of the Dean of Student Success.
13. All procedural questions are subject to the final decision of the Dean of Student Success.

14. After the portion of the Student Discipline Committee conference concludes in which all pertinent information has been received, the Student Discipline Committee shall determine by majority vote whether it was more likely than not that the accused student violated each section of the Student Code that the student is charged with violating.
15. The Student Discipline Committee's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code.
16. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code proceedings.
17. There shall be a single verbatim record, such as a transcription or tape recording, of all conferences before a Student Discipline Committee (not including deliberations). Deliberations shall not be recorded. Transcriptions and/or tapes made during Student Discipline Committee conferences shall be the property of the College. These materials are confidential. They are made available in case of appeal and, upon request, to the Discipline Appeals Committee deliberating the appeal.
18. If the Responding Party, with notices, does not appear before a Student Discipline Committee conference, the information in support of the charges shall be presented and considered even if the Responding Party is not present. If the Responding Party fails to attend the conference, it shall be deemed that they deny all allegations. When appropriate, a sanction will be determined and both the Responding Party and Reporting Party will be notified in writing.
19. The Student Discipline Committee may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, or other witness during the conference by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, audio tape, written statement, or other means, where and as determined in the sole judgment of the Dean of Student Success to be appropriate.

## **ARTICLE I: SANCTIONS**

1. The following sanctions may be imposed upon any student found to have violated the Student Code:
  - a. **WARNING**-a notice in writing to the student that the student is violating or has violated institutional regulations.
  - b. **PROBATION**-a written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanction if the student is found to be violating any institutional regulation(s) during the probationary period.
  - c. **LOSS OF PRIVILEGES**-denial of specified privileges for a designated period of time.
  - d. **LOSS OF ACADEMIC CREDIT**- forfeiture or reduction in the grade assigned for an assignment, project, quiz, test, or course due to academic dishonesty.
  - e. **FINES**-previously established and published fines may be imposed.
  - f. **RESTITUTION**-compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - g. **DISCRETIONARY SANCTIONS**-work assignments, service to the College, or other related discretionary assignments (such assignments must have the prior approval of the Student Conduct Officer.)
  - h. **COLLEGE SUSPENSION**-separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
  - i. **COLLEGE EXPULSION**- permanent separation of the student from the College.
  - j. **REVOCATION OF ADMISSION AND/ OR DEGREE**-Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

- k. **WITHHOLDING DEGREE**-The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed, if any.
2. **Multiple Sanctions** - More than one of the sanctions listed above may be imposed for any single violation.
  3. **Academic Dishonestly Sanctions** - Sanctions imposed for acts of academic dishonesty typically will follow a three-step progression. The sanctions for the first offense will include loss of academic credit for the assignment or loss of academic credit for the course and a warning. The sanctions for the second offense will include loss of academic credit for the assignment or loss of academic credit for the course and probation status for the duration of the student's enrollment at the College. The sanction for the third offense is college expulsion. The instructor of record for the course in which the academic dishonesty took place may recommend to the conference officer whether a loss of academic credit for the assignment or course should be sanctioned. The Dean of Student Success or designee maintains records of Code of Conduct offenses.
  4. **Parental Notification** - Terra State Community Colleges reserves the right to notify parents or guardians of any conduct situation when alcohol and or narcotic/substance/ inhalant abuse or violations are suspected. The College may contact parents/guardians of dependents or non-dependent students who are under the age of 21. Terra State may also contact parents/guardians to inform them of situations in which there is an imminent health and/or safety risk.
  5. **Conduct Records** - Other than College suspension, expulsion, or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than College suspension or College expulsion, upon application to the Senior Vice President for Innovation and Strategic Planning. Cases involving the imposition of sanctions other than College suspension, expulsion, revocation, or withholding of a degree shall be expunged from the student's disciplinary record three (3) years after the student completes all requirements for graduation.
  6. **Education Records** - In situations where both the Responding Party and Reporting Party are both students (or student group[s] or recognized student organization[s]), the records of the process and the sanctions imposed, if any, shall be considered to be the education records of both the Reporting and Responding Parties because the educational career and chances of success in the academic community of each may be impacted.
  7. **Loss of Privileges or Recognition** - The following sanctions, in addition to those listed above, may be imposed upon groups or student organizations: community service, including service to the College, loss of selected rights and privileges for a specified period of time, and/or deactivation/ loss of all privileges, including College recognition, for a specified period of time.
  8. **Sanctioning** - In each case in which a Student Conduct Officer determines a student has violated the Student Code, the recommendation of the Student Conduct Officer shall be considered by the Dean of Student Success or designee in determining and imposing sanctions. In cases in which the Student Discipline Committee has been authorized to determine a student has violated the Student Code, the recommendation of all members of the Student Discipline Committee shall be considered by the Dean of Student Success in determining and imposing sanctions. The Dean of Student Success is not limited to sanctions recommended by members of the Student Discipline Committee.
  9. **Notice of Outcome** - Following the Student Discipline Committee conference, the Dean of Student Success shall simultaneously advise the Responding Party and Reporting Party (including groups and organizations) in writing of the determination and/or the sanction(s) imposed, if any, and how to appeal. A copy of the notification will be retained in the Responding Party's disciplinary record. Cases involving suspension, expulsion, revocation, or withholding of a degree will also be filed in the student's academic record.

## **ARTICLE J: APPEALS**

1. **Right to Appeal** - A decision reached by a Student Conduct Hearing Officer or the Student Discipline Committee or a sanction imposed may be appealed by the accused student(s) or complainant(s) to the Discipline Appeals Committee within ten (10) school days of the decision. Such appeals shall be in writing and shall be delivered to the Senior Vice President for Innovation and Strategic Planning.
  - a. The Discipline Appeals Committee is composed of three members:
    1. the president of the Terra Faculty Association;
    2. an administrator appointed by the College President; and
    3. the president of the Terra State Student Government or designee.
2. **Grounds for Appeal** - Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim records and supporting documents of the conduct process for one or more of the following purposes:
  - a. To determine whether the Student Conduct Meeting or the Student Conduct Conference was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures, giving the Reporting Party a reasonable opportunity to prepare and present evidence that the Student Code was violated, and giving the Responding Party a reasonable opportunity to prepare and to present a rebuttal of these allegations.
  - b. To determine whether the decision reached regarding the Responding Party was based on substantial evidence, that is, whether the facts in the case were sufficient to establish that it was more likely than not that a violation of the Student Code occurred.
  - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code, which the student was found to have committed.
  - d. To consider new evidence, sufficient to alter a decision, or other relevant facts because such evidence and/ or facts were not known and could not have been known to the person appealing at the time of the original conference.
3. If the Discipline Appeals Committee upholds an appeal, the matter may be returned to the original Student Conduct Hearing Officer or the Student Discipline Committee for reopening of the Student Discipline Committee conference to allow reconsideration of the original determination and/or sanction(s).
4. In cases involving appeals by students accused of violating the Student Code, the Discipline Appeals Committee may, upon review of the case, reduce but not increase the sanctions imposed by the Student Conduct Hearing Officer or the Student Discipline Committee.
5. In cases involving appeals by persons other than student(s) accused of violating the Student Code, the Discipline Appeals Committee may, upon review of the case, reduce or increase the sanctions imposed by the Student Conduct Hearing Officer or the Student Discipline Committee.
6. Following the appeal, the Senior Vice President for Innovation and Strategic Planning shall simultaneously advise the Reporting Party, Responding Party, Groups, and/or Organizations in writing.

#### **ARTICLE K: INTERIM & SUPPORTIVE MEASURES**

When evidence exists that the ongoing presence of a person on the college premises may pose a threat to any person or may substantially impede the functions of the College, the Dean of Student Success may impose interim measures for a period of time pending action taken under the Student Code of Conduct. Interim measures may include but are not limited to suspension, separation from a class or classes, restriction from participating in athletic practices and competitions, restriction from participating in student organizations, restriction of access to College programs, services, or facilities; or barring the student from campus.

- a. For interim measures related to Title IX allegations, please refer to "Number 8, Emergency Removals" of the College's Title IX/Sexual Misconduct Policy.

- b. A student will be notified of an interim measure by phone and/or in writing and the measure will take effect immediately. The interim measure will remain in effect until all student conduct proceedings have been completed. Every effort will be made to schedule the student conduct hearing as soon as possible.
  - c. The interim measure does not replace the regular student conduct process, which shall proceed on the normal schedule, up to and through a student conduct hearing board.
- 1. **Interim Suspension** - In certain circumstances, the Senior Vice President for Innovation and Strategic Planning or designee may impose a College suspension prior to a student conduct meeting or a conduct conference before the Student Discipline Committee. Interim suspension is an action requiring a student immediately leave the campus and College property.
  - a. Interim suspension may be imposed only: a) to ensure the safety and well-being of members of the College community or preservation of College property; b) to ensure the student's own physical or emotional safety and well-being; or c) if the student poses an ongoing threat of disruption of or interference with the normal operations of the College.
  - b. During the interim suspension, the student shall be denied access to the campus (including classes) and/ or all other College activities or privileges for which the student might otherwise be eligible, as the Senior Vice President for Innovation and Strategic Planning or designee may determine to be appropriate.
  - c. An interim suspension may not be appealed.
- 2. **Voluntary Withdraw Agreement** - In certain cases where a student's behavior and continued enrollment may adversely affect his or her well-being or the College, the Senior Vice President for Innovation and Strategic Planning or designee may work collaboratively with the student and his/her family to agree to discontinue the student's attendance at Terra State for a specified period of time and agree to conditions for re-admittance to the College. In such instances, the Senior Vice President for Innovation and Strategic Planning or designee and the student will sign a written withdrawal agreement.
- 3. **Temporary Restriction from Personal Contact** - The Senior Vice President for Innovation and Strategic Planning or designee may temporarily restrict a student from any personal, verbal, written, telephone, electronic, and third- party contact with another person pending an investigation and/or conference whenever the contact could constitute a danger to the person or to the safety of the person or property, or the seriousness of the allegations warrants such action. Any student so restricted may obtain an explanation of the basis for such restriction upon request.
- 4. **General Restrictions** - In certain cases where a student's continued presence or involvement may adversely affect his or her well-being or the College or whenever the contact could constitute a danger to the person or to the safety of the person or property, or the seriousness of the allegations warrants such action, the Senior Vice President for Innovation and Strategic Planning or designee may restrict the student involvement or presence in certain activities, events, or services. This may include separation from a class or classes, restriction from participating in athletic practices and competitions, restriction from participating in student organizations, restriction of access to College programs, services, or facilities; or barring the student from



campus.

5. **Withdrawal Prior to Student Conduct Proceedings** - The student who withdraws or fails to return to the College while disciplinary action is pending will be ineligible for readmission until the outstanding matter is resolved. The College reserves the right to formally restrict individual(s) from the campus grounds while such action is pending.
6. **Supportive Measures** - The Senior Vice President for Innovation and Strategic Planning or designee may temporarily take Supportive Measures which are individualized plans to assist those who report incidents of gender-based or sexual harassment or sexual assault continue their education at Terra State. For interim measures related to Title IX allegations, please refer to Number 8 "Emergency Removals" of the College's Title IX/Sexual Misconduct Procedures and Guidelines. This may include changes for either/both the Reporting Party and Responding Party. Supportive measures may include but are not limited to:
  - a. Referral to counseling services, mental, and/or other health services
  - b. Referral to the Employee Assistance Program
  - c. Referral to community-based service providers
  - d. Visa and immigration assistance
  - e. Student financial aid assistance
  - f. Education to the community or community subgroup(s)
  - g. Altering work agreements for employees or student-employees
  - h. Safety planning
  - i. Providing campus security escorts
  - j. Implementing contact limitations between parties
  - k. Academic support, extensions, or other course or program related adjustments
  - l. Timely warnings
  - m. Class schedule modifications, withdrawals, or leaves of absence
  - n. Increased security and monitoring of certain areas of campus
  - o. Any other actions deemed appropriate by the Title IX Coordinator

#### **ARTICLE L: INTERPRETATION AND REVIEW**

1. Any question of interpretation regarding the Student Code shall be referred to the Dean of Student Success for final determination.
2. The Student Code will be reviewed every three years under the direction of the Senior Vice President for Innovation and Strategic Planning.

#### *Resources*

Documentation

Definitions

| <b>Term</b> | <b>Definition</b> |
|-------------|-------------------|
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*Approval History*

| <i>Date</i> | <i>Policy/Procedure<br/>or Entire Document</i> | <i>Notes (Types of Actions)</i>   | <i>**Approved by</i>                  |
|-------------|--|---|---------------------------------------|
| 3/21/2019   | Issued   |   | Todd Long                             |
| 5/16/2023   | Edited   | Put in new Template<br>Rearranged sections for flow<br>Added Policy Labels<br>Added Definitions Related to Title IX<br>and Collins Law (Compliance) | Tim Shaal, Dean of<br>Student Success |
|             |  |   |                                       |

**\*\*Full name of CASA Committee Chair, signatory, or designee**

**Effective Date: 05/16/2023**

**Next Review Date: 05/16/2026**