

# McLennan Community College

## POLICIES AND PROCEDURES

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Approval Authority:	Presidential	Approval Date:	12/01/2023
Approved by Leadership Team:	Benson:	Hills:	McKown:
History:	Replaces procedure dated 10/25/2022, Separation of <i>General Conduct Policy</i> and Student Investigation Procedures		
Remarks:			

The *General Conduct Policy* outlines conduct standards.

Inquiries regarding discrimination should be directed to the Title IX Coordinator or the Section 504/ADA Title II Coordinator. Complaints related to discrimination claims shall be administered using the *Discrimination, Harassment, and Retaliation (DHR) Resolution Process (F-V-s)*. See <https://www.mclennan.edu/employees/policy-manual/docs/F-V-S.pdf>

The investigation and possible dismissal of a regular contractual faculty member shall be in accordance with procedures prescribed in the faculty policy on *Academic Freedom, Responsibility and Tenure (F-III-2)*. See <https://www.mclennan.edu/employees/policy-manual/docs/F-III-A.pdf>

The investigation and possible dismissal of a non-faculty member shall be in accordance with procedures prescribed in the Non-Faculty Investigation Procedures (F-V-c). See <https://www.mclennan.edu/employees/policy-manual/docs/F-V-C.pdf>

### Student Conduct Procedures

#### Disciplinary Procedures\*

The following process is to be used in the event of an allegation involving a student violating the campus' *General Conduct Policy*. To report an alleged *General Conduct Policy* violation, individuals may complete an incident report form, which can be found at the following website: <http://www.McLennan.edu/insight>. The Associate Director who coordinates student conduct will review the report received via insight as well as reports received from the MCC Police Department. To report allegations against employees and visitors, please refer to Article V of this policy.

\*NOTE: In situations where allegations may not warrant formal allegations, but clarification and prevention efforts are wise, "policy clarification" letters may be sent to

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advise a person about policy expectations at McLennan Community College.

### I. General Procedure

The Associate Director will inquire, gather, and review information about the reported student misconduct and will evaluate the accuracy, credibility, and sufficiency of this information.

If it is determined that the information does not warrant an allegation, a policy clarification letter may be issued to inform parties about the policy in question.

If the allegation is found to be substantive, the Associate Director will ensure that due process requirements are fulfilled in accordance with the following procedures:

- A. When a written allegation is filed, the student named in the allegation will be notified in writing and asked to appear before the Associate Director. The letter will be in accordance with the written notification policy found in Article VII, Section E. Through this written notification, the Associate Director will assign a specified date and time (outside the student's academic schedule) for a pre-hearing discussion in order to advise the student of the allegation(s) and to review the student's rights and responsibilities in conduct proceedings, unless another date and time is requested by the student. The request to meet shall specify a place and a time for the meeting at least two (2) college business days after the date of the request. The request to meet will be sent by e-mail. If a student fails to appear without good cause, as determined by the Associate Director, the Associate Director will adjudicate the case in the student's absence.
  1. During the pre-hearing discussion, the Associate Director will discuss the student's rights and responsibilities, including the right:
    - a. To receive notification of the alleged violation(s).
    - b. To know the source of the allegation(s).
    - c. To know the specific alleged violation(s).
    - d. To know the sanctions, conditions and/or restrictions that may be imposed because of the alleged violation(s).
    - e. To be accompanied by an advisor at any student conduct proceeding (for advisory purposes only, not for representation).

NOTE: Advisors. Students involved in student conduct proceedings may be assisted by advisors they choose, at their own expense. The reporting party and/or the student

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accused of alleged misconduct is responsible for presenting his/her own information. Advisors (including attorneys) are not permitted to speak or to participate directly in any hearing unless authorized by the Associate Director. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the Associate Director upon written request five (5) college working days in advance of the scheduled hearing date. In the event that a student chooses an attorney for their advisor, MCC reserves the right to have its own attorney present.

- f. To have the opportunity to respond to the allegation(s) and/or present information.
- g. To refrain from making any statement relevant to the allegation(s).
- h. To know that any statements made by the student can be used during the proceeding.
- i. After proper notice has been given to the student, the College may proceed to conduct an official conduct hearing and deliver a decision or recommendation respectively. The conduct hearing may be held and a decision or recommendation made, regardless of whether the student responds, fails to respond, attends the hearing or fails to attend the hearing. Should an absence of the student occur, the Associate Director or Conduct Hearing Committee may consider the information and render an administrative decision.

## II. Case Adjudication Methods

### A. Administrative Hearing

1. The Administrative Hearing process will be completed in a timely manner based upon the specific circumstances of each case. The Administrative Hearing is conducted by the Associate Director (or designee as assigned by the College).
  - a. The purpose of the Administrative Hearing is to ascertain whether alleged behavior occurred. During this time, the Associate Director will share information she/he has received about the incident. The student is encouraged to present information relevant to the case in an attempt to explain their perspective. The Associate Director may ask questions regarding the case and enter into an exploratory dialogue with the student. A student may admit complete or partial responsibility for the alleged behavior. The student may decline to provide any information, effectively not participating in the Administrative Hearing, leaving the decision to the discretion of the

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Associate Director.

- b. If the Associate Director determines that the student is responsible for an alleged violation (or the student admits responsibility), she/he will assign appropriate sanctions, conditions and or restrictions.
- c. After the final determination is made, the Associate Director will deliver written notification to the student of the decision and the sanction(s), condition(s), and/or restriction(s) assigned, if any. Notice is deemed to have been properly provided when written notification is sent via MCC student email no more than seven (7) college working days following the decision.
  - i. The student may utilize the disciplinary appeal procedure outlined in Article VII, Section C of the *General Conduct Policy*.
  - ii. In addition to other possible sanction(s), condition(s) and/or restriction(s), and/or in the event that a student fails to respond to written notification, a disciplinary hold may be placed on the student's records to prevent further registration and transcript receipt. The disciplinary hold will remain until such time as the Associate Director receives an appropriate response.

### B. Conduct Hearing Committee

At the discretion of the College, the adjudication of the case may be conducted by a Conduct Hearing Committee as an alternative to the Associate Director acting alone. The committee shall be assembled and take the availability of school officials into account in order to operate in a timely manner. The committee is to number no less than five and no more than ten and contain students, faculty, and staff.

1. The Associate Director shall train committee members prior to the hearing.
2. The Associate Director shall conduct pre-hearing meetings with the accused student during which the student will be informed of the College's decision to use the committee hearing option and the process entailed.
3. At this time, the student(s) will have the opportunity to give the names of witnesses she/he feels are relevant to the case so that they may be scheduled to appear before the Conduct Hearing Committee. In addition, students will be provided with an opportunity to view the members of the

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Conduct Hearing Committee and provide reasons for the exclusion of certain members that the College may consider.

4. The Associate Director will serve as the chair of the committee and is responsible for the scheduling and administration of the Conduct Hearing Committee.
5. The purpose of the Conduct Hearing Committee is to ascertain whether the alleged behaviors occurred. During this time, the student is allowed to present information relevant to the case in an attempt to explain their perspective. In addition, the Conduct Hearing Committee may ask questions regarding the case and enter into an exploratory dialogue with the student and potential witnesses. A student may admit complete or partial responsibility for the alleged behavior. In addition, the student may decline to provide any information, effectively not participating in the conduct hearing, leaving the decision to the discretion of the committee.
6. Following the hearing, the Conduct Hearing Committee will deliberate and will render a decision in regard to the alleged misconduct as well as decide any sanctions, conditions and/or restrictions if applicable. Deliberation of the case will in private session.
7. If the Conduct Hearing Committee recommends that the student is responsible for the alleged violation(s), it will assign appropriate sanctions, conditions and or restrictions.
8. After the final determination is made, the Associate Director, acting as chair of the committee, will deliver written notification to the student of the decision and the sanction(s), condition(s), and/or restriction(s) to be imposed, if any. All committee decisions are to be reached via majority vote. Notice is deemed to have been properly provided when written notification is sent via MCC student email no more than seven (7) college working days following the decision.
9. The student may utilize the disciplinary appeal procedure outlined in Article VII, Section C of the *General Conduct Policy*. At the discretion of the Director, Accommodations & Title IX, in the event that an appeal is granted to a student, a new Conduct Hearing Committee may be assembled for the purpose of the appeal according to the guidelines outlined Article VII Section A-2-b above.
10. In addition to other possible sanction(s), condition(s) and/or restriction(s), and in the event that a student fails to respond to written notification, a disciplinary hold may be placed on the student's records to prevent further registration and transcript receipt. The disciplinary hold

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will remain until such time as the Associate Director receives an appropriate response.

### III. Immediate Temporary Suspension

A student may be temporarily suspended pending completion of disciplinary procedures if in the judgment of the President or designee, the physical or emotional well-being of a student or member of the college community could be endangered or if the presence of the student would seriously disrupt the normal operations of the College. The President or designee will notify the Associate Director to initiate appropriate disciplinary procedures within five (5) college working days from the date of immediate temporary suspension. During the invocation of immediate temporary suspension, the student may no longer attend classes, use MCC services and/or resources, and may not be on campus until the disciplinary proceedings have been resolved. Any instances whereby the student should need to return to campus must be coordinated in advance through the President (or designee) and the MCC Police Department.

### IV. Disciplinary Sanctions, Conditions and/or Restrictions

The Associate Director, or the Conduct Hearing Committee in applicable cases, may impose sanction(s), condition(s) and/or restriction(s) when a student is found responsible for misconduct; potential sanctions, conditions and/or restrictions are not limited to those listed below in Article VII Section B, 1-4; items below serve to demonstrate typical student outcomes. Implementation of the disciplinary sanction(s), condition(s) and/or restriction(s) will not begin until either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted. Exceptions are made only in cases for which, in the judgment of the President or designee, the physical or emotional well-being of the student, other students or other members of the college community may be endangered. In the case of a student organization, a copy of the notification may be sent to the organization's advisor(s) and international or national organization headquarters.

- A. Disciplinary Sanctions are defined as the primary outcome of the alleged violation. If found responsible, the range of sanctions include the following outcomes:
  - 1. Disciplinary Reprimand: The disciplinary reprimand is an official written notification using the notification procedure outlined in Article VII Section E., to the student that the action in question was misconduct;
  - 2. Disciplinary Probation: Disciplinary probation is a period of time during which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with college policies, rules,

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and/or standards and any other requirement stipulated for the probationary period. Further instances of misconduct under the *General Conduct Policy* or the Highlander Guide during this period may result in additional sanctions, conditions and/or restrictions;

3. **Deferred Disciplinary Suspension:** Deferred disciplinary Suspension is a period of time where a disciplinary suspension may be deferred for a period of observation and review, but in no case will the deferred suspension be less than the remainder of the semester. Further instances of misconduct under the *General Conduct Policy* or the Highlander Guide during this period may result in additional sanctions, conditions, and/or restrictions;
  
4. **Disciplinary Suspension:** Disciplinary suspension is a specific period of time in which a student may not participate in classes or college-related activities. Notification of disciplinary suspension will indicate the date suspension begins and the earliest date the application for student readmission will be considered. A registration hold will be placed on the student's account in order to prevent returning to classes during this period. The Director, Accommodations & Title IX may deny a student's readmission, if the student's misconduct during the suspension would have warranted additional disciplinary action. If the student has failed to satisfy any sanctions, conditions and/or restrictions that have been imposed prior to application for readmission, the Director, Accommodations & Title IX may deny readmission to the student. On denial of a student's readmission, the Director, Accommodations & Title IX will set a date when another application for readmission may again be made. A student may appeal denial of readmission or reregistration in accordance with the disciplinary appeal process (See Article VII, Section D. of the *General Conduct Policy*).
  
5. **Disciplinary Expulsion:** Disciplinary expulsion and a bar against readmission occurs when the student is permanently withdrawn and separated from MCC. The status of expulsion will be permanently shown on the student's academic record, including the transcript and/or student organization's registration. An administrative hold will be placed on the student's record by the Associate Director to prevent future registration.
  
6. Withholding grades, official transcript, or degree;
  
7. Revocation of degree, denial of degree and/or withdrawal of diploma; and
  
8. Other sanction(s) as deemed appropriate under the circumstances.

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NOTE: Student organizations may also be subject to suspension of their organization's registration. Disciplinary suspension is a specific period of time in which a student organization's registration and privileges of the organization are suspended. Upon written request by the registered student organization's representative to the Director, Accommodations & Title IX, the notation of disciplinary suspension may be removed from the registration record of the student organization upon completion of the disciplinary suspension period. Notification of disciplinary suspension of an organization will indicate when the suspension begins and the earliest date the application for re-registration will be considered. The Director, Accommodations & Title IX may deny an organization's request for re-registration if the organization's misconduct during a period of suspension would have warranted additional disciplinary action. If the organization has failed to satisfy any sanction(s), condition(s), and/or restriction(s) that have been imposed prior to application for re-registration, the Director, Accommodations & Title IX may deny re-registration to the organization. On denial of an organization's application for re-registration, the Director, Accommodations & Title IX may set a date when another application for re-registration may be made. An organization may appeal denial of re-registration in accordance with the disciplinary appeal process (See Article VII, Section C).

- B. A condition is defined as a secondary component of a disciplinary sanction. A condition is usually an educational or personal element assigned in conjunction with sanctions. Examples of conditions include, but are not limited to:
  - 1. Personal and/or academic counseling.
  - 2. Discretionary educational conditions and/or programs of educational service to the College and/or community.
  - 3. Restitution or compensation for loss, damage, or injury that may take the form of appropriate service and/or monetary or material replacement.
  - 4. Monetary assessment owed to MCC.
  - 5. Completion of an alcohol or drug education program.
  
- C. A restriction is defined as a secondary component of a disciplinary sanction. A restriction usually occurs in conjunction with sanctions and will usually be time specific. Some examples of restrictions include, but are not limited to:
  - 1. Revocation of parking privileges.
  - 2. Denial of eligibility for holding office in registered student organizations.



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3. Denial of participation in extracurricular activities.
4. Prohibited access to MCC facilities and/or prohibited direct or indirect contact with members of the college community.
5. Loss of privileges on a temporary or permanent basis.
6. Withdrawal of college funding (Student Government Association, departmental, Student Services Fees, etc.).

NOTE: Violations involving the use of alcohol, narcotics or other drugs may result in notification of the parents/guardians of dependent students under the age of 21.

### V. Disciplinary Appeal Procedures

Any student who has been found responsible for violating the *General Conduct Policy* may request an appeal of the disciplinary decision made by the Associate Director or the Conduct Hearing Committee. Students may also request an appeal of a decision denying readmission to the College or reregistration of a student organization.

#### A. Grounds for Appeal

Appeals must be based on:

1. Procedural error, which fundamentally affected the decision.
2. Substantive error (i.e., the outcome(s) is not consistent with the gravity of the misconduct).
3. Newly discovered, relevant information not available at the hearing and sufficient to change the decision.

#### B. The specific questions to be addressed on appeal are:

1. Were General Conduct procedures followed?
2. If a procedural error was committed, were the rights of the student or student organization materially violated so as to effectively deny a fair hearing?
3. If a substantive appeal, were the sanctions, conditions and/or restrictions reasonable as compared to what the student was found responsible for and the circumstances surrounding the case?

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4. If relevant, would the newly discovered information presented at the hearing be sufficient to change the decision?

C. Notification of Appeal

Appeals must be made in writing and in sufficient detail within seven (7) college working days from date of the decision letter to inform the Director, Accommodations & Title IX of the grounds for appeal. The appeal is not intended to afford a rehearing of the case. This process serves to review the written content and validity of the appeal submitted by the student, the record of the case, decision-making procedures, and consideration of newly discovered information, if any.

D. Appeal Hearing Procedures

The Director, Accommodations & Title IX will review materials relevant to the case in the written appeal and may choose to do one or more of the following:

1. Find that the written appeal submitted is not sufficient to establish grounds for appeal, and affirm the decision.
2. Find that no substantive and/or procedural error has occurred, and affirm the decision.
3. Refer the matter for a new hearing for which a new hearing officer may be appointed.
4. Amend the decision.

E. Appeal Decision

After reviewing the appeal, the Director, Accommodations & Title IX will determine the appellate decision and provide the student written notification of the decision, using the written notification procedure as outlined in Article VII, Section E., within seven (7) college working days.

F. Final Appeal

Following the decision made by the Director, Accommodations & Title IX, a student may request a second appeal with the DHR Administrator. Appeals must be made in writing and in sufficient detail within seven (7) college working days from the date of the Director, Accommodations & Title IX's decision letter to inform the DHR Administrator of the grounds for appeal.

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The appeal is not intended to afford a rehearing of the case. This process serves to review the written content and validity of the appeal submitted by the student, the record of the case, decision-making procedures, and consideration of newly discovered information if any. The appeal will follow the same guidelines outlined in section Article VII, Section C. above. The decision of the DHR Administrator shall remain final.

### G. Readmission Procedures and Appeals

1. A student who has had a disciplinary hold placed on her/his records under this section must request readmission from the Associate Director at least three (3) weeks prior to any MCC Office of Admissions application deadlines for the semester or summer session in which the student wishes to re-enroll. The student may be required by the Associate Director to submit evidence in writing supportive of her/his present ability to function properly and effectively in the college community. The Associate Director will evaluate the student's request and supporting documentation with primary consideration given to satisfying all conditions specified at the time of suspension or withdrawal and give a recommendation to the Director, Accommodations & Title IX. If approval is granted by the Director, Accommodations & Title IX for the removal of the administrative hold, the student must be promptly notified in writing and then is expected to complete the regular readmission procedures.
2. If approval for readmission is denied by the Director, Accommodations & Title IX, the student may appeal the decision to the DHR Administrator. The appeal must be made, in writing, within five (5) college working days from the date the student is notified in writing by the Director, Accommodations & Title IX that the student's request has been denied.
3. The DHR Administrator, upon receiving an appeal request, shall review the denial decision made by the Director, Accommodations & Title IX. The review should be held within five (5) college working days from the date the appeal request is received. The review will be conducted by the DHR Administrator or designee. Following the review, the DHR Administrator will either uphold the decision made by the Director, Accommodations & Title IX or reverse the decision and allow the student to seek reenrollment at the College. The DHR Administrator or designee will notify all parties of this decision in writing within five (5) college working days of the review. The decision of the DHR Administrator shall remain final.

### H. Written Notification for Conduct Proceedings

1. Notice is deemed to have been properly provided when written notification is sent via MCC student email no less than the number of

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days required by the *General Conduct Policy* for the particular situation. Failure of a student to receive notice does not delay or prevent the conduct process from occurring.

NOTE: Students are advised to keep their most current local address, permanent address, email address, and local telephone number updated in Self-Service.

### VI. Records

All records concerning a student or student organization related to the disciplinary process will remain on file in the Accommodations & Title IX office for a minimum of seven (7) years from the date the case is completed through a conduct hearing and/or disciplinary appeal procedures. Records pertaining to registered student organizations will remain on file indefinitely.

Some student conduct records may be expunged for good cause by College and/or designee upon receipt of a written request by the student. Expulsions and suspensions will not be eligible to be expunged. Factors to be considered in the review of such petitions shall include, but are not limited to:

- A. The present demeanor of the student;
- B. The conduct of the student subsequent to the violation; and
- C. The nature of the violation and the severity of any damage, injury or harm resulting from it.