



NO. 5076 STUDENT CONDUCT CODE

1.0 Delegation of Authority and Purpose

- 1.1 The purpose of the Student Conduct process is to promote, engage, and hold students accountable to the standards and core values of Oklahoma City Community College (OCCC).
- 1.2. The responsibility for the campus student conduct process is delegated from the Board of Regents for Oklahoma City Community College (OCCC) to the Vice President for Student Affairs through the College President. The Vice President for Student Affairs further delegates authority for the student conduct process to the Associate Vice President for Student Affairs.
 - 1.2.1. The Associate Vice President for Student Affairs manages the daily administration of the student conduct process, which includes, but is not limited to policy interpretation, guidance, and policy application during consultations, case investigations and case adjudications. The Associate Vice President for Student Affairs may delegate case investigations and/or case adjudications to another staff member in matters of potential absence or bias.
 - 1.2.2. The individual who makes the adjudicative decision of the case will be referred to as the Hearing Officer. The individual assigned to investigate the case will be referred to as the Investigator. Informal case resolutions are typically investigated and adjudicated or mediated by the Associate Vice President for Student Affairs, who has authority to investigate, adjudicate, and mediate. However, formal case resolutions will be investigated by an Investigator and separately adjudicated by a Hearing Officer. In formal case resolutions, the Associate Vice President or designee shall serve as the adjudicating Hearing Officer.
- 1.3. The provisions in this Student Conduct Code regarding student conduct are designed to help students understand and adhere to OCCC's expectations regarding acceptable behavioral conduct and to provide a means for promoting and supporting a positive educational atmosphere for the members of the OCCC community. The Student Conduct Code is designed to be primarily educational and positive in nature.

2.0 Key Roles and Term Definitions

- 2.1. Active Student: A student who has been enrolled in a credit course within the past six (6) months or is enrolled in the forthcoming semester.
- 2.2. Advisor: An individual who has agreed to assist a complainant or respondent during the student conduct process. The advisor may be another student, a friend, family member, an OCCC faculty or staff member, or an attorney. The advisor is not an active participant in the hearing process. The primary role of the advisor is to help complainants and respondents understand and navigate the student conduct process and procedures. Students are only allowed one advisor during student conduct meetings.
- 2.3. Appellant Student: A student who has filed an appeal request to a student conduct case outcome decision, regarding the findings and/or issued sanctions.
- 2.4. Burden of Proof: The standard by which the designated Hearing Officer will

determine whether the Respondent will be held responsible or not responsible for the alleged policy violation(s). OCCC utilizes the preponderance of the evidence standard to determine responsibility in student conduct cases. This burden of proof is sometimes referred to as “more likely than not” or “50% plus a feather.”

- 2.5. College: Oklahoma City Community College shall commonly be referred to as “College” or “OCCC” throughout this policy.
- 2.6. Complainant: Any person who has reportedly been the target, victim, or survivor of another student’s behavior which allegedly violates the Student Conduct Code.
- 2.7. Hearing: An opportunity to be heard and review the relevant and considered information involved in the case and ensuing findings and outcome. Hearings may be an informal or formal process.
- 2.8. Hearing Officer: The designated College official who makes the initial decision of responsibility after an investigation and hearing. The Hearing Officer conducts the investigation and facilitates the adjudication in the informal hearing process. The Hearing Officer may facilitate a mediation session between involved parties as appropriate. Additionally, the Hearing Officer may also make the final determination at the conclusion of an appeal hearing.
- 2.9. Inactive Student: Any person possessing an OCCC ID number but not meeting the criteria of an active student, meaning the student has not been enrolled in the last six (6) months and is not currently enrolled in the next forthcoming semester.
- 2.10. Investigator: A designated College official assigned to gather and compare facts and supporting documentation about a reported incident of misconduct. During the formal hearing process, the Investigator is separate from the adjudicator of the case, which will be the Hearing Officer.
- 2.11. Reporting Party: Any person who reports an incident of an alleged violation of the Student Conduct Code. Whereas the Complainant is often the Reporting Party, the Complainant is not always the Reporting Party.
- 2.12. Respondent: The person or student against whom a complaint has been filed under the Student Conduct Code.
- 2.13. Student: Any person who has been admitted to OCCC and has been assigned an OCCC ID number.
- 2.14. Witness: Any person who provides testimony to a Hearing Officer about their observations of an incident under investigation.

3.0 Student Conduct Code Violations

- 3.1. This policy applies to all students and student clubs and organizations on campus, as well as those participating in off-campus OCCC activities, classes, programs or events. Student Clubs and Organizations are also responsible for adhering to the current Student Club and Organization Manual. The following misconduct is prohibited and is subject to disciplinary action.
 - 3.1.1. Academic Misconduct: Cheating, plagiarism, unauthorized collaboration, alteration of academic materials or other academic misbehavior.
 - 3.1.2. Forgery or Unauthorized Use: Forging or using without authorization College documents or records, financial aid documents, computers, electronic mail, telephones, identification or College property.
 - 3.1.3. Classroom Disruption: Engaging in behavior that a reasonable person would

- view as substantial or repeated interference with the instructor's ability to teach the class or the ability of other students to benefit from the instruction.
- 3.1.4. Information Technology Policies: Violation of the terms of OCCC's Information Technology Resources Acceptable Use Policy, violation of the acceptable use policy for OneNet, the official telecommunications and information network for education and government, or illegal or unauthorized use of computer hardware, software, equipment or devices, either OCCC owned or privately owned, used on or off OCCC property.
 - 3.1.5. False Representation(s): Knowingly making false representation(s) to the College in any form, written or verbal. Submission of false information or withholding information at the time of admission or readmission may make an individual ineligible for admission to, or continuation at, OCCC.
 - 3.1.6. Failure to Comply: Failing to comply with the lawful directions of any College employee acting within the scope of their official duties or failing to exhibit appropriate identification to OCCC officials, faculty, staff or security personnel when required to do so.
 - 3.1.7. Attempts and Complicity: Attempting to or encouraging others to commit acts prohibited by this code or other published OCCC policies. Apathy or acquiescence in the presence of prohibited conduct may constitute a violation of this policy.
 - 3.1.8. Disruption or Obstruction: Disrupting or obstructing normal College or College-sponsored activities in accordance with OCCC Policy.
 - 3.1.9. Animals: Failing to properly leash, control or properly dispose of their waste.
 - 3.1.10. Disorderly Conduct: Disorderly, lewd, indecent actions or breaching the peace on College property or at College-sponsored activities.
 - 3.1.11. Use of Tobacco: Using tobacco in any form or using electronic cigarettes (vaping) in or on campus is strictly prohibited.
 - 3.1.12. Drugs and Alcohol: Any violation of the OCCC Drug and Alcohol Policy.
 - 3.1.13. Weapons: Possession or use of weapons in violation of OCCC Policy.
 - 3.1.14. Physical Violence: Engaging in physical violence of any nature against any person, on or off campus. This includes fighting; assaulting; battering; using a knife, gun, or other weapon; physically abusing, restraining or transporting someone against their will; or acting in a manner that threatens or endangers the physical health or safety of any person or causes reasonable apprehension of such harm.
 - 3.1.15. Hazing: Engaging in any action or activity that causes or is likely to cause physical or mental discomfort or distress that may demean, degrade, or disgrace any person, regardless of location, intent or consent of participants, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
 - 3.1.16. Harassment, Threats, and Bullying: Engaging in subjectively and objectively offensive verbal or written abuse, threats, intimidation, harassment, coercion, bullying or other conduct that threatens or endangers the mental or physical health/safety any person or causes reasonable apprehension of such harm that is persistent, severe, or pervasive.

- 3.1.17. Discrimination in violation of OCCC Policy No. 1012.
- 3.1.18. Harassment in violation of OCCC Policy No. 1012.
- 3.1.19. Retaliation: Any adverse action (including but not limited to, intimidation, threats, coercion, harassment, or discrimination) taken against an individual or group because an individual or group made a report or filed a formal complaint; or against an individual or group who has supported or provided information in connection with a report or formal complaint; or against an individual or group who has participated or refused to participate in any investigation or hearing under a college policy; or against an individual or group who has engaged in other legally protected activities. .
- 3.1.20. False Reporting: Intentionally making or contributing to a false report of a bomb, fire or other emergency, including the filing of knowingly false police reports, or other false reporting through published reporting forms to the OCCC Behavioral Assessment Team (OBAT), Title IX coordinators or deputies, the Associate Vice President for Student Affairs, or other College reporting entities.
- 3.1.21. Fire Safety: Engaging in misuse or unauthorized use of firefighting, fire sprinkling systems and other safety equipment or warning devices, and failure to evacuate when a fire alarm is activated.
- 3.1.22. Property Damage: Defacing, damaging or destroying property belonging to the College or other individuals or recognized groups on College property.
- 3.1.23. Theft: Engaging in theft, attempted theft or unauthorized possession of property belonging to the College or other individuals or recognized groups on College property or facilities on or near campus.
- 3.1.24. Unauthorized Entry: Entering into, or using without proper authorization, any College building, facility, vehicle, equipment room or area. This includes unauthorized possession or use of College keys, computers, lock combinations or other special access codes or passwords.
- 3.1.25. Violations of the Law: Any violation of federal, state or local law while on OCCC premises, while using OCCC property, equipment, or electronic domain, or while engaged in any OCCC-sponsored activity.
- 3.1.26. Violations of OCCC Policy: Any violation of any published OCCC policies or procedures by a student or student club or organization, while on OCCC premises, while using OCCC property, equipment, or electronic domain, or while engaged in any OCCC-sponsored activity.

4.0 Treatment of Violations

- 4.1. The possible student sanctions, per section 9.0, are possible sanctions that may be imposed, either singularly or in combination, if a violation of the Student Conduct Code is determined. In cases of repeated violations of the Student Conduct Code, the Hearing Officer may consider the student’s conduct history and incorporate further sanctions, after the finding(s) of responsibility have been established, as appropriate.
- 4.2. Violations of the Student Conduct Code by any active student may result in one or more sanctions applied in accordance with section 9.0 of this policy.
- 4.3. Violations of the Student Conduct Code by any inactive student may result in penalties, including but not limited to a 6-month “Notice to Leave” issuance from

the OCCC Campus Police and the placement of a student conduct hold on the student account preventing future enrollment in any credit or non-credit course for the duration of the Notice to Leave document period. In order for a student conduct hold to be removed from the student's account, a meeting must occur between the inactive student and the designated Hearing Officer. After an investigation of the circumstances surrounding the violation(s), the Hearing Officer may require that appropriate and reasonable safety and/or educational conditions be met prior to the removal of the hold (e.g. mental health assessments, anger management classes, completion of court-mandated requirements, etc.).

5.0 Complaints – Student Conduct

- 5.1. Any member of the College community (faculty, staff or student) or any person who is unaffiliated with the College who has knowledge of an alleged violation of the Student Conduct Code may file a complaint against a student, alleging that a violation of the Student Conduct Code has occurred. The College may initiate a complaint, if such a need arises.
- 5.2. Complaints must be submitted online at www.occc.edu/studentconduct. The complaint must include the date, time, place, name(s) of person(s) involved (e.g., the respondent, complainant, and witnesses) and sufficient detail to make a determination of whether an investigation, mediation facilitation, and/or further safety precautions may be warranted. Questions and/or concerns about filing complaints may be posed or submitted to the Office of the Vice President for Student Affairs at (405) 682-7584.
- 5.3. After an initial assessment of the complaint, the Associate Vice President for Student Affairs or designee will make the determination as to whether a full investigation or an optional resolution service is warranted. Complainants and Respondents may acquire more information about optional resolution services, such as mediation and restorative justice on the Student Conduct website at www.occc.edu/studentconduct or by calling the Office of the Vice President for Student Affairs at (405) 682-7584.
- 5.4. The Associate Vice President for Student Affairs or designee may determine if a complaint may be dismissed based upon a lack of merit to the complaint. A lack of merit means there is no identified policy violation specified within the complaint or there is clear and apparent supporting documentation to immediately contradict a complaint during a preliminary inquiry of the complaint.
 - 5.4.1. If initial meetings are needed, notification will be sent to the Complainants and/or Respondents, as outlined in section 6.0.
 - 5.4.2. If initial meetings are not needed and a case dismissal is appropriate, a file will be created which outlines the rationale for the case dismissal.
 - 5.4.3. If students who have been provided with notice, including a request to meet, do not appear before the designated Hearing Officer during the specified date and time, then the information in support of the Reporting Party shall be presented and considered in the absence of the notified students. A decision shall be made without the benefit of the students' input, unless a documented emergency can be verified to account for the students' absence(s).

- 5.4.4. Complaints may be initiated for incidents where concurrent criminal charges are pending. The College may adjudicate incidents without regard to either pending civil litigation or criminal prosecution. College student conduct proceedings may proceed before, during or after court proceedings. Criminal and/or civil court proceedings are separate from the College student conduct proceedings.

6.0 Complaints – Academic and Discrimination Routes

- 6.1 Academic Integrity incident complaints are investigated and adjudicated by the Associate Vice President for Academic Affairs. The Associate Vice President for Academic Affairs may consult with the Office of the Provost and Vice President for Student Affairs, as the need arises during investigations or adjudications.
- 6.2 Sexual Misconduct and Discrimination or Harassment Based on Sex or Gender complaints are reported to, investigated by, and adjudicated by the Title IX Coordinator or designees. The Title IX Coordinator or designees may consult with the Office of the Provost and Vice President for Student Affairs, to determine conduct history and appropriate sanction(s), sanction implementation, and prompt and effective actions to stop any harassment or discrimination, prevent its recurrence and remedy the effects of the discriminatory acts as defined in College Policy No. 1012.
- 6.3 Non-Title IX-Based Discrimination or Harassment complaints are reported to, investigated by, and adjudicated by the Director of Equity and Compliance or designee. The Director of Equity and Compliance or designee may consult with the Office of the Provost and Vice President for Student Affairs, to determine conduct history and appropriate sanction(s) or responsive action(s), implementation, and prompt and effective actions to stop any harassment or discrimination, prevent its recurrence and remedy the effects of the discriminatory conduct.

7.0 Notice of Allegations and Hearing Processes

- 7.1. When the Office of the Vice President for Student Affairs receives a complaint, the student against whom the complaint has been filed, the Respondent, shall be given written notification, which will be sent to their official student email account, delivered by certified postal mail, or delivered by hand and will include the following information:
 - 7.1.1. An explanation of the allegations, including the name of the Complainant, except where concerns of personal safety are involved. In such instances, the manner and timing of the dissemination of the Complainant's identity shall be determined by the Associate Vice President for Student Affairs while assessing and minimizing immediate safety concerns and risks. Once the immediate safety concerns and risks have been addressed, the identity of the Complainant shall be disclosed.
 - 7.1.2. Written notification of the specific Student Conduct Code violation(s) alleged to have been committed by the Respondent.
 - 7.1.3. Written notification of the time, date, and place where the student will be given the opportunity to respond to the Hearing Officer regarding the allegations contained in the complaint. In most non-urgent

circumstances, deference will be given to the students' current class schedule. In matters that involve temporary actions of safety, deference will not be given to the students' current class schedule, due to the urgent nature of the incident and safety concerns.

- 7.2. The Investigator shall meet with the Complainant to clarify the specific nature and description of the complaint. In addition, in the initial meeting with the Complainant, the Investigator shall review the following with the Complainant:
 - 7.2.1. The conduct process steps and procedures;
 - 7.2.2. The Complainants' rights, options, responsibilities, and resources available;
 - 7.2.3. The allegations and implicated policies contained in the complaint; and
 - 7.2.4. The possible remedies and/or sanctions that can be imposed if the Respondent is found responsible for the alleged policy violation(s).
- 7.3. The Complainant shall be requested to signify in writing that he/she has met with the Investigator and received the opportunity to clarify the complaint and learn of their rights, options, available resources, possible remedies and sanctions which could be implemented, and their responsibilities under this policy.
- 7.4. The Complainant may be accompanied by an advisor throughout the hearing process, including meetings with the Investigator. The advisor is limited to advising the student and may not present information, question relevant parties or make statements during the proceedings. Advisors may be dismissed from a hearing process, informal or formal, if their behavior or presence are deemed disruptive to the investigation and/or operations of the hearing process.
- 7.5. During the investigation process, the Complainant will be provided with the opportunity to do the following:
 - 7.5.1. Request an alternate investigator, based upon a claim of bias, which must be requested in writing through the Associate Vice President for Student Affairs. If the claim of bias is unjustified, the request will be denied and the initial investigator will resume the investigation. If the claim of bias is justified, the case will be investigated by the Associate Vice President for Student Affairs. In cases whereby the Associate Vice President for Student Affairs is potentially biased, the Vice President for Student Affairs will assign an appropriate faculty or staff member to serve as a proxy investigator and submit a findings report to the Vice President for Student Affairs at the conclusion of the investigation. The selection of a proxy volunteer shall be from a pool of volunteer faculty/staff which are annually trained in student conduct investigations, processes, and privacy policies.
 - 7.5.2. Students with a disability, who may need assistance during the student conduct process, may request accommodations by contacting Disability Services at (405) 682-7520 or by email at disabilityservices@occc.edu.
 - 7.5.3. Select either an informal or formal hearing process.
- 7.6. The Investigator shall meet with the Respondent to discuss the allegations contained in the complaint. At this meeting, the Investigator shall review with the Respondent:
 - 7.6.1. The conduct process steps and procedures;

- 7.6.2. The Respondents' rights, options, responsibilities, and resources available;
- 7.6.3. The allegations contained in the complaint; and
- 7.6.4. The possible remedies and/or sanctions that can be imposed if the Respondent is found responsible for the alleged policy violation(s).
- 7.7. The Respondent shall be requested to signify in writing that he/she has been notified of the allegations contained in the complaint, their rights, options, available resources, possible sanctions and their responsibilities under this policy.
- 7.8. At this meeting, the Respondent shall be afforded the opportunity to respond to the allegations and to present any evidence that he/she may desire to present regarding the complaint.
- 7.9. The Respondent may be accompanied by an advisor throughout the hearing process, including meetings with the Investigator. The advisor is limited to advising the student and may not present information, question relevant parties or make statements during the proceedings. Advisors may be dismissed from a hearing process, informal or formal, if their behavior or presence are deemed disruptive to the investigation and/or operations of the hearing process.
- 7.10. During the investigation process, the Respondent will be provided with the opportunity to do the following:
 - 7.10.1. Request an alternate investigator, based upon a claim of bias, which must be requested in writing through the Associate Vice President for Student Affairs. If the claim of bias is unjustified, the request will be denied and the initial investigator will resume the investigation. If the claim of bias is justified, the case will be investigated by the Associate Vice President for Student Affairs. In cases whereby the Associate Vice President for Student Affairs is potentially biased, the Vice President for Student Affairs will assign an appropriate faculty or staff member to serve as a proxy investigator and submit a findings report to the Vice President for Student Affairs at the conclusion of the investigation. The selection of a proxy volunteer shall be from a pool of volunteer faculty/staff which are annually trained in student conduct investigations, processes, and privacy policies.
 - 7.10.2. Students with a disability, who may need assistance during the student conduct process, may request accommodations by contacting Disability Services at (405) 682-7520 or by email at disabilityservices@occc.edu.
 - 7.10.3. Accept or deny responsibility for each of the alleged policy violations.
 - 7.10.4. Select either an informal or formal hearing process.
- 7.11. The informal hearing process is facilitated by the designated Hearing Officer, which would consist of the investigation and adjudication of the case. Specifically, the Hearing Officer conducts the investigation and makes the final determinations of responsibility and sanction assignments, if any, pending the appropriate appeal procedures, as specified in section 10.0 of this policy.
 - 7.11.1. In the event that the Respondent accepts responsibility for the allegation(s) filed against him/her, the Hearing Officer shall find the student responsible for the policy violations, determine what sanctions will be imposed upon the Respondent, if any, and shall notify the

Complainant and Respondent, in writing, which will be sent to their official student email account. The Complainant will only be notified of the applicable sanctions that directly impact the Complainant.

- 7.11.2. In the event that the Respondent denies the allegation(s) filed against him/her, the Hearing Officer shall make a determination regarding the veracity of the allegations, statements, supporting documentation, and shall notify the Respondent and Complainant in writing, which will be sent to their official student email account, of that determination and the sanctions that will be assigned, if any. The Complainant will only be notified of the applicable sanctions that directly impact the Complainant.
- 7.11.3. In the event that the Complainant or the Respondent neglects or refuses to respond to notifications and/or appear for their scheduled meetings, the process shall continue without the benefit of their input. In such cases, the Hearing Officer shall proceed with the informal hearing process without input from the Complainant or Respondent and impose the appropriate sanctions, if the Respondent is found responsible. Notification of the outcome will be sent to the Complainant's and Respondent's official student email accounts. The Complainant will be notified of the findings of responsibility and applicable sanctions that directly impact the Complainant or as otherwise may be required by law.
- 7.12. During the formal hearing process, the Investigator facilitates the investigation. At the conclusion of the investigation, the Investigator shall compose an investigation and findings report draft. The investigation and findings report draft shall be made accessible to the Complainant and Respondent for review and rebuttal. The review and rebuttal period allows for five (5) College business days to review and submit of any rebuttal statements from the Complainant and Respondent to the Investigator.
- 7.13. After any addendums or revisions have been added at the conclusion of the review and rebuttal period, the Investigator shall submit the final investigation and findings report to the designated Hearing Officer for review and decision. The final investigation and findings report shall be submitted to the designated Hearing Officer no later than five (5) College business days after the conclusion of the review and rebuttal period.
- 7.14. During formal hearings, the designated Hearing Officer shall render the final determination of responsibility and sanction assignments, if any, within five (5) College business days after receiving the final investigation and findings report, pending the appropriate appeal procedures, as specified in section 10.0 of this policy. The designated Hearing Officer shall notify the Complainant and Respondent in writing, which will be sent to their official student email accounts. The Complainant will be notified of the findings of responsibility and applicable sanctions that directly impact the Complainant or as otherwise may be required by law.
- 7.15. In order for a student to be found responsible, the information must support a determination that it is more likely than not, or the preponderance of the evidence, that one (1) or more violations of the Student Conduct Code occurred.
- 7.16. In cases of repeated violations of the Student Conduct Code, the designated

Hearing Officer may consider the student's previous conduct history and assign a more rigorous sanction load than would be assigned for those without a previous conduct history.

8.0 Temporary Actions

- 8.1 Temporary Remedies or Temporary Sanctions may be imposed to ensure the safety and well-being of College community members, to preserve College property, to ensure student physical or emotional safety, or if the student poses a threat to, disruption of or interference with the educational environment or operations of the College. Temporary remedies and sanctions will be effective immediately to ensure the following:
 - 8.1.1. the safety and well-being of College community members and/or the preservation of College property;
 - 8.1.2. protection against an ongoing threat of disruption or interference with, the normal operations of the College; and/or
 - 8.1.3. the preservation of the current academic status and pursuits of the parties involved.
- 8.2. Students directly impacted by implemented temporary remedies or sanctions will be notified of this action, in writing, and the rationale for such action upon implementation.
- 8.3. Temporary remedies are reasonable adjustments that may be made to provide an interim means of assistance for students prior to or during an investigation of alleged disruptive and/or threatening behaviors. Temporary remedies may be requested through the Hearing Officer by the student or a partnering campus department who may be assisting the student in other areas of their academic or social life. Some examples of temporary remedies include, but are not limited to, an academic class section change, a No Contact Order, realignment of academic class groups, adjustments to class attendance or participation requirements, student club or organization attendance, and class or student club or organization participation guideline adjustments or exceptions. Note: The Associate Vice President for Student Affairs or designee will consult with the Associate Vice President for Academic Affairs and/or appropriate faculty to request classroom adjustments or exceptions for attendance and possibilities for assignment make – ups as instructors of record control their own classroom attendance policies.
- 8.4. Temporary sanctions are timely, precautionary safety measures, which may be utilized as a means to address reasonable and supported concerns of alleged disruptive and/or threatening behaviors. Temporary sanctions issued to Respondents will not be more restrictive than necessary to minimize the potential negative impact upon academic success of College community members involved. Some examples of temporary sanctions which may be implemented include, but are not limited to, a loss of privileges, conduct holds on a student account, mental health or anger assessments/evaluations, No Contact Orders, discretionary or educational sanctions, withholding of diplomas, classroom adjustments based upon assessed safety needs, and temporary suspensions.
 - 8.4.1. Temporary Suspension, a type of temporary sanction, is an immediate and temporary separation between a student and the College campus

during an initial assessment of a reported violation of this policy and/or during the duration of an investigation, due to the nature of the report, the initial identified patterns of risk or disruptive behavior(s), and/or current danger of presence on the College campus. In instances when a student has been temporarily suspended, a meeting to review the matter shall be scheduled by the Hearing Officer.

- 8.5. Temporary remedies and/or temporary sanctions do not replace the regular student conduct process, as described in sections 7.0, and are not final. The designated Investigator or Hearing Officer will inform the involved parties of the next steps in the student conduct process. The Complainant(s) and Respondent(s), shall be notified of this action and the rationale for the issued temporary remedies and/or sanction(s) in writing. Only one hearing process, informal or formal, will operate in the manner described in sections 7.0 of this policy. Temporary Actions shall remain in place until the student(s) is otherwise notified by the designated Investigator or Hearing Officer or until the findings of the investigation and decision are rendered and issued.

9.0 Sanctions

The following descriptions are possible sanctions which may be assigned, either singularly or in combination. The following sanctions may be assigned for a student or student club or organization, if one (1) or more violations of the Student Conduct Code are determined. While individual sanctions will be managed by the appropriate Hearing Officer, Student Club and Organization sanctions may be primarily managed by Student Life in accordance with the current Club and Organization Manual. Additionally, the following sanction descriptions may be temporarily assigned, in a timely manner, if one (1) or more criteria listed in 8.1.1. – 8.1.3. are identified as an immediate necessity.

- 9.1. **Written Warning:** An official written notice that the student has violated College policies and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the College.
- 9.2. **Apology Letter:** A typed and signed apology letter by the Respondent(s) acknowledging responsibility for the College violation(s). This letter provides a sincere expression of remorse to the Complainant(s) and/or stakeholder(s) of the community who experienced or endured the misconduct.
- 9.3. **Loss of Privileges:** A limitation on a student's privileges for a period of time and may include, but is not limited to the denial of entry or usage of certain facilities or specific parts of campus, denial of opportunities to represent the College (in participation or leadership capacity), denial of participation in co-curricular activities indirectly associated with academics (i.e. attending campus programs/events, or participation in student organizations/clubs).
- 9.4. **Conduct Hold:** A disciplinary hold will be placed on the student account preventing enrollment in future semesters until the matter is resolved. Holds may also limit access to campus, require special arrangements for records requests, and be utilized as a method of requiring the student to meet with the designated Hearing Officer prior to conducting normal College business.
- 9.5. **Educational and Behavioral Change Requirements:** Assigned opportunities for assisted personal reflection, assessment, and development. These assigned

opportunities include, but are not limited to, attending an alcohol education class/workshop, attending a drug education class/workshop, attending an anti-discrimination class/workshop, writing a reflection essay, attending and participating in a mental health assessment (and following the resulting recommendations), acquiring student success advisement, attending and participating in a civility or decision-making class/workshop, and/or other relevant educational opportunities.

- 9.6. Class Removal: The student shall be administratively dropped from a class or moved to another section of a class. Faculty members, in consultation with the designated Hearing Officer, reserve the right to interim suspend a student from class pending the outcome a hearing for the student and the normal appeal process. Students who are suspended or expelled from the College will not be allowed to return to the class unless written authorization has been granted by the Associate Vice President for Student Affairs or designee. Note: The Associate Vice President for Student Affairs or designee will consult with the Associate Vice President for Academic Affairs and/or appropriate faculty to request classroom adjustments or exceptions for attendance and possibilities for assignment make-ups as instructors of record control their own classroom attendance policies.
- 9.7. Assessments/Evaluations: A directive to attend and actively participate in as many appointments or sessions as necessary or recommended that will aid in the direction of the appropriate resolution of a case and/or the most effective sanction learning outcome. Outside Assessments by a third party health provider may be required by the Respondent(s), as deemed necessary for specific threats to campus, including self and/or others. Outside assessments will be the financial responsibility of the Respondent. Outside assessments will require documentation to be submitted to the Hearing Officer and/or designated licensed counselor, prior to resuming normal student participation.
- 9.8. No Contact Order: An absolute prohibition from contact with specified person or persons in any form whatsoever, including, but not limited to contact in person, by phone, electronically, social media, or through another person. A No Contact Order may be implemented as an interim measure for issues regarding sexual violence or other Title IX issues. Violating a No Contact Order may result in suspension from the College.
- 9.9. Temporary Suspension: A type of temporary sanction, is an immediate and temporary separation between a student and the College campus during an initial assessment of a reported violation of this policy and/or during the duration of an investigation, due to the nature of the report, the initial identified patterns of immediate threat to physical health and/or safety, disruptive behavior(s), and/or current danger of presence on the College campus. In instances when a student has been temporarily suspended, a meeting to review the matter shall be scheduled by the Hearing Officer.
- 9.10. Restitution: Compensation for the damage caused to the College or any person's property on campus. This is not a fine but rather a repayment for labor costs and/or value of property destroyed, damaged, consumed, or stolen.
- 9.11. Probation: A specified period of time during which the student is placed on formal notice that he/she is not in good standing with the College and that further

violations of College regulations will subject him/her to suspension or expulsion from the College.

- 9.12. Suspension: The exclusion from enrollment in classes and other student privileges or activities for a definite period of time not to exceed five (5) years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from the College are not permitted on campus at any time for any reason during the period of suspension, unless otherwise permitted, in writing, by the Associate Vice President for Student Affairs or the designated Hearing Officer. A notation on the transcript is not made; however, a record of the action is maintained in the student's record in the Registrar's Office. (Note: The Registrar does not have access to conduct files, but does provide verification letters/background check information. When conduct history is properly requested, the Registrar or designee communicates with the Office of the Vice President for Student Affairs for conduct information/history then conveys this information on any properly requested letters or forms. The Conduct records request form may be found on the OCCC Records website, <http://www.occc.edu/records/forms.html>). Any refund of tuition or fees will be subject to the College's normal withdrawal policy.
 - 9.12.1. At the conclusion of a suspension period, persons who desire to re-enroll will be required to participate in the Student Conduct Re-entry process, which consists of one or more follow up meetings with the designated Hearing Officer, Student Success Advisement for each semester of the remaining semesters at the College, composing a structured plan to overcome previous and current barriers to academic success, and assessment of other College resource needs.
 - 9.12.2. Persons who have violated further policies and/or local, state, or federal laws during their suspension period may not be allowed to re-enroll at the College.
- 9.13. Expulsion: Expulsion is the termination of the relationship between the student and the College on an immediate and permanent basis. When a student is expelled, record of this action will be made a part of the student's permanent record and will be noted on the student's transcript. A student who is expelled will not be allowed to re-enroll at the College. Students who are expelled from the College are not permitted on campus at any time for any reason.
- 9.14. Assigned sanctions, not including Temporary Sanctions, shall not be implemented until the deadlines for relevant appeal processes have expired, until the entire appeal process is completed, or until Complainant and Respondent voluntarily waive their rights to appeal in writing.

10.0 Appeal Requests and Reviews

- 10.1. When case outcome decisions are delivered, Complainants and Respondents may request an appeal review of the decision and/or the assigned sanctions. Complainants and Respondents may request that the finding of responsibility and/or sanction(s) assigned, if any, be reviewed, according to the appeal request review process described below.
 - 10.1.1. Complainants and Respondents may request an appeal review to

determine whether one (1) or more of the following occurred:

- a) Procedural Error: to determine if there was a procedural error committed by the Investigator or Hearing Officer during the investigation and/or assignment of sanctions;
- b) New Information: to determine if there is new information to consider, which was not available during the time of the original investigation that could substantially impact the original finding and/or sanction assignments (A summary of the new documentation, date acquired, reason why it was not available during the original investigation, and its potential impact must be included); and
- c) Disproportionate Sanctions: to determine if the assigned sanctions were significantly disproportionate for the severity of the violation (Simple dissatisfaction with a sanction is not grounds for overturning or modification of a sanction assignment under this provision.)

10.1.2. All appeal requests must be completed and submitted within five (5) College business days after the case findings and sanctions, if any, have been assigned and issued. All appeal requests must be submitted through the online Student Conduct appeal request form at www.occc.edu/studentconduct with any supporting documentation, as described in the individual case decision outcome letters. Failure to check or claim notice of the decision by email, US Postal Service, or direct pick-up will not constitute an acceptable reason for non-receipt of the original decision. The official communication method by which case outcome decision notices will be sent is through the student's official College email. However, extenuating circumstances may require the Hearing Officer to communicate through the US Postal Service or hand delivery/pick-up methods.

10.1.3. When an appeal request form is completed and submitted, the Associate Vice President for Student Affairs will review the appeal request to determine if the appeal request was submitted within the five (5) College business days and directly articulates one (1) or more of the aforementioned appeal merits, as stated in 10.1.1. If either of these appeal request requirements are not met, the appeal request will be denied.

- a) If the appeal request is not completed and submitted within five (5) College business days and/or the appeal request does not articulate one (1) or more of the appeal merits described in section 10.1.1., the Associate Vice President for Student Affairs will notify the appealing party that the appeal request is denied.
- b) If the appeal request is completed and submitted within five (5) College business days and the appeal request does directly articulate at least one (1) of the appeal merits, then the Associate Vice President for Student Affairs will notify the Appellant Student that the appeal request is granted and will notify each party (Complainant(s) and Respondent(s)) that an appeal

hearing or appeal review will be forthcoming based upon dates of upcoming availability.

- 10.1.4. If an appeal request is granted, the assigned sanctions shall not be implemented until the entire appeal process is completed. However, any temporary actions imposed, during the investigation, shall remain in effect unless the Vice President for Student Affairs or designee gives written authorization for any necessary modifications during the appeal procedures.
- 10.1.5. When cases are resolved through the formal hearing process and the Associate Vice President for Student Affairs adjudicates the case, as the Hearing Officer, the Vice President will review appeal request submissions to determine if the appeal requests meet the appeal request requirements, per section 10.1.1.
- 10.2. The Vice President for Student Affairs shall review all granted appeal requests for case decisions and sanctions other than those resulting in a suspension or expulsion. If additional information is needed during the appeal review process, students or other involved parties may be contacted by the Office of the Vice President for Student Affairs for clarification of relevant information. The Vice President for Student Affairs shall make a determination of whether it is more likely than not that one of the following occurred:
 - a) a procedural error was committed by the Investigator or Hearing Officer;
 - b) there is new information to consider that was not available during the time of the original investigation; and/or
 - c) if the assigned sanctions, if any, were significantly disproportionate to the determined violation.
- 10.2.2. The Vice President for Student Affairs will make a determination and issue a decision to either:
 - a) uphold the original decision and sanctions, if any;
 - b) modify the original decision and/or sanctions; or
 - c) overturn the original decision and/or sanctions.
- 10.2.3. In the case that the Vice President for Student Affairs is unable to appropriately serve in this capacity to make the final decision, due absence or potential conflict of interest, another Presidential Cabinet Member shall be selected to fulfill this role.
- 10.2.4. The decision of the Vice President for Student Affairs or alternate Presidential Cabinet member shall be final upon the conclusion of the granted appeal review.
- 10.3. The Student Conduct Committee shall review all granted appeal requests for case decisions and sanctions resulting in suspension or expulsion. The Student Conduct Committee shall make a determination of whether it is more likely than not that one of the following occurred:
 - a) a procedural error was committed by the Investigator or Hearing Officer;
 - b) there is new information to consider that was not available during the time of the original investigation; and/or

- c) if the assigned sanctions, if any, were significantly disproportionate to the determined violation.

The Student Conduct Committee will make a determination and offer a recommendation to the Vice President for Student Affairs, which will suggest to do either of the following:

- a) uphold the original decision and sanctions, if any;
 - b) modify the original decision and/or sanctions; or
 - c) overturn the original decision and/or sanctions.
- 10.4. The appeal hearing to consider the appeal request of the Complainant or Respondent will be set at a date not more than fifteen (15) College business days from the date of the formation of the Committee.

11.0 Student Conduct Committee Composition

- 11.1. A Student Conduct Committee shall be selected within five (5) College business days of the receipt of a granted Appeal Request Form regarding a suspension or expulsion decision. The Committee shall be comprised of the following:
- 11.1.1. Two (2) College staff members selected by random draw from a voluntary staff Student Conduct Committee Pool.
 - 11.1.2. Two (2) College faculty members selected by random draw from a voluntary faculty Student Conduct Committee Pool.
 - 11.1.3. Two (2) College students selected by random draw from a voluntary active Student Conduct Committee Pool.
 - 11.1.4. One non-voting chairperson selected by random draw from the pool of all voluntary Faculty and Staff members.
- 11.2. Quorum for a Student Conduct Committee shall exist when 51% of the total seven (7) committee members are present for an appeal hearing.
- 11.3. Under no circumstances may a College student, staff, faculty member or academic dean serve on the Committee if such person is a complainant, respondent, witness to the incident, or has a prior or existing academic, co-curricular, or personal relationship with the Complainant or Respondent of the incident.

12.0 Pre-Appeal Hearing Procedures

- 12.1. No less than three (3) College business days prior to the Student Conduct Committee hearing, the Appellant Student and Hearing Officer shall submit written materials to the other party through the Office of the Vice President for Student Affairs, as follows:
- 12.1.1. The Hearing Officer shall provide to the Student Appellant:
 - a) A copy of the original Student Conduct Code violation complaint form;
 - b) A summary of the facts of the incident(s) which formed the allegations against the student;
 - c) The names of all witnesses who will be called to testify against the Appellant Student and a brief summary of the expected testimony of each witness;
 - d) A copy of any affidavit, statement or other document the Hearing Officer plans to introduce as an exhibit, as well as a

- copy of any such document not previously provided to the Appellant Student;
 - e) The time, date and location of the appeal hearing; and
 - f) The procedures to be followed at the hearing.
- 12.1.2. The Appellant Student shall provide to the Hearing Officer:
- a) The names of all witnesses who will be called to testify for the student, and a brief summary of the expected testimony of each witness.
 - b) A copy of any affidavit, statement or other document the Appellant plans to introduce as an exhibit, as well as a copy of any such document not previously provided to the Hearing Officer.

13.0 Rights of the Appellant Student

- 13.1. The Appellant Student has the right to be advised by a person, an advisor, of their choice. Any expenses must be borne by the student.
- 13.1.1. This person may be an attorney. The advisor is limited to advising the student and may not present information, question parties or make statements during the proceedings. Advisors may be dismissed from a hearing process, informal or formal, if their behavior or presence are deemed disruptive to the investigation and/or operations of the hearing process.
- 13.1.2. If the student chooses to be advised by another person, he/she must notify the Office of the Vice President for Student Affairs, in writing, and identify the advisor by name and provide the advisor's email address and phone number no less than three (3) College business days prior to the appeal hearing.
- 13.1.3. Advisors may not serve as a witness for the same incident.
- 13.2. The Appellant Student has the right to present witnesses, affidavits, statements, and other forms of documentary evidence. The Student Conduct Committee Chairperson shall make the decisions regarding the admissibility of presented evidence.
- 13.3. The student has the right to challenge and pose questions of witnesses who give oral testimony at the appeal hearing, through the Student Conduct Committee Chairperson.
- 13.4. The Student Conduct Committee Chairperson has the authority to limit incompetent, repetitious or irrelevant exhibits and testimony.

14.0 Rights of the Hearing Officer

- 14.1. The Hearing Officer has the right to request an advisor, who may be an attorney. The advisor is limited to advising the student and may not present information, question parties or make statements during the proceedings. Advisors may be dismissed from a hearing process, informal or formal, if their behavior or presence are deemed disruptive to the investigation and/or operations of the hearing process.
- 14.1.1. The advisor may be employed by the College, provided the selected advisor shall not be represented or advised by the direct supervisor of

- any member of the Student Conduct Committee.
 - 14.1.2. The advisor may not be the College's legal counsel if such counsel has been authorized by the College President to assist the Committee.
 - 14.1.3. If specifically authorized by the College President, the Hearing Officer may be represented and advised by outside counsel.
 - 14.1.4. Advisors may not serve as a witness for the same incident.
- 14.2. The Hearing Officer has the right to present witnesses, affidavits, statements and other forms of documentary evidence. The Student Conduct Committee Chairperson shall make the decisions regarding the admissibility of presented evidence.
- 14.3. The Hearing Officer has the right to challenge and pose questions of witnesses who give oral testimony at the appeal hearing, through the Student Conduct Committee Chairperson.
- 14.4. The Chairperson of the Committee has the authority to limit incompetent, repetitious or irrelevant exhibits and testimony.

15.0 Role of the Vice President for Student Affairs

- 15.1. The Vice President for Student Affairs shall present opening remarks, behavioral ground rules, and procedural instructions to the committee, student(s) and the Hearing Officer. The Vice President for Student Affairs may choose to withdraw from this role and defer to another Presidential Cabinet Member, as needed, in matters of potential bias or leave of absence.
- 15.2. The Vice President for Student Affairs may choose to observe and take notes during the appeal hearing proceedings.

16.0 Appeal Hearing Process Outline

- 16.1. There shall be no less than 51% of a Student Conduct Committee members present prior to the commencement of an appeal hearing.
- 16.2. There shall be a late arrival grace period of no more than fifteen (15) minutes for the Appellant Student prior to the commencement of an appeal hearing unless a verifiable emergency is presented to the Student Conduct Committee Chairperson.
- 16.3. OCCC Legal Counsel may be present to provide guidance or interpretation of policy for the Student Conduct Committee during the proceeding.
- 16.4. The designated Hearing Officer shall represent the College in the appeal hearing. In the case that the designated Hearing Officer is unable to appropriately serve in this role, due to a conflict of interest or a leave of absence, the Associate Vice President for Student Affairs or designee shall represent the College.
- 16.5. Appeal Hearings before the Student Conduct Committee shall be conducted in substantial compliance with the following procedure:
 - 16.5.1. Both the Hearing Officer and the student will be permitted to present opening statements of no more than five (5) minutes in length to the Student Conduct Committee, with the Appellant Student speaking first, followed by the Hearing Officer.
 - 16.5.2. The Appellant Student will have the opportunity to present evidence first, followed by the Hearing Officer.
 - a) Each party will be permitted to pose questions to one another

through the Student Conduct Committee Chairperson. The Appellant Student shall have the opportunity to pose questions first, followed by the Hearing Officer.

- b) Each party will be permitted to pose questions through the Student Conduct Committee Chairperson to any witness giving oral testimony on behalf of the other party after the witness has testified.
- 16.6. Decisions as to the admissibility of evidence will be made by the Student Conduct Committee Chairperson.
- 16.7. The Student Conduct Committee Chairperson has the authority to limit incompetent, repetitious or irrelevant exhibits and testimony.
- 16.8. Each party will be afforded the opportunity to present closing arguments of not more than five (5) minutes in length to the Student Conduct Committee at the conclusion of the appeal hearing, with the Appellant Student speaking first, followed by the Hearing Officer.
- 16.9. Proceedings before the Student Conduct Committee will be voice recorded. The Appellant Student may request a copy of the recording through the Office of the Vice President of Student Affairs after the case has been resolved, per guidelines established in the Family Educational Rights and Privacy Act of 1974.
- 16.10. All Student Conduct Committee Hearings will be closed meetings.

17.0 Evidence and Burden of Proof

- 17.1. The burden of proving one (1) or more of the appeal request criteria occurred rests with the Appellant Student(s). In order for the original determination and/or sanctions to be modified or overturned, the information must support a determination that it is more likely than not that one (1) of the following occurred:
 - 17.1.1 The Investigator or Hearing Officer committed a procedural error, which substantially impacted the outcome of the findings and/or sanctions.
 - 17.1.2. There is new information to consider, which was not available during the original hearing process, which would have substantially impacted the outcome of the findings and/or sanctions; or
 - 17.1.3. The Hearing Officer imposed sanctions which were significantly disproportionate (too harsh) for the determined policy violations;
- 17.2. The Student Conduct Committee may make a determination to either
 - 17.2.1. Uphold the original decision and sanctions, if any;
 - 17.2.2. Modify the original decision and/or sanctions; or
 - 17.2.3. Overturn the original decision and/or sanctions.
- 17.3. The Student Conduct Committee shall base its findings and recommendation solely on the evidence presented or submitted during the hearing.
- 17.4. Courtroom rules of evidence are not applicable to these appeal hearings conducted by the Student Conduct Committee.

18.0 Student Conduct Committee Findings and Recommendation

- 18.1. At the conclusion of the appeal hearing, during closed deliberations, the Student Conduct Committee shall review and discuss the documentation submitted and presented during the appeal hearing. Based upon the appeal request, the Student

Conduct Committee shall conduct a majority vote to determine whether or not the Appellant Student sufficiently demonstrated that one (1) or more of the appeal request criteria, as stated in sections 18.1.1. – 18.1.3. more than likely occurred. The Student Conduct Committee shall also consider the defense of the original decision by the designated Hearing Officer.

- 18.2. Committee votes and decision results shall be documented and supplemented by a summary rationale for the decision and a recommendation based upon the criteria listed in section 18.1. The votes, rationale, and recommendation shall be communicated to the Vice President for Student Affairs or selected Presidential Cabinet Member, in writing, of its findings and recommendation(s) regarding the sanctions, if applicable, within three (3) College business days.
- 18.3. After considering the Committee voting results, recommendation of the Committee, and the evidence presented and submitted during the Hearing, the Vice President for Student Affairs shall determine the final resolution and compose the final outcome letter.
- 18.4. The Vice President for Student Affairs shall inform the Appellant Student and the Hearing Officer, in writing, of the findings, recommendations of the Committee, and the final resolution within fifteen (15) College business days after receipt of the Committee's findings and recommendations. There are no further routes of appeal. The issued decision of the Provost or selected Presidential Cabinet member is the final step in the appeal process.
- 18.5. The Vice President for Student Affairs may elect to withdraw from this role and defer to another Presidential Cabinet Member in matters of potential bias or leave of absence.

19.0. Final Oversight of the Vice President for Student Affairs

- 19.1. Upon any identification of any errors of the College, the Vice President for Student Affairs reserves the right to intervene in any case investigation or outcome.

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