

## STUDENT RIGHTS AND RESPONSIBILITIES

The College of Southern Nevada continually strives to establish a spirit of community in accordance with the highest standards of academic excellence and freedom, institutional integrity, and constitutional protections. Such an environment is essential in fostering intellectual growth and achievement. Each member of the College shares the responsibility of maintaining conditions conducive to the achievement of the College's mission. The CSN Student Conduct Code is designed to provide basic standards to ensure means to fulfill this purpose.

In order to maintain a system of effective campus management, each member of the campus community is strongly encouraged to notify appropriate officials of any Student Conduct Code violations and to assist in its enforcement. As citizens of the larger community in which the College is located, students have all the responsibilities that are incumbent upon any citizen. While the College is concerned with what happens to students both on and off the campus, the College holds students to be adults responsible for their own actions and subject to local, state and federal laws, and also, when appropriate, to the College's internal discipline procedures.

Nevada System of Higher Education (NSHE) Board of Regents reserves to the President of the College the authority and responsibility for matters of student discipline. This authority is delegated by the President to the Vice President for Student Affairs where specific hearings or appeals are processed. The Student Conduct Code is published and administered by the Office of the Vice President for Student Affairs. The ultimate authority for determining procedures for hearings, however, rests with the institutional President or his designee. The Student Conduct Code consists of standards, procedures, and sanctions in accordance with the procedures outlined in Chapter 6 of the NSHE Code, "Rules and Disciplinary Procedures for Members of the University Community." In the event of a conflict between the Student Conduct Code and the NSHE Code, the NSHE Code shall prevail.

As members of the College community, the behavior of all students is governed by the NSHE Code and the Student Conduct Code. Students may also be members of other College-based communities that impose additional standards of conduct, including but not limited to, intercollegiate athletic teams and Phi Theta Kappa. The rights accorded students by the Student Conduct Code extend to all student codes.

All enrolled CSN students have access to the conduct regulations and procedures of the NSHE and CSN. Copies are available in the Office of the Vice President for Student Affairs, the Library, offices of the Consolidated Students of CSN, and on the Worldwide Web at <http://www.csn.edu>.

## Student Rights and Responsibilities

### I. Authority and Jurisdiction

The President is charged by the NSHE Board of Regents with the responsibility for establishing and enforcing regulations governing student life. These regulations are designed to enable the College to protect against the conduct of those who, by their actions, impair or infringe on the rights of others or interfere with the orderly operations of the College. Disciplinary action may be imposed for violations of the Student Conduct Code occurring at any of the following locations:

- A. College campus, including owned, leased or controlled property.
- B. Any location where a student is engaging in College activities or is engaging in activities arising out of the student's membership in the College community.

Violators may be accountable to both civil and criminal authorities and to the College for actions that constitute violations of the Student Conduct Code. At the discretion of College officials, disciplinary action at the College may proceed while other proceedings are pending.

### II. Emergency Clause

The President may order the immediate suspension of a student for an interim period pending a disciplinary hearing for any student who there is cause to believe endangers the health, safety, or welfare of the College community or its property. Simultaneous with such suspension, the President shall refer the charges to the Vice President for Student Affairs, who shall process such charges in the manner and within the time limits required by the Student Conduct Code. The student has the right to challenge the interim suspension by requesting a hearing within 10 days as specified in the NSHE Code.

### III. Student Rights

The College of Southern Nevada is an academic community in which all persons share responsibility for its growth and continued well being. As members of the College community, students can reasonably expect all the guarantees and protections afforded students of public institutions by the United States and Nevada Constitutions, including:

- A. In all instances of general discipline, the right to due process, guaranteeing substantive and procedural fairness.
- B. The right to freedom from discrimination on the basis of race, gender, age, religion, creed, national origin, disability, or sexual orientation.
- C. The right to engage in inquiry and discussion, to exchange thought and opinions, and to speak, write, or print freely on any subject in accordance with the guarantees of federal and state laws.

- D. The right, as citizens, to exercise their freedoms without fear of College interference.
- E. The opportunity to participate in the formulation of policy directly affecting students through membership on appropriate committees as determined by the President of the College, the student government and other recognized groups within the College.
- F. Ready access to established College policies and procedures.
- G. The right to engage in peaceful and orderly speech, protest, demonstration, and picketing within the public forum which do not disrupt the educational functions of the College.
- H. Protection from unreasonable searches and seizures.

#### IV. Student Records

Student records will be maintained in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974 and the U.S. Department of Education guidelines for implementation. Academic and disciplinary records shall be maintained separately. Transcripts of academic records shall contain information about academic status, including disqualification for academic reasons, and expulsion, suspension and revocation of admission for disciplinary reasons. Information from student records will not be made available to persons on or off campus except as provided for under the Family Educational Rights and Privacy Act of 1974. With the exception of records relating to expulsion, suspension and revocation of admission, all disciplinary records shall be destroyed five years after fulfillment of sanctions. Records relating to expulsion, suspension and revocation of admission shall be held permanently. A complete institutional FERPA policy is located in the Office of the Vice President of Student Affairs.

#### V. Student Responsibilities

As a student, you are expected to abide by the conduct requirements of the University and Community College System of Nevada Code (the "NSHE Code") as well as other requirements adopted by the College and/or the student's department or program. To the extent this Student Code of Conduct is inconsistent with the NSHE Code, the provisions of the NSHE Code shall prevail. Copies of the NSHE Code and Board of Regents Policy are available from the Vice President for Student Affairs and/or from the Board of Regents web site at <http://blue.scsr.nevada.edu/handbook/index.htm>

The following conduct, being incompatible with the purposes of an academic community, is prohibited and shall constitute cause for discipline and may lead to the procedures and disciplinary sanctions established in Section 6.3 of the NSHE Code.

- A. Engaging in conduct that interferes with academic freedom as specified in Section 2.1.4 of the NSHE Code.

- B. The use of, or threat to use, force or violence against any member or guest of the College, except when lawfully permissible.
- C. Interference by force, threat or duress with the lawful freedom of movement of persons or vehicles on the premises of the College.
- D. The intentional disruption or unauthorized interruption of functions of the College, including but not limited to classes, convocations, lectures, meetings, recruiting interviews and social events, on or off premises of the college. Such conduct includes, but is not limited to, creating a fire or similar emergency situation.
- E. Willful damage, destruction, defacement, theft or misappropriation of equipment or property belonging to, in the possession of or on premises occupied by, the college, including, but not limited to, littering or other inappropriate disposal of refuse.
- F. Knowing possession on any premises of the College of any firearms, explosives, dangerous chemicals or other instruments of destruction, such as fireworks, or other dangerous weapons as defined by the laws of the State of Nevada, without the written authorization of the president of the College.
- G. Trespassing or continued occupation of buildings, structures, grounds or premises belonging to, or occupied by, the College after having been ordered to leave by the president or other College official acting in the course and scope of his or her employment.
- H. Forgery, alteration, falsification or destruction of College documents or furnishing false information in documents submitted to the College.
- I. Making an accusation which is intentionally false or is made with reckless disregard for the truth against any member of the College community by filing a complaint or charges under the NSHE Code or under any applicable established grievance procedure at the College.
- J. The repeated use of obscene or abusing language in a classroom or public meeting of the College where such usage is beyond the bounds of generally accepted good taste which, if occurring in a class, is not significantly related to the teaching of the subject matter.
- K. Willful incitement of persons to commit any of the acts herein prohibited.
- L. Disorderly, lewd or indecent conduct occurring on College premises or at a College sponsored function on or off such premises.
- M. Any act prohibited by local, state or federal law which occurs on College premises or at a College sponsored function on or off such premises. For example, storing, possessing, using distributing,

selling, bartering, manufacturing, exchanging, or giving away controlled substances as defined in Nevada Revised Statutes is prohibited. As another example, operating a motor vehicle in violation of traffic rules so as to endanger another person or property is prohibited. As another example, use or possession of alcoholic beverages in violation of state law or in violation of the Board of Regents Policy, Title 4, Chapter 20, Section A.4 is prohibited.

- N. The use of threats of violence against a faculty member or the faculty member's family in order to secure preferential treatment for grades, loans, employment or other service or privilege accorded by the College.
- O. Any act of unlawful discrimination or harassment based on race, creed, color, sex, age, sexual orientation, handicap or national origin or any act of employment or educational retaliation against any person who has made a complaint about such discrimination. Harassment is any verbal, visual or physical conduct that is sufficiently pervasive that it adversely affects, or has the purpose or logical consequence of interfering with the student's educational program or creates an intimidating, hostile or offensive environment for other members of the College community.
- P. Any act of sexual harassment when submission to a request or demand of a sexual nature is either an explicit or implicit term or condition of employment or of academic studying or grading, or where verbal or physical conduct of a sexual nature has the effect of creating an intimidating, offensive or hostile work or educational environment.
- Q. Acts of academic dishonesty, including but not limited to cheating, plagiarism, falsifying research data or results, or assisting others to do the same.
- R. Willfully destroying, damaging, tampering, altering, stealing, misappropriating, or using without permission any system, program or file of the College or NSHE including any violation of the System Computing Policy as set forth in the Board of Regents Policy, Title 4, Chapter 1, Section 19.
- S. Acts of hazing, defined as any method of initiation into or affiliation with the college community, a student organization, a sports team, an academic association, or other group engaged in by an individual that intentionally or recklessly endangers another individual.
- T. Any other conduct which violates applicable stated prohibitions, policies, procedures, rules, regulations or bylaws of the Board of Regents or the College, or which violates reasonable directions of the College officials or law enforcement officers acting in the performance of their duties.

## The Administration of the Student Conduct Code

### I. Authority

The President of the College has the responsibility for student conduct and discipline and shall exercise this responsibility through established procedures as prescribed in the Student Conduct Code and the NSHE Code. That authority is delegated to the Vice President for Student Affairs who appoints the Administrative Officers provided for under the Student Conduct Code.

- A. A designated Administrative Officer reporting to the Vice President for Student Affairs is responsible for administering the Student Conduct Code.
- B. The Vice President for Student Affairs may appoint such Hearing Officers and special Hearing Panels as required (6.10.1, 6.12.1, and 6.12.3 NSHE Code).
- C. Any notices to be served upon an accused student under the Student Conduct Code shall be sent by return receipt requested to the student's address of record with the College or will be hand-delivered and signed for.
- D. Consistent with the requirements of the Clery Act, both parties to an alleged sexual offense will be notified of the outcome of any disciplinary proceedings.

### II. Filing a Complaint

Complaints alleging a violation of the Student Conduct Code shall be filed with the Administrative Officer or the Vice President for Student Affairs. Such complaints must meet the following criteria:

- A. The complaint must be in writing;
- B. The complaint must be signed by the complainant;
- C. To the extent possible, the date, time, place, name of person involved and the circumstances of the alleged violation should be specified; and
- D. The name of persons who may have witnessed the alleged prohibited conduct should be listed (6.8.1 NSHE Code).

### III. Notification and Information Gathering

- A. The student named in the complaint will be notified by letter describing the alleged violation, whom to contact for an interview or information, the date by which that contact must occur, and that an administrative hold may be placed upon the student's academic records. The letter will include a copy of the Student Conduct Code. Any person believed to have information relevant to the complaint may be contacted and encouraged to discuss this matter.
- B. The Administrative Officer will gather information relevant to any complaint indicating that a Student Conduct Code violation may have occurred. The Administrative Officer gathering that information

has the authority to meet with individuals involved to discuss the matter. In the absence of compelling circumstances, the process shall be completed within 20 college working days after the filing of the complaint.

- C. Based on the information gathered, the Administrative Officer will decide whether to dismiss, modify, or forward the charge as presented.
  - 1. If the complaint is dismissed, the Administrative Officer will notify all concerned in writing of this decision.
  - 2. Similarly, if the determination of the Administrative Officer is that the charges are to be modified or forwarded as presented, all concerned will be notified in writing. The Administrative Officer will also clearly detail the appropriate procedures.
- D. If the proposed action against the person charged may lead, in the opinion of the Administrative Officer, to suspension or expulsion and the person charged is a minor, the parents or legal guardians shall be notified of the charges and of the proposed hearing at least seven calendar days prior to the pending hearing by certified or registered mail, return receipt requested, sent to the parents' or legal guardians' last known address posted on the records of the registrar of the member institution involved.

#### IV. Informal Resolution

In all cases, accused students have the right to a formal hearing. However, in a case in which a student is charged with violations other than academic misconduct, the accused student may request in writing that the Administrative Officer resolve the complaint.

- A. The Administrative Officer may informally resolve the complaint with the consent of the person charged and the approval of the Vice President for Student Affairs by:
  - 1. Conciliating with the original complainant and the accused student;
  - 2. Permitting the complainant to voluntarily drop the complaint; or
  - 3. Permitting the person charged to voluntarily accept disciplinary sanctions (6.8.2-c NSHE Code).
- B. A resolution discussion will be conducted by the Administrative Officer at which the accused student may have an advisor present.
  - 1. Throughout the informal resolution process and only until such time as the accused student voluntarily accepts sanctions, the student has the right to request a formal hearing.
  - 2. After any initial information gathering, the Administrative Officer will provide the accused student with a complete accounting of the proposed sanctions in a letter postmarked within

seven college working days of the date of the resolution meeting at which the sanctions were outlined. If the sanctions contained in the written report differ from what was presented at the resolution discussion, those differences are to be noted and explained.

- 3. This written notice will inform the accused student of the available options, which are to accept the sanctions in full or to reject the sanctions. If the sanctions are rejected in whole or in part, the informal process ends and a formal hearing will be scheduled.
- 4. This notice will also inform the accused student that the informal process does not provide for an appeal other than to opt for a formal hearing.
- 5. The accused student will be informed of the responsibility to notify the Administrative Officer in writing of the student's choice to accept or reject the sanctions within seven college working days of the date the notice of the proposed sanctions was received by the student. If the student rejects the proposed sanctions, the Administrative Officer will notify the student that the informal resolution process has ended and the formal hearing process has been initiated.

#### V. Formal Resolution

- A. Seven college working days following the completion of the initial information gathering process, or the informal resolution process, the Administrative Officer shall make a recommendation to the Vice President for Student Affairs whether to proceed to a formal hearing.
- B. The Vice President for Student Affairs shall notify the parties of a decision to accept or reject the Administrative Officers recommendation, within seven college working days of receipt of the recommendation.
- C. If the Vice President for Student Affairs determines that the matter should not proceed to hearing, unless new evidence sufficient in the opinion of the Vice President for Student Affairs to reopen the case is subsequently discovered, the complaint shall be dismissed and the disciplinary procedures shall be closed. All documents shall be handled in accordance with 6.8.2-f of the NSHE Code.
- D. If the Vice President for Student Affairs determines that the matter should proceed to a formal hearing, any additional investigation by the Administrative Officer must be concluded within 10 college working days, absent compelling circumstances.

#### VI. Types of Formal Hearings

- A. Pursuant to the NSHE Code (6.4.4), the procedure to conduct a hearing is to be determined by the institutional President or his designee.

B. The student who is charged with a disciplinary infraction shall have the right to recommend to the Vice President for Student Affairs what type of hearing will be held. Within seven college working days after receipt of the decision of the Vice President for Student Affairs, the student shall notify the Vice President for Student Affairs and the Administrative Officer of the student's recommendation for the type of hearing, either a General Hearing Officer or a Hearing Panel.

1. **General Hearing Officer:** A formal hearing held individually with a Hearing Officer who is appointed by the Vice President for Student Affairs. The Hearing Officer's role is to be an objective party, aware of and knowledgeable about the Student Conduct Code and hearing procedures.
2. **Hearing Panel:** A hearing, administered by the Administrative Officer. The Hearing Panel is composed of a chair and at least a three-member panel consisting of at least one student and at least one professional staff and/or faculty. The chair will serve without vote and preside over the hearing. Members will be selected by the Vice President for Student Affairs.

C. A charged student may petition the Vice President for Student Affairs or the Vice President for Student Affairs may choose to have a hearing before a Special Hearing Officer or a Special Hearing Committee.

1. **Special Hearing Officer:** A formal hearing held with a Hearing Officer appointed by the Vice President for Student Affairs, who is an attorney or has the professional experience in presiding at judicial or quasi-judicial adversary proceedings and who holds no contractual relationship with any System institution during the term of appointment.
2. **Special Hearing Committee:** A formal hearing, administered by a Hearing Officer appointed by the Vice President for Student Affairs and an elected Hearing Committee. The composition of the panels and method of election shall be consistent with the NSHE Code 6.12.3.

D. The charged student may challenge a hearing member for cause (6.11.4, 6.12.6 NSHE Code), and may challenge a VI(B) decision by the Vice President for Student Affairs by following the appeal process in Article IX of the Student Conduct Code.

## VII. Notice

These procedures are followed in giving notice for all formal hearing options:

A. A notice of hearing letter from the Administrative Officer must be provided to the charged student and the complainant a minimum of 10 college working days prior to any hearing (6.9.3-a NSHE Code). A letter of charge includes the following information:

1. Date, time, place of hearing;
2. Specification of the misconduct charged;
3. Name of complainant;
4. Specification, to the extent possible, of the time, place, person(s) involved and circumstances of alleged prohibited conduct and name(s) of possible witnesses.
5. Notification that the person charged may be accompanied by an advisor of the charged person's choice (6.9.6-b NSHE Code);
6. A copy of the applicable disciplinary hearing procedures (6.9.3-b NSHE Code); and
7. Such other information as the Administrative Officer may wish to include (6.9.3-b NSHE Code).

B. Notices shall be either hand-delivered directly to the person charged or sent by certified or registered mail. Notices delivered by mail are considered delivered when sent, provided that three additional college working days shall be added to the time period set forth for minimum notice (6.9.3-b NSHE Code).

C. If the person charged intends to have an attorney or other representative present, he or she must notify the Administrative Officer no later than five college working days before the hearing of the name and address of the advisor, if any, and whether the advisor is an attorney. If, at any time during the proceeding, the student desires a representative or a change of representative, that right may be invoked. The proceeding will be stayed for a period of no fewer than five and no more than 15 college working days. This right may be invoked only once during any disciplinary proceeding, unless the Administrative Officer agrees to any additional requests for changes of representation or unless the student's attorney withdraws.

## VIII. Hearing Procedures

The Administrative Officer will be responsible for providing in writing a report summary to the Hearing Officer or Hearing Committee members and the charged student, including all information that resulted from the investigation process. This information will be the basis of the formal hearing proceedings.

A. Upon request, the student charged, the student's attorney or other representative, if any, and the Administrative Officer have the right to examine any documentary evidence to be presented at the hearing, at least five college working days prior to the hearing during regular business hours.

- B. Students will be presumed innocent until proven otherwise by a preponderance of the evidence. The burden of proof shall at all times rest upon the party bringing the charge.
  - C. Any formal hearing conducted by a Hearing Panel or Special Hearing Committee requires a majority to determine a student's responsibility.
  - D. The hearing is closed unless the person charged requests an open hearing (6.9.8 NSHE Code).
  - E. Relaxed evidentiary standards will apply; hearings are not full-blown legal proceedings.
  - F. The charged student, or the student's attorney or other representative, has the right to present, challenge, and/or rebut evidence and to question or cross-examine witnesses at any hearing.
  - G. The charged student, or the student's attorney or other representative, has the right to respond to the allegation, to present relevant information, and to call witnesses on the student's behalf. The charged student and the student's attorney or other representative, have the right to hear and question all witnesses at the hearing.
  - H. The charged student has the right to appear at a hearing in order to hear the evidence, to offer explanatory and clarifying information, and to question any witnesses. However, it is not necessary that the student be present for action to be taken. The charged student may, at his or her election, choose not to attend a formal disciplinary hearing. In such cases, failure to respond or appear will not create a presumption of responsibility or non-responsibility (6.9.10 NSHE Code).
  - I. All findings of fact, recommendations and decisions must be based only on the evidence presented at the hearing.
  - J. Minor technical departures or errors in the procedures established by the Student Conduct Code or applicable rulings will not necessarily be grounds to withhold disciplinary action. The Vice President for Student Affairs shall determine whether such errors were substantial and egregious enough to prevent a fair hearing.
  - K. A single hearing may be held for more than one person charged in cases arising out of a single or multiple occurrence. The Administrative Officer makes such determinations, subject to review by the Vice President for Student Affairs. However, each accused student retains the right to have his/her case heard individually (6.9.9 NSHE Code).
  - L. An audio tape recording will be made of the hearing for the purpose of review by the Appeals Committee. The record shall be the property of CSN and will be maintained as such for a period of two calendar years or longer if the matter is before the courts (6.12.5 NSHE Code). Upon the written request of the charged student, a copy of the tape shall be made available to the student by the Administrative Officer, within 10 college working days following the request. Confidentiality of tapes from closed hearings shall be maintained by all parties and their representatives.
  - M. Findings of fact and recommended sanction shall be made in writing to the Vice President for Student Affairs within 10 college working days after the close of the hearing, with copies provided to the student charged and the Administrative Officer. The student's copy shall be sent by certified mail, return receipt requested. Lists of possible sanctions appear in Section 6.3 of the NSHE Code and Article X of the Student Conduct Code.
  - N. The Vice President for Student Affairs shall review the findings of fact and recommended sanctions reported by the Hearing Panel or Officer, and may:
    1. Dismiss the charge or charges, in any combination;
    2. Affirm the recommended sanctions;
    3. Impose a lesser sanction than recommended; or
    4. Order a new hearing.
  - O. The Vice President for Student Affairs shall submit a written decision within 10 college working days after receipt of the findings and recommended sanctions. The Vice President for Student Affairs shall notify the person charged and the Administrative Officer of the decision and of the appeal procedures. Any decision made by the Vice President for Student Affairs, other than to affirm the recommended sanctions, shall include a written explanation as to why the recommended sanctions were not followed. The student charged shall be notified by personal delivery of the decision or by certified mail, return receipt requested. When a minor student is suspended or expelled, the minor's parent or legal guardian shall be notified by certified mail, return receipt requested, sent to the parent's or legal guardian's last known address posted in the records on file with the Registrar.
  - P. If there is no appeal, the decision issued by the Vice President for Student Affairs is final.
- IX. The Appeal Process**
- Using the criteria below, a student who has been found to have violated the Student Conduct Code and/or the NSHE Code has the right to appeal that decision to the President or her/his designee. An appeal is consideration by an appellate body, not a new hearing. The charged student(s) and advisor or attorney have the right to review the student's disciplinary file, including any verbatim record (tape recording) of the hearing. Any sanction imposed as a result of a hearing shall not be effective during the 10 college working days during which an appeal may be filed, or until any such appeal has been decided except that the Vice President for Student Affairs has the

authority, under extenuating circumstances, to immediately impose the sanction.

Decisions regarding student responsibility and sanctions resulting from the formal hearing process(es) provided for in the Student Conduct Code may be appealed to the Vice President for Student Affairs. Within 10 college working days after receipt, the Vice President shall direct the appeal to the Standing Committee on Student Conduct Code Appeals, a three-member appellate panel consisting of one faculty member, one professional staff member, and one student. The committee shall make its recommendation to the Vice President for Student Affairs based on the criteria in Section A, criteria for an Appeal below. In cases resulting in suspension or expulsion, the Standing Committee's decision shall constitute a recommendation to the President, who shall have the final authority, except in cases of expulsion, which may be appealed to the Board of Regents. In such cases, the decision of the Board of Regents will be final.

The Standing Committee will also hear appeals of Article VI(B) decisions and appeals of decisions by the Vice President for Student Affairs to immediately impose a sanction. The decisions of the Standing Committee in these two types of appeals shall be final.

Members of the Standing Committee on Student Conduct Code Appeals shall be appointed in the following manner:

1. No later than September 1, or the first college working day thereafter if September 1 is a holiday or weekend, the Vice President for Student Affairs shall submit to the President a list of three professional staff; the Chair of the Faculty Senate shall submit a list of three faculty; and the President of the Consolidated Students of CSN shall submit a list of six students.
  2. The President of the College shall invite one member on each list to serve on the Standing Committee; others on the list shall serve as alternates. Should any of the three entities noted above fail to provide such a list, the President shall have full authority to make an appointment for that position. Ideally, all appointments should be in place no later than September 15.
  3. Members of the Standing Committee shall elect their own chair.
  4. Members of the Standing Committee serve for a one-year period and are eligible for reappointment.
  5. In the event that a member cannot hear an appeal or has a conflict of interest in a given appeal, the remaining members of the Standing Committee shall select an alternate from the previously provided lists. If a particular list has not been provided, the remaining members of the Standing Committee shall have discretion to select an alternate.
6. A conflict of interest shall be deemed to occur whenever an individual has a prior interest in a case as a witness, advisor, hearing panel officer, or other connection that would create the appearance of or an actual conflict.
    - A. Criteria for an Appeal
 

An appeal from a charged student must cite at least one of the following requirements as the reason for appeal:

      1. That the procedures under which the person was charged are invalid, or if valid, were not followed;
      2. That the person charged did not have adequate opportunity to prepare and present a defense to the charges;
      3. That the evidence presented at the hearing was not substantial enough to justify the decision;
      4. That the sanction imposed was not in keeping with the gravity of the violation (6.14.1 NSHE Code).
    - B. Appeal Procedures
      - A. The student charged has 10 college working days from receipt of the written decision to file a written appeal (6.14.1 NSHE Code).
      - B. The student charged with the Student Conduct Code violation must include the following information in the appeal:
        - a. The specific grounds for the appeal (See A 1-4 above);
        - b. Supporting arguments and documentation; and
        - c. Other relevant information the student charged wishes to include.
      - C. The written appeal will be forwarded to the Vice President for Student Affairs.
      - D. The Standing Committee on Student Conduct Code Appeals may request a personal appearance of the person charged. The appearance of the person charged shall be limited to the issues raised by the appeal. An appearance is not required nor will nonappearance prejudice the appeal.
    - C. Student Appeal Record
 

In considering the appeal, a review will be conducted of the existing record of the case, which will include, but is not limited to:

      1. The original statement sent to the student as written notice of the charges;
      2. The written decision of the initial Hearing Panel or Officer;
      3. The audio recording of the initial Hearing Panel or Officer; and
      4. The student's letter of appeal.

**D. Appeal Result**

Recommendations on appeals by the Standing Committee on Student Conduct Code Appeals will be made within 20 college working days following receipt of the appeal from the Vice President for Student Affairs. In cases of expulsion, the Board of Regents will be asked to consider the appeal at the next regularly scheduled meeting of that body. The result of the appeal will be to:

1. Dismiss the charge;
2. Affirm the charge;
3. Impose a lesser sanction; or
4. Order a new hearing.

**E. Distribution of Response**

Copies of the written result of the appeal shall be sent to:

1. Student charged;
2. Hearing Officer or Chair of the Hearing Panel; and
3. Administrative Officer.

**F. New Hearing**

When a new hearing is ordered, the case, along with a written rationale for upholding the appeal, will be heard by a different Hearing Panel or Hearing Officer. In this situation, the student retains the right to appeal as if it were an original hearing.

**G. Request for Review**

When an appeal is not heard and the student perceives the decision not to hear the appeal was biased, the student has the option of having the case reviewed by requesting, within 10 college working days after the date of the decision, a review through the President. This review will be conducted by the President, or his designee.

**X. Sanctions**

Depending on the seriousness of the violation, sanctions may be imposed by the Hearing Officer, Administrative Officer, Hearing Panel or Vice President for Student Affairs in any order or combination (6.9 NSHE Code).

In addition to these formal sanctions and depending on the circumstances, a student may be required to perform community service, be advised to seek counseling or other specialized support services, or be required to participate in an activity or program, the clear purpose of which would be to redirect behavior. Failure to comply with any such requirements will constitute a violation of the Student Conduct Code.

**A. Warning**

Notice, oral or written, that continued or repeated violation of College policies or regulations may be cause for further disciplinary action, normally in the forms of censure, loss of privileges and exclusion from activities, probation, suspension, or expulsion.

**B. Loss of Privileges and Exclusion from Activities**  
Exclusion from participation in privileges and extracurricular activities.

**C. Disciplinary Probation**

Probation may include exclusion from participation in privileged or extracurricular activities. The person placed on probation shall be notified in writing that the commission of prohibited acts will lead to more severe disciplinary sanctions.

**D. Suspension**

Termination of student status for a specified academic term or terms with reinstatement thereafter. The student will be notified of the suspension in a written notice. The official transcript of the student shall be marked "Disciplinary Suspension Effective \_\_\_\_\_ to \_\_\_\_\_." Parents or legal guardians of minor students shall be notified of the action. After the suspension period has elapsed, the student will be placed on disciplinary probation for a period of time that is equal to the amount of time that the student was suspended. At the end of the probationary interval, the student will be classified as being in "good standing" provided that no further Student Conduct Code violations have occurred.

**E. Expulsion or Termination**

Termination of student registration and status for an indefinite period of time. The official transcript of the student shall be marked "Disciplinary Expulsion Effective \_\_\_\_\_." The parents or legal guardians of minor students shall be notified of the action.

**F. Restitution**

The requirement to reimburse the legal owners for a loss due to defacement, damage, fraud, theft, or misappropriation of property. It may be imposed either exclusively or in combination with other disciplinary action. Such reimbursement may take the form of monetary payment or appropriate service to repair or otherwise compensate for damages. Failure to make restitution shall be the cause for more severe disciplinary action.

(Revised August 15, 2002)