

<b>Student Discipline Adjudication Procedure</b>	Procedure Number	3.16P
	Effective Date	November 28, 2017

## 1.0 POLICY AND PURPOSE

The purpose of this procedure is to document the College's due process for responding to Student Code of Conduct violations including gender discrimination and sexual misconduct under Title IX. (See Procedure 3.15P Student Code of Conduct and Procedure 6.3P Sexual Misconduct.)

## 2.0 REVISION HISTORY

Adopted on: 11/28/17

Revised on: 9/30/19, 11/17/25

## 3.0 PERSONS AFFECTED

Laramie County Community College (LCCC) students and employees are affected by this procedure.

## 4.0 DEFINITIONS

- A. *Academic Integrity* – LCCC expects all students to uphold the highest standards of academic integrity and personal responsibility. Students are required to engage in classroom and academic activities with honesty, respect, and accountability. Violations of academic integrity include, but are not limited to, plagiarism, cheating, fabrication, and the unauthorized acquisition, distribution, or use of academic materials. Students are responsible for ensuring the originality of their work and for maintaining the integrity of the academic environment.
- B. *Advisor* – Any person (other than an individual who may be called to provide witness testimony) who attends a discipline hearing to provide support or guidance to the student participant. The advisor is not allowed to participate in questioning or present information.
- C. *Authorized Student Organization* -
  - 1) *Instructional Services Organization* – An organization associated with or is an extension of a specific academic school, program, or course. Membership is generally restricted to students in the respective school, program, or course.
  - 2) *Student Services Organization* – An organization not associated with an academic division, program or course and is open to any registered LCCC student. Membership should not exceed 75% from on instructional area.
- D. *Business Day* – Any day the College's administrative offices are open.
- E. *Campus* – All land, buildings, facilities and property in the possession of or owned by the College or LCCC Foundation or used for college business.
- F. *College* – Laramie County Community College.
- G. *College Official* – Any person employed by the College.

- H. *Complainant* – The student filing a complaint.
- I. *Faculty* – Full-time or part-time, employees that have the primary responsibility of teaching assigned courses at LCCC.
- J. *Dean* – Head of one of the academic schools or functional areas—Arts and Sciences; Business, Agriculture and Technical Studies; Health Sciences and Wellness; Outreach and Workforce Development; Laramie Campus Academic Affairs; Library & Learning Commons; Student Life (Dean of Students).
- K. *Disciplinary Suspension* –A formal sanction issued when a student is found responsible for violating the Student Code of Conduct. Disciplinary Suspension results in a temporary separation from the institution for a defined period, during which the student loses all rights and privileges associated with student status. This includes, but is not limited to, access to academic programs, campus facilities, residence halls, and participation in college-sponsored events or activities. The student is prohibited from being present on college property or attending college functions during the suspension period. Conditions for re-enrollment may be established by the Dean of Students or the Senior Vice President of Student Services (SVPSS) and will be clearly outlined in the written sanction.
- L. *Disciplinary Expulsion* – A permanent separation from the institution imposed as a sanction when a student is found responsible for a serious violation of the Student Code of Conduct. Expulsion terminates the student’s academic program, revokes access to all institutional services and facilities, including residence halls, if applicable, and may prohibit future enrollment at the institution. Expelled students are not permitted to be present on campus property or attend college-sponsored events unless prior written authorization is granted by the SVPSS or the Dean of Students. This sanction is recorded in the student’s disciplinary file and may be noted on the academic transcript in accordance with institutional policy.
- M. *Formal Resolution* – A meeting between a hearing panel and a student(s) or organization who has/have been accused of violating the Student Code of Conduct. This process allows the student(s) or organization the opportunity to respond to the concern, to contest the information within the reports if applicable, and appeal the outcome of the hearing under certain criteria.
- N. *Hearing Board* –College officials designated to hear conduct cases and make recommendations of responsible or not responsible.
- O. *Informal Resolution* – A meeting between a conduct officer and a student(s) or organization who has/have violated the Student Code of Conduct. The informal process is for students who have taken responsibility for their actions and are not disputing the facts of what occurred. Informal resolutions are mutually agreed upon decisions and as such are not appealable. If a mutual decision cannot be reached by the conclusion of the informal resolution, the case will transfer to the formal resolution process.
- P. *Investigator* – A trained College official designated by the Dean of Students to investigate cases of misconduct.
- Q. *Medical Amnesty* – Students actively involved in assisting someone in danger due to overconsumption of drugs and/or alcohol will not be disciplined by the College for any violation of the College’s drug and/or alcohol possession or consumption policies in which they might have engaged in connection

with the reported incident when a companion's health may be in danger. See Policy 3.21 and Procedure 3.21P.

- R. *No Contact Order* - A directive prohibiting the student from contacting specific individuals. This may be issued as a supportive measure or as part of a sanction.
- S. *Respondent* – Student responding to allegations of student misconduct
- T. *Retaliation* – Any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for an allegation, for supporting a reporting party or for assisting in providing information relevant to an allegation is a serious violation of LCCC policy.
- U. *Sanction* – A consequence issued as a result of being found responsible for violating the Student Code of Conduct.
- V. *Student* – Any person enrolled in credit, non-credit continuing education or community service courses offered by LCCC, either full-time or part-time. Persons who are not officially enrolled for a particular term but who have a continuing relationship with LCCC are considered “students” for the purposes of this code.  
  
This provision is intended to include within the definition of students; those persons enrolled in the spring and fall semesters who engage in misconduct during the summer and students who are first-time enrollees who engage in misconduct prior to the time of enrollment (this applies to serious misconduct that does not represent the values of LCCC). Additionally, persons who are attending classes on a LCCC campus, although they may be enrolled students in other higher education institutions are considered students under this provision. Student groups and organizations may be held collectively responsible for violations of this Code.
- W. *Student Code of Conduct* – Behavioral expectations listed as Statements of Student Rights and Responsibilities, Academic Integrity and General Code of Conduct.
- X. *Transcript Notation* – An indication on the student's official academic record as a result of or pending a student conduct process.
- Y. *Trespass Notification* - A formal directive issued by an authorized college official—for students, this responsibility lies with the Dean of Students or SVPSS prohibiting an individual from entering or remaining on specified college property or facilities. This notification may be delivered verbally or in writing and is typically issued when a student or visitor poses a threat to campus safety, disrupts the learning environment, or has been suspended or expelled for conduct violations. The duration of the trespass is determined based on the nature of the violation and may be temporary or permanent. Reinstatement of access requires written approval from the issuing authority, the Dean of Students or SVPSS. Violations of a trespass notification may result in further disciplinary action and/or legal consequences under applicable State of Wyoming trespass laws.

## 5.0 PROCEDURES

- A. Students Rights and Responsibilities in the Student Conduct Process
  - 1) When student misconduct is reported, and it is determined that disciplinary proceedings will be

initiated, the student will be notified of the specific allegation(s) in writing via LCCC e-mail, and/or hand-delivered letter, and of the requirements to attend a conduct hearing. The responsibility for all decisions relative to the hearing, including the determination of responsibility and the imposition of disciplinary sanctions, if any, are the responsibility of the hearing board and/or the Dean of Students and/or the Title IX Coordinator. Should the student fail to appear at a hearing, the decision maker may consider the evidence in the absence of the student and come to a decision. Being under the influence of alcohol and/or other drugs does not in any way excuse responsibility for a student's actions. Individuals under the influence of drugs or alcohol who seek medical or campus safety assistance may have medical amnesty under Policy 3.21P. In addition, disabilities do not excuse responsibility for a student's actions that violate the Student Code of Conduct.

- 2) Student disciplinary actions initiated by the College will adhere to the following due process considerations.
- B. All LCCC Students receive written notice of behavioral expectations via the Student Handbook—available online and in alternative formats by request.
  - C. Responding students receive notification of the conduct proceeding and the nature of the alleged misconduct via official College e-mail, and/or a hand-delivered letter.
  - D. Students are given the opportunity to participate in the investigation.
  - E. Students may have a personal advisor present during the investigation. Advisors may be anyone other than an individual who may be called to provide witness testimony. The advisor is not allowed to participate in questioning or presenting information and is there purely in a support role. If the advisor is an attorney, the student must notify the College at least 24 hours in advance.
  - F. Students may speak on their own behalf and to suggest witnesses to speak on their behalf during the investigation process.
  - G. Students have the right to review summary reports concerning the alleged incident, in accordance with FERPA (Family Educational Rights and Privacy Policy).
  - H. Students are notified of the results of the hearing/decision in writing within 10 business days.
  - I. Students have the right to appeal the decision according to the Conduct Procedures below.
  - J. Students are responsible for reading and understanding the information provided in the Student Handbook, Residence Hall Guide, and College Catalog.
  - K. Students are responsible for reading the information provided in the letter scheduling student's conduct hearing and responding as indicated.
  - L. Students are responsible for responding to all reports and information presented.
  - M. Students are responsible for telling the truth with the intent of clarifying the incident for the investigators so that an informed decision can be made.
  - N. Students are responsible for reading and following the guidelines set forth in the "Notice of Sanction"

letter.

- O. Students are responsible for following the procedures for filing appeals as set forth in the “Notice of Sanction” letter.

### **Conduct Procedures**

- A. Student conduct cases will be reviewed by the Dean of Students, all student conduct cases will be triaged in one of the following four areas:
  - 1) First offense academic integrity cases will be handled in the classroom. Faculty will enter integrity issues into database system for tracking of multiple academic integrity issues. Students will be notified of the academic integrity offense via a letter from the Dean of Students’ Office. Academic integrity issues involving possible permanent dismissal from a class or program are automatically referred to the Dean of Students for adjudication.
  - 2) All gender discrimination and sexual misconduct under Title IX cases will be referred to the Title IX Coordinator.
  - 3) All student conduct cases including multiple offenses of academic integrity will be referred to the Dean of Students or designee.
  - 4) All CARE (Campus Assessment, Response, and Evaluation) reports will be referred to the CARE Team.
- B. In all cases other than gender discrimination and sexual misconduct, a student may choose between an informal resolution and the formal adjudication process. Some gender discrimination and sexual misconduct cases may be resolved informally at the purview of the Title IX Coordinator.
- C. In all academic integrity issues, the School Dean will be notified.
- D. In all cases of conduct violations involving non-credit students, the Dean of Outreach & Workforce Development will be notified. The Dean of Outreach & Workforce Development may consult with the Dean of Students to determine applicability of procedures. Adjudication matters involving non-credit students will be informed and guided by the internal processes within the School of Outreach and Workforce Development. Appeals for non-credit students will be directed to the Senior Vice President of Academic Affairs.
- E. Informal Resolution
  - 1) Students may choose to resolve conduct issues through informal resolution with the following provisions:
    - a. The student admits to the misconduct.
    - b. The student agrees to the sanctions.
    - c. Informal resolution is not appealable.
  - 2) At any point in the informal resolution process, a student may choose to move to the formal resolution process.
- F. With the exception of gender discrimination and sexual misconduct violations, student code of conduct complaints should be initiated within 30 (thirty) business days of the alleged violation.
  - 1) The complaint must be filed through the online Incident Report form, Residential Living & Learning, Campus Safety, or with the Dean of Students.
  - 2) The written complaint shall contain a concise statement of the alleged offense including dates, places, witnesses and others involved.
  - 3) Gender discrimination and sexual misconduct cases under Title IX do not have a statute of limitations.

- 4) All gender discrimination and sexual misconduct violations (See Procedure.3.22P.) should be reported to the LCCC Title IX Coordinator.
- G. The Title IX Coordinator or Dean of Students/designee will perform an initial assessment of the alleged violation(s) and make a determination of how to proceed.
  - H. At the conclusion of the initial assessment, Dean of Students/designee will determine if the allegation(s) have merit.
    - 1) If the allegation(s) are found not to have merit, the complainant and respondent will be notified that the allegation(s) have been dismissed.
    - 2) If the allegation(s) are found to have merit, the Title IX Coordinator or Dean of Students/designee may refer the matter to a set of trained investigators in the event an informal resolution is not possible.
      - a. The Respondent will be notified of the following information:
        - i. Initiation of the investigation, including the date of the incident being investigated.
        - ii. The nature of the alleged misconduct.
        - iii. Information regarding the student's rights and responsibilities in the conduct process.
        - iv. Possible outcomes/sanctions of the process, should the student be found responsible.
      - b. Upon completion of the investigation, ordinarily within 30 business days, the results will be shared with the respondent. The Respondent will be given the opportunity to accept or reject the findings.
  - I. During a formal resolution, if the findings are accepted, the case moves to the sanction phase. If the findings are rejected, a hearing board will convene to hear the case within 10 (ten) business days of notification of rejection of findings. The investigators will prepare a written statement to the hearing board.
  - J. The hearing board will make a decision based on a preponderance of the evidence (more likely than not standard). The hearing board ordinarily will issue a decision within 10 (ten) business days.
  - K. The hearing board will prepare a written report concluding the conduct process. This report will be submitted to the Dean of Students/designee and contains the following information.
    - 1) The report initiating the investigation, including the date of the incident
    - 2) A copy of the investigative reports
    - 3) The nature of the alleged misconduct and the Student Code of Conduct violation
    - 4) The date, time and location of the hearing
    - 5) A concise summary of the hearing, including a review of the evidence used in making a decision
    - 6) Rationale for the decision regarding the student's responsibility
  - L. If the student is found responsible for violations of misconduct, the Dean of Students/designee will determine appropriate sanctions(s) based on the relevant College procedures and case precedents, noting any institutional standards, as well as considering the student's prior relevant conduct (if any). The Dean of Students/designee will follow up as necessary to ensure sanctions are completed in a timely manner.
  - M. The Dean of Students/designee will communicate the outcome of the hearing to the responding student via written notification ("Notice of Sanction Letter") through official College e-mail within 5 (five) business days of the hearing. This notification will:
    - 1) Explain the rationale for the decision regarding the student's responsibility.

- 2) Review the required sanctions (if any) being imposed.
  - 3) State expectations for future success within the college community.
  - 4) Explain the appeal procedures
- N. The investigators, hearing board, and Dean of Students or Title IX Coordinator will document all steps of a case within a secure conduct tracking program.

### **Sanctions for Misconduct**

- A. When a student is found responsible for violating the LCCC Student Code of Conduct, one or more of the following sanctions may be imposed:
- 1) **Warning** – A warning is an official written or verbal notice to a student that such conduct is in violation of LCCC policies and procedures. The continuation of such conduct or action may result in further disciplinary action.
  - 2) **Disciplinary Probation** – Disciplinary probation is a written reprimand for a violation of the Student Code of Conduct. Probation is a period of observation and review of conduct during which the student must demonstrate compliance with LCCC policies and procedures. Students placed on Disciplinary Probation are not considered to be in good judicial standing with LCCC for the duration of the probationary period. Progressive disciplinary action will result, including suspension or expulsion, if repeat violations occur, especially during the probationary period. Terms of the probationary period will be determined at the time probation is imposed and will be confirmed in writing to the student.
  - 3) **Required Compliance** – For educational purposes other sanctions may be imposed requiring the student to complete a specific mandate as a condition for continuing enrollment, transfer or graduation from LCCC; restriction or denial of privileges.
  - 4) **Educational Activities** – For educational purposes, mandatory participation in educational activities such as workshops, service learning, writing assignments, etc. may be imposed.
  - 5) **Restitution** – The student may be billed for loss or damages or requested to make payment to LCCC or to other persons, groups, or organizations for loss or damages incurred. Payment may take the form of appropriate service and/or monetary or material replacement.
  - 6) **Disciplinary Suspension** – See definition of disciplinary suspension.
  - 7) **Academic Sanctions** – failing grade for assignment, quiz, or test; or failing grade for the class.
    - a. **Disciplinary Expulsion** – The Following sanctions may also be imposed authorized student organizations: Those sanctions listed in 1) thru 5) above
    - b. Loss of all privileges, including LCCC recognition, for a specified or indefinite period of time
  - 8) The following sanctions may be notated on a student's academic transcript:
    - a. Disciplinary Suspension for Student Code of Conduct Violations
    - b. Disciplinary Expulsion for Student Code of Conduct violations
- \*Pending Conduct – A student who withdraws or leaves LCCC during an investigation for a serious violation of the Student Code of Conduct

### **Appeals Process**

- A. First offense academic integrity decisions may be appealed to the School Dean. Please refer to Grade Appeals Procedure (2.16P) for reasons an appeal may be heard.
- B. Decisions may be appealed for the following reasons:
- 1) There were procedural errors made which significantly impacted the sanction or the findings.
  - 2) The severity of the sanction imposed was not appropriate based on the nature of the violation or the circumstances.
  - 3) New information is discovered that was not available at the time of the investigation would

significantly impact the sanction or the findings.

- C. Respondents have the right to appeal the decision to the Office of the Dean of Students by filing a written appeal within 5 (five) business days after receiving notification of the decision. In cases of gender discrimination or sexual misconduct, both the Respondent and Complainant have the right to appeal.
  - 1) The following should be addressed in the appeal letter:
    - a. Were the procedures, as stated in the code of conduct/adjudication followed? If not, how did the process error affect the outcome of the case.
  - 2) What new information has been discovered, why was it not available at the time of the investigation, and how would it potentially affect the outcome of the case?
  - 3) The Office of the Dean of Students will assign an appeal reviewer to review the appeal and determine whether it should go to the appeal board.
  - 4) If the case is appealable, it will be referred to an appeal board to review the case and the appeal documents, meet with the student(s), and may affirm, reverse, or remand the case for further proceedings. The board will make a recommendation to the SVPSS/designee. A written decision shall be provided to each party via the student's official College email (@student.lccc.wy.edu) within 10 (ten) business days of receipt of the written appeal. The decision of the SVPSS shall be final.
- D. Students have the right to provide a request in writing, with rationale, to the SVPSS to have their transcript notation removed. The SVPSS will only consider the removal of the notation on the transcript, not the removal of the actual sanction. The SVPSS will consider the following factors when making their decision:
  - 1) The nature of the violation
  - 2) The harm or injury that may have resulted because of the violation
  - 3) The passage of time since the violation
  - 4) The behavior of the student since the violation

### **Extenuating Circumstances – Interim Suspension**

- A. In certain circumstances, students may be placed on interim suspension from the College pending a Student Code of Conduct hearing. Interim suspension is the immediate termination of a student's privilege to attend the College and all of its related functions. The SVPSS, the Dean of Students will have the authority to place a student on interim suspension when it is determined such suspension is necessary to:
  - 1) Maintain order on the campus.
  - 2) Preserve the orderly functioning of the College.
  - 3) Stop interference in any manner with the public or private rights of citizens on college-owned and controlled property or at college-sponsored activities.
  - 4) Stop assault or battery.
  - 5) Stop actions that are destroying or damaging property of the College, its students, employees, guests, or the general public.
  - 6) Deal with any violation of the Academic or Student Codes of Conduct deemed to be serious or repetitive enough to warrant interim suspension.
- B. A student who has been placed on interim suspension may not attend classes, may not participate in any College activities, and is excluded from all College property, including the residence hall. The student's Instructor(s) will be notified of the suspension. Should the student ignore the conditions of this suspension, the College will take further action deemed appropriate. If a student is granted the opportunity to return to classes, the Dean of Students and Academic Dean will work with faculty to



reintegrate students to class and create alternative opportunities to complete course objectives.

- C. The student shall be granted a hearing in accordance with these policies, within 5 (five) business days of the interim suspension.

### **Release of Disciplinary Information**

- A. Access to any student's disciplinary file shall be governed by provisions of the Family Educational Rights and Privacy Policy (FERPA).
- B. Only the student charged and those College officials who have a legitimate educational interest in disciplinary information may have access to the files.
- C. All other inquiries, including but not limited to employers, governmental agencies, news media, relatives, friends, or local police agencies must have a written release from the student to gain access to college disciplinary files.
- D. When cases involve any crime of violence, the results of the disciplinary proceedings will be released upon request to the victim(s).
- E. LCCC may, under FERPA, disclose educational discipline records "to official of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer."

Every effort will be made by the College to respect the privacy of the student. However, where the identity of the student has been publicly disclosed in the news media, the College reserves the right to respond as it deems appropriate to describe fairly and accurately the disposition of disciplinary matters.

## Student Conduct

