

<b>DIXIE STATE COLLEGE OF UTAH</b>  <b>POLICIES AND PROCEDURES MANUAL</b>	Section: <b>5-Student Services</b>
	Policy No: <b>33</b>
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Policy: <b>STUDENT RIGHTS AND RESPONSIBILITIES CODE</b>	

## **5-33 STUDENT RIGHTS AND RESPONSIBILITIES CODE**

### **SECTION 1: Student Rights**

#### 1. Purpose

1. Dixie State College of Utah (Dixie State College, DSC, or College) is authorized by the State of Utah, the State Board of Regents, the DSC Board of Trustees, and the DSC College President to establish the Code of Student Rights and Responsibilities.
2. The Code of Student Rights and Responsibilities sets forth the specific authority and responsibility of Dixie State College of Utah to maintain appropriate discipline by outlining guidelines for appropriate student conduct and to create an educational environment wherein individual students and groups of students can accomplish meaningful academic goals.
3. The policies in this code are designed to protect individuals, the campus, and the College community as well as create an environment conducive to achieving the academic mission of the College.
4. Dixie State College values its relationships with the surrounding community and recognizes the impact the College has on the society, culture, and economy of the area. Policy setting and enforcement (discipline) are also ways of educating students to become conscientious members of that community.
5. The College recognizes students as adults involved in educational pursuits. The Code of Student Rights and Responsibilities does not place the College in a custodial or parental relationship with students and it does not impose upon the College any duty to protect students from proscribed acts.
6. The Code of Student Rights and Responsibilities (hereinafter referred to as the “Student Code”) includes the following:
  1. Section 1: Student Rights
  2. Section 2: Student Behavioral Conduct
  3. Section 3: Policy Exceptions and Student Academic Standing
  4. Section 4: Academic Appeals, Complaints and Student Academic Conduct
  5. Section 5: Student Professional Conduct
7. Although formal appeal procedures are outlined in this policy, the College encourages informal resolution of problems.
  1. Informal resolution of problems by mutual consent of all parties is highly desired.

2. Discussion regarding the issues of concern between the involved student and the appropriate faculty member, Department Chair, Academic Dean, and/or Dean of Students is strongly encouraged.
3. The relevant administrator (Academic Dean or Dean of Students) retains discretion as to whether information resolution is appropriate and adequate to the seriousness of the problem.
4. When formal resolution of problems is required, specific administrative procedures and timelines are outlined.
  1. If conduct by a student falls under more than one section of the Student Code, the appropriate Vice President(s) shall decide the order of procedure.
  2. Timelines for procedures under the Student Code are designed to offer appropriate and equitable resolutions.
    1. To facilitate fairness to all parties and/or avoid injury to any of the parties or another member of the Dixie State College community, the appropriate Vice President(s) may extend time lines in special circumstances.
    2. At the sole discretion of the responsible Vice-President(s), proceedings under the Student Code that are also the subject of ongoing criminal or civil enforcement proceedings by federal, state, or local authorities may be postponed under the following circumstances:
      1. When postponing proceedings will serve the best interests of the College, or
      2. When postponing proceedings will better facilitate the administration of justice.
    3. Written documentation of the reason(s) for the extension or postponement must be included in the procedural file.
    4. Decisions regarding proceedings shall be made by the following:
      1. Student Conduct: Vice President of Student Services or designee.
      2. Student Academic Standing, Student Academic Conduct, and Student Professional Conduct: Vice President of Academic Services or designee.
  3. The Dean of Students, Vice President of Student Services, or Vice President of Academic Services may place a hold on a student's records and/or registration pending the resolution of proceedings under the Student Code.

## 2. Definitions

1. **Academic Action:** The recording of a grade or issuing of credit in a class; on an exam, activity, or assignment; or for a course or culminating project. It also includes a decision by the program or department to place a student on academic probation, or to suspend or dismiss a student from an academic program because the student failed to meet the relevant academic standards of the discipline or program. The term "academic action" does not include the decision by a department or program to refuse admission of a student into an academic program. Academic action also does not include academic sanctions imposed for academic misconduct or for professional misconduct.

2. **Academic Misconduct:** Any violation of Dixie State College's Academic Conduct policies.
3. **Academic Sanction:** A penalty or restriction imposed based on a student's academic standing, academic misconduct, or professional misconduct.
4. **Arbitrary and Capricious:** Actions that have no reasonable or principled basis.
5. **Behavioral Misconduct:** A violation of the Student Code standards of conduct and behavior.
6. **Behavioral Sanction:** A penalty, restriction, or consequence imposed based on a student's behavior misconduct.
7. **College Activity:** Any activity, event, function, ceremony, or program sponsored, hosted, or under the auspices of Dixie State College, including instances where a student represents the College or engages in an academic activity related to the College.
8. **College Community:** All students enrolled in classes at Dixie State College, whether or not for credit; all individuals employed by the College in any capacity; and those individuals lawfully present on campus.
9. **College Premises:** The Dixie State College campus and other owned or controlled properties, buildings, or facilities, including locations where a College activity is being held.
10. **Complainant:** Any individual accusing a Dixie State College student of an offense under the Student Code standards of behavior or professional conduct.
11. **Conflict of Interest:** A situation in which a committee member or Dixie State College administrator has a personal or professional interest, responsibility, or involvement which might put into question the impartiality of that individual's actions or decisions.
12. **Day:** Any business day that Dixie State College is open for business, excluding weekends and holidays.
13. **Dean:** An academic dean or associate dean assigned to supervise a particular program or department, or a specified designee.
14. **Dean of Students:** The Dean of Students or a specified designee.
15. **Department / Department Chair:** The designation for the appropriate academic organizational unit. A department chair is the administrator named by Dixie State College to supervise an academic unit. A department chair may name a designee from within the full-time department faculty.
16. **Dismissal:** The termination of student status for an unspecified period of time, which can be permanent. A student dismissed once a term has begun is eligible for refunds according to the published Dixie State College refund schedule.
17. **Expulsion:** The permanent termination of student status. An expelled student may not petition for reinstatement. A student expelled once a term has begun is eligible for refunds according to the published Dixie State College refund schedule.
18. **Faculty / Faculty Member:** Any member of the faculty or the Dixie State College faculty as a whole, including full and part-time instructors at all levels.
19. **Notice / Notification:** Five (5) days after the date information was sent to a student or other entity, either by U.S. Mail, official campus mail, or hard copy of email to the last known address of record, or the date of hand delivery. Also includes the date final grades are posted on the Dixie State College's online registration system.
20. **Professional Misconduct:** A violation of the professional ethics and standards for an academic discipline or profession for which a student is preparing as recognized by the

relevant academic program, including specific misconduct that exemplifies a student's unfitness for such a profession or academic discipline.

21. **Responding Student:** The student accused of an offense under the Dixie State College Student Code standards of behavior.
22. **Sexual Harassment:** Any unwelcome treatment that is sexual in nature, including unwelcome sexual advances, requests for sexual favors, and other harassment of a sexual nature within the work or learning environment. See DSC Policies 3-30 and 4-33.
23. **Staff / Staff Member:** A person other than a faculty member who receives compensation for work or services from funds controlled by Dixie State College, regardless of the source of funds, the duties of the position, or the amount of compensation paid.
24. **Student:** A person who is currently, or was at the time of the offense or incident, matriculated and/or registered in any class or program of instruction or training offered by Dixie State College at any level, whether or not for credit.
25. **Suspension:** The termination of student status for a specified academic term or terms. A student suspended once a term has begun is eligible for refunds according to the published Dixie State College refund schedule.
26. **Vice President:** As specified, the Vice President of Academic Services or the Vice President of Student Services, or a designee.

### 3. Student Rights

1. In addition to constitutional and statutory rights and privileges derived from the United States of America and the State of Utah, students have specific rights as members of the Dixie State College community.
  1. Nothing in this document is intended to limit or abridge students' constitutional or statutory rights.
2. Students have the following rights and privileges and also have the responsibility not to deny these rights and privileges to other members of the College community.
  1. **Learning Environment:** Students have a right to an environment and climate conducive to learning and thinking. Students have a right of reasonable access to College facilities, services, and programs, including access to faculty members and to courses as described in the College Catalog. College teaching should reflect consideration for the dignity of students and their rights as individuals. Students have a right to be treated with courtesy and respect.
  2. **Classroom Rights:** Students have the right, at the beginning of the course in the form of a syllabus, to reasonable notice of the general content of the course and notice of what will be required of them.
  3. **Academic Evaluation:** Students have a right to have their performance evaluated promptly, conscientiously, and without prejudice or favoritism, consistent with the criteria stated at the beginning of the course in the form of a syllabus. Students have a right to be evaluated in an atmosphere that values academic integrity.
  4. **Role in College Governance:** Students have a right to participate in the formation and application of College policy affecting academic and student affairs through clearly defined means, including membership on appropriate committees. Students have a right to perform student evaluations of faculty members, and to have those evaluations considered in the retention, promotion, tenure, and post-tenure reviews of faculty members.
  5. **Due Process:** Students have a right to due process in any proceeding involving the possibility of serious sanctions. This includes the right to notice of alleged

violations, the right to be heard relative to the allegations, the right to impartial decision and review, and the right to have students serve on hearing boards.

6. **Freedom from Discrimination, Harassment, and Sexual**

**Harassment:** Students have a right to be free from illegal discrimination, harassment, and sexual harassment. College policy prohibits discrimination, harassment, or prejudicial treatment of a student because of his/her race, color, ethnicity, religion, national origin, sex, sexual orientation, gender identity/expression, age, status as an individual with a disability or as a protected veteran.

7. **Freedom of Expression and Inquiry:** Students are entitled to academic freedom and autonomy in their intellectual pursuits and development. Students are entitled to free and open discussion, inquiry, expression, and lawful assembly.

8. **Privacy and Confidentiality:** Students have a right to privacy and confidentiality subject to College rules and other statutory regulations. Students have a right to be free from unreasonable searches and seizures.

9. **Student Records:** Students have a right to educational records that accurately reflect their performance. Students have a right to examine and challenge information in their educational records.

10. **Student Government and Organizations:** Students have a right to participate in Dixie State College Student Association elections and to form student organizations for any lawful purpose as approved by the Dean of Students.

## **SECTION 2: Student Conduct**

### 1. Student Behavior

1. Students have the responsibility not to deny any Student Rights and privileges to other members of the College community. In addition, the Standards of Student Conduct apply to students on College premises and at College activities. The following are prohibited:

1. Physical or verbal assaults, and stalking, hazing, threats, intimidation, coercion, or any other conduct that threatens or endangers the health or safety of another member of the College community or any other person while on College premises or while attending or participating in College activities.

1. Hazing is defined as an abusive or humiliating initiation into a group or affiliation.

2. Stalking is defined as intentionally and repeatedly following, contacting, or harassing another person, so that fear is instilled in that individual.

2. Sexual harassment / discrimination

1. If a student believes s/he has been harassed, sexually harassed, or discriminated against, refer to the Sexual Harassment Policy 5-34.

3. Disorderly or lewd conduct.

4. Attempted or actual theft of College property or of any individual's property, or intentional or reckless destruction or damage of College property, equipment, materials, data, and other resources, or intentional misuse of same, including unauthorized possession or use of computer passwords or keys.

5. Use, possession, or distribution of alcoholic beverages.

6. Use, possession or distribution of controlled substances, except for legal, personal use of prescribed medications as governed by Utah law.

7. Violation of published College policies, rules, or regulations.

8. Violation of federal, state, or local civil or criminal laws on College premises or while participating in College activities.
  9. Breaching a contract made with the College, including those related to College-owned housing.
  10. Acts of dishonesty, including but not limited to making false statements, fraud, providing false information or identification, forgery, or misuse of College documents, forms, records, and identification cards.
    1. Provisions for academic dishonesty can be found in Section 4 of the Student Code.
  11. Intentional disruption or obstruction of instruction, research, meetings, or other College functions or activities, on or off campus, including unreasonable interference with those walking or traveling to such.
  12. Illegal or unauthorized possession or use of a firearm, ammunition, explosives, weapons, or dangerous chemicals on College property or at College events; or use of such items, even if legally possessed, in a threatening or irresponsible manner that causes fear of imminent bodily harm.
  13. Violating the Policy 6-49 Use of College IT Resources, including copyright violations.
  14. Refusal to respond to reasonable requests and direction from College authorities while in the performance of their duties.
2. Students are expected to conduct themselves in a responsible manner at all times, whether on or off campus. If a student or student organization is reported for violation of the law on or off-campus, the College will cooperate with appropriate law enforcement officials insofar as the law permits.
  3. If a student or student organization is reported to College officials for misconduct on or off-campus, the College may intervene on a formal or informal basis.
    1. Informal intervention involves the Dean of Students discussing the conduct with the student or student organization in an attempt to reach a resolution. Formal intervention refers to proceedings under the Student Code.
  4. Off campus behavior that may have a significant impact on the mission of the College may be subject to formal College disciplinary action. A student or student organization cited for, arrested for, charged with, indicted for, or convicted of a serious criminal offense may be subject to College disciplinary action under the Student Code.
    1. A serious criminal offense is herein defined as any felony, or a misdemeanor related to the harm or attempted harm of another person; related to theft or attempted theft of property; related to the possession, distribution, sale, or attempted sale of any illegal or controlled substance; or that otherwise demonstrates a significant or meaningful threat to the College community.
    2. A student who is arrested for, charged with, or indicted for a serious criminal offense may, at the discretion of the Vice President of Student Services, be subject to immediate administrative suspension pending judicial and/or College proceedings. Other interim sanctions such as probation or restriction may be imposed without a hearing.
2. Administrative Suspension
    1. The Vice President of Student Services may suspend a student or restrict a student's access to College premises and/or College activities for which the student might otherwise be eligible prior to an initial inquiry, hearing, or determination if there is reasonable cause to believe that a student poses a danger to him or herself, endangers the

safety of other persons or property, or is an ongoing threat of disrupting the academic process or other function of the College.

2. The Vice President of Student Services may restrict a student's access to College premises and/or activities for which the student might otherwise be eligible, but only to the extent necessary when there is reasonable cause to believe that the student's presence or participation poses a danger to him or herself, endangers the safety of other persons or property, or is an ongoing threat of disrupting the academic process or other functions of the College.
  3. Prior to, contemporaneous with, or immediately after administrative suspension or restriction, the Vice President of Student Services shall give the student written notice of the suspension or restriction, specifying the alleged misconduct, setting forth briefly the relevant facts and supporting evidence.
  4. The Vice President of Student Services shall thereafter immediately refer the complaint to the Dean of Students for proceedings under this code, and the suspension may remain in effect pending a final determination of the matter.
3. Complaint Procedures
1. Initial Oral or Written Complaint: Whenever possible, complaints should be resolved informally by the faculty member, work supervisor, department chair, program director, or dean.
  2. If informal resolution is not successful, any person directly aggrieved by an alleged violation of the Standards of Conduct, or any faculty member, staff member, or student, may submit an oral or written complaint to the Dean of Students within forty-five (45) days of the date of the alleged violation.
    1. The complainant may be required to attest to the allegations by affixing a signature to a written description of the complaint.
    2. A written complaint may be required.
  4. **Initial Inquiry:** After an oral or written complaint has been submitted, the Dean of Students shall, within ten (10) days, give written notice to the student against whom the complaint was lodged (responding student) of the allegations of the complaint and the Student Code procedures which will be used to resolve the issue.
    1. Within fifteen (15) days of the receipt of the complaint, the Dean of Students shall begin an initial inquiry to determine whether there is a reasonable basis for believing the responding student violated the Standards of Conduct.
      1. The Dean of Students shall interview the complaining party, the responding student, and others who have pertinent factual knowledge of the allegations.
      2. The Dean of Students may also review other relevant evidence.
      3. At the conclusion of the initial inquiry, which will occur not later than twenty-five (25) days after the receipt of the complaint, the Dean of Students will determine whether there is a reasonable basis for believing that the responding student violated the Standards of Conduct.
    2. A complaint that is frivolous, that fails to state facts that constitute a violation of the Standards of Conduct, or that is not timely, may be dismissed by the Dean of Students after an initial review.
      1. Any person who knowingly and intentionally files a false complaint may potentially incur disciplinary action under this policy (student); Policy 4-26 Corrective and Disciplinary Action Policy (staff), or Policy 3-4 Faculty Rights and Academic Freedom (faculty).

3. If the Dean of Students determines that there is no reasonable basis for the complaint, it will be dismissed.
  1. The Dean of Students will notify the responding student and complainant in writing of the decision.
4. If a complainant wishes to appeal the Dean of Students' decision that there is no reasonable basis for a complaint, an appeal may be filed with the Vice President of Student Services within ten (10) days after notification.
  1. The Vice President of Student Services shall consider the appeal and the response and may solicit whatever counsel and advice the Vice President of Student Services deems appropriate to arrive at a final decision. After receiving the appeal, the Vice President of Student Services shall, within ten (10) days,
    1. Accept the decision of the Dean of Students by denying the appeal.
    2. Request the Dean of Students to reconsider or clarify specific matters, materials, or issues with a second report regarding the decision relating to the specific matters under reconsideration due not later than ten (10) days after the request.
    3. Reject all or part of the Dean of Students' decision, stating reasons and actions therefore, and refer the complaint directly to the Student Conduct Committee.
  2. The Vice President of Student Services' decision shall be final.
5. **Resolution, Sanction, or Referral:** If the Dean of Students determines that the complaint has a reasonable basis, within thirty (30) days after receiving the complaint, the Dean of Students will meet with the responding student to attempt resolution or refer the complaint to the Student Conduct Committee.
  1. The Dean of Students may refer any complaint to the Student Conduct Committee for sanctions.
  2. If the student admits culpability, the Dean of Students may determine the resolution and/or sanction.
  3. If the student does not admit culpability, the complaint is automatically referred to the Student Conduct Committee.
  4. The Dean of Students and the respondent may enter into any or all of the following formal resolutions:
    1. Agreement by the responding student to refrain from specific behaviors.
    2. Agreement by the responding student to refrain from contacting specific individuals.
    3. Agreement by the responding student to participate in specified education programs and/or mediation processes.
    4. Agreement by the responding student to seek professional counseling or other treatment.
    5. Agreement by the responding student to participate in specified community service activities.
    6. Other agreement between the responding student and the Dean of Students.
  5. All resolutions must be in writing and bear the signatures of both the Dean of Students and the responding student.
    1. Such resolutions will remain on file in the Dean of Students' office for not less than seven (7) years.



6. A violation of non-compliance with the terms of agreement or additional misconduct may result in further disciplinary action.
7. The student must be notified in writing no later than forty-five (45) days after the receipt of the initial complaint of any sanction imposed by the Dean of Students.
8. In addition to, or in lieu of, the above listed resolutions, the Dean of Students may impose any or all of the following sanctions.
  1. Warning or Reprimand: Notice of warning or reprimand to the student that a violation of specified College policies or campus regulations has occurred and that continued or repeated violations of specified College policies or campus regulations may be cause for further disciplinary action, normally in the form of Disciplinary Probation, Exclusion from Activities, Loss of Privileges, Disciplinary Suspension, Disciplinary Dismissal, or Disciplinary Expulsion.
  2. Disciplinary probation. A status imposed for specific period of time in which a student must demonstrate conduct that conforms to the College Standards of Conduct. Additional misconduct during the specified period of time may result in further disciplinary action.
  3. Exclusion from specific campus areas or activities, or loss of specific privileges for a specified period of time or until specific conditions are met. Violation of this exclusion or additional misconduct during the specified period of time may result in further disciplinary action.
  4. Community service. A number of hours of specified volunteer activity for which no academic credit or remuneration may be received. Non-compliance or additional misconduct during the period of community service may result in further disciplinary action.
  5. Restitution. Reimbursement to the College or other parties for expenses resulting from a violation of the Student Code may be required in the form of monetary payment, service to repair, or other compensation. Non-compliance with restitution requirements or additional misconduct during a specified period of time may result in further disciplinary action.
  6. Referral. A student may be referred to a licensed physician or other mental health professional for evaluation.
  7. Hold on College records and/or registration. A Hold may be placed on the student's College records and/or ability to register for classes for either a specified period of time or until the student satisfied any conditions imposed as part of a sanction.
    1. The hold may prevent the student from registering and/or from obtaining transcripts, verifications, or a degree from the College.
  8. Disciplinary Suspension. The termination of student status for a specified academic term or terms.
    1. Suspension may include other sanctions such as exclusion from specific campus areas.
    2. Suspension from the College shall be for a minimum time of one full semester following the semester the student is found responsible for the behavioral misconduct.
    3. Violations of the terms of suspension or other sanction, or violation of College policies during the period of suspension, may be cause for further disciplinary action.
    4. The suspended student's transcript may reflect the disciplinary suspension.

5. The Dean of Students shall notify the student in writing of the suspension, conditions for reinstatement, and of the obligation of the student to petition for reinstatement. Notice of the suspension shall also be provided to the student's department chair.
  9. Disciplinary Dismissal. The termination of student status for an indefinite period. Dismissal is reserved for egregious violations of the Student Code, and the student may not be eligible for reinstatement.
    1. Dismissal may include other sanctions such as exclusion from campus.
    2. The dismissed student's transcript may reflect his/her dismissal.
    3. The Dean of Students shall notify the student in writing of the dismissal, conditions for reinstatement, and of the obligation of the student to petition for reinstatement. Notice of the Dismissal shall also be provided to the student's department chair.
    4. A student who wishes to petition for reinstatement after Disciplinary Dismissal must do so in writing to the Vice President of Student Services not less than thirty (30) days prior to the beginning of the semester in which the student wishes to enroll. Petitions for reinstatement shall explain how the conditions for reinstatement have been met.
  10. Disciplinary Expulsion. The permanent termination of student status. Expulsion is reserved for the most egregious violations of the Student Code, and the student is not eligible for reinstatement.
    1. The Dean of Students shall notify the student in writing of the expulsion.
6. Appeal to the Vice President of Student Services
1. If the Dean of Students has adjudicated the matter, within ten (10) days of notification of the Dean of Students' decision, the responding student may file a written notice of appeal with the Vice President of Student Services.
  2. The Vice President of Student Services shall consider the appeal and the response and may solicit whatever counsel and advice the Vice President of Student Services deems appropriate to arrive at a final decision. After receiving the appeal, the Vice President of Student Services shall, within ten (10) days,
    1. Accept the decision of the Dean of Students.
    2. Request the Dean of Students to reconsider or clarify specific matters, materials, or issues with a second report regarding the decision relating to the specific matters under reconsideration due not later than ten (10) days after the request.
    3. Reject all or part of the Dean of Students' decision, stating reasons and actions for either imposing a greater or lesser sanction than determined by the Vice President of Student Services.
  3. Written notification of the Vice President of Student Services' decision and the basis for that decision shall be communicated to the concerned parties within ten (10) days after receipt of the appeal.
  4. The decision of the Vice President of Student Services shall be final.
7. Student Conduct Committee
1. Any referral to the Student Conduct Committee requires a formal, written complaint. If the initial complaint was oral or not sufficiently detailed, the Dean of Students shall instruct the complaining party to submit a detailed, formal, written complaint of the circumstances giving rise to the complaint. The formal, written complaint must be received within five (5) days of such instruction.

1. If no written complaint can be obtained, the Dean of Student may become the complainant.
  2. The Student Conduct Committee is chaired by a non-voting faculty member, and is comprised of three (3) voting faculty members selected by the Faculty Senate President and the Vice President of Academic Services, three (3) staff members selected by the Vice President of Student Services, and three (3) student representatives selected by the Dixie State College Student Association (DSCSA) president.
    1. A hearing board of at least five (5) members will be chosen from the Student Conduct Committee. To the extent possible, students, faculty, and staff will have representation.
    2. If any member of the committee has a conflict of interest in a particular hearing, either self-disclosed or determined by the Vice President of Student Services, that committee member will be excused and an alternate from the same category may be appointed by the relevant Vice President.
  3. The same individual voting members must be present at each session of a hearing.
  4. The Committee shall establish internal procedures consistent with the Student Code.
  5. Committee decisions are based on a majority vote.
  6. The Student Conduct Committee may impose any sanction(s) listed above.
8. Hearing Schedule
1. The Student Conduct Committee chair will schedule a hearing date within ten (10) days after the Committee receives the written complaint.
  2. Written notice must be sent to the responding student no less than ten (10) days before the scheduled hearing. Such notice must include a brief statement of the factual basis of the charges; the nature of the violation and the specific rule, regulation, or policy violated; the names of the Committee members; and the time and place of the hearing.
9. Hearing Guidelines
1. Hearings shall be conducted within a reasonable period of time after the Committee's receipt of the complaint.
  2. DSC legal counsel shall serve as a resource to the Committee and may be present at hearings to provide guidance on substantive law and procedural matters.
  3. The parties shall have a right to be accompanied by any person as an advisor, including legal counsel, who will be permitted to attend, but not directly participate, in the proceedings.
  4. Hearings will be held in accordance with generally accepted standards of procedural due process. Information may be received of the sort upon which responsible persons are accustomed to rely in the conduct of serious affairs, and is not restricted to information admissible under the strict rules of evidence of a court of law.
  5. Hearings shall be closed to the public.
  6. Hearings shall be recorded.
    1. A responding student who is considering an appeal will be granted post-hearing access on campus to review but not copy the recording.
    2. The student may be accompanied at the review by the advisor who accompanied him/her to the hearing.
    3. No transcript shall be made of the recording.
  7. Committee deliberations and voting shall take place in closed session and will not be recorded.

8. If the complaining party or the responding student fails to attend the hearing without good cause, the Committee may proceed with the hearing and render a decision based on available testimony and evidence.
  9. The Committee shall make its findings and recommendations based only on evidence and testimony presented by the parties at the hearing. Committee members shall not conduct their own investigations, rely on prior knowledge of the facts, or develop their own evidence.
  10. The Committee chair shall prepare a written report of the Committee's findings and recommendations and present it to the Dean of Students within ten (10) days after the conclusion of the hearing.
  11. The Committee's report will be reviewed by the Dean of Students, who will review all the evidence, may solicit whatever counsel and advice s/he deems necessary, and make a decision to do one of the following:
    1. Accept the Committee's findings and recommendations.
    2. Request the Committee to reconvene and reconsider or clarify specific matters, materials, or issues with a second report regarding the decision relating to the specific matters under reconsideration due not later than ten (10) days after the request.
    3. Reject all or part of the Committee's findings and/or recommendations, stating reasons.
  12. The Dean of Students may impose greater or lesser sanction(s) in lieu of the Committee's decision.
  13. Written notification to the responding student of the Dean of Students' decision shall be made within ten (10) days of the Committee's report, unless reconsideration was requested, in which case the written notification shall be made within ten (10) days of the second report.
10. Appeal to the Vice President of Student Services
1. Within ten (10) days of notification of the Dean of Students' decision, a responding student may file a written notice of appeal with the Vice President of Student Services.
  2. The Vice President of Student Services shall consider the appeal and may solicit whatever counsel and advice the Vice President of Student Services deems appropriate to arrive at a final decision.
    1. The Vice President of Student Services may also convene an ad hoc committee composed of students, faculty, and staff members from outside the Student Conduct Committee to determine if there were substantial defects that denied basic fairness and due process.
  3. After receiving the appeal, the Vice President of Student Services shall, within ten (10) days, or twenty (20) days if an ad hoc committee is formed, take one of the following actions:
    1. Accept the decision of the Dean of Students (denies appeal).
    2. Request the Dean of Students to reconsider or clarify specific matters, materials, or issues with a second report regarding the decision relating to the specific matters under reconsideration due not later than ten (10) days after the request.
    3. Reject all or parts of the Dean of Students' decision, stating reasons for either imposing a greater or lesser sanction than determined by the Dean of Students (approves appeal).
  4. Written notification of the Vice President of Student Services' decision and the basis for that decision shall be communicated to the parties concerned within ten (10) days after

receipt of the appeal, or within twenty (20) days after receipt of the appeal if an ad hoc committee is formed.

5. The decision of the Vice President of Student Services shall be final.

## 11.Reinstatement

1. **After Disciplinary Suspension.** A student who wishes to petition for reinstatement after disciplinary suspension must do so in writing to the Dean of Students not less than forty-five (45) days prior to the beginning of the semester in which the student wishes to enroll. Petitions for reinstatement shall explain how the conditions for reinstatement have been met, including appropriate documentation.
2. The Dean of Students shall consider the petition and shall issue a decision regarding the student's reinstatement within fifteen (15) days of receipt of the petition, notifying the student in writing.
3. The Dean of Students may grant conditional reinstatement contingent upon the student meeting written requirements specified by the Dean of Students, Student Conduct Committee, or Vice President of Student Services in the original sanction to the extent that such conditions pertain to the original offense in the original sanction.
4. The student may be required to reapply for admission.
5. Within ten (10) days of notification of a decision not to allow reinstatement, the student may file a written appeal to the Vice President of Student Services.
6. Within ten (10) days after receipt of appeal, or twenty (20) days if reconsideration is requested, the Vice President of Student Services shall:
  1. Accept the Dean of Students' decision by denying the appeal.
  2. Request the Dean of Students to reconsider or clarify specific matters, materials, or issues with a second report regarding the decision relation to the specific matters under reconsideration due not later than ten (10) days after the request.
  3. Reject all or part of the Dean of Students' decision, stating reasons and actions therefore. The Vice President of Student Services may impose any appropriate conditions on reinstatement.
7. **After Disciplinary Dismissal.** Reinstatement after disciplinary dismissal is rare.
8. A student who wishes to petition for reinstatement after disciplinary dismissal must do so in writing to the Dean of Students not less than sixty (60) days prior to the beginning of the semester in which the student wishes to enroll. Petitions for reinstatement shall explain why the student should be considered for reinstatement, including appropriate documentation.
9. The Dean of Student will investigate the student's petition and make a report, including a recommendation, to the Student Conduct Committee within fifteen (15) days of receiving the petition.
10. Within fifteen (15) days of receipt of the Dean's report, the Student Conduct Committee will review the petition and the Dean of Student's report and recommendation and take one of the following actions:
  1. Reinstatement the student unconditionally.
  2. Grant conditional reinstatement.
  3. Decline to reinstate the student.
11. The Dean of Student shall notify the student in writing not more than ten (10) days after the Committee's decision.
12. The student may be required to reapply for admission.

13. Within ten (10) days of notification of a decision not to allow reinstatement, the student may file a written appeal to the Vice President of Student Services.
14. Within ten (10) days after receipt of appeal, the Vice President of Student Services shall:
  1. Accept the Student Conduct Committee's decision by denying the appeal.
  2. Reject all or part of the Student Conduct Committee's decision, stating reasons and actions therefore. The Vice President of Student Services may then impose any appropriate conditions on reinstatement.
15. The decision of the Vice President of Student Services shall be final.

## 12. Records

1. The sanctions of disciplinary suspension, dismissal, and expulsion will appear on the student's transcript.
2. No College employee shall provide information to a person or entity concerning a student without fully complying with The Family Educational Rights and Privacy Act (20 U.S.C.A. § 1232g) and the Government Records Access and Management Act (U.C.A. §63-2-101). In most circumstances, such as requests from a licensing body or an employer, information may only be provided with the prior written consent of the student. In some circumstances, however, such as requests from other institutions where the student seeks or intends to enroll, information may be provided without the consent of the student but only after following appropriate procedures outlined in these statutes.
3. Records of proceedings under the Student Code shall be confidential to the extent permitted by law. Records of behavioral misconduct shall be kept in the office of the Dean of Students, and Registrar's Office if sanctions merit, and a copy may be retained in academic departments.

## **SECTION 3: Exceptions to Policy and Student Academic Standing**

### 1. Policy Exceptions Procedure

1. The Registrar's Office establishes deadlines each academic year and each semester for registering, adding courses, dropping courses, auditing courses, paying tuition and/or fees, complete withdrawals, applying for graduation, and other functions.
  1. Current deadlines and procedures are available in the College catalog and class schedules, and on the College website.
2. The College is obligated to ensure the integrity of the academic transcript as an historical document. Therefore, the transcript must reflect the actual history of a student's experience at the College. An exception to College policy is warranted only in cases involving unusual or extenuating circumstances.
3. It is a student's individual responsibility to ensure the accuracy of his/her class schedule and transcript each semester as well as comply with all College regulations and deadlines. Being unaware of College procedures and deadlines or desiring to modify a transcript to improve one's academic record does not constitute justification for exceptions to policy.
4. Internal records regarding policy exceptions may be kept in the College's registration database.
5. Petitions to the Policy Exceptions Committee will be accepted for:
  1. Retroactive Registration (drop / add / audit): Students are expected to complete registration procedures within the published deadlines. Late registration requests may be considered for situations which made it impossible for students to register, drop, or audit during the time periods designated for registration.

1. Students should provide verification of circumstances to support the request for exception. Supporting documentation on official letterhead, including letters from physicians, instructors, etc., must be attached to the petition.
  2. A late fee may be charged per class for all retroactive registration requests that are approved. Students are also responsible for all tuition and fees associated with any changes to their academic record.
  2. Other College (not departmental) deadlines, fines, fees, and tuition charges.
  3. Retroactive Withdrawal: Retroactive withdrawals will only be considered when students provide verification of unusual or extenuating circumstances which prevented them from withdrawing by the deadline. Supporting documentation on official letterhead, including letters from physicians, College administrators, College instructors, etc., must be attached to the petition.
  4. A student who wants to petition for an exception to such a policy based on extenuating circumstances must complete an "Exception to Policy Petition" and submit it to the Registrar's Office along with supporting documentation.
    1. The Registrar's Office is delegated to administratively drop students when appropriate documentation from faculty is provided stating that the student never attended class.
    2. The Registrar's Office is delegated to appropriately reinstate students in classes after drops for non-payment up to such point in the semester when the matter will be referred to the Policy Exceptions Committee.
  5. Petitions must be received within four (4) years of the semester for which the petition is submitted.
  6. The Policy Exceptions Committee will not accept petitions for the following:
    1. Course prerequisite and placement appeals are approved or disapproved by the Chair of the Department offering the course.
      1. The student may appeal such decisions to the appropriate Dean supervising that department.
    2. Course substitutions for courses required in a program or major that are not General Education or College graduation requirements are to be approved or disapproved by the Department Chair and Dean.
  7. Exemptions to the College general education or graduation requirements shall be decided through the Academic Appeals Committee.
2. Policy Exceptions Committee
1. The Policy Exceptions Committee is charged with reviewing appeals of academic standing and ruling on Exception to Policy petitions.
  2. Members will include four (4) faculty members selected by the Faculty Senate President and the Vice President of Academic Services, two (2) students selected by the DSCSA President, and four (4) staff members selected by the Vice President of Student Services. The Committee will be chaired by a non-voting faculty member.
  3. The Committee shall hold meetings and hearings at least once each month, as petitions require.
  4. At least five (5) voting members of the committee must be present at any hearing, except during summer months when three (3) voting members will constitute a quorum.
    1. To the extent possible, students, faculty, and staff will have representation.

5. The Vice President of Student Services may excuse any member of the Committee if the Vice President of Student Services determines that the member has a conflict of interest in a particular petition or appeal. The Vice President of Student Services shall select an appropriate replacement for the excused member.
  6. The Committee shall establish internal procedures consistent with the Student Code.
  7. Committee decisions are based on a majority vote.
  8. No College employee shall provide information to a person or entity concerning a student without fully complying with The Family Educational Rights and Privacy Act (20 U.S.C.A. § 1232g) and the Government Records Access and Management Act (U.C.A. §63-2-101). In most circumstances, such as requests from a licensing body or an employer, information may only be provided with the prior written consent of the student. In some circumstances, however, such as requests from other institutions where the student seeks or intends to enroll, information may be provided without the consent of the student but only after following appropriate procedures outlined in these statutes.
3. Policy Exceptions Hearing Guidelines
1. Hearings shall be conducted within a reasonable period of time after the Committee's receipt of the complaint.
  2. Hearings shall be closed to the public.
  3. DSC legal counsel shall serve as a resource to the Committee and may be present at the hearing to provide guidance on substantive law and procedural matters.
  4. Hearings will be held in accordance with generally accepted standards of procedural due process. Information may be received of the sort upon which responsible persons are accustomed to rely in the conduct of serious affairs, and is not restricted to information admissible under the strict rules of evidence of a court of law.
  5. Committee deliberations and voting shall take place in closed session and will not be recorded.
  6. The Policy Exceptions Committee shall first consider the written petition in a formal meeting without the student present, and render a decision based on the written petition. The committee's decision shall be communicated to the student in writing within ten (10) days following the conclusion of the committee action.
  7. If the student's petition is granted, the Committee chair will direct the Registrar's Office, or other College office as appropriate, to implement the approved action.
  8. If the student's petition, or any portion of the petition, is denied, the student shall be invited to appear at the next meeting in which the student presents the petition in person. In this meeting, the student may present written statements from doctors, faculty members, fellow students, or others.
  9. The Policy Exceptions Committee shall consider the information that the student provided in the hearing and render a second decision on the student's petition. The committee's decision shall be communicated to the student in writing within ten (10) days following the committee action.
  10. A processing fee may be charged for implementing approved exceptions to policy, including but not limited to retroactive registration (drop / add / audit) late fees.
  11. If the student's petition, or any portion of the petition, is denied, the student may appeal to the Vice President of Student Services.
4. Appeal to the Vice President of Student Services
1. Within ten (10) days of notification of the Committee's decision, the student may file a written notice of appeal with the Vice President of Student Services.



2. The Vice President of Student Services shall consider the appeal and may solicit whatever counsel and advice the Vice President of Student Services deems appropriate to arrive at a final decision.
3. After receiving the appeal, the Vice President of Student Services shall, within ten (10) days, take one of the following actions:
  1. Accept the decision of the Policy Exceptions Committee (deny the appeal).
  2. Request the Committee to reconsider or clarify specific matters, materials, or issues with a second report regarding the decision relating to the specific matters under reconsideration due not later than ten (10) days after the request.
  3. Reject all or parts of the Committee's decision, stating reasons and actions to be taken therefore.
4. Written notification of the Vice President of Student Services' decision and the basis for that decision shall be communicated to the parties concerned within ten (10) days after receipt of the appeal.
5. The Vice President of Student Services' decision shall be final.
5. **Academic Standing.** Dixie State College requires students to maintain a minimum grade point average as explained below. In addition, the College, in compliance with Federal, State, and institutional regulations, will monitor progress, which includes monitoring satisfactory academic and required credit hour progress, of students participating in regulated programs.
  1. A student's academic standing is noted on the official transcript each semester.
  2. Specific academic departments may have more stringent academic standards and requirements for admission to or retention in programs.
6. **President's List.** A student is awarded inclusion on the semester President's List if s/he achieves a semester GPA of 3.9 or higher when completing a minimum of fifteen (15) credits.
7. **Dean's List.** A student is awarded inclusion on the semester Dean's List if s/he achieves a semester GPA of 3.50 – 3.89 when completing a minimum of fifteen (15) credits.
8. **Academic Good Standing.** A student is considered to be in Good Standing when his or her cumulative GPA is 2.0 or above.
9. **Academic Alert.** A student whose semester GPA is below 2.0 but whose cumulative GPA is above 2.0 will be placed on Academic Alert.
  1. A student on Academic Alert is considered in Good Standing, with the exception that s/he may only register for 13 or fewer credits per semester.
  2. A student on Academic Alert will receive notification of services designed to assist the student in improving his or her academic performance.
  3. A student on Academic Alert who wishes to register for more than 13 credits per semester must have the approval of an Academic Improvement Advisor.
  4. A student on Academic Alert who earns a semester GPA and has a cumulative GPA of 2.0 or above will be removed from Academic Alert and will remain in Academic Good Standing.
  5. A student on Academic Alert who earns a semester GPA of 2.0 or above but has a cumulative GPA below 2.0 will remain on Academic Alert and in Academic Good Standing and will not be placed on Academic Warning.
  6. A student on Academic Alert who does not achieve either a semester or cumulative GPA of 2.0 or above will be placed on Academic Warning.
10. **Academic Warning.** A student whose cumulative GPA is below 2.0 shall be placed on Academic Warning and will no longer be considered in Academic Good Standing.

1. A student on Academic Alert whose semester GPA and cumulative GPA are below 2.0 will be placed on Academic Warning.
  1. Only students who have completed 25 or more credits shall be placed on Academic Warning.
  2. A student transferring to DSC with 25 or more credits and a cumulative GPA below 2.0 will be placed on Academic Warning.
2. A student on Academic Warning will be required to participate in a workshop designed to assist students increase their academic performance.
  1. A Registration Hold may be placed on a student's registration until the workshop is completed.
3. A student on Academic Warning may only register for 13 or fewer credits per semester.
4. A student on Academic Warning who wishes to register for more than 13 credits per semester must have the approval of an Academic Improvement Advisor.
5. A student on Academic Warning who earns a semester GPA and has a cumulative GPA of 2.0 or above will be considered to be in Academic Good Standing.
6. A student on Academic Warning who earns a semester GPA of 2.0 or above but has a cumulative GPA below 2.0 will remain on Academic Warning and will not be placed on Academic Probation.
7. A student on Academic Warning who does not achieve either a semester or cumulative GPA of 2.0 or above will be placed on Academic Probation.

**11. Academic Probation.** A student on Academic Warning whose semester GPA and cumulative GPA are below 2.0 will be placed on Academic Probation.

1. A student on Academic Probation is required to meet with an Academic Improvement Advisor to establish an Academic Improvement contract.
2. A student on Academic Probation may only register for 13 or fewer credits per semester.
3. A student on Academic Probation who earns a semester GPA and has a cumulative GPA of 2.0 or above will be considered to be in Academic Good Standing.
4. A student on Academic Probation who earns a semester GPA of 2.0 or above but has a cumulative GPA below 2.0 will remain on Academic Probation and will not be placed on Academic Suspension. However, the student will need to renew the Academic Improvement Contract each semester.
5. A student on Academic Probation who does not achieve either a semester or cumulative GPA of 2.0 or above will be placed on Academic Suspension.

**12. Academic Suspension.** A student on Academic Probation whose semester GPA and cumulative GPA are below 2.0 will be placed on Academic Suspension.

1. A student who is on Academic Suspension may not enroll in classes for a minimum of one (1) regular (Fall or Spring) semester after being placed on Academic Suspension.
2. A student placed on Academic Suspension shall receive written notice of the suspension and conditions for re-enrollment.
3. After at least one regular semester of not enrolling in classes at DSC, a student on Academic Suspension may petition the Director of Advisement for reinstatement of student status.
4. The student must submit the petition for re-enrollment at least thirty (30) days prior to the beginning of the term in which s/he wants to re-enroll, even if the student has attended another college or university since being placed on Academic Suspension at DSC.

5. The Director of Advisement shall consider the petition and issue a decision regarding the student's reinstatement within fifteen (15) days of its receipt.
6. A student whose petition for reinstatement is denied by the Director of Advisement may appeal that decision to the Vice President of Academic Services within ten (10) days of notification.
7. The Vice President of Academic Services shall consider the appeal and issue a decision regarding the student's reinstatement within fifteen (15) days of receipt of the appeal.
8. The Vice President of Academic Services' decision shall be final.
9. A student whose appeal is denied may submit a new petition for reinstatement to the Director of Advisement after at least one (1) additional regular semester.
10. A student re-enrolled after Academic Suspension will be reinstated at the appropriate academic standing level.

**13. Repeated Academic Suspension.** A student is placed on Repeated Academic Suspension if the student is placed on Academic Suspension after having been previously on that status.

1. A student who is on Repeated Academic Suspension may not enroll in classes for a minimum of one (1) calendar year after being placed on Repeated Academic Suspension.
2. A student placed on Repeated Academic Suspension shall receive written notice of the suspension and conditions for re-enrollment.
3. After at least one calendar year of not enrolling in classes at DSC, a student on Repeated Academic Suspension may petition the Policy Exceptions Committee for reinstatement of student status.
4. The student must submit the petition for reinstatement at least thirty (30) days prior to the beginning of the term in which s/he wants to re-enroll, even if the student has attended another college or university since being placed on repeated academic suspension at DSC.
5. A student whose appeal is denied may submit a new petition for reinstatement to the Policy Exceptions Committee after at least one (1) additional semester.
6. A student re-enrolled after Repeated Academic Suspension will be reinstated at the appropriate academic standing level.

**14. Appeal of Academic Warning, Academic Probation, Academic Suspension, or Repeated Academic Suspension.**

1. A student wishing to appeal his/her being placed on Academic Warning, Academic Probation, Suspension, or Repeated Academic Suspension status may petition the Policy Exceptions Committee within two (2) years after the status change.

**15. Policy Exception Hearing Guidelines**

1. Hearings shall be conducted within a reasonable period of time after the Committee's receipt of the complaint.
2. Hearings shall be closed to the public.
3. DSC legal counsel shall serve as a resource to the Committee and may be present at the hearing to provide guidance on substantive law and procedural matters.
4. Hearings will be held in accordance with generally accepted standards of procedural due process. Information may be received of the sort upon which responsible persons are accustomed to rely in the conduct of serious affairs, and is not restricted to information admissible under the strict rules of evidence of a court of law.
5. Committee deliberations and voting shall take place in closed session and will not be recorded.

6. The Policy Exceptions Committee shall first consider the written petition in a formal meeting without the student present, and render a decision based on the written petition. The committee's decision shall be communicated to the student in writing within ten (10) days following the conclusion of the committee action.
7. If the student's petition is granted, the Committee chair will direct the Registrar's Office, or other College office as appropriate, to implement the approved action.
8. If the student's petition, or any portion of the petition, is denied, the student shall be invited to appear at the next hearing in which the student presents the petition in person. In this meeting, the student may present written statements from doctors, faculty members, fellow students, or others.
9. The Policy Exceptions Committee shall consider the information that the student provided in the hearing and render a second decision on the student's petition. The committee's decision shall be communicated to the student in writing within ten (10) days following the committee action.
10. If the student receives a negative decision from the Policy Exceptions Committee, s/he may appeal to the Vice President of Academic Services.

#### 16. Appeal to the Vice President of Academic Services

1. Within ten (10) days of notification of the Committee's decision, the student may file a written notice of appeal with the Vice President of Academic Services.
2. The Vice President of Academic Services shall consider the appeal and may solicit whatever counsel and advice the Vice President of Academic Services deems appropriate to arrive at a final decision.
3. After receiving the appeal, the Vice President of Academic Services shall, within ten (10) days, take one of the following actions:
  1. Accept the decision of the Policy Exceptions Committee (deny the appeal).
  2. Request the Committee to reconsider or clarify specific matters, materials, or issues with a second report regarding the decision relating to the specific matters under reconsideration due not later than ten (10) days after the request.
  3. Reject all or parts of the Committee's decision, stating reasons and actions to be taken therefore.
4. Written notification of the Vice President of Academic Services' decision and the basis for that decision shall be communicated to the parties concerned within ten (10) days after receipt of the appeal.
5. The Vice President of Academic Services decision shall be final.

### **SECTION 4: Academic Appeals, Complaints, and Student Academic Conduct**

#### 1. Standards of Academic Performance

1. In order to ensure that the highest standards of academic performance are promoted and supported at the College, students must:
  1. Meet the academic requirements of a course; and
  2. Meet the academic requirements of the relevant discipline or program.
2. Faculty members are qualified as professionals to observe and judge all aspects of a student's academic performance, including demonstrated knowledge, technical and interpersonal skills, attitudes and professional character, and ability to master the required curriculum. An academic action, as defined above, may be overturned on appeal only if the academic action was arbitrary or capricious.

#### 2. Academic Appeals

1. Most appeals and proceedings regarding academic actions or requirements will initiate with the faculty and administrators in a specific department or program.
    1. Course prerequisite and placement appeals are approved or disapproved by the Chair of the Department offering the course.
      1. The student may appeal to the appropriate Dean supervising that department.
    2. Course substitutions for courses required in a program or major that are not general education or College graduation requirements are to be approved or disapproved by the Department Chair and Dean.
  2. A student who wishes to petition for an exemption to the College general education or graduation requirements must appeal those requirements through the Academic Appeals Committee.
  3. A student who believes that an academic action taken in connection with the Standards of Academic Performance above is arbitrary or capricious should, within twenty (20) days of the academic action or of notification of the academic action, discuss the academic action with the involved faculty member, who may be acting as an individual instructor or as a program administrator, and attempt to resolve the disagreement.
    1. If the student and faculty member are unable to resolve the disagreement, if the faculty member does not respond within ten (10) days, or if the faculty member fails to take the agreed upon action within ten (10) days, the student may appeal the academic action in accordance with the following procedures.
3. Appeal to Department Chair
    1. Within thirty (30) days of the academic action or of notification of the academic action, the student may appeal the academic action in writing to the chair of the relevant department.
      1. If there is a conflict of interest with the Department Chair, the matter will be referred to the Dean.
      2. The Department Chair shall discuss the appeal with the student within ten (10) days of receiving the written appeal.
      3. The Department Chair shall consult with other individuals as required to make a fair decision.
      4. To overturn the original academic action, the Department Chair must find that the academic action was arbitrary or capricious.
      5. Within fifteen (15) days of receiving the written appeal, the Department Chair shall notify the student and faculty member, in writing, of his/her determination as to whether the academic action was arbitrary or capricious and of the basis for that decision.
        1. If the Department Chair determines that the academic action was arbitrary or capricious, the Chair shall take appropriate action to implement his/her decision unless the faculty member appeals the decision.
        2. If the Chair fails to respond in fifteen (15) days, the student may appeal to the Dean assigned to supervise that department.
      6. If either party (faculty member or student) disagrees with the Chair's decision, that party may appeal to the Dean assigned to supervise that department within ten (10) days of the Chair's notification.
  4. Appeal to Dean

1. If there is a conflict of interest with the Dean, the matter will be automatically referred to the Academic Appeals Committee.
  2. The Dean shall discuss the matter with the student within ten (10) days of receiving the written appeal.
  3. The Dean shall consult with other individuals as required to make a fair decision.
  4. Within fifteen (15) days of receiving the written appeal, the Dean shall notify the student and faculty member, in writing, of his/her determination of whether the academic action was arbitrary or capricious and of the basis for that decision.
    1. If the Dean determines that the academic action was arbitrary or capricious, the Dean shall take appropriate action to implement his/her decision unless either party appeals the decision.
  5. If either party (faculty member or student) disagrees with the Dean's decision, that party may appeal to the college's Academic Appeals Committee within ten (10) days of notification of the Dean's decision in accordance with the procedures set forth below.
5. Academic Appeals Committee
1. The Academic Appeals Committee will be comprised of at least five (5) voting faculty members chosen by the Faculty Senate President and the Vice President of Academic Services, and at least two (2) students selected by the DSCSA President. A non-voting faculty member will chair the committee.
    1. Members shall be selected for broad representation from College schools, divisions, departments, and programs.
      1. At least three (3) voting members of the committee must be present at any hearing.
      2. To the extent possible, students and faculty will be represented at all committee hearings.
      3. The Vice President of Academic Services may excuse any member of the Committee if s/he determines that the member has a conflict of interest. The Vice President of Academic Services shall select an appropriate replacement for the excused member.
    2. The Committee shall establish internal procedures consistent with the Student Code.
    3. Committee decisions are based on a majority vote.
6. Academic Appeals Procedure
1. The Chair of the Academic Appeals Committee must receive notification in writing of an appeal not later than ten (10) days after the previous notification.
    1. The Chair of the Committee shall deliver a copy of the appeal to the corresponding party.
    2. The faculty member whose decision is being appealed, or the student in the case of a faculty member's appeal, may deliver a written response to the appeal to the Chair of the Academic Appeals Committee no later than five (5) days after the receipt of the appeal.
      1. The Chair of the Committee shall deliver a copy of any written response to the corresponding party.
    3. No College employee shall provide information to a person or entity concerning a student without fully complying with The Family Educational Rights and Privacy Act (20 U.S.C.A. § 1232g) and the Government Records Access and Management Act (U.C.A. §63-2-101). In most circumstances, such as requests

from a licensing body or an employer, information may only be provided with the prior written consent of the student. In some circumstances, however, such as requests from other institutions where the student seeks or intends to enroll, information may be provided without the consent of the student but only after following appropriate procedures outlined in these statutes.

#### 7. Hearing Schedule

1. The Academic Appeals Committee chair will schedule a hearing date within five (5) days after the Committee receives the written complaint.
  1. Written notice must be sent to the parties not less than five (5) days before the scheduled hearing.
    1. Such notice must include the nature of the appeal, the names of the Committee members, and the time and place of the hearing.

#### 8. Hearing Guidelines

1. Hearings shall be conducted within a reasonable period of time after the Committee's receipt of the complaint.
2. DSC legal counsel shall serve as a resource to the Committee and may be present at the hearing to provide guidance on substantive law and procedural matters.
3. The parties shall have a right to be accompanied by any person as an advisor, including legal counsel, who will be permitted to attend, but not directly participate, in the proceedings.
4. Hearings will be held in accordance with generally accepted standards of procedural due process. Information may be received of the sort upon which responsible persons are accustomed to rely in the conduct of serious affairs, and is not restricted to information admissible under the strict rules of evidence of a court of law.
5. Hearings shall be closed to the public.
6. Hearings shall be recorded.
  1. A responding student who is considering an appeal will be granted post-hearing access on campus to review but not copy the recording.
  2. The student may be accompanied at the review by the advisor who accompanied him/her to the hearing.
  3. No transcript shall be made of the recording.
7. Committee deliberations and voting shall take place in closed session and will not be recorded.
8. To overturn any previous decision or the original academic action, the Committee must find that the decision or academic action was arbitrary or capricious.
9. If the appellant or corresponding party fails to attend the hearing without good cause, the Committee may proceed with the hearing and render a decision based on available testimony and evidence.
10. The Committee shall make its findings and recommendations based only on evidence and testimony presented by the parties at the hearing. Committee members shall not conduct their own investigations, rely on prior knowledge of the facts or develop their own evidence.
11. The Committee chair shall prepare a written report of the Committee's findings, decision, and recommendations.
12. Involved parties shall be notified of the Committee's decision within ten (10) days after the conclusion of the hearing.

## 9. Appeal to Vice President of Academic Services

1. Within ten (10) days of notification of the Committee's decision, either party may file a written notice of appeal with the Vice President of Academic Services.
2. The Vice President of Academic Services shall consider the appeal and may solicit whatever counsel and advice the Vice President of Academic Services deems appropriate to arrive at a final decision.
3. The Vice President of Academic Services may also convene an ad hoc committee composed of students and faculty members from outside the Academic Appeals Committee to determine if there were substantial defects that denied basic fairness and due process.
4. After receiving the appeal, the Vice President of Academic Services shall, within ten (10) days, or twenty (20) days if an ad hoc committee is formed, take one of the following actions:
  1. Accept the decision of the Academic Appeals Committee.
  2. Request the Committee to reconsider or clarify specific matters, materials, or issues with a second report regarding the decision relating to the specific matters under reconsideration due not later than ten (10) days after the request.
  3. Reject all or parts of the Committee's decision, stating reasons and actions to be taken therefore.
5. Written notification of the Vice President of Academic Services' decision and the basis for that decision shall be communicated to the parties concerned within ten (10) days after receipt of the appeal, or within twenty (20) days after receipt of the appeal if an ad hoc committee is formed.
6. The decision of the Vice President of Academic Services shall be final.

## 10. Complaint without Academic Action

1. A student may file a complaint against a faculty or staff member for violating the student's rights as delineated in the Student Code.
2. If at any time a formal complaint about an academic action is filed, the matter shall be processed through the Academic Appeal process described herein.
3. The student should seek to resolve the complaint with the involved faculty / staff member if possible.
4. If resolution between student and an academic staff employee or faculty member is not possible, the student may seek redress with the Department Chair of the department which offers the course or supervises the employee.
  1. The Department Chair may refer the matter to the appropriate Dean for action.
  2. The Department Chair shall meet with the student to attempt resolution within ten (10) days of receipt, conferring with the faculty or staff member as needed.
  3. If the Department Chair believes that discrimination or harassment has occurred, the matter will be referred to the supervising Dean.
  4. If the faculty / staff member is dissatisfied with the outcome, s/he may appeal to the appropriate Dean or employ the Grievance Procedure, Policy 3-31 or 4-28.
5. If resolution between the student and the Department Chair is not possible, the student may seek redress with the appropriate Dean charged with supervising that department.
  1. The Dean shall meet with the student to attempt resolution within ten (10) days of receipt.
  2. The Dean shall meet with the faculty / staff member if necessary.



3. The Dean will inform the faculty member and Department Chair of the complaint and the resolution within fifteen (15) days of receipt.
  4. If the Dean believes that discrimination or harassment has occurred, s/he shall institute other appropriate measures.
  5. If the faculty / staff member is dissatisfied with the outcome, s/he may appeal to the appropriate Vice President or employ the Grievance Procedure, Policy 3-31 or 4-28.
6. The student may appeal the Dean's decision to the Vice President of Academic Services.
    1. The Vice President of Academic Services shall take whatever measures s/he finds appropriate to resolve the appeal.
    2. The Vice President of Academic Services shall approve or deny the appeal within twenty (20) days of receipt.
    3. The student shall have no further redress beyond the Vice President of Academic Services.
    4. If the faculty / staff member is dissatisfied with the outcome, s/he may employ the Grievance Procedure, Policy 3-31 or 4-28.
  7. If complaint involves a non-academic staff member and resolution is not possible, the student may seek redress with the Dean of Students.
    1. The Dean of Students shall meet with the student to attempt resolution within ten (10) days of receipt.
    2. The Dean of Students may refer the matter to the appropriate supervisor.
    3. If the Dean of Students believes that discrimination or harassment has occurred, the matter will be referred to Human Resources.
  8. If resolution between the student and the Dean of Students is not possible, the student may seek further redress with the Vice President of Student Services.
    1. The Vice President of Student Services shall take whatever measures s/he finds appropriate to resolve the appeal.
    2. The Vice President of Student Services shall approve or deny the appeal within twenty (20) days of receipt.
    3. The student shall have no further redress beyond the Vice President of Student Services.
    4. If the staff member is dissatisfied with the outcome, s/he may employ the Grievance Procedure, Policy 4-28.

#### 11. Student Academic Misconduct

1. Standards of Academic Conduct: In order to ensure that the highest standards of academic conduct are promoted and supported at the College, students must adhere to generally accepted standards of academic honesty, including but not limited to, refraining from cheating, plagiarizing, falsification, misrepresentation, and/or inappropriately colluding or collaborating. The College shall consistently hold students accountable for instances of academic dishonesty and apply appropriate consequences. Definitions for some types of academic misconduct follow:
  1. Cheating: Includes but is not limited to the use of unauthorized materials, information, or study aids in any academic exercise; failing to observe the expressed procedures or instructions of an academic exercise; substituting for or impersonating someone else during a test or exam or other fraud; or receiving the content of a test or exam before it is administered.

2. Plagiarism: Includes but is not limited to the use of another's words or ideas as if they were one's own, including, but not limited to, representing, either with the intent to deceive or by the omission of the true source, part of or an entire work produced by someone other than the student, obtained by purchase or otherwise, as the student's original work or representing the identifiable but altered ideas, data, or writing of another person as if those ideas, data, or writing were the student's original work.
3. Inappropriate collaboration or collusion: Includes but is not limited to unauthorized or inappropriate collaboration between students or between a student and any other person when individual work is required.
4. Multiple Submissions: Includes but is not limited to the resubmission by a student of any work which has been previously submitted for credit in identical or similar form in one course to fulfill the requirements of a second course, without the informed permission/consent of the instructor of the second course; or the submission by a student of any work submitted for credit in identical or similar form in one course to fulfill the requirements of a concurrent course, without the permission/consent of the instructors of both courses.
5. Falsification / Fabrication / Misrepresentation: Includes but is not limited to the intentional and unauthorized invention of any data, information, or citation in an academic activity.
6. Facilitating Academic Dishonesty: Includes but is not limited to knowingly helping another student commit an act of academic misconduct or failing to report another student for academic misconduct.
7. Coercion Regarding Grading or Evaluation of Coursework: Includes but is not limited to issuing threats or offering favors or bribes toward an instructor to coerce the instructor to change a grade or otherwise evaluate the student's work by criteria not directly reflective of coursework.
8. Copyright Violation: Includes but is not limited to copyright and other violations of the College's policies. Such matters are adjudicated under the Student Behavioral Conduct section of this code.

## 2. Procedure

1. A student who engages in academic misconduct may be subject to academic sanctions identified below. Sanctions may also include community service, a written reprimand, and/or a written statement of misconduct that can be put into an appropriate record maintained for purposes of the profession or discipline for which the student is preparing.
  1. Any person who observes or discovers academic misconduct by a student must file a written complaint with the faculty member responsible for the pertinent academic activity within fifteen (15) days of the date of discovery of the alleged violation.
    1. A student's failure to report academic misconduct on the part of another can result in academic misconduct charges against that student.
  2. A faculty member who discovers or receives a complaint of misconduct relating to an academic activity for which the faculty member shall take action under this code and impose an appropriate sanction for the misconduct.
  3. Upon receipt of a complaint or discovery of academic misconduct, the faculty member shall make reasonable efforts to discuss the alleged academic misconduct with the accused student no later than ten (10) days

after receipt of the complaint or discovery of misconduct, and give the student an opportunity to respond.

4. Within ten (10) days thereafter, the faculty member shall give the student written notice of the academic sanction, if any, to be taken and the student's right to appeal the academic sanction to the Academic Appeals Committee.

### 3. Sanctions

1. In all cases, the sanction for academic misconduct should reflect how knowing, intentional, and serious the instructor judges the academic dishonesty to be. If a faculty member has firm evidence of academic misconduct in a course s/he is instructing, the claim of academic misconduct shall be considered substantiated. The faculty member may impose the following sanctions:
  1. Require that the work be redone, an exam retaken, or an alternate assignment substituted.
  2. Reduce the grade for the assignment or other academic activity.
  3. Reduce the grade for the course.
  4. Issue a grade of "F" for the paper, project, test, exam, or other academic activity in which the misconduct occurred.
  5. Issue a failing grade for the course.
2. Academic sanctions that can be imposed by the Academic Appeals Committee in these cases include but are not limited to the following:
  1. A notation on the student's academic transcript that the F grade in a specific course was issued for academic misconduct.
  2. Academic Conduct Censure or Probation. Academic Conduct Probation imposes conditions on a student for a specific period of time.
  3. Specified community service.
  4. Academic Conduct Suspension or Dismissal from a program. Academic Conduct Suspension shall be for a minimum of one semester following the semester the student is found responsible for academic misconduct.
  5. Academic Conduct Suspension or Dismissal from the College. Academic Conduct Suspension shall be for a minimum of one semester following the semester the student is found responsible for academic misconduct. Dismissal from the college shall be reserved for the most serious or egregious instances of academic misconduct.
  6. Denial of a degree or certificate for which requirements have been completed or revocation of an awarded student's degree or certificate. Grounds for denial or revocation include convincing evidence that the degree recipient engaged academic misconduct serious enough to negate the legitimate completion of one or more substantive requirements of that degree or certificate.
    1. Revocation of an awarded degree or certificate requires the additional approval of the President of the College.
3. If the faculty member imposed any sanction for academic misconduct, within ten (10) days of imposing the sanction the faculty member shall report the misconduct and the sanction imposed to:
  1. The Chair of the Department offering the course.
  2. The Registrar's Office

4. If the faculty member believes that the student's academic misconduct warrants further academic sanctioning, he/she may, within twenty (20) days of receiving notice of or discovering the misconduct, submit a written complaint with recommendations to the appropriate Department Chair.
  5. Within ten (10) days of such notification, a Department Chair who believes that a student's academic misconduct warrants further academic sanction, may submit a written complaint and recommendation to the Academic Appeals Committee on his/her own volition.
  6. Alternatively, a faculty member, Department Chair, or Dean may take a complaint directly to the Academic Appeals Committee.
4. The Department Chair may undertake an investigation of the allegation and recommendations set forth in the complaint.
    1. Within ten (10) days of receipt of the complaint, the Department Chair shall forward the complaint and recommendation to the appropriate Dean. The Department Chair shall accompany the complaint with his/her recommendation supporting or opposing the sanction sought in the complaint.
  5. The Dean may undertake an investigation of the allegations and recommendations set forth in the complaint.
    1. Within ten (10) days of receipt of the complaint or learning of the academic misconduct, the Dean shall forward the complaint and recommendation to the Academic Appeals Committee. The Dean shall accompany the complaint with his/her recommendation supporting or opposing the sanction sought in the complaint.
      1. The person initiating the original complaint remains as the complainant unless that person agrees that the Department Chair or Dean or other administrative designee shall become the complainant.
  6. If the student has appealed the academic sanction imposed by the faculty member, the time periods may be extended until ten (10) days after the resolution of the student's appeal.
  7. In cases of multiple instances of substantiated academic misconduct, substantiated academic misconduct that damages the academic integrity of a program or the College as a whole, or other egregious circumstances, a faculty member, Department Chair, or Dean, including the Dean of Students or Vice President Academic Services, may submit a written complaint with recommendation to the Academic Appeals Committee at any time.

## 12. Academic Integrity Committee

1. The Academic Integrity Committee is charged with adjudicating appeals from students regarding an academic sanction imposed by a faculty member after substantiated academic misconduct and with determining sanctions beyond the faculty member issuing a failing grade for the course.
2. The Academic Integrity Committee will be comprised of at least five (5) voting faculty members chosen by the Faculty Senate President and the Vice President of Academic Services, and at least two (2) students selected by the DSCSA President. A non-voting faculty member will chair the committee.
  1. Members shall be selected for broad representation from College schools, divisions, departments, and programs.
    1. At least three (3) voting members of the committee must be present at any hearing.
    2. To the extent possible, students and faculty will have representation.

3. The Vice President of Academic Services may excuse any member of the Committee if s/he determines that the member has a conflict of interest. The Vice President of Academic Services shall select an appropriate replacement for the excused member.
2. The Committee shall establish internal procedures consistent with the Student Code.
3. Committee decisions are based on a majority vote.
3. The written appeal or complaint shall be filed with the Committee Chair.
  1. Within five (5) days of receipt of the appeal or complaint, the Committee Chair will notify the other parties, supplying copies the written appeal.
  2. The person responding to the appeal or complaint may deliver his/her written response to the chair of the Committee no later than five (5) days after notification of the complaint and recommendations.
  3. The Committee Chair shall provide a copy of any written response to the corresponding party.

#### 13. Hearing Schedule

1. The Academic Integrity Committee chair will schedule a hearing date within ten (10) days after the Committee receives the written complaint or appeal.
  1. Written notice must be sent to the parties not less than five (5) days before the scheduled hearing.
    1. Such notice must include the nature of the appeal or complaint, the names of the Committee members, and the time and place of the hearing.

#### 14. Hearing Guidelines

1. Hearings shall be conducted within a reasonable period of time after the Committee's receipt of the complaint.
2. DSC legal counsel shall serve as a resource to the Committee and may be present at the hearing to provide guidance on substantive law and procedural matters.
3. Unless they are a complaining party, appropriate Dean(s), including the Dean supervising the student's declared major if applicable, may attend the hearing ex officio.
4. The responding party shall have a right to be accompanied by any person as an advisor, including legal counsel, who will be permitted to attend, but not directly participate, in the proceedings.
5. Hearings will be held in accordance with generally accepted standards of procedural due process. Information may be received of the sort upon which responsible persons are accustomed to rely in the conduct of serious affairs, and is not restricted to information admissible under the strict rules of evidence of a court of law.
6. Hearings shall be closed to the public.
7. Hearings shall be recorded.
  1. A responding student who is considering an appeal will be granted post-hearing access on campus to review but not copy the recording.
  2. The student may be accompanied at the review by the advisor who accompanied him/her to the hearing.
  3. No transcript shall be made of the recording.
8. Committee deliberations and voting shall take place in closed session and will not be recorded.

9. Committee decisions are based on a majority vote.
10. If the complaining party or the responding student fails to attend the hearing without good cause, the Committee may proceed with the hearing and render a decision based on available testimony and evidence.
11. The Committee shall make its findings and recommendations based only on evidence and testimony presented by the parties at the hearing. Committee members shall not conduct their own investigations, rely on prior knowledge of the facts or develop their own evidence.
12. The Committee chair shall prepare a written report and notification of the Committee's findings, decision, recommendations, and/or sanctions imposed.
  1. Involved parties must be notified of the Committee's decision within ten (10) days after the conclusion of the hearing.
  2. Written notification to the student of any suspension is required, including conditions for reinstatement, and of the obligation of the student to petition for reinstatement, as appropriate.
  3. If sanctions are imposed or negated, the Registrar's Office must be so notified.
15. Appeal to Vice President of Academic Services
  1. Within ten (10) days of notification of the Committee's decision, any party may file a written notice of appeal with the Vice President of Academic Services.
  2. The Vice President of Academic Services shall consider the appeal and may solicit whatever counsel and advice the Vice President of Academic Services deems appropriate to arrive at a final decision.
  3. The Vice President of Academic Services may also convene an ad hoc committee composed of students and faculty members from outside the Academic Integrity Committee to determine if there were substantial defects that denied basic fairness and due process.
  4. After receiving the appeal, the Vice President of Academic Services shall, within ten (10) days, or twenty (20) days if an ad hoc committee is formed, take one of the following actions:
    1. Accept the decision of the Academic Integrity Committee.
    2. Request the Committee to reconsider or clarify specific matters, materials, or issues with a second report regarding the decision relating to the specific matters under reconsideration due not later than ten (10) days after the request.
    3. Reject all or parts of the Committee's decision, stating reasons and actions to be taken therefore.
  5. Written notification of the Vice President of Academic Services' decision and the basis for that decision shall be communicated to the parties concerned within ten (10) days after receipt of the appeal, or within twenty (20) days after receipt of the appeal if an ad hoc committee is formed.
    1. If sanctions are imposed or negated, the Registrar's Office must be so notified.
  6. The decision of the Vice President of Academic Services shall be final.
16. Reinstatement after Suspension or Dismissal from a Program
  1. A student may be suspended or dismissed from a specific academic program or from the College.
  2. Reinstatement after dismissal is rare.

3. After the suspension period is over, a student suspended from a program for academic misconduct may petition the appropriate Dean for reinstatement into the program not less than forty-five (45) days before the beginning of the semester.
4. The Dean, in consultation with the Department Chair, may
  1. Reinstatement the student unconditionally.
  2. Reinstatement the student under specific conditions designed to improve the student's academic conduct. No further sanctions for previous academic misconduct may be imposed.
  3. Decline to reinstate the student.
5. Written notice of the Dean's decision shall be given to the student not more than fifteen (15) days after the receipt of the petition.
6. If the petition for reinstatement is denied, the student may submit a new petition in any subsequent semester.
7. The student may submit a written appeal of the Dean's decision not to reinstate to the Vice President of Academic Services within ten (10) days of notification.
8. The Vice President of Academic Services shall consider the appeal and issue a decision regarding the student's reinstatement within fifteen (15) days of receipt of the appeal.
9. The Vice President of Academic Services may
  1. Reinstatement the student unconditionally.
  2. Reinstatement the student under specific conditions designed to improve the student's academic conduct. No further sanctions for previous academic misconduct may be imposed.
  3. Decline to reinstate the student.
10. The Vice President of Academic Services' decision shall be final, with the exception that if the appeal is denied, the student may submit a new petition for reinstatement in any subsequent semester.

#### 17. Reinstatement after Academic Conduct Suspension or Dismissal from the College

1. If a student is suspended from the College for academic misconduct, s/he may petition the Academic Integrity Committee for reinstatement of student status not less than sixty (60) days before the beginning of the semester in which the student wishes to be reinstated.
2. Reinstatement after dismissal is rare. The standards for reinstatement after dismissal are substantially higher than after suspension.
3. The Academic Integrity Committee may
  1. Reinstatement the student unconditionally.
  2. Reinstatement the student under specific conditions designed to improve the student's academic conduct. No further sanctions for previous academic misconduct may be imposed.
  3. Decline to reinstate the student.
4. Written notification of the Committee's decision is required not later than thirty (30) days after receipt of the petition.
5. If the petition for reinstatement is denied, the student may submit a new petition in any subsequent semester.

6. The student may submit a written appeal the Academic Integrity Committee's decision not to reinstate to the Vice President of Academic Services within ten (10) days of notification.
7. The Vice President of Academic Services shall consider the appeal and issue a decision regarding the student's reinstatement within fifteen (15) days of receipt of the appeal.
8. The Vice President of Academic Services may
  1. Reinstatement the student unconditionally.
  2. Reinstatement the student under specific conditions designed to improve the student's academic conduct. No further sanctions for previous academic misconduct may be imposed.
  3. Decline to reinstate the student.
9. The Vice President of Academic Services' decision shall be final, with the exception that if the appeal is denied, the student may submit a new petition for reinstatement in any subsequent semester.

#### 18. Other College Proceedings

1. If the filing of a complaint or an appeal relating to academic misconduct raises other issues concerning behavioral or professional misconduct, the involved Vice President(s) shall determine the appropriate procedure(s) for processing the complaint or the appeal.

#### 19. Records of Proceedings

1. No College employee shall provide information to a person or entity concerning a student without fully complying with The Family Educational Rights and Privacy Act (20 U.S.C.A. § 1232g) and the Government Records Access and Management Act (U.C.A. §63-2-101). In most circumstances, such as requests from a licensing body or an employer, information may only be provided with the prior written consent of the student. In some circumstances, however, such as requests from other institutions where the student seeks or intends to enroll, information may be provided without the consent of the student but only after following appropriate procedures outlined in the statutes.
2. Records of proceedings under the Student Code shall be confidential to the extent permitted by law. Records of academic misconduct shall be kept in the Registrar's Office, and copies may be retained in other academic departments and by the Dean of Students as appropriate.
3. Records regarding any instance of academic misconduct where sanctions are imposed will be included in a student's academic record (not the academic transcript) for the purpose of institutional record keeping.
4. The sanctions of academic conduct suspension or dismissal from the College may appear on the student's transcript; degree revocation will appear on the student's transcript.
5. Permanent records of dismissal from a program, dismissal from the College, and degree revocation shall be kept in the Registrar's Office.

### **SECTION 5: Student Professional Conduct**

#### 1. Standards of Student Professional Conduct

1. In order to ensure that the highest standards of professional and ethical conduct are promoted and supported at the College, students must adhere to the prescribed professional and ethical standards of the profession or discipline for which the student is preparing, as adopted or recognized as authoritative by the relevant academic program.

#### 2. Administrative Suspension

1. The Vice President of Academic Services may suspend a student prior to an initial inquiry, hearing, or determination if there is reasonable cause to believe that a student



poses a danger to the safety of other persons or property, or an ongoing threat of disrupting the academic process.

2. The Vice President of Academic Services may restrict a student's access to College premises and/or activities for which the student might otherwise be eligible, but only to the extent necessary when there is reasonable cause to believe that the student's presence or participation poses a danger to the safety of other persons or property, or an ongoing threat of disrupting the academic process.
3. Prior to, contemporaneous with, or immediately after administrative suspension or restriction, the Vice President of Academic Services shall give the student written notice of the suspension or restriction, specifying the alleged misconduct, setting forth briefly the relevant facts and supporting evidence.
4. The Vice President of Academic Services shall thereafter immediately refer the complaint to the appropriate College administrators or Academic Appeals Committee for proceedings under this code, and the suspension or restriction may be in effect pending a final determination of the matter.

### 3. Professional Misconduct Process

1. A student who engages in professional misconduct may be subject to academic sanctions including but not limited to a grade reduction, failing grade, probation, suspension, or dismissal from the program or the College, denial or revocation of a student's degree or certificate, or comparable professional credentialing sanctions.
  1. Sanctions may also include community service, a written reprimand, and/or a written statement of misconduct that can be put into an appropriate record maintained for purposes of the profession or discipline for which the student is preparing.
2. Any person who observes or discovers that a student has engaged in professional misconduct should file a written complaint with the Department Chair or Program Director of the involved program within thirty (30) days of the date of discovery of the alleged violation.
3. A complaint that is frivolous, that fails to state facts that constitute a violation of the Standards of Conduct, or that is not timely, may be dismissed by the Academic Dean after an initial review.
  1. Any person who knowingly and intentionally files a false complaint may potentially incur disciplinary action under Policy 5-33 Student Code (student); Policy 4-26 Corrective and Disciplinary Action Policy (staff), or Policy 3-4 Faculty Rights and Academic Freedom (faculty).
4. Initial Inquiry: Upon receipt of the complaint, the Chair/Director shall discuss the alleged misconduct with the responding student within ten (10) days and give the student an opportunity to respond.
  1. The Chair/Director may interview the complaining party and any other persons believed to have pertinent factual knowledge of the allegations. The Chair/Director may also review any other relevant evidence, including documentary evidence.
5. The Chair/Director shall determine whether there is a reasonable basis to believe that the student engaged in professional misconduct.
6. If the Chair/Director determines that there is no reasonable basis to believe that the student engaged in professional misconduct, the Chair/Director shall, within fifteen (15) days of receipt of the complaint, notify the student and the complainant in writing of the decision.

1. If a complainant wishes to appeal the Chair/Director's decision that there is no reasonable basis for a complaint, such appeal may be filed with the Vice President of Academic Services within ten (10) days after notification.
  2. The Vice President of Academic Services shall consider the appeal and the response and may solicit whatever counsel and advice the Vice President of Academic Services deems appropriate to arrive at a final decision. After receiving the appeal, the Vice President of Academic Services shall, within ten (10) days,
    1. Accept the decision of the Chair/Director by denying the appeal.
    2. Reject all or part of the Chair/Director's decision, stating reasons and actions therefore, and refer the complaint directly to a Professional Conduct Hearing Board.
  3. The Vice President of Academic Services' decision shall be final.
  7. If the Chair/Director determines that there is a reasonable basis for believing that the student engaged in professional misconduct, he/she shall determine whether efforts at informal resolution are appropriate and, if so, shall take whatever steps are useful to that end within twenty (20) days of receipt of the complaint.
    1. If an informal resolution is reached, the responding student shall be notified in writing. If the responding student complies with the terms and conditions of the resolution, no further action against the student will be taken and the matter will be closed.
  8. If informal resolution is inappropriate, or if efforts at informal resolution are not successful, the Chair/Director shall, within twenty (20) days of receipt of the complaint, refer the complaint, including his/her recommendation for academic sanctions, to a Professional Conduct Hearing Board for proceedings.
  9. If no Professional Conduct Hearing Board is convened, the Department Chair may refer the matter directly to the Academic Appeals Committee for a hearing.
4. Professional Conduct Hearing Board
1. A Professional Conduct Hearing Board shall be constituted whenever necessary.
    1. The Vice President of Academic Services and Faculty Senate President shall select at least two (2) faculty members to serve on each hearing board.
      1. At least one faculty member should be from outside the responding student's department or program.
      2. A faculty member from outside the department shall serve as the voting chair of the hearing board.
    2. The Vice President of Academic Services shall select at least one (1) student to serve on each hearing board.
    3. When necessary to comply with accreditation or licensing standards, the Vice President of Academic Services may establish different membership of a Hearing Board.
  2. All matters referred to a Professional Conduct Hearing Board must include a written complaint and the recommendations of the Chair/Director.
  3. The Professional Conduct Hearing Board shall schedule a hearing within ten (10) days after the Committee receives the written complaint.
    1. Written notice must be sent to the parties not less than five (5) days before the scheduled hearing
      1. Such notice must include the nature of the complaint, the names of the Committee members, and the time and place of the hearing.

4. Hearings shall be conducted within a reasonable period of time after the Professional Conduct Hearing Board's receipt of the complaint.
  5. DSC legal counsel shall serve as a resource to the Hearing Board and may be present at the hearing to provide guidance on substantive law and procedural matters.
  6. The parties shall have a right to be accompanied by any person as an advisor, including legal counsel, who will be permitted to attend, but not directly participate in, the proceedings.
  7. Hearings shall be held in accordance with generally accepted standards of procedural due process. Information may be received of the sort upon which responsible persons are accustomed to rely in the conduct of serious affairs, and is not restricted to information admissible under the strict rules of evidence of a court of law.
  8. Hearings shall be closed to the public.
  9. At the Hearing Board Chair's discretion, hearings may be recorded. If the hearing is recorded,
    1. A responding student who is considering an appeal will be granted post-hearing access on campus to review but not copy the recording.
    2. The student may be accompanied at the review by the advisor who accompanied him/her to the hearing.
    3. No transcript shall be made of the recording.
  10. The Hearing Board shall make its findings and recommendations based only on evidence and testimony presented by the parties at the hearing. Hearing Board members shall not conduct their own investigations, rely on prior knowledge of the facts, or develop their own evidence.
  11. The Hearing Board may recommend any of the sanctions listed in this or the Student Conduct or Academic Conduct sections of this code.
  12. The Hearing Board Chair shall prepare a written report of the Board's findings, decision, and recommendations and forward it to the appropriate Dean supervising the program within ten (10) days after the conclusion of the hearing.
5. Sanction or Referral by Dean
1. The Board's decision will be reviewed by the Dean, who will review all the evidence, may solicit whatever counsel and advice s/he deems necessary, and make a decision to do one of the following:
    1. Accept the Board's findings and recommendations.
    2. Request the Board to reconvene and reconsider or clarify specific matters, materials, or issues with a second report regarding the decision relating to the specific matters under reconsideration due not later than ten (10) days after the request.
    3. Reject all or part of the Board's findings and/or recommendations, stating reasons.
      1. If the Dean rejects the Board's findings and/or recommendations, the matter is immediately referred to the Academic Appeals Committee.
    4. The Dean may impose greater or lesser sanction(s) in lieu of the Board's decision.
  2. Written notification to the responding student of the Dean's decision shall be made within ten (10) days of the Board's report, unless reconsideration was requested, in which case the written notification shall be made within ten (20) days.

1. If sanctions are imposed or negated, the Registrar's Office must be so notified.

6. Appeal to the Academic Appeals Committee

1. Within ten (10) days of notification of the Dean's decision, any party may appeal the decision by filing a written notice of appeal with the Academic Appeals Committee.

1. All previous reports and recommendations shall be forwarded to the Chair of the Academic Appeals Committee.

7. Hearing Guidelines

1. The Committee Chair shall schedule a hearing date and notify the parties in writing of the date of the hearing, the names of the Committee members, and the procedures outlined below at least five (5) days prior to the hearing.

2. The Academic Appeals Committee chair will schedule a hearing date within ten (10) days after the Committee receives the written complaint or appeal.

3. Written notice must be sent to the parties not less than five (5) days before the scheduled hearing.

1. Such notice must include the nature of the appeal or complaint, the names of the Committee members, and the time and place of the hearing.

4. Hearings shall be conducted within a reasonable period of time after the Committee's receipt of the complaint.

5. DSC legal counsel shall serve as a resource to the Committee and may be present at the hearing to provide guidance on substantive law and procedural matters.

6. The parties shall have a right to be accompanied by any person as an advisor, including legal counsel, who will be permitted to attend, but not directly participate, in the proceedings.

7. Hearings will be held in accordance with generally accepted standards of procedural due process. Information may be received of the sort upon which responsible persons are accustomed to rely in the conduct of serious affairs, and is not restricted to information admissible under the strict rules of evidence of a court of law.

8. Hearings shall be closed to the public.

9. Hearings shall be recorded.

1. A responding student who is considering an appeal will be granted post-hearing access on campus to review but not copy the recording.

2. The student may be accompanied at the review by the advisor who accompanied him/her to the hearing.

3. No transcript shall be made of the recording.

10. If there is more than one hearing in a matter, or if the hearing continues over more than one session, the same voting members must be present for all sessions.

11. All findings and recommendations of the Committee shall require a majority vote of the Committee members present at the hearing.

12. The Committee must have a quorum of at least three (3) members present to conduct a hearing.

1. If the appellant or corresponding party fails to attend the hearing without good cause, the Committee may proceed with the hearing and render a decision based on available testimony and evidence.

2. The Committee shall make its findings and recommendations based only on evidence and testimony presented by the parties at the hearing. Committee

members shall not conduct their own investigations, rely on prior knowledge of the facts, or develop their own evidence.

13. The Committee may take any of the following actions:

1. Ratify the decision of the Hearing Board and/or Dean.
2. Reject all or part of the decision of the Hearing Board and/or Dean and stating reasons and actions for recommending greater or lesser sanction than previously determined.

14. The Hearing Board may recommend any of the sanctions listed in this or the Academic Conduct sections.

15. The Committee chair shall prepare a written report of the Committee's findings, decision, and recommendations and present it to the Vice President of Academic Services within ten (10) days after the conclusion of the hearing.

#### 8. Review and Decision by the Vice President of Academic Services

1. The Vice President of Academic Services shall consider the appeal and response to the appeal and may solicit whatever counsel and advice the Vice President of Academic Services deems appropriate to arrive at a final decision.
  1. The Vice President of Academic Services may also convene an ad hoc committee composed of students and faculty members from outside the department, the Hearing Board, and the Academic Appeals Committee to determine if there were substantial defects that denied basic fairness and due process.
2. After considering the appeal, the Vice President of Academic Services shall, within ten (10) days, or within twenty (20) days of receipt of recommendation if an ad hoc committee is formed, take one of the following actions:
  1. Accept the Academic Appeals Committee's findings and recommendations
  2. Return the report to the Academic Appeals Committee chair, requesting that the Committee reconvene to reconsider or clarify specific matters, materials, and issues, and forward to the Vice President of Academic Services a second report of its findings and recommendations relating to the specific matters referred by the Vice President of Academic Services for further consideration.
  3. Reject all or parts of the Committee's findings and recommendations, stating reasons and actions to be taken therefore. The Vice President of Academic Services may impose greater or lesser sanctions than recommended by the Committee.
3. Written notification of the Vice President of Academic Services' decision shall be communicated to the parties, and to the Chair of the Academic Appeals Committee, within ten (10) days of receipt of the Committee's findings and recommendations.
  1. If sanctions are imposed or negated, the Registrar's Office must be so notified.
4. The Vice President of Academic Services' decision shall be final.

#### 9. Sanctions

1. Any of the sanctions listed in the Student Conduct and Academic Conduct sections of this code may be imposed. In addition, the following sanctions may be issued:
  1. Professional Conduct Suspension from a program or from the College.
  2. Professional Conduct Dismissal from a program or from the College.
  3. Professional Conduct Expulsion from a program or from the College.
2. Professional misconduct suspension, dismissal, or expulsion will be reflected on the student's academic transcript.

3. Suspension from a program shall be for a minimum of one semester following the semester the student is found responsible for professional misconduct.
4. The Dean shall notify the student in writing of the suspension, dismissal, or expulsion; conditions for reinstatement; and of the obligation of the student to petition for reinstatement.
5. Dismissal should be reserved for only egregious offenses, and expulsion should be reserved for the most egregious offenses.
6. There is no possibility of reinstatement to the College after expulsion.

#### 10. Reinstatement after Professional Conduct Suspension or Dismissal from a Program

1. Petitions for reinstatement shall be submitted to the relevant Dean not less than forty-five (45) days before the beginning of the semester in which the student wishes to be reinstated.
2. The Dean may grant conditional reinstatement, but no further sanctions for previous professional misconduct may be imposed. Reinstatement to a program after Professional Conduct Dismissal is very rare. A student's dismissal sanction may include a prohibition against reinstatement in that program or similar programs at the College.
3. The Dean shall consider the petition and shall notify the student in writing of his/her decision regarding the student's reinstatement within fifteen (15) days of receipt of the petition.
4. The student may appeal the Dean's decision to the Vice President of Academic Services within ten (10) days of notification.
5. The Vice President of Academic Services shall consider the appeal and issue a decision regarding the student's reinstatement within fifteen (15) days of receipt of the appeal.
  1. The Vice President of Academic Services may grant conditional reinstatement, but no further sanctions for previous professional misconduct may be imposed.
6. The Vice President of Academic Services' decision will be final, with the exception that if the appeal is denied, the student may submit a new petition in any subsequent semester.

#### 11. Reinstatement after Professional Conduct Suspension or Dismissal from the College

1. If a student is suspended from the College for professional misconduct, s/he may petition the Academic Appeals Committee for reinstatement of student status not less than forty-five (45) days before the beginning of the semester in which the student wishes to be reinstated.
2. Reinstatement to a program after Professional Conduct Dismissal is rare. A student's dismissal sanction may include a prohibition against reinstatement in that program or similar programs at the College.
3. The Academic Appeals Committee may reinstate the student under specific conditions designed to improve the student professional conduct. No further sanctions for previous academic misconduct may be imposed.
4. Written notification of the Committee's decision is required not later than thirty (3) days after receipt of the petition.
5. If the petition for reinstatement is denied, the student may submit a new petition in any subsequent semester.
6. The student may appeal the Academic Appeals Committee's decision to the Vice President of Academic Services within ten (10) days of notification.
7. The Vice President of Academic Services shall consider the appeal and issue a decision regarding the student's reinstatement within fifteen (15) days of receipt of the appeal.

8. The relevant Vice President of Academic Services may grant conditional reinstatement.
9. The Vice President of Academic Services' decision shall be final, with the exception that if the appeal is denied, the student may submit a new petition in any subsequent semester.

#### 12.Revocation of a Degree or Certificate

1. Decisions to revoke a degree or certificate are final.
2. Permanent records concerning the revocation of a degree or certificate shall be kept in the Registrar's Office.
  1. Relevant external licensing and accrediting agencies shall be notified of a degree or certificate revocation.
3. The revocation of a degree or certificate shall be noted on the student's transcript.
4. Revocation of a degree or certificate should be reserved for only the most egregious of offenses.

#### 13.Reporting of Professional Misconduct

1. The Dean shall take appropriate action to implement the final decision. If the student is found responsible for professional misconduct, the Dean shall notify, in writing, the student's department or program of study of the violation, the proceedings, and the final decision. If the sanction involves suspension or dismissal from a program or from the College or revocation of a degree or certificate, the Dean shall also convey the decision to the Registrar's Office for inclusion on the transcript.
2. Retention of Records of Proceedings. Records of proceedings under the Student Code shall be confidential to the extent permitted by law. Records of professional misconduct shall be kept in the Registrar's Office, and a copy may be maintained in other academic departments as appropriate.
3. No College employee shall provide information to a person or entity concerning a student without fully complying with The Family Educational Rights and Privacy Act (20 U.S.C.A. § 1232g) and the Government Records Access and Management Act (U.C.A. §63-2-101). In most circumstances, such as requests from a licensing body or an employer, information may only be provided with the prior written consent of the student. In some circumstances, however, such as requests from other institutions where the student seeks or intends to enroll, information may be provided without the consent of the student but only after following appropriate procedures outlined in the statutes.
4. Permanent records of Professional Conduct Dismissal from a Program or the College shall be kept in the Registrar's Office.
5. The dismissed student's transcript will reflect his/her dismissal.

#### 14.Other College Proceedings

1. If the filing of a complaint or an appeal relating to professional misconduct under the Student Code raises other issues concerning behavioral or academic misconduct, the relevant Vice President(s), the Dean of Students, and the involved College administrator shall determine the appropriate procedure(s) for processing the complaint or the appeal.

Other Revisions:

02/01/02

05/02/03

