Reports of Alleged Misconduct

College District faculty and staff shall submit an alleged violation or violations of College District policies and procedures, including the rules for student conduct [see FLB], committed by a student to the dean of students within a reasonable time following an alleged incident, not to exceed ten College District business days. The allegations must be submitted in writing, through traditional or electronic means, and must describe the violation and any surrounding facts.

The dean of students or designee shall investigate the matter as necessary. If an allegation is deemed to be unfounded, the dean of students or designee shall dismiss the allegation and provide the student written notice that the allegation of misconduct was made against the student and that the allegation was dismissed.

Conference

If, however, the dean of students or designee determines that the allegation warrants further consideration, the dean of students or designee shall summon the student for a conference to be held within a reasonable time, not to exceed ten College District business days, following the receipt of the allegation of misconduct.

At the conference, the dean of students or designee shall notify the student of the allegation or allegations and provide the student an opportunity to respond.

Unfounded Allegations

After conferring with the student, if the dean of students or designee determines that the student did not commit a violation, the allegation or allegations shall be dismissed as unfounded. The student shall be provided written notice of the dismissal.

Misconduct Warranting a Penalty

If the dean of students or designee determines that the student committed misconduct that warrants a penalty other than suspension or expulsion, the dean of students or designee shall provide the student a written administrative decision with written notice of the penalty and the student’s right to appeal to the disciplinary appeals committee. A student who accepts the administrative decision rendered by the dean of students or designee will sign an acceptance statement indicating he or she understands the violation(s), penalty or penalties imposed and that by signing the acceptance statement he or she voluntarily waives the right to appeal.

Once the acceptance statement is signed or the deadline for filing an appeal has passed, the administrative decision of the dean of students or designee will be final, binding, and the student will not be allowed to appeal at a later date.
If the dean of students or designee determines that the student committed misconduct that warrants a suspension, the dean of students or designee shall inform the student in writing of the determination, and a hearing shall be scheduled for consideration by the disciplinary appeals committee as described below.

If the dean of students or designee determines that the student committed misconduct that warrants expulsion, the dean of students or designee shall inform the student in writing of the determination. The dean of students or designee shall forward the determination and all evidence collected during the investigation and conference to the designated leadership team member in order to schedule an expulsion hearing before the Board [see Petition to Revoke Expulsion, below].

The dean of students or designee may take immediate interim disciplinary action, including suspension pending a hearing, against a student for policy violations if the continuing presence of the student poses a danger to persons or property or an ongoing threat of disrupting the educational environment.

The disciplinary appeals committee will be convened on a request of a student appealing the penalty or penalties imposed by the dean of students or designee. The student’s request must be submitted in writing within ten College District business days of the date of the dean of students or designee’s written administrative decision.

The disciplinary appeals committee shall be convened:

1. On request of a student appealing a penalty other than suspension or expulsion. The request must be filed in writing, on a form provided by the College District, within ten College District business days of the date of the administration’s written notice.

2. Automatically, if the dean of students or designee determines that a student committed misconduct warranting suspension or expulsion.

The disciplinary appeals committee shall be composed of at least four College District employees and a minimum of one current College District student, when appropriate. The members of the disciplinary appeals committee and the committee chairperson shall be designated according to procedures developed by the designated leadership team member. All members of the disciplinary appeals committee shall be eligible to vote during the hearing.
Hearing Notice

The dean of students or designee shall notify the student by letter of the date, time, and place for the hearing. Unless the student and the dean of students or designee otherwise agree or unless there are unforeseeable circumstances beyond the College District’s control, the hearing shall take place within a reasonable time period, not to exceed ten College District business days after the date of the student’s request for the hearing or the dean of students or designee’s determination that the student should be suspended.

The notice shall:

1. Direct the student to appear on the date and at the time and place specified.
2. Advise the student of his or her rights:
   a. To have a private hearing.
   b. To be assisted by an adviser or legal counsel at the hearing.
   c. To call witnesses, request copies of evidence in the College District’s possession, and offer evidence and agreement on his or her own behalf.
   d. To make an audio recording of the proceedings, after first notifying the dean of students or designee in advance of the hearing, or, at the student’s own expense, to have a stenographer present at the hearing to make a stenographic transcript of the hearing.
   e. To ask questions of each witness who testifies against the student.
3. Contain the names of witnesses who will testify against the student and a description of documentary and other evidence that will be offered against the student.
4. Contain a description of the allegations of misconduct in sufficient detail to enable the student to prepare his or her defense against the charges.
5. State the proposed punishment or range of punishments that may be imposed.

Contents of Notice

Failure to Appear for Hearing

The disciplinary appeals committee may impose appropriate punishment upon a student who fails without good cause to appear for the hearing; for purposes of assessing punishment, the committee may proceed with the hearing in the student’s absence.
Hearing Procedure

The hearing shall proceed as follows:

1. The chairperson shall read the description of the misconduct.

2. The chairperson shall inform the student of his or her rights.

3. The designated official or representative shall present the College District’s case.

4. The student or representative shall present the student’s defense.

5. The designated College District official or representative shall present rebuttal evidence.

6. The committee members may ask questions of witnesses testifying on behalf of the student or the College District.

7. The designated official or representative shall summarize and argue the College District’s case.

8. The student or representative shall summarize and argue his or her case.

9. The designated official or representative shall have an opportunity for rebuttal argument.

10. The committee members shall deliberate in closed session. The committee members shall vote on the issue of whether or not the student violated College District policies and procedures, including the rules for student conduct.

11. If the committee finds the student committed misconduct, the committee shall determine whether the penalty assessed, or proposed in the case of suspension, by the dean of students or designee is appropriate and, if necessary, shall assess a different or additional penalty.

12. The committee chairperson shall communicate the decision and any findings of facts in support of the committee’s decision to the student in writing within ten College District business days of the hearing. The notice shall include procedures for appealing the committee’s decision to the designated leadership team member.

All hearings shall be recorded by the College District.

Evidence

Evidence shall be handled in accordance with the following:
1. Legal rules of evidence do not apply unless otherwise required by applicable Title IX regulations; the committee chairperson may admit evidence or exclude evidence considered to be irrelevant, immaterial, and unduly repetitious.

2. At the hearing, the College District shall be required to prove by a preponderance of the evidence that the charges are true.

3. A student may not be compelled to testify.

4. The committee shall determine if a violation has occurred and assess an appropriate penalty based solely on the evidence presented at the hearing.

A student may, within ten College District business days of receiving notice of the disciplinary appeal committee’s decision, petition in writing the designated leadership team member to review the decision. The student’s petition shall state with particularity why the decision is believed to be incorrect. After receiving notice of the appeal, the disciplinary appeals committee chairperson shall forward all evidence considered during the hearing, the audio recording of the hearing, and the digest of the hearing, if applicable, to the designated leadership team member.

The designated leadership team member shall hold a conference within ten College District business days after the appeal notice is filed, unless there are unforeseeable circumstances beyond the College District’s control. At the conference, the student may provide information concerning any documents or information relied on by the committee. The designated leadership team member may set reasonable time limits for the conference. The conference shall be audio recorded.

The designated leadership team member shall provide the student a written response, stating the basis of the decision, within ten College District business days following the conference. In reaching a decision, the designated leadership team member may consider the evidence included in the student’s petition, provided during the conference, and forwarded by the committee chairperson. The designated leadership team member may act to affirm, modify, remand, or reverse the decision of the disciplinary appeals committee. The designated leadership team member’s decision is final and non-appealable, except when expulsion is recommended by the dean of students or designee and/or the disciplinary appeals committee and affirmed by the designated leadership team member.
**College-District President Review of Recommendation for Expulsion Appeal to Board**

Solely in the case where expulsion is recommended and affirmed, a student may appeal to the District President or designee. An appeal to the District President or designee will be held on the request of a student appealing the designated leadership team member’s decision and affirmation of expulsion. The request must be submitted in writing within ten College District business days of the designated leadership team member’s decision. The College District President or designee may request a meeting with the student prior to issuing a final administrative decision.

The District President or designee will review all recommendations for expulsion, whether or not the student chooses to proceed through the disciplinary appeals process. The designated leadership team member will forward the recommendation for expulsion and evidence to the District President or designee for review and final consideration. The District President or designee may act to affirm, modify, or reverse the recommendation for expulsion. The student will be notified in writing of the District President or designee’s decision within ten College District business days. The College District President or designee’s decision is final and non-appealable. Unless otherwise specified in writing, expulsion shall have District-wide effect and an expelled student may not enroll for admission to any campus without the District President’s approval unless the expulsion has expired by its own terms.

If the designated leadership team member affirmed the decision of the disciplinary appeals committee’s recommendation for expulsion, the student may appeal the decision to the Board. The appeal notice must be filed in writing, on a form provided by the College District, within ten College District business days after receipt of the written response from the designated leadership team member, or, if no response was received, within ten College District business days of the response deadline.

The designated leadership team member or designee shall inform the student of the date, time, and place of the Board meeting at which the appeal will be on the agenda for presentation to the Board.

The College District President or designee shall provide the Board the evidence presented to the designated leadership team member, as well as the audio recording of the designated leadership team member’s conference with the student and with a copy of the student’s appeal and any supporting documents provided by the student, the written response provided by the designated leadership team member to the student, and a summary of the leadership team member’s findings.
The College District shall determine whether the appeal will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BD]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student and the administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the appeal and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the hearing. The hearing, including the presentation by the student or the student’s representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the evidence. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If for any reason the Board fails to reach a decision regarding the evidence by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the dean of students or designee, disciplinary appeals committee, and/or the designated leadership team member’s decision. The Board’s decision is final and non-appealable, except when considering expulsion revocation requests [see Petition to Revoke Expulsion].

Petition to Revoke Expulsion

Once five calendar years from the date of the College District President or designee’s Board’s final decision has lapsed, the student may petition to revoke the expulsion.