

DISCIPLINE AND PENALTIES
DISCIPLINE PROCEDURE

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(LOCAL)

**Reports of Alleged
Misconduct**

College District faculty and staff will report and submit an alleged violation or violations of College District policies and procedures, including the in the Student Code of Conduct [see FLB], committed by a student to the dean of students within a reasonable time following an alleged incident. For the purpose of reporting violations under this policy, “a reasonable time” means within fifteen College District business days of the date of an alleged incident.

For the purpose of reporting violations of scholastic dishonesty under this policy, “a reasonable time” means within fifteen College District business days of: (1) the date of an alleged incident; or (2) the date the instructor discovers the alleged scholastic dishonesty. If scholastic dishonesty is alleged, the instructor has the option to also report allegations of scholastic dishonesty discovered in previous assignments completed by the student for the same course within the same semester. The allegation(s) must be submitted in writing, through traditional or electronic means, and must describe the violation(s) and any surrounding facts.

The dean of students or designee will investigate the alleged violations, as appropriate.

Exception

Reports of sex discrimination or sexual harassment will be submitted in accordance with DIAA or FFDA, as appropriate.

Dismissal of
Allegation

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

**First-Time Cases
of Scholastic
Dishonesty**

The district dean of students or designee will investigate initial or first-time cases of scholastic dishonesty in accordance with the student disciplinary procedures outlined in this policy. If a student is found responsible for scholastic dishonesty, the district dean of students or designee will impose an appropriate disciplinary penalty or penalties as outlined in policy. [see FM]

Allegations of student misconduct that do not involve scholastic dishonesty will be addressed by the district dean of students or designee under this policy or others. [see FLB and FM].

**Subsequent Cases
of Scholastic
Dishonesty**

If a student is reported for a subsequent allegation(s) of scholastic dishonesty (whether consecutive or in the same or different course), the district dean of students or designee will refer the subsequent allegation(s) to the College District’s Honor Council for adjudication of the allegations.

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**Notification
Conference**

If the dean of students or designee determines the allegation(s) warrants further consideration, the dean of students or designee will summon the student for a notification conference to be held within a reasonable time, not to exceed five College District business days, following receipt of the allegation of misconduct.

At the notification conference, the dean of students or designee will inform the student of the allegation(s) and provide the student an opportunity to respond and submit applicable documentation or evidence for consideration by the dean of students or designee.

The notification process will be utilized by the dean of students or designee for allegations involving: (1) first-time scholastic dishonesty violations and (2) other alleged violations of the Student Code of Conduct. All subsequent or repeat allegations involving scholastic dishonesty will be referred to the College District's Honor Council, as outlined in this policy.

Notification and
Options in Scholastic
Dishonesty Cases

For first-time cases of scholastic dishonesty and within three College District business days of receiving the report of alleged scholastic dishonesty, the dean of students or designee will send an email informing the student of the allegation(s) and providing the following two options:

1. The student may appear for a notification conference to be held within a reasonable time, not to exceed five College District business days, following the date of the email from the dean of students or designee; or
2. The student may review, sign, and return to the dean of students or designee a no contest plea form.

The no contest plea form will provide detailed information regarding the allegation(s), that the student immediately accepts an administrative decision finding the student responsible, that the student accepts the penalty(ies) imposed as part of the administrative decision, and that the student waives the right to appeal the administrative decision. The penalties contained in the no contest plea form are not subject to modification or negotiation. The student must sign, date, and return the no contest plea form via email to the dean of students or designee by the deadline provided or within two College District business days following the date of the email from the dean of students or designee. Once the no contest plea form is signed and received by the dean of students or designee, the administrative decision of the dean of students or designee will be final as of the date of the student's signature, binding, and the student will not be allowed to appeal that administrative decision.

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If the student does not submit the signed no contest plea form to the dean of students or designee by the deadline provided, the notification conference will be held within a reasonable time, not to exceed five College District business days, following the date of the initial email from the dean of students or designee. At the notification conference, the dean of students or designee will inform the student of the allegation(s) and provide the student an opportunity to respond and submit applicable documentation or evidence for consideration by the dean of students or designee.

Reasonable requests for extensions of time to hold the notification conference meeting may be considered and granted by the dean of students or designee at their sole discretion. Requests for extensions to sign and return the no contest plea form will not be granted.

“Not Responsible”
Administrative
Decision

After conferring with the student at the notification conference meeting, if the dean of students or designee determines the student did not commit a violation, the student will be found not responsible and will not be issued a disciplinary penalty under FM.

The student will be provided written notice of the “Not Responsible” administrative decision. A “Not Responsible” administrative decision from the dean of students or designee will be final, binding, and the student will not be allowed to appeal the “Not Responsible” administrative decision.

Informal Resolution

For cases not involving allegations of scholastic dishonesty, if the dean of students or designee determines that addressing the allegation(s) informally is more appropriate, the dean of students or designee will recommend an informal resolution of the allegation(s).

The dean of students or designee may recommend behavioral directives to support compliance with the College District’s *Student Code of Conduct*. If the student agrees to comply with all recommended behavioral directives, the dean of students or designee will issue an Informal Resolution Agreement and the student will not be issued a disciplinary penalty under FM. As part of the Informal Resolution Agreement, the student will be required to sign an Acknowledgement Statement indicating the student will comply with the *Student Code of Conduct* for the designated time or for the remainder of their attendance at the College District. Once the Acknowledgment Statement is signed, the Informal Resolution Agreement will be final, binding, and the student will not be allowed to appeal the informal resolution.

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Formal
Administrative
Decision and
Misconduct
Warranting a
Disciplinary Penalty

If the dean of students or designee determines the student committed misconduct that warrants a penalty or penalties under FM, the dean of students or designee will provide the student a written administrative decision with notice of the penalty or penalties and the student's options, including the right to appeal to the Disciplinary Appeals Committee (DAC).

*Student Chooses
to Appeal the
Administrative
Decision*

If the student chooses to appeal the administrative decision of the dean of students or designee, they must submit the Disciplinary Appeal Request Form contained in the administrative decision documents within five College District business days following the administrative decision. Once 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 that decision. The student will be expected to comply with all disciplinary penalties and obligations set forth in the administrative decision.

*Student Chooses
to Accept the
Administrative
Decision*

A student who chooses to accept the administrative decision rendered by the dean of students or designee will sign an Acceptance of the Administrative Decision Statement indicating they understand:

1. The *Student Code of Conduct* violation(s) and findings,
2. The disciplinary penalty or penalties imposed, and
3. That by signing the Acceptance of the Administrative Decision Statement they voluntarily waive the right to appeal the decision.

The Acceptance of the Administrative Decision Statement must be signed no later than five College District business days following the administrative decision. Once the Acceptance of the Administrative Decision Statement is signed, the administrative decision of the dean of students or designee will be final, binding, and the student will not be allowed to appeal that decision. The student will be expected to comply with all disciplinary penalties and obligations set forth in the administrative decision.

*Student Chooses
to Take No
Action*

If the student does not sign the Acceptance of the Administrative Decision Statement or submit the Disciplinary Appeal Request Form by the stated deadline, the administrative decision of the dean of students or designee will be final, binding, and the student will not be allowed to appeal that decision. The student will be expected to comply with all disciplinary penalties and obligations set forth in the administrative decision.

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*Scholastic
Dishonesty
Violations*

If the student was found responsible (whether by signing a no contest plea form or after investigation) for a scholastic dishonesty violation, as defined in the College District's *Student Code of Conduct*, the student will also receive a scholastic penalty in the course where the scholastic dishonesty took place. The faculty member will determine the appropriate scholastic penalty, which may range from a grade of zero (0) on the assignment to failing the course. [See FLB and FM.]

Interim Disciplinary
Action

At any time during the adjudication process under the policy, the dean of students or designee may take immediate interim disciplinary action including, but not limited to, temporary immediate suspension pending a hearing, against a student for policy violations if the continuing presence of the student poses a danger to any persons or property or an ongoing threat of disrupting the educational environment.

Honor Council

The College District's Honor Council will review and adjudicate reports of subsequent allegation(s) of scholastic dishonesty (i.e. repeat offenders) under this policy.

Once a referral from the dean of students or designee is made, the Honor Council will assign the disciplinary matter to a panel chair. The following steps apply:

1. The panel chair will convene the panel of Honor Council members assigned to review the disciplinary matter.
2. The panel members will review the documentation and evidence related to allegations of scholastic dishonesty.
3. The panel chair will request a written response to the allegations from the student within five College District business days of the date the panel chair first notifies the student.
4. Once the panel chair notifies the student that a response is requested, the panel chair will place the disciplinary matter on the agenda for consideration at the next scheduled meeting of the Honor Council. The Honor Council panel chair may not place a disciplinary matter on the agenda for consideration for a meeting that is more than forty-five (45) College District business days from when the matter was first referred to the Honor Council by the dean of students or designee. If the Honor Council is unable to meet and issue a written determination within sixty (60) College District business days,

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the Honor Council panel chair must refer the matter back to the dean of students for formal disciplinary adjudication.

5. The panel chair will present the disciplinary matter and recommendations to the Honor Council for consideration and vote. In order for the Honor Council to issue a written determination, the recommendations of the panel will be voted on by a majority of the Honor Council, provided a quorum of the Honor Council is present.
6. Once the Honor Council votes, the panel chair will issue a written determination form finding the student responsible or not responsible for the alleged violations and, if applicable, recommending an appropriate disciplinary penalty or penalties as listed in policy FM.
7. The panel chair will send the written determination form to the dean of students or designee for transmitting the notification to the student.

The dean of students or designee will transmit the written determination of the Honor Council to the student within three College District business days, along with notification of the student's right to accept or appeal the Honor Council's decision by the deadline provided.

In cases where expulsion is not recommended by the Honor Council, the decision of the Honor Council's written determination may be appealed to the designated leadership team member as provided in this policy.

In cases where expulsion is recommended, the student may appeal to the District President or designee as provided in this policy.

Composition of
Honor Council

Honor Council members will be selected according to procedures developed by the District President or designee.

The Honor Council will be a standing Collin College committee that meets at least one (1) time per month or more frequently depending on need during the academic calendar year, not including Collin College-approved holidays or closings.

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Each Honor Council will be comprised of at least four Collin College faculty members who represent Collin College's various academic and workforce disciplines and campuses, at least two individuals from the dean of students office, and at least one current member of the student government association or current student who is in good academic and disciplinary standing (when practicable to include students on a given panel). The Honor Council may not be comprised of more than ten members, excluding the chairperson, at one time.

One Honor Council member will be elected to act as chairperson. The chairperson will designate an appropriate Honor Council member to act as panel chair for each disciplinary review panel. The Honor Council panel chair will coordinate with the dean of students or designee to obtain documentation related to the student's prior scholastic dishonesty case(s).

Honor Council
Procedures

All Honor Council procedures will be written and included in the current Student Code of Conduct.

**Evidence in All
Cases of Student
Misconduct**

For all reports and allegations submitted under this policy, evidence will be handled in accordance with the following:

1. Legal rules of evidence do not apply, unless otherwise required by applicable law or regulations;
2. The dean of students or designee, the Disciplinary Appeals Committee chair or associate chair, the Honor Council panel chair, and/or the District President or designee may admit evidence or exclude evidence considered to be hearsay, irrelevant, immaterial, unduly repetitious, or needlessly cumulative.
3. For all cases, the College District will be required to prove by a preponderance of the evidence (i.e. more likely than not to have occurred) that the charges are true.
4. A student may not be compelled to testify.

**Disciplinary Appeals
Committee (DAC)**

The Disciplinary Appeals Committee (DAC) will be convened at the request of a student appealing the administrative decision and/or disciplinary penalty or penalties imposed by the dean of students or designee. The student's appeal must be submitted in writing within five College District business days of the date of the dean of students or designee's written administrative decision.

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Composition	The DAC will be composed of at least three College District employees and a minimum of one current College District student, when appropriate. To hold an appeal hearing, a quorum of three DAC members must be met. The members of the DAC and the committee chairperson will be designated according to procedures developed by the designated leadership team member. All members chosen to serve on the DAC appeal hearing panel will be eligible to vote on the issue of whether or not the student violated College District policies and procedures, including the student code of conduct, and whether the student should receive an appropriate disciplinary penalty or penalties.
DAC Appeal Hearing Notice	The dean of students or designee will notify the student by letter of the date, time, and place for the DAC appeal 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 DAC appeal hearing will 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 appeal hearing. The dean of students may extend the College District's ten-day timelines within this policy by sending written notice to the parties of the extension.
<i>Contents of Notice</i>	<p>The notice will:</p> <ol style="list-style-type: none">1. Direct the student to appear on the date and at the time and place specified.2. Advise the student of their rights to:<ol style="list-style-type: none">a. Have a private appeal hearing.b. Be assisted by an adviser or legal counsel at the appeal hearing.c. Call witnesses, request copies of evidence in the College District's possession, and offer evidence and agreement on their own behalf.d. 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 both have a stenographer present at the appeal hearing and to make a stenographic transcript of the appeal hearing at the student's own expense.e. Ask questions of each witness who testifies against the student.

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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 allegation(s) of misconduct in sufficient detail to enable the student to prepare their defense against the charges.
5. State the proposed disciplinary penalty or range of disciplinary penalties that may be imposed.

Failure to Appear
for DAC Appeal
Hearing

If a student has good cause to miss the DAC Appeal Hearing, the student must notify the dean of students or designee as soon as possible and no later than 24 hours before the time set for the DAC Appeal Hearing. The DAC may impose an appropriate disciplinary penalty or penalties upon a student who fails without good cause to appear for the appeal hearing or who fails to notify the dean of students or designee by the proscribed deadline. For purposes of assessing an appropriate disciplinary penalty or penalties, the DAC may proceed with the appeal hearing in the student's absence.

All DAC appeal hearings will be recorded by the College District.

DAC Appeal
Hearing Procedures

The DAC will determine if a violation has occurred and assesses an appropriate disciplinary penalty or penalties based solely on the evidence presented at the DAC Appeal Hearing. The appeal hearing will proceed as follows:

1. The chairperson or associate chairperson will read the description of the alleged misconduct.
2. The chairperson or associate chairperson will inform the student of their rights.
3. The dean of students or designee will present the College District's case.
4. The student or representative will present the student's defense.
5. The dean of students or designee will present rebuttal evidence.
6. The DAC members may ask questions of witnesses testifying on behalf of the student or the College District.
7. The dean of students or designee will summarize and argue the College District's case.
8. The student or representative will summarize and argue their case.

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9. The dean of students or designee will request an opportunity for rebuttal closing arguments and the DAC Chairperson may grant or deny that request.
10. The DAC members will deliberate in closed session. The DAC members will vote on the issue of whether or not the student violated College District policies and procedures, including the rules for student conduct, and whether the student should receive an appropriate disciplinary penalty or penalties.
11. If the DAC finds the student committed misconduct, the DAC members will determine whether the disciplinary penalty assessed, or proposed in the case of recommendation for expulsion, by the dean of students or designee is appropriate and, if necessary, will assess a different or additional penalty.
12. The DAC chairperson or associate chairperson will communicate the decision and any findings of facts in support of the DAC's decision to the dean of students or designee in writing within ten College District business days of the appeal hearing. The dean of students or designee will notify the student in writing within ten College District business days of the appeal hearing of the DAC's decision and the disciplinary penalty or penalties imposed, if any. The notice will include procedures for accepting the DAC's decision or appealing to the designated leadership team member.

After the DAC
Appeal Hearing

The dean of students or designee will notify the student in writing, within three College District business days of the appeal hearing, of the DAC's decision and the disciplinary penalty or penalties imposed, if any. The notice will include procedures for accepting the DAC's decision or for appealing. In cases where expulsion is not recommended by the DAC, the decision of the DAC is final and the student may not appeal that decision.

**Appeal to the
Designated
Leadership Team
Member for
Subsequent
Scholastic
Dishonesty Cases**

A student may appeal, within five College District business days of receiving notice of the Honor Council's written determination, in writing the designated leadership team member to review the determination of the Honor Council. To initiate the appeal to the designated leadership team member, the student must submit an appeal form provided by the dean of students or designee within the time for appeal that is prescribed in the notice of written determination. The student's petition will state with particularity why the decision is believed to be incorrect.

After receiving notice of the appeal, the Honor Council panel chair will forward all documents and evidence considered to the designated leadership team member.

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The designated leadership team member may, but is not required to, hold a conference within ten College District business days after the appeal notice is filed, unless an extension is needed by the designated leadership team member. At the conference, the student may provide information concerning any documents or information relied on by the Honor Council. The designated leadership team member may set reasonable scope and time limits for the conference. The conference will be audio recorded.

The designated leadership team member will 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 appeal, provided during the conference, and forwarded by the Honor Council panel chair.

The designated leadership team member may act to affirm, modify, remand, or reverse the decision of the Honor Council.

The designated leadership team member's decision is final and non-appealable, except when expulsion is recommended by the Honor Council and affirmed by the designated leadership team member.

After the Appeal to
the Designated
Leadership Team
Member

The designated leadership team member or designee will notify the student in writing within ten College District business days of the appeal of the decision and the disciplinary penalty or penalties imposed, if any. The notice will include procedures for accepting the designated leadership team member's decision or appealing to the District President or designee solely in those cases where expulsion is recommended and affirmed.

**Appeals to the
District President or
Designee**

Only for cases when expulsion is the penalty recommended and affirmed by the DAC or by designated leadership team member, the student may appeal that prior determination to the District President or designee. Additionally, if the District President elects to review those cases where expulsion is recommended and affirmed, this policy will also apply.

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 appeal request must be submitted in writing within three College District business days of the prior determination. To initiate the

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appeal to the District President or designee, the student must submit the Final Appeal Form provided to the student.

Upon request, the dean of students or designee, the DAC chair, the Honor Council, or 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 request a meeting with the student prior to issuing a final administrative decision.

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 five College District business days. The District President or designee's decision is final and non-appealable. Unless otherwise specified in writing, expulsion will have College District-wide effect, and an expelled student may not enroll for admission to any campus without the District President or designee's approval unless the student's petition to revoke the expulsion is approved [see Petition to Revoke Expulsion].

**Petition to Revoke
Expulsion**

Once five calendar years from the date of the District President or designee's final decision have expired, the student may petition to revoke the expulsion. To initiate the expulsion revocation process, the student must complete the Expulsion Revocation Form and return it to the dean of students or designee.

If the petition to revoke the expulsion is approved by the District President or designee, the student will be required to meet with the dean of students or designee prior to returning to the College District. Once the meeting with the dean of students or designee is concluded, the student will be allowed to return to all College District campuses and will be considered to be in good disciplinary standing.

If the petition to revoke expulsion is not approved by the District President or designee, the student's expulsion will remain in effect and the student will not be allowed to return to the College District.

**Administrative
Decisions Related to
a Crime of Violence
or Non-Forcible Sex
Offense**

Upon written request, the College District will disclose to the alleged victim of a crime of violence or non-forcible sex offense, as those terms are defined under the *Clery Act*, the report on the results of any disciplinary proceeding and/or appeal(s) conducted by the College District against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the College District will treat the alleged victim's next of kin as the alleged victim.