JUDICIAL CODE of CONDUCT & STUDENT RIGHTS

West Burlington Campus
1500 West Agency Road, PO Box
180 West Burlington, IA 52655

Keokuk Campus
335 Messenger Road, PO Box 6007
Keokuk, IA 52632

Mt. Pleasant Center
200 North Main
Street Mt. Pleasant, IA
52641

Center for Business
610 North Fourth Street, Suite 220
Burlington, IA 52601

Updated April 2022
Southeastern Community College has established standards of behavior that apply to all credit and non-credit students (past, present, and prospective) as well as any visitors to SCC. These standards are set forth as regulations in this Judicial Code of Conduct and Student Rights document. The Judicial Code applies to conduct that occurs on the College campuses or at any other property or facility used by Southeastern Community College for educational or extra-curricular purposes or at any college-sponsored program or activity.

The Judicial Code provides a system of checks and balances to ensure due process for persons who believe their rights have been violated.

Additionally, the Code seeks to provide due process for those persons who are accused of violating the rights of others.

The final authority regarding all disciplinary cases processed under this Judicial Code rests with the College President.

**SCC Non-Discrimination Statement**

It is the policy of the Southeastern Community College not to discriminate on the basis of race, color, national origin, sex, disability, age, employment, sexual orientation, gender identity, creed, religion, and actual or potential family, parental, or marital status in its program, activities, or employment practices. If you have questions or complaints related to compliance with this policy, please contact the Director of Human Resources (employment concerns) at 319-208-5063 or the Vice President of Student Affairs (student concerns) at 319-208-5049, 1500 West Agency Road, West Burlington, Iowa 52655, equity@scciowa.edu or the Director of the Office for Civil Rights U.S. Department of Education, John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604-7204, Telephone: (312) 730-1560 Facsimile: (312) 730-1576, TDD 800-877-8339 Email: OCR.Chicago@ed.gov.
ARTICLE XI – GRADE APPEALS .......................................................................................................................................................................................................... 21
SECTION A – Preliminary Procedure (student initiated) .................................................................................................................................................... 21
SECTION C – Faculty Peer Review Committee ...................................................................................................................................................................... 21
ARTICLE XII – OTHER APPEALS .......................................................................................................................................................................................... 21
SECTION A – Special Appeals (e.g. monetary obligations such as tuition, fees, fines, etc.) .......................................................................................... 21
SECTION B - Financial Aid Appeals .................................................................................................................................................................................... 22
SOUTHEASTERN COMMUNITY COLLEGE
JUDICIAL CODE of CONDUCT AND STUDENT RIGHTS

ARTICLE I – DEFINITIONS

1. “College” means Southeastern Community College, merged Area XVI, State of Iowa, a body politic and corporate.

2. “Student” refers to all persons taking courses (i.e. credit, noncredit, workshop) through the College, including fulltime, part-time, past, present, and prospective.

3. “Faculty member” means any person hired by the College, full-time, part-time, or on an occasional basis, to conduct instructional activities.

4. “College official” and “staff member” refers to any person employed by the College performing assigned administrative and/or professional responsibilities.

5. “Member of the College community” includes any person who is a student, faculty member, staff member, College official, or any other person employed by the College. A person’s status in a particular situation shall be determined by the Judicial Officer.

6. “College property” includes all real property such as land, buildings, facilities, vehicles, equipment, computer software, communication devices, educational and administrative programs/materials, and other property (physical or intellectual) in the possession of or owned, used, or controlled by the College (including adjacent streets, sidewalks, and parking lots).

7. “College Judicial Board” or “Judicial Board” refers to the body of individuals designated and authorized, on a case-by-case basis, to hear student appeals of disciplinary decisions.

8. “College Judicial Officer” or “Judicial Officer” refers to the person(s) designated and authorized by the College President to determine whether a student has violated the Code of Conduct and to impose sanctions as appropriate. The Vice President of Student Services shall serve as the College Judicial Officer.

9. “Judicial Clerk/Recorder” refers to the Administrative Assistant to the Vice President of Student Services, or other appropriate individual appointed by the Vice President of Student Services, responsible for keeping a complete record of all the proceedings of the Judicial Board (see Article VII).

10. “Policies” “Rules” and “Regulations” are defined as the written regulations of the College as found in, but not limited to, the Judicial Code of Conduct and Student Rights, Residence Life Handbook, Student Athlete Handbook, Student Handbook (online), Credit and Non-Credit Course Catalogs, Academic Department/Program Handbooks, Administrative Guidelines, and Board Policies.

11. “Complainant” refers to any person who files a written complaint of misconduct against another individual.

12. “Cheating” includes, but is not limited to, use of any unauthorized assistance in taking quizzes, tests, examinations, or other evaluations; dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff.

13. “Plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment of said person. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

14. “Advisor” is someone invited to attend a hearing and who is familiar with the College judicial process; may include College personnel or legal counsel.

15. “Observer” is someone invited to attend a hearing, but may not participate in the hearing.

16. “Working days” are College open office days according to the annual College Academic Calendar as printed in the Credit Course Catalog and available online within the College’s website.
ARTICLE II – COLLEGE JUDICIAL OFFICER

The Judicial Officer duties routinely shall fall to the Vice President of Student Services. These duties and functions also may be performed by a member or members of the College staff or faculty as may be appointed by the President on a continuing basis or for the inquiry of specifically designated cases.

The Judicial Officer shall serve as a non-voting member of the Judicial Board.

ARTICLE III – COLLEGE JUDICIAL BOARD

SECTION A – General Composition
One (1) College Judicial Board shall exist to hear all appeals of student disciplinary decisions. Hearing Committee assignments, including the Judicial Officer as ex-officio, shall be drawn from a pool of nine Judicial Board members representing the College community as follows:

- 3 students – appointed by the President of each respective Student Board (2 from West Burlington, 1 from Keokuk)
- 3 professional staff members – appointed by the Judicial Officer
- 3 faculty members – appointed by the Judicial Officer

Either the Vice President for Administrative Services or the Vice President of Academic Affairs shall preside as Chairperson at all meetings of the Judicial Board. The Chairperson shall:

1. Answer any questions concerning the interpretation of the Judicial Code that she/he deems advisable, applicable, and practical during the course of a hearing.

2. Have the authority to remove from a hearing any person who is disruptive.

3. Reserve the right to suspend and reconvene a hearing for any compelling reason as deemed appropriate by her/him and the Judicial Board.

4. Have the right to adopt any special procedures, as needed, provided that these procedures are consistent with the Judicial Code and provided that these special procedures are fully explained to all persons immediately concerned in the hearing.

SECTION B – Hearing Committee
The Judicial Board composition for each hearing shall consist of the Chairperson and two representatives from each of the three categories listed in Article III, Section A. Selection will be made based on individual schedules and availability.

SECTION C – Terms of Service
The professional staff and faculty members will serve for a period of two years (beginning September 1 of the first year through August 31 of the second year), staggered so that only half the members are replaced each year. The first year shall have half the members serve a three-year term to avoid complete turnover after two years. The term for student members shall be at least one year, with two or three years preferred (based on the student’s enrollment at the College).

SECTION D – Quorum
At least five of the members (including the Chairperson) must be present at any meeting of the Judicial Board in which business is conducted related to this Judicial Code. If a hearing is already in progress and a member cannot be in attendance for a full hearing, the existing Board shall continue on. If a member knows she/he cannot be available for the full hearing before proceedings begin, an appropriate replacement will be made.

SECTION E – Jurisdiction of the Judicial Board
The College Judicial Board shall hear student appeals of disciplinary action imposed by the College Judicial Officer in response to conduct violations. The Judicial Board shall review all pertinent information reach a determination, and uphold, modify, or dismiss the sanctions imposed by the College Judicial Officer.
ARTICLE IV – JUDICIAL CLERK/RECORDER

The Judicial Clerk/Recorder shall be the Administrative Assistant to the Vice President of Student Affairs or other appropriate individual appointed by the Vice President of Student Affairs. The Judicial Clerk/Recorder shall:

1. Keep a complete taped record of all proceedings of the Judicial Board, with the exception of the private deliberations of the Board.

2. At the completion of each hearing, prepare a manuscript of the taped hearing to be certified as correct by the Chairperson of the Judicial Board to include the following:
   a. Name of all individuals present.
   b. Date, time, and place of the hearing.
   c. The charge(s) or appeal(s) filed against/by the student(s).
   d. The act or actions out of which the charge(s) arose.
   e. A copy of the pertinent evidence presented on which the decision was based.
   f. The decision of the Board regarding the charge(s), decision(s), and the sanction(s).

3. Provide a copy of said materials to the Vice President of Student Affairs for enclosure in the student's disciplinary file. If it includes information about the academic status that affects the student's ability to reregister at the institution, a notation will be placed in the student's permanent academic file and within the student's electronic academic record.

ARTICLE V – BEHAVIORAL RULES AND EXPECTATIONS “CODE OF CONDUCT”

SECTION A – Offenses against Property

Any student or visitor who commits one or more of the following acts shall be held responsible for an offense against property:

1. **Theft** – Attempting to remove another’s property without his/her permission.

2. **Destruction of Property** – Damage, whether or not malicious, to the property of another.

3. **Wrongful Appropriation** – Retention of another’s property, without his/her consent, for one’s own use.

4. **Unauthorized Entrance** – Entry into any building, room, or vehicle without the consent of a person so authorized to give such consent.

5. **Misuse of Computer Facilities** – Theft, abuse, or other misuse of computer time, computer connections, facilities, software, or equipment, including, but not limited to:
   a. Unauthorized entry into a file or program to use, damage, or change the contents or for any other purpose.
   b. Unauthorized transfer or copying of a file.
   c. Unauthorized use of another individual’s identification, password, and/or authorization.
   d. Use of computing facilities, including equipment, software, and Internet access, to interfere with the work of another student, faculty member, or staff member.
   e. Use of computing facilities to send offensive, abusive, or threatening messages.
   f. Use of computing facilities to interfere with normal operation of the College computing system or other computing systems internal to the College.

Administrative Guideline #1101 spells out specific technology usage policies. All technology usage policies fall under this Judicial Code.
SECTION B – Offenses against Persons
Any student or visitor who commits one or more of the following acts shall be held responsible for an offense against the person (See Section F for information specific to sexual offenses):

1. **Assault** – An attempt, through threat or violence, to do bodily harm to another person, or to have the ability to harm another person, whether or not the attempt is consummated. This would include, but is not limited to, assaults of a sexual nature.

2. **Abuse** – Threats, physical harm or abuse, verbal abuse, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person on College property or at College-sponsored events.

3. **Detention** – The detainment or confinement of another person against his/her will.

4. **Harassment** – Any action or conduct which creates or in part creates a hostile, abusive, or intimidating environment.

SECTION C – Offenses against the Peace
All offenses against the peace described herein apply to events or occurrences on College property or at any College sponsored event. This list of offenses is not all inclusive and the College specifically reserves the right to assert jurisdiction in situations whereby an offense may or may not be considered to have occurred on College property or at a College-sponsored event. Any student or visitor who commits one or more of the following prohibited acts shall be held responsible for an offense against the peace:

1. **Alcoholic Beverages** – Use, possession, or sale of alcoholic beverages in or on College property or at any College-sponsored function.

2. **Drunkenness** – Acting in a disorderly manner as a result of drinking a beverage with alcoholic content. Giving the appearance of being intoxicated or under the influence.

3. **Drugs** – The unauthorized possession, use, sale, distribution, transportation of drug paraphernalia, or substances of hallucinogenic or psychedelic or controlled substance in or on College property or at College-sponsored events. Giving the appearance of being under the influence.

4. **Tobacco** – Use of any tobacco product (includes smoking and smokeless) while in or on College property.

5. **Disturbance** – Participating in any disturbance on College property or at any College-sponsored event which is in any way unruly, disorderly, disrespectful or unlawful.

6. **Obstruction or Disruption** – Interference with, obstruction or disruption of any College activity, whether academic, social, or administrative.

7. **Disorderly, Lewd, Indecent or Obscene Conduct** – Disorderly conduct or lewd, indecent or obscene conduct or expression on College property or at College-sponsored functions.

8. **Explosive Materials** – The possession, use, sale or transportation of explosive materials in or on College property or at any College-sponsored activity.

9. **Firearms, Ammunition, Knives and other Weapons** – The possession, discharge, use, sale, or transportation of firearms, ammunition, and/or weapons in or on College property, including, but not limited to, such items contained in vehicles parked on campus.

10. **Violation of Laws** – Violation of federal, state, or local laws on College property or at College sponsored events.

SECTION D – Offenses against the College
Any student or visitor who commits one or more of the following acts shall be held responsible for an offense against the College:
1. **Behaving in a manner likely to bring discredit upon the College.** The authority of the SCC’s judicial system will never be used merely to duplicate the functions of the law; but when the institution’s interests as an academic community are involved, the authority of the institution will be asserted.

2. **Dishonesty in any form,** such as cheating, plagiarism, misuse of identification cards, meal cards, furnishing false information to the College, or misuse of College, state, or governmental funds.

3. **Violation of rules governing College facilities/activities** including, but not limited to:
   b. Unauthorized or inappropriate use of any College resource or facility.

4. ** Gambling** on College property is prohibited. Only authorized “games of chance” as per the College gambling license are allowed.

5. **Failure to comply** with requests and/or directives of College officials acting in the performance of their duties.

**SECTION E – Offenses against the College Judicial System**

Any student or visitor who commits one or more of the following acts shall be held responsible for an offense against the College judicial system:

1. **Failure to Appear** – Whether through negligence or determination, failure to appear before the College Judicial Officer upon her/his request or the Judicial Board, after receipt of notice of hearing. (Suspension will result unless there are compelling extenuating circumstances to be determined by the Judicial Officer.)

2. **Falsification, distortion, or misrepresentation** of statements, information, or materials before any college official or judicial body.

3. **Failure to comply** with a request, order, sanction, or decision of the Judicial Officer or the Judicial Board.

4. **False Charges** – Bringing intentional false charges of violations of this Code forward to the Judicial Officer or the Judicial Board.

5. **Disruption or interference** with the orderly process of a conduct violation investigation or judicial proceeding.

6. **Harassment** (verbal or physical) **and/or intimidation** of the Judicial Officer or of a member of a judicial body prior to, during, and/or after a judicial proceeding.

7. **Influencing or attempting to influence** another person to commit an abuse of the Code of Conduct or the judicial system.

**SECTION F – Acts of Sexual-/Gender-Based Misconduct**

Under Title IX of the Education Amendments of 1972 and its implementing regulations, any educational institution that receives federal funds must ensure that no student suffers a deprivation of access to educational opportunities or is denied or limited in their ability to participate in or benefit from the college’s programs or activities as a result of sexual/gender-based misconduct.

Whether or not a student files a complaint of alleged sexual misconduct or otherwise requests the college to take action, where the college knows or reasonably should know of an incident of sexual misconduct, the college is required to take steps to understand what occurred and to respond appropriately (Office for Civil Rights, Revised Sexual Harassment Guidance (66 Fed. Reg. 5512, Jan. 19, 2001), available at https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf [hereinafter 2001 Guidance]; see also Office for Civil Rights, Dear Colleague Letter on Sexual Harassment (Jan. 25, 2006), available at https://www2.ed.gov/about/offices/list/ocr/letters/sexhar-2006.html.)

Members of the SCC community, guests and visitors have the right to be free from all forms of sexual/gender-based harassment, discrimination and misconduct; and all said members, are expected to conduct themselves in a manner that does not infringe upon the rights of others. SCC believes in zero tolerance for sexual/gender-based misconduct. Zero tolerance means that when an
allegation of misconduct is brought to an appropriate administrator’s attention (Title IX Coordinator or Deputy Coordinator),
protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects
on the reporting party and community are remedied, including serious sanctions when a responding party is found to have violated
conduct expectations.

SCC’ Administrative Guideline-906: Sex/Gender Harassment, Discrimination and Misconduct establishes policy for reaffirming these
principles and provides recourse for those individuals whose rights have been violated. This policy defines SCC community-
members’ conduct expectations and SCC’s procedures to establish a mechanism for determining when those expectations and
rights have been violated. ADG-906 can be found in its entirety at https://www.scciowa.edu/_resources/docs/906-sex-gender-
harassment-discrimination-misconduct-08-31-16.pdf, and should be referred to as the official guiding document for complete
reporting and process guidance in the case of an actual report.

The remainder of this section (Section F) provides a summary of SCC’s definitions, expectations and protocol related to
sexual/genderbased misconduct.

1) Definitions
   a) Sexual Harassment
      Sexual harassment is:
      • unwelcome,
      • sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct.

      Sexual harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment, and/or
      creates a hostile environment.

      i. Quid Pro Quo Harassment is:
         ▪ Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a
         sexual nature,
         ▪ By a person having power or authority over another,
         ▪ When submission to such sexual conduct is made either explicitly or implicitly a term or condition of
         rating or evaluating an individual’s educational or employment progress, development, or
         performance;
         ▪ This includes when submission to such conduct would be a condition for access to receiving the
         benefits of any educational or employment program.

      ii. Retaliatory Harassment is:
          ▪ Any adverse action taken against a person participating in a protected activity because of their
          participation in that protected activity [subject to limitations imposed by the 1st Amendment and/or
          Academic Freedom],
          ▪ Retaliation against an individual for reporting an allegation of misconduct, filing a complaint or
          grievance, supporting a reporting party, and/or for assisting in providing information relevant to an
          allegation is a serious violation of college policy.

      iii. A hostile environment is created when sexual harassment is:
          ▪ sufficiently severe, or
          ▪ persistent or pervasive, and
          ▪ objectively offensive that it: unreasonably interferes with, denies or limits someone’s ability to
          participate in or benefit from the SCC’s educational and/or employment, social and/or residential
          program.

   b) Non-Consensual Sexual Contact
      Non-Consensual Sexual Contact is:
      • any intentional sexual touching,
      • however slight,
      • with any object,
• by a person upon another person,
• that is without consent and/or by force.

Sexual Contact includes:
• Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
• Any other intentional bodily contact in a sexual manner.

c) Non-Consensual Sexual Intercourse

Non-Consensual Sexual Intercourse is:
• any sexual intercourse
• however slight,
• with any object,
• by a person upon another person, that is without consent and/or by force.

Intercourse includes:
• vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

d) Sexual Exploitation

Sexual Exploitation occurs when:
• one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit,
• or to benefit or advantage anyone other than the one being exploited and,
• that the behavior does not otherwise constitute any other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:
• Invasion of sexual privacy;
• Prostituting another person;
• Non-consensual digital, video or audio recording of nudity or sexual activity;
• Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
• Engaging in voyeurism;
• Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
• Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;
• Intentionally or recklessly exposing one’s genitals in non-consensual circumstances; inducing another to expose their genitals;
• Sexually-based stalking and/or bullying may also be forms of sexual exploitation

e) Consent

Consent is
i) clear, and ii) knowing, and
iii) voluntary [or affirmative, conscious and voluntary], iv) words or actions,
v) that give permission for specific sexual activity.
vi) Consent is active, not passive.
vii) Silence, in and of itself, cannot be interpreted as consent.

- Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
- In order to give consent, one must be of legal age.
f) **Incapacitated**
- Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy.
- Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.
- The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party.
- Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).
- This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of rape drugs. [Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at [http://www.911rape.org/](http://www.911rape.org/).
- Incapacitation as defined by Iowa Law: 709.1A INCAPACITATION.

As used in this chapter, “incapacitated” means a person is disabled or deprived of ability, as follows:
- “Mentally incapacitated” means that a person is temporarily incapable of apprising or controlling the person’s own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance.
- “Physically helpless” means that a person is unable to communicate an unwillingness to act because the person is unconscious, asleep, or is otherwise physically limited.
- “Physically incapacitated” means that a person has a bodily impairment or handicap that substantially limits the person’s ability to resist or flee.

---

g) **Force**

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or that produces consent (Example: “Have sex with me or I’ll hit you. Okay, don’t hit me, I’ll do what you want.”).

---

h) **Coercion**

Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

---

i) **Intimate Partner Violence**

- Defined as violence or abuse between those in an intimate relationship to each other;
  - A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based in jealousy is a violation of the Intimate Partner Violence policy.
  - An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn’t give the ex another chance. Psychological abuse is a form of Intimate Partner Violence.
  - A graduate student refuses to wear a condom and forces his girlfriend to take hormonal birth control though it makes her ill, in order to prevent pregnancy.
  - Married employees are witnessed in the parking garage, with one partner slapping and scratching the other in the midst of an argument.

---

j) **Stalking**

a. Stalking 1:
  - A course of conduct
  - Directed at a specific person
  - On the basis of actual or perceived membership in a protected class
  - That is unwelcome, AND
  - Would cause a reasonable person to feel fear

b. Stalking 2:
  - Repetitive and Menacing
(b) Pursuit, following, harassing and/or interfering with the peace and/or safety of another

(c) Examples of Stalking:

i. A student repeatedly shows up at another student’s on-campus residence, always notifying the front desk attendant that they are there to see the resident. Upon a call to the resident, the student informs residence hall staff that this visitor is uninvited and continuously attempts to see him/her, even so far as waiting for them outside of classes and showing up to their on-campus place of employment requesting that they go out on a date together. (Stalking 1)

ii. A graduate student working as an on-campus tutor received flowers and gifts delivered to his/her office. After learning the gifts were from a student his/her recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate the gift deliveries to stop. The student then started leaving notes of love and gratitude on the graduate assistant’s car, both on-campus and at home. Asked again to stop, the student stated by email: “You can ask me to stop, but I’m not giving up. We are meant to be together, and I’ll do anything necessary to make you have the feelings for me that I have for you.” When the tutor did not respond, the student emailed again, “You cannot escape me. I will track you to the ends of the earth. We are meant to be together.” (Stalking 2)

NOTE: There is no requirement for a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced. Use of alcohol or other drugs will never function to excuse any behavior that violates this policy. This policy is applicable regardless of the sexual orientation and/or gender identity of individuals engaging in sexual activity.

2) Responsibility

• Any member of the Southeastern Community College community, i.e., faculty, students or staff, who believe that he/she has been subjected to a sexual offense has the responsibility to notify the Title IX Coordinator or any college employee and/or the Iowa Civil Rights Commission or the Equal Employment Opportunity Commission immediately (see nondiscrimination statement, page ii).

• It is the responsibility of the Title IX Coordinator, the Vice President of Student Affairs, or both, depending upon the nature of the complaint, to review the allegations and determine if a Title IX full investigation is warranted, or if dismissal of the complaint or referral to Judicial Code of Conduct general disciplinary processes is appropriate.

• Southeastern Community College will not tolerate or condone any form of sexual misconduct and as such, all members of the SCC community, including but not limited to, the administration, faculty, staff, and students have the responsibility to conduct themselves at all times so as to provide an atmosphere free from sexual offenses. SCC follows a ‘one policy-one process for all’ philosophy in addressing sexual/gender-based misconduct and civil rights concerns/complaints/grievances as facilitated in a singular process by the Supervisor of Campus Safety & Security/Title IX & Equity Coordinator for all staff, students and visitors of the college.

• In a case of sexual violence, there will be NO option for voluntary informal resolution (e.g. mediation).

• SCC will not tolerate ‘bad faith allegations’ (the intentional filing of a false complaint) and such behavior may result in disciplinary action against the reporting party.

3) Administrative Actions

a) General Protocol

i. All allegations of sexual misconduct will be investigated thoroughly in accordance with the procedures set forth herein as well as any related administrative guidelines.

ii. Any member of the SCC community who believes they have been subjected to a sexual misconduct offense should notify a college employee immediately. The individual reporting the sexual misconduct offense (“Reporting Party”) may present either an Informal Report (verbal) or a Formal Report (written).

The employee receiving the report will in turn, immediately forward the report to the Title IX Coordinator or one of the Title IX Deputy Coordinators.
iii. Within 5 days of receipt of a reported offense, the Title IX Coordinator (or designee) will communicate with the Reporting Party in order to:
   ➢ Seek clarifying and or additional information to determine if action is warranted at the next level (full investigation) and,
   ➢ To notify them of their right to end the Informal Process at any time.

iv. Within 20 days of receipt of a reported offense, the Title IX Coordinator will determine whether or not a full investigation is warranted. Reports that are determined to NOT warrant opening a full investigation will be recorded as not meeting criteria for further action within Title IX. Reports that do not fall within Title IX parameters (have no sexual/gender-based relevance) will be referred back to the Judicial Code of Conduct & Student Rights processes for adjudication.

v. For reports found to warrant the opening of a Title IX full investigation, the Title IX Coordinator will appoint a Title IX Investigator(s) to lead the process who is identified as free of actual or reasonably perceived conflicts of interest and biases for or against any involved party, and is deemed capable of facilitating an adequate, reliable, and impartial process on behalf of the College. When the decision is made to open a full investigation that may lead to disciplinary action against the responding party, both the reporting and the responding parties will be notified in writing of said decision and the notice will contain:

1. The reported allegations constituting a potential violation of the College’s sexual misconduct policy,
2. Sufficient details including:
   a. the identities of the parties involved
   b. the date and location of the alleged incident
   c. the specific section(s) of the policy allegedly violated
   d. the precise conduct allegedly constituting the potential violation

vi. A suggested timeframe for conducting the investigation that provides sufficient time for each party to prepare for meaningful and equitable participation, including the opportunity for each party to present witnesses and evidence.

vii. The College will examine the allegations as a whole and will consider the totality of the available information and circumstances, such as the nature of the sexual advances and the context in which the alleged incident(s) occurred. The determination of corrective and/or disciplinary action, if warranted, will be made on a case-by-case basis after consideration of all information gathered throughout the investigation. SCC uses the preponderance of evidence (also known as “more likely than not”) as a standard for proof of whether a violation occurred. If the investigation does not provide enough information to make a preponderance of evidence determination as to the validity and severity of the allegations, the complaint will be recorded as unfounded and/or having insufficient evidence to warrant further action.

viii. Every attempt will be made to provide a reasonably prompt time frame for the major stages of the complaint process with the goal of a sixty day time line for full investigations. Any variances from that time line will be communicated to all parties involved in the complaint. Communications to all parties throughout the process will be through email and at times, hard copy as well.

ix. Due to the sensitive nature of sexual offense allegations, every effort will be made to resolve the situation with confidentiality and anonymity, to the fullest extent of the law, for those involved parties.

b) Sanctions

Any individual who is found to have engaged in a sexual/gender-based misconduct offense while considered a member of the SCC community (student, visitor, and employee, volunteer) will be held in violation of SCC’s ADG:906 Sex/Gender Harassment, Discrimination and Misconduct policy and will be subject to disciplinary procedures under their respective conduct/disciplinary protocol.
i. Student/Visitor Sanctions (may be imposed upon students or organizations singly or in combination

- Warning – Written or Verbal
- Referral
- Probation
- Disqualification
- Restitution
- Suspension

ii. Employee Sanctions (listed below and defined in HR Guidelines/Faculty Handbook)

- Warning – Written or Verbal
- Performance Improvement Plan
- Required Counseling
- Required Training or Education
- Demotion

- Expulsion
- Withholding Diploma
- Revocation of Degree
- Transcript Notation
- Organizational Sanctions
- Other Actions

**c) Reporting**

If the Reporting Party is not satisfied with any portion of the college-conducted investigation at any time, they always have the right to file an official grievance with a relevant government authority:

Director of the Office for Civil Rights
U.S. Department of Education
Citigroup Center
500 W. Madison Suite 1475
Chicago, IL 60661 312-730-1560
Fax 312-730-1576

U.S. Department of Justice Civil Rights Division
950 Pennsylvania Avenue, N.W.
Educational Opportunities Section, PHB
Washington, D.C. 20530

In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to the SCC President.

**SECTION G – Jurisdiction of the College Code of Conduct**

The SCC Judicial Code jurisdiction and disciplinary action(s) shall be limited to conduct which occurs on College property, at College-sponsored events (including events hosted by other colleges such as athletic or student club competitions or gatherings), at clinical sites, attendance centers, and any off-campus conduct which adversely affects the SCC community and/or the pursuit of its mission. The College reserves the right to determine the circumstances in which jurisdiction over a particular offense will apply with specific regard to conduct occurring off-campus, which will be determined on a case-by-case basis.

**SECTION H – Final Authority of the Code of Conduct**

The final authority regarding all disciplinary cases arising under this Judicial Code involving students of the College rests with the College President.
ARTICLE VI – STUDENT DISCIPLINARY PROCEDURES

SECTION A – Enforcing the Code of Conduct

Generally, the responsibility for enforcing and addressing Judicial Code violations will reside with the Judicial Officer (Vice President of Student Services). However, in certain circumstances, when a student’s conduct interferes with or disrupts effective instruction or the smooth operation of daily institutional processes, such conduct must be handled immediately. Therefore, any college employee who is present during an occurrence/incident which violates the behavioral expectations set forth in this Code is authorized to address the immediate situation.

For example:
- An instructor may dismiss a student from class for misconduct
- A coach may dissolve a student fight in the parking lot
- A custodian may confront a student in the hallway who is using extreme lewd or obscene language
- Any employee may address a student who is smoking on campus grounds

In instances such as these, the acting college employee will complete an SCC CONDUCT VIOLATION/CARE TEAM REPORT FORM including all details of the incident (date, time, location, name(s) of party/parties involved, names of potential witnesses, action taken, and next steps, if applicable) and will forward this document to the Judicial Officer for follow-up and/or record keeping purposes.

If there is no college employee in the proximity of an occurrence and/or assistance of additional college officials is desired, any student, faculty or staff member may contact the switchboard operator (dial 0) who will in turn, locate and inform appropriate administrators to address the situation.

If the nature of any conduct violation is such that:
- it is a repeated violation of the same type,
- it is a new violation preceded by other violations of different type,
- it is a combination of several (3 or more) different violations,
- it cannot be resolved without further action and/or investigation,

such violation should be documented on the SCC CONDUCT VIOLATION/CARE TEAM REPORT FORM and forwarded to the Judicial Officer for follow-up action.

SECTION B – Investigation and Determination of Responsibility or Non-responsibility

Upon receipt of a SCC CONDUCT VIOLATION/CARE TEAM REPORT FORM, the Judicial Officer shall proceed as follows:

1. She/he will make preliminary inquiry to ascertain whether the allegations are supported by available evidence and do allege a violation of College standards. If deemed to be in the best interests of the student or other members of the campus community, the College Judicial Officer may impose on a student a temporary or interim suspension sanction while conducting her/his investigation.

2. If no violation appears to have taken place, she/he shall dismiss the complaint.

3. If the alleged Code violation(s) did reasonably appear to have occurred, she/he shall proceed to conduct further administrative inquiry. At an administrative meeting with the College Judicial Officer, the accused student may elect to admit to charges and specifications or to any lesser misconduct. This admission may, with the approval of the College Judicial Officer, waive any further hearing.

4. Based upon the College Judicial Officer’s determination and the student’s admission, the College Judicial Officer may impose administrative disciplinary sanctions appropriate to the violation(s).

   a. If accepted in writing by the student, the sanctions will commence on the date specified by the College Judicial Officer.
b. If the action imposed by the College Judicial Officer is not accepted by the student, the matter shall be referred to a conference with the appropriate Vice President to discuss the student’s option of a College Judicial Board hearing.

6. In imposing administrative disciplinary sanctions, the College Judicial Officer may consider any prior written warnings related to College Code violations the accused has received and accepted in writing or any prior actions of the Judicial Board.

7. Any sanctions will be within the rules of the Code of Iowa.

SECTION C – Sanctions
If the accused is found responsible for the charge(s) against him/her, one or more of the following sanctions may be imposed upon the accused:

1. **Verbal Reprimand** – Such action shall be a reprimand for failure to maintain standards of conduct expected of an SCC student. Documentation of the verbal reprimand will be maintained in the student’s disciplinary file.

2. **Referral** – Referral to a licensed counselor or medical professional with a recommendation of counseling, assessment, and/or specified behavior modifications.

3. **Written Reprimand/Conduct Probation** – Such action shall constitute a determination that the misconduct was of a serious nature and the student is placed in a status of warning for a specified period of time. Occurrence of any further misconduct during the stated period may constitute grounds for suspension or expulsion. The duration of the probation period will be in proportion to the degree of seriousness attached to the misconduct, as determined by the Judicial Officer.

4. **Disqualification** – This action may be utilized to direct the loss or limitation of privileges, rights, or services which students normally enjoy on the campus or other instructional sites with regard to the use of facilities or participation in College activities. The disqualification shall be for a stated period of time in proportion to the seriousness of the offense. Failure to comply with disqualification may constitute grounds for suspension or expulsion.

5. **Restitution** – Such action is appropriate in any case in which the conduct has caused loss or damage to property or injury to a person or in which reparation for a particular act of misconduct may reasonably be made by payment of money or the performance of services. Restitution as a sanction may not be made a part of a disciplinary action unless the offender agrees to accept the sanction OR damage to or theft of College property is involved.

6. **Suspension** – A suspension terminates the individual’s status as a student for a stated period of time in proportion to the seriousness of the offense. A suspension for misconduct may not be affected until so ordered by the College Judicial Officer. Suspension shall be system-wide. A student who is suspended may not enroll at the College for the duration of the suspension.

7. **Expulsion** – Expulsion constitutes a final termination of all opportunity for the offender to continue as a student at the College. Expulsion for misconduct may not be affected until so ordered by the College President as recommended by the Vice President of Student Affairs or the Judicial Board. Expulsion shall be system-wide. A student who is expelled may not enroll at the College in the future.

More than one (1) of the sanctions listed above may be imposed for any single violation.

Disciplinary Records – If disciplinary action is taken against a student under the procedures outlined above and a sanction imposed, a record of the action will be kept by the Vice President of Student Affairs. Record of nonacademic disciplinary sanctions will not, however, appear on the charged student’s transcript, but a copy will be maintained in the student’s disciplinary file. Only expulsion will be recorded on a student’s college transcript.
Disciplinary actions are not part of the education records of the student and, consequently, are not available for public disclosure or discussion. The College will not disclose information outside the College relating to the student’s nonacademic disciplinary record, except as required by law or prior written permission from the student has been received.

SECTION D – Referral to the College Judicial Board
An appeal (non-acceptance) of the decision of the College Judicial Officer may be made in writing to either the Vice President for Administrative Services or the Vice President of Academic Affairs no more than ten (10) working days (excluding weekends or holidays) after the date on which the Judicial Officer’s written decision is dated/postmarked/emailed.

ARTICLE VII – JUDICIAL BOARD PROCESS

SECTION A – Rights of the Accused Student
The following shall be included in the basic rights of the accused:

1. Right to face her/his accuser (complainant).

2. Right to ask questions of all persons who appear for or against her/him in any proceedings of the Judicial Board.

3. Right to a timely notification process. The accused shall be notified in writing of the date of the proceedings within a reasonable time from filing date of the appeal. The accused will then have no more than five (5) working days to notify/submit to the Judicial Clerk/Recorder the following:
   a. Names, addresses, and phone numbers of all witnesses.
   b. Names, addresses, and phone numbers of no more than two (2) observers.
   c. Name, address, phone number, and status of the individual (1) selected to serve as advisor.
   d. Original supporting documentation – pertinent records, exhibits, and written statements.

The Judicial Clerk/Recorder shall then make available to the complainant the list of witnesses, allowed visitors, selected advisor, and documentation.

SECTION B – Rights of the Complainant
The following shall be included in the basic rights of the complainant:

1. Right to face the accused.

2. Right to ask questions of all persons who appear for or against her/him in any proceedings of the Judicial Board.

3. Right to a timely notification process. The complainant shall be notified in writing of the date of the proceedings within a reasonable time from filing date of the appeal. The complainant will then have no more than five (5) working days to notify/submit to the Judicial Clerk/Recorder the following:
   a. Names, addresses, and phone numbers of all witnesses.
   b. Names, addresses, and phone numbers of no more than two (2) observers.
   c. Name, address, phone number, and status of the individual (1) selected to serve as advisor.
   d. Original supporting documentation – pertinent records, exhibits, and written statements.

The Judicial Clerk/Recorder shall then make available to the accused student the list of witnesses, allowed visitors, selected advisor, and documentation.
SECTION C – Rights of the Judicial Board
The following shall be included in the basic rights of the Judicial Board of the College:

1. To ask questions of clarification of any person appearing before them.

2. To consult privately on any matter pertaining to the case at hand.

3. To adjourn the meeting to consult with a College attorney concerning any matter pertaining to the case at hand.

4. To have the College attorney present for some or all of the hearing proceedings.

5. To adopt any special procedures, as needed, provided these procedures are consistent with the Judicial Code and are fully explained at the beginning of the hearing to all persons immediately concerned.

6. To enforce all provisions of the Judicial Code.

7. To challenge any Judicial Board member when cause is shown.

8. Any Judicial Board member may refrain from hearing a case in cases that have a conflict of interest.

SECTION D – Hearing Procedure
Hearings shall be conducted by the Chairperson and the Judicial Board according to the following guidelines:

1. Hearings shall be conducted in private. Those in attendance shall include the Chairperson (non-voting), the Judicial Officer (ex-officio), the Judicial Board members, the accused student and his/her selected advisor, and the complainant and his/her selected advisor. Both the accused and the complainant also may have up to two (2) observers present during the hearing. The observers shall not have the privilege of participating in the hearing.

2. The accused and the complainant have the right to be assisted by any one (1) advisor they choose at their own expense. The advisor may be an attorney. The accused and the complainant are responsible for speaking on their own behalf. Advisors are not permitted to speak or to participate directly in any hearing before the Judicial Board. An appropriate advisor would be someone with sufficient knowledge of the College judicial process to be able to effectively assist the accused and the complainant through the hearing. An example of such an advisor would be a member of the Student Affairs staff (excluding the Vice President of Student Affairs) or a faculty member.

3. Pertinent records, documentation, exhibits, and written statements from the accused and the complainant may be accepted as evidence for consideration by the Judicial Board at the determination of the Chairperson. These materials must be submitted to the Judicial Clerk/Recorder in their original or hard copy form.

4. The accused and the complainant shall have the privilege of presenting witnesses whose testimony is directly pertinent to the issues at hand, as approved/disapproved in advance by the Chairperson. Witnesses may not serve as observers or advisors. The number of witnesses allowed by each person will be negotiated with the parties by the Chairperson. Witnesses will not be present in the hearing room during the hearing until such time as they are called in to testify. Witnesses will wait outside the hearing room and will be called in one by one. After the Judicial Board, the accused, and the complainant have concluded the questioning of the witness, the witness will be excused from the room.

5. In hearings involving more than one accused or complainant, the Chairperson, at her/his discretion may permit the hearings to be conducted either jointly or separately.

6. All procedural questions are subject to the final decision of the Chairperson of the Judicial Board.
SECTION E – Hearing Protocol
The Chairperson of the Judicial Board is charged with the responsibility of ensuring that the following procedures are adhered to during the Judicial Board hearing:

1. The Chairperson will:
   a. State the date and time and identify the particular hearing.
   b. Ask the Judicial Clerk/Recorder to confirm if all that have received notice of said hearing are present.
   c. Explain the confidential nature of the meeting and that no materials distributed are to be taken from the room and that there should be no discussion about the proceeding outside of the hearing.
   d. State the purpose of the hearing and read aloud the charge(s) brought forward.
   e. Identify the accused student(s).
   f. Explain the fundamental rights of the accused.
   g. Present the evidence of the case to the Judicial Board and ask the accused if she/he admits the charge(s).

2. The complainant will be identified and asked questions by the Chairperson to present the relevant issues regarding her/his side of the case. This is to be done in the presence of the accused.
   a. The Judicial Board will be given the opportunity to ask questions of clarification of the complainant. Questions will be addressed through the Chairperson.
   b. The accused will be given the opportunity to question the complainant.

3. The accused will be identified and asked questions by the Chairperson to present relevant issues regarding her/his side of the case. This is to be done in the presence of the complainant.
   a. The Judicial Board will be given the opportunity to ask questions of clarification of the accused. Questions will be addressed through the Chairperson.
   b. The complainant will be given the opportunity to question the accused.

4. Witnesses will wait outside the hearing room and will be called by the Chairperson one at a time to testify.
   Witnesses will not be present in the hearing room during the hearing until such time as they are called in to testify. After the Judicial Board, the accused, and the complainant have concluded the questioning of the witness, the witness will be required to leave the room.
   a. The Judicial Board will be given the opportunity to ask questions of clarification of the witness. Questions will be addressed through the Chairperson.
   b. The complainant and the accused will be given the opportunity to ask questions of the witness.

5. The Chairperson will give both the accused and the complainant the opportunity to make final statements prior to dismissal from the hearing.

6. The Chairperson will give the deliberation directions to the Judicial Board.
7. The Judicial Board shall then meet in closed session and make its decision(s) regarding the charges brought forward against the accused.

8. All proceedings of the hearing are taped by the Judicial Clerk/Recorder, with the exception of the Judicial Board’s private deliberation.

9. Upon final decision of the Judicial Board and within an expedient amount of time:
   a. The findings are to be signed by a student member, staff member, and faculty member of the Judicial Board.
   b. The Chairperson attaches a copy of the manuscript (see Article IV, #2) to the final decision and returns that document and the original petition and tape of the proceedings to the Vice President of Student Affairs to be filed.
   c. A copy of the manuscript and final decision are forwarded to the accused, the complainant, and the College President.
   d. The tape and manuscript of the proceedings remain in the student’s disciplinary file in the office of the Vice President of Student Services and become the property of the College.

SECTION F – Decisions and Sanctions

Step 1 – Adjudication: Decisions of the Judicial Board
While meeting in closed session, the Judicial Board shall consider only that evidence which has been presented in the hearing which pertains directly to the alleged offense(s) and shall determine whether the accused is in violation of the Code of Conduct.

The Judicial Board shall make its determination by a preponderance of the evidence. A preponderance of the evidence means not necessarily the greater number of witnesses, but that amount of evidence which, on the whole and when fairly and impartially considered, provides the stronger impression and is more clear and convincing when weighted against the opposing evidence.

Step 2 – Determination of Sanctions
If the accused admits or has been determined to be in violation of the Code of Conduct, the Judicial Board, while meeting in closed session, shall consider:
   a. All evidence presented during the hearing;
   b. Any previous written warnings and previous actions of the Judicial Board relating to Code violations that the accused has received and accepted in writing; and
   c. Any other prior determinations of College Code violations.

The Judicial Board shall then determine any appropriate sanction(s) for the accused within the provisions of Article VI, Section C.

SECTION G – Vote of the Judicial Board
All decisions require a simple majority vote in the affirmative of all members present of the Judicial Board, with the exception of the non-voting Chairperson. In the event of a tie vote, the committee will reconvene within an expedient amount of time to review all testimony and submitted evidence and to revote. If a tie vote occurs again, the Chairperson will cast the deciding vote.
ARTICLE VIII – APPEAL OF JUDICIAL BOARD DECISION

An appeal of the decision of the Judicial Board may be made by an accused person to the President (or the President’s designee) in writing no later than five (5) working days after the date of the Judicial Board’s written decision is dated/postmarked/emailed. Any appeal to the President (or the President’s designee) shall be based upon one or more of the following reasons:

1. The case was initiated or conducted according to improper procedure.
2. Evidence that was not available at the time of the decision, but is now available, and would affect the decision itself.
3. The decision is based on a policy or regulation that does not exist.
4. The decision violates an overriding policy or regulation of the College.
5. The decision embodies an inappropriate punishment for the offense.
6. The decision is contrary to the evidence.

Except in the case of newly-discovered evidence, all appeals to the President (or the President’s designee) will be assessed based upon a review of the transcript of the hearing, examination of the material submitted in evidence, and reasons and information stated in the written appeal.

When determining whether or not an appeal is warranted, the standard for review utilized by the President (or the President’s designee) should be abuse of discretion by the Judicial Board. Simple filing of an appeal does not constitute/warrant a new or full hearing of the case.

In response to an appeal of the decision of the Judicial Board is upheld, the President (or the President’s designee) may uphold or modify the sanctions to either more stringent sanctions or lesser sanctions.

ARTICLE IX – RIGHT TO PETITION FOR READMISSION

A person who is expelled from the College may petition for readmission to the College after two (2) years have elapsed from the date of the final determination of expulsion.

1. The petition shall be submitted in writing to the Vice President of Student Affairs who shall review the circumstances of the case and refer the request to a five-person Readmissions Committee appointed by the Vice President of Student Affairs for that purpose. Committee members shall consist of the following individuals, based on the type of expulsion:

   **Expulsion for Academic Reasons**
   The Readmissions Committee will be comprised of:
   a) Vice President of Student Affairs (serving as Chairperson);
   b) An appropriate Dean with respect to program of study declared by petitioner;
   c) One student appointed by the respective Student Board President as determined by which campus the petitioner would be attending; and
   d) Two faculty members (preferably one from the division in which the petitioner was last enrolled, if a course of study had been declared, and one from a division other than that which the petitioner was last enrolled).

   **Expulsion for Non-Academic Reasons**
   The Readmissions Committee will be comprised of:
   a) Vice President of Student Affairs (serving as Chairperson);
   b) One student appointed by the President of each respective Student Board;
   c) Two faculty members; and
   d) A member of the Student Affairs staff from which site the student was last enrolled.

2. Within ten (10) working days of receipt of the written petition for readmission, the appropriate Readmissions Committee shall meet with the petitioner and afford her/him the opportunity to present her/his case. Upon completion of the hearing, the Committee shall deliberate in private and reach a decision. The written decision should
be signed by two (2) members of the Readmissions Committee and provided to the petitioner. A copy of the signed decision will also be placed in the student’s disciplinary file and academic file. The decision of the Readmissions Committee shall be final.

3. The following factors shall be considered in readmission proceedings concerning both academic and nonacademic expulsion:

   a) The severity of the original offense; and

   b) The likelihood that the misconduct which resulted in expulsion will not be repeated or that other serious misconduct in violation of the College student Code of Conduct will not occur.

4. Effect of Discipline within the College System

   Suspension or expulsion shall be system-wide. A student who is suspended or expelled may not enroll at another College site for the duration of the suspension or expulsion.

**ARTICLE X – STUDENT RIGHTS/COMPLAINTS**

The College recognizes the importance of maintaining an environment that preserves the academic freedom and civil rights of its faculty, staff, and students. Each student has the right to file a complaint on any abridgement of her/his rights by any staff/faculty member, or other students, in accordance with the abridgements outlined below.

**SECTION A – Procedure for Filing a Complaint**

A student who questions abridgement of her/his rights should make an appointment with the appropriate administrator (see Section B, #2 of this Article) to discuss issues concerning her/his complaint. Such a meeting must be initiated by the student within **fifteen (15) working days** after the alleged abridgement has occurred.

**Abridgements**

1. Discrimination – Treatment by a faculty/staff member directed toward a student because of her/his race, color, religion, ethnic origin, sexual orientation, gender, age, disability, marital status, or veteran status.

2. Unjust Treatment – Evidence of a pattern of negative behavior including, but not limited to, verbal abuse in class or elsewhere on campus or non-fulfillment of an obligation to teach class.

3. Actions of other students that interfere with her/his right to pursue her/his education. Such actions include, but are not limited to, assault; abuse, detention, and harassment (see Article V, Section B).

4. Violations of College Board of Trustees policies.

5. Violations of College Administrative Guidelines.

**SECTION B – Investigation and Determination**

1. The contacted administrator shall investigate the complaint and:

   a. Require that the student first discuss the matter with the staff/faculty/student whom she/he feels has abridged those rights and her/his supervisor;

   b. Require that the student provide written proof that the discussion has taken place. Proof will require the faculty member's signature;

   c. Visit with the appropriate staff/faculty/student to gather information; and/or
d. Attempt to mediate a discussion between the student and the staff/faculty/student to clarify the matter and suggest alternatives, if needed.

2. A formal complaint will be filed as one which contains all of the following:
   a. Is in writing and accompanied by an official complaint form;
   b. Is signed by the student;
   c. Is sent or delivered to one of the following:

<table>
<thead>
<tr>
<th>Contact</th>
<th>Concerning</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) College President or CEO</td>
<td>College Administrators</td>
</tr>
<tr>
<td>2) Vice President of Student Affairs</td>
<td>Student Services staff</td>
</tr>
<tr>
<td>3) Dean of Arts &amp; Sciences</td>
<td>Respective faculty/support staff</td>
</tr>
<tr>
<td>4) Dean of Career &amp; Technical Education</td>
<td>Respective faculty/support staff</td>
</tr>
<tr>
<td>5) Dean of Health Professions</td>
<td>Respective faculty/support staff</td>
</tr>
<tr>
<td>6) Director of Keokuk Campus</td>
<td>Keokuk Campus students/staff</td>
</tr>
<tr>
<td>7) Executive Director of CBIZ</td>
<td>CBIZ students/staff</td>
</tr>
</tbody>
</table>

   If the appropriate administrator is not available, any of the above administrative personnel will take the complaint and confer with the appropriate administrator at the earliest time.

3. The contacted administrator shall then determine if the situation warrants:
   a. Dismissal of the complaint;
   b. Referral to the Director of Human Resources in the event of an alleged civil rights or College Board of Trustees Policy/Administrative Guideline violation or violation of federal or state laws; or
   c. Referral to the appropriate supervisor in the event of alleged unjust treatment by a staff member.

4. Within ten (10) working days of receiving the formal written complaint, a transmittal will be completed and sent to the Vice President of Student Affairs. The transmittal will include the following information:
   a. Date complaint was received;
   b. Nature of the complaint;
   c. Office receiving the complaint;
   d. Person responding;
   e. Disposition (completion date OR if incomplete at time of reporting, expected date of completion);
   f. Name of student making complaint; and
   g. A copy of the written complaint and any other written correspondence with the complaint.

5. The Vice President of Student Affairs will maintain a log of complaints and their disposition.

SECTION C – Appeal of the Complaint Resolution
If the student does not agree with the final resolution to the complaint, a formal appeal must be initiated within ten (10) working days of the resolution.

1. A written appeal must be submitted to the Vice President of Student Affairs.

2. The College Judicial Board will convene within five (5) working days to hear the appeal (Article VII – Judicial Board Process).
ARTICLE XI – GRADE APPEALS

Every student has the right to appeal the final grade in a course, in accordance with the stipulations outlined below. Such an appeal must be initiated by the student no later than **fifteen (15) working days** after grade “due dates” (final date grades are to be posted by faculty).

SECTION A – Preliminary Procedure (student initiated)

1. Discuss the matter with his/her instructor. Clerical errors are usually handled in this manner, with the instructor signing the correction of official records. If the student believes the problem is not resolved, the student shall then;

2. Visit with the appropriate instructional supervisor (respective Dean) to discuss the issue. If the concern still remains unresolved, the student may;

3. Elect to file a formal written Grade Appeal with the Vice President of Academic Affairs for referral to the Peer Review Committee. A **formal Grade Appeal may not be filed until steps 1 and 2 above have been completed.** It is recommended that students present documentation that may shed light on the appeal.

SECTION B – Grade Appeal Stipulations

A formal Grade Appeal may be filed if:

1. There is a dispute over the numerical calculation of the grade OR

2. The grade assigned appears arbitrary and not indicative of the student’s performance.

SECTION C – Faculty Peer Review Committee

Upon receipt of a student’s written Grade Appeal, the Vice President of Academic Affairs shall then convene a hearing of the Peer Review Committee.

1. The Peer Review Committee shall consist of one (1) administrator and three (3) faculty members as follows:

   a. The Dean of Arts & Sciences, the Dean of Career & Technical Education, or the Dean of Health Professions shall serve as non-voting (except in cases of tie votes) Chairperson.

   b. Three faculty members shall be selected by the Vice President of Academic Affairs.

2. The institutional Registrar may be invited to the hearing as a resource, non-voting person.

3. The student who has filed the appeal must be in attendance.

4. The involved faculty member may attend or send written comments at her/his discretion.

The purpose of the Peer Review Committee is to determine if a mistake has been made or if there exists arbitrary behavior by the faculty member and not to initiate action. The Committee shall then make a recommendation to the Vice President of Academic Affairs who will have final decision authority.

ARTICLE XII – OTHER APPEALS

SECTION A – Special Appeals (e.g. monetary obligations such as tuition, fees, fines, etc.)

1. **Committee Purpose:** A special hearing committee shall exist for all monetary, non-disciplinary appeals including but not limited to the following:

   a. Tuition and Fees charges
   b. Residence Hall fines
   c. Athletic/Activities charges
   d. Library fines
e. Miscellaneous charges from the Business Office, Bookstore, Food Service, etc.
f. Any other student appeals not covered by the Judicial Board or the Faculty Peer Review Committee.

2. **Committee Composition**: Special Appeals Committee membership shall consist of the following:
   - Vice President of Student Affairs (Chair)—non-voting
   - Enrollment Services Rep
   - Business Office Accountant
   - Housing Director
   - Registrar
   - 2 Faculty
   - 2 Students

3. **Terms of Service**: Committee membership shall be re-established on an annual basis. Members may serve for a total of three (3) successive years. The Committee will be scheduled to convene once a week during active academic terms (fall, spring, summer), but will only meet on an “as needed” basis to review submitted appeals.

4. **Quorum**: At least five (5) members, including the Chair, must be present at any meeting in which an appeal is considered. An appropriate replacement member may serve if a member is unable to attend.

5. **Special Appeals Process**: All appeals must be in writing; composed, signed, and submitted by the student(s) requesting the appeal, and be delivered to the Chair of the Special Appeals Committee. Prior to review of an appeal, the Committee Chair will gather all pertinent information related to the respective student’s enrollment records (e.g. financial aid history, academic history, billing/student account history, etc.). The Committee will then meet to review the student’s written appeal and all related information. A decision will either be made on the appeal or the decision will be tabled until additional or clarifying information is provided by the student. Once a decision is made by the Committee, said information will be communicated to the respective student in both electronic and written form by the Chair.

6. **Authority and Jurisdiction of the Special Appeals Committee**: After thorough review of a student appeal, the Committee shall have the authority to:
   - Deny the appeal.
   - Approve the appeal, dismissing all student obligations.
   - Allow a monetary credit toward the student’s future enrollment.
   - Refund money. (Any action involving the refund of money directly to a student requires written confirmation of the Committee’s decision, be provided by the Chair to the following offices who will, in turn, appropriately process such actions as directed:
     1. Registrar’s Office
     2. Business Office
     3. Financial Aid Office

   The Special Appeals Committee will have the final decision on all financial, non-disciplinary appeals.

**SECTION B - Financial Aid Appeals**

1. **Committee Purpose**: The Financial Aid Appeals Committee reviews written appeals from students who have failed to maintain satisfactory academic progress standards and as a result, are no longer eligible for federal and state financial aid.

2. **Composition**:
   - West Burlington Campus:
     - Director of Financial Aid (non-voting) (chair)
     - Registrar
     - 1 Enrollment Specialist
     - 2 Faculty
Keokuk Campus:

- Financial Aid Officer (non-voting)
- Senior Enrollment Officer
- 4 Faculty

3. **Meeting Frequency:** Meets prior to the start of the fall and spring semesters. Additional meetings are held as needed.