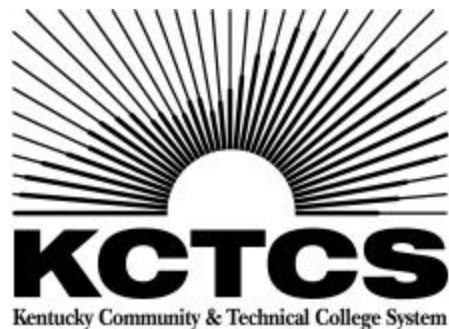


**Kentucky Community and Technical College System**

# **CODE OF STUDENT CONDUCT**



*Revised June 2002*

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# KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM CODE OF STUDENT CONDUCT

## INTRODUCTION

Pursuant to the provisions of the *Kentucky Postsecondary Education Improvement Act of 1997*, the Board of Regents of the Kentucky Community and Technical College System (KCTCS) is responsible for the governance of the System. This shall include the establishment of a student code of conduct for all KCTCS colleges.

By this publication of the code governing student conduct, the KCTCS recognizes that students have the right to know the circumstances and manner in which disciplinary provisions will be exercised and advises students that such provisions will be enforced. According to the rights found within the United States Constitution, all students will be afforded due process.

Today's student is at the college as a member of a community of students seeking to acquire and communicate knowledge. So long as the student's conduct in and out of the classroom does not infringe on the rights of other such students, the college should not exercise its power to either condemn or condone. The concern of the college is to provide facilities and opportunities for those who seek knowledge.

All statements in the *Kentucky Community and Technical College System Code of Student Conduct* are announcements of present policy only and are subject to change at any time without prior notice. They are not to be regarded as offers to contract. Policies and regulations stated herein are subject to revision subsequent to date of publication. The *Kentucky Community and Technical College System Code of Student Conduct* serves as a means of communicating to the student the rights, responsibilities, and obligations of being a member of the college community.

## ARTICLE I

### STUDENTS RIGHTS AND RESPONSIBILITIES

Each college within the Kentucky Community and Technical College System has a varied and distinguished tradition of higher education. Each college's students, faculty, and staff form an academic community that, while sharing certain characteristics with other types of associations, organizations, and societies, is rightly considered unique as a community, and should be governed, respected, and supported as a college community. The System has an obligation to maintain an atmosphere of academic freedom, to set and maintain standards of scholarship and conduct for students at each college, and to provide awareness for responsible student citizenship in the academic community.

#### **1.1 The Basis for Standards in the College Community:**

#### **Certain fundamental concepts are recognized as forming the basis for standards of conduct developed as a result of the college's obligations:**

- 1.1.1** The academic community requires responsibility and a system of order supportive of the educational process that is the purpose of the college. Order implies non-disruptive conduct and observance of law, state of peace, and freedom from disorder. Disruption of the educational process by a member or group of members of the community denies to all members the pursuit of their individual education purposes.
- 1.1.2** The college community, existing within a democratic society, can be maintained only through respect for law in addition to the maintenance of and working for laws and to college regulations worthy of respect. Obedience to national, state, and local laws and to college regulations is expected of each member of the academic community.
- 1.1.3** The college welcomes into its community those who sincerely share and agree to advance the college's purposes. The purposes may be measured partly by the individual's adequate preparation and respect for each member of the academic community.

- 1.1.4** Ethical and moral standards, evolved in society over the centuries, are a part of the fabric of culture. The anonymity of the college community cannot free the individual or the institution from many conventional expectations relative to behavior or societal relationships. Each member of the college community is expected to give due consideration to the highest standards of conduct and character. No one should either offend the wider community or infringe upon the rights and privileges of others.
- 1.1.5** While the college may appear to be set aside from the larger community of which it is a part, it is created and financially supported by the larger community and has responsibilities to it. Each member of the academic community must recognize the unique relationship to the larger community. Each individual must take responsibility for his or her own actions and values and for recognizing that his or her actions and values reflect upon the college community.
- 1.1.6** When becoming part of the college community, the student enjoys social, cultural, and educational opportunities. He or she also assumes the role of a citizen of the community and agrees to abide by the regulations and standards of conduct operative in the college community. Much more important, his or her assuming the role of citizen of the college community implies a positive responsibility toward the well being of the entire life of that community. Responsible citizenship in the college community may be looked upon:
- (a) as a duty and obligation similar to the requirements of the members of any community;
  - (b) as an opportunity for educational growth and preparation for local, state, national, and world citizenship; and
  - (c) as a means of personal fulfillment, enrichment, and growth through participation in the decision-making processes in the academic community.

Responsible citizenship results from student initiative and cannot simply be decreed by the college faculty and staff, no matter how well meaning they may be. Effective campus citizenship and responsibility encompass every aspect of student life and activity. A student's personal responsibility may be demonstrated and exercised through diligence and alertness in academic pursuits, as well as in effective and constructive action in recognized student organizations and other co-curricular activities.

## **1.2 Fundamental Rights of Students:**

In determining the standards to be set and the manner in which sanctions shall be imposed, the college takes cognizance of certain fundamental rights, freedoms, and responsibilities of students:

- 1.2.1 Right as citizens:** As citizens, students enjoy the same freedoms as are guaranteed by the Constitution of the United States and the Commonwealth of Kentucky and have the same duties and responsibilities as do other citizens.
- 1.2.2 Right of admission and access:** An applicant for admission to the college shall not be discriminated against based on race, color, religion, sex, sexual orientation, national origin, age, beliefs, political affiliation, or marital status. Moreover, no otherwise qualified person with a disability will be denied admission solely because of the person's disability. Similarly, an application for, or recipient of, college financial aid, a college grant-in-aid, or a college scholarship, shall not be discriminated against nor be denied financial assistance because of a person's disability.
- 1.2.3 Right of freedom to learn:** The freedom of students to learn and to evaluate ideas and concepts is basic to the educational process and is dependent upon general conditions conducive to the learning process in the classroom, on the campus, and in the larger community. The responsibility to secure and respect such general conditions is shared by all members of the academic community.
- 1.2.4 Right of free expression:** Students are free to discuss, to express opinions, and to hear expression of opinion. Such expression of opinions and discussions must be accomplished without disrupting operations of the college. As part of the freedom to learn, students hear the widest expression of opinion. Speakers invited to the campus offer opportunities for the presentation and examination of ideas. Such speakers represent their own points of view and not those of the college, the sponsors within the college, or the System.

- 1.2.5 Right to be evaluated:** Students have a right to be evaluated in courses solely on the basis of their performance in meeting appropriate academic criteria established for the course. Additionally, students have the right to participate in course evaluations during the term of each course. Through this evaluation method, the college has the opportunity to assess each course's content, presentation, and effectiveness in a manner consistent to its educational mission.
- 1.2.6 Right to form student organizations:** Students are free to form and join student organizations with other college students provided such organizations are consonant with the purposes of the college and conform to established college regulations and public laws.
- 1.2.7 Right of student access to meetings of registered student organizations:** The System affirms the right of all students, including members of the student press, to attend meetings of registered student organizations that receive the majority of their regular operating budgets from allocations of student fees money and/or college allocations.

Exceptions to the foregoing right include:

- a. Deliberations of election boards and selection committees.
- b. Contract negotiations of student organizations and private contractors.
- c. Discussions or hearings that might lead to the appointment, discipline, or dismissal of an individual employee, member or student without restricting that employee's, member's, or student's right to a public hearing if requested, provided that this exception is designed to protect the reputation of individual persons and shall not be interpreted to permit discussion of general personnel matters in secret.

"Meeting" means any gathering of a quorum of the members, regardless of where the meeting is held, whether a regular or special meeting, including any informational or casual gathering held in anticipation of, or in conjunction with, a regular or special meeting.

- 1.2.8 Right of fair disciplinary proceedings:** In the administration of disciplinary measures, the accused student shall be accorded procedural fairness in accordance with the procedures set out below and KRS 164.370. In such situations, whether formal or informal, the fundamental principles of due process shall be recognized and followed.

**1.2.8.1 Jurisdiction Over Cases Involving Student Rights Specified in Section 1.2**

- a. The College Appeals Board shall hear any case referred to it by the chief executive officer or designee and may grant the written appeal of any student to hear a case not referred to it by the chief executive officer or designee. This written appeal must be submitted within 30 days after the chief executive officer or designee communicates both to the College Appeals Board and the student that either the case is without merit or that the grievance cannot be satisfactorily resolved.
- b. Upon receipt of the written appeal, the Chairperson of the College Appeals Board shall notify the chief executive officer or designee to forward all reports and evidence concerning the case.
- c. The College Appeals Board may then, by majority vote, agree to hear the student's case, decline to hear the case if it finds that it is being processed through other appropriate college channels, or allow the chief executive officer's or designee's decision to be final.

**1.2.8.2 Disposition of Cases of Students' Rights**

After hearing a case and deciding that a violation of student rights has been proven, the College Appeals Board may select from the following remedies:

- a. The Board may request the chief executive officer or designee to admit an applicant denied admission in violation of Section 1.2.2.
- b. The Board may request the chief executive officer or designee to give an applicant a scholarship, or financial aid, when such have been denied or withdrawn in violation of Section 1.2.2.
- c. The Board may request the chief executive officer or designee to make available college facilities and services on a fair and equitable basis when a violation in Sections 1.2.6 and/or 4.3, has been proven.

- d. The Board may request the chief executive officer or designee to have any papers, property or personal effects, taken from a student's person or premises in violation in Section 1.2.8, returned.
- e. The Board may request the chief executive officer or designee to direct compliance with Section 1.4.4 when a violation of the rights stated therein has been proven.
- f. The Board may request the appropriate college official to direct compliance with Section 1.2.
- g. The Board may request the appropriate college official to grant whatever other relief the Board deems proper (see Section 2.9).

**1.2.9 Right to a free student press:** Student publications must be free to deal openly and responsibly with issues of interest and importance to the academic community. Student publications will avoid such practices as the use of libel, undocumented allegations, obscenity, attacks on personal integrity, deliberate deceptions of its readers, unnecessary harassment and innuendo, and other violations of individual rights. The editors shall have the right to address issues of interest and importance to the academic community. The editors shall have the right to editorial freedom without the prior approval of copy and will be protected against dismissal or suspension except for violations of policies and regulations established by the System.

### **1.3 Responsibility for Student Publications:**

Jurisdiction over campus-wide student publications of a KCTCS college shall be vested in a Board of Student Publications reporting to the president/director or designee. Jurisdiction means the responsibility for the fiscal management, the editorial policies, and the general operation of the student publications. A campus-wide student publication is defined as a publication which meets all of the following criteria: (a) any enrolled student is eligible to participate in its publication, (b) it is published for a campus-wide audience, and (c) it is supported in whole or in part by KCTCS funds. (*Administrative Policy 6.4 KCTCS Boards of Student Publications*)

**1.3.1 Composition of the Board of Student Publications:** Membership on a College Board of Student Publications will include, but is not limited to, the advisers and editors of student publications and representatives from the faculty, staff, and student body. One or more members-at-large may be appointed from the alumni, professional journalists, or public-at-large. Members of the Board will be appointed by the president/director.

**1.3.2 The Role of the Board of Student Publications:** Consistent with the general philosophy of providing a free and responsive press on the college campus and consistent with Right to a Free Student Press of the Code of Student Conduct, the Board of Student Publications shall be responsible for the development and promulgation of a statement of policy for the guidance of the editorial staffs of publications under the Board's jurisdiction. This statement will deal with operational, editorial, and financial policies of student publications and shall be submitted by the president/director to the KCTCS Office of Student Affairs for approval.

- The Board of Student Publications shall be available for immediate consultation with the editor and/or adviser; its role shall be one of policy interpretation and not one of censorship.
- The Board of Student Publications shall advise and consult with the student publications advisers and editors regarding financial management of the publications under the Board's jurisdiction. The Board shall approve budget proposals prior to submission to the president/director.
- If, after thorough investigation which shall include affording the editor an opportunity to present personal views, the Board should conclude that an editor has violated the Board's policies or has otherwise failed to perform appropriate duties as editor, the Board is authorized to take one or more of the following actions in reference to the student's status as editor: counsel, warn, reprimand, suspend for a specified period of time, or dismiss.

#### **1.4 Provisions of the Family Educational Rights and Privacy Act of 1974:**

This is to serve notice to all students of the Kentucky Community and Technical College System of the rights and restrictions regarding the maintenance, inspection, and release of student records contained in the Family Educational Rights and Privacy Act of 1974 (FERPA). The colleges of KCTCS offer a wide variety of services to students. Each college requires the maintenance of records concerning students enrolled in that particular college. The following is a list of the types of records maintained by the college and/or the System Office for students:

1. Academic records from schools previously attended;
2. Scores or results on various standardized tests and interest/attitude inventories;
3. Degrees awarded;
4. Current academic work completed;
5. Grades and other faculty evaluations;
6. Applications for admissions;
7. Applications and other data related to financial aid;
8. Applications for employment;
9. Class rolls;
10. Letters of recommendation;
11. Academic advisor notes;
12. Attendance data;
13. Biographical and identifying information (including name, social security number, sex, marital status, date of birth, residency and citizenship status, ethnic background, academic major, and military status);
14. Medical data;
15. Current student status;
16. Accounts relating to fees;
17. Academic offenses;
18. Disciplinary offenses; and
19. Counseling notes.

In the System, the college is responsible for the maintenance of records in all categories although duplicates of some records are maintained in the Office of the Chancellors. The Kentucky Community and Technical College System Office maintains records in categories (1), (3), (4), (5), (8), (10), (15), and (16) that relate to students. The Office of Financial Aid and the Controller's Office at the college have records in category (7).

**1.4.1 Access to records :** In general, the records maintained by the college are available only to the student, to college personnel with legitimate educational interests, to other institutions where the student is seeking financial aid, and to authorized representatives of the Comptroller General of the U.S., the Secretary of HEW, or an administrative head of an education agency, in connection with an audit or evaluation of federally supported programs, and as provided by Section 164.283 of the Kentucky Revised Statutes. Students may inspect and review all records pertaining to them within forty-five (45) days of making requests for the same, except for 1) records created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in a professional capacity in connection with the treatment of the student (except that the student may have these records reviewed by a physician or appropriate professional designated by the student), 2) financial records of the parents, 3) confidential letters and recommendations put in the files prior to January 1, 1975, and 4) confidential recommendations relating to admission, application for employment, or honors, if the student waived his or her right to review such records. Where a particular record cannot be reviewed by a student without revealing confidential information relating to other students, the records custodian will inform the student, upon request, of the contents of the record pertaining to that student (see Section 1.44, #3.).

**1.4.2 Procedures for challenge:** A student who believes that any record maintained by the college, the college district, or the Kentucky Community and Technical College System pertaining directly to that student is inaccurate, misleading, or otherwise violative of the right of privacy of the student as provided by Title IV of Pub.L.90-247, as amended, and Pub.L.93-380 as amended by Senate Joint Resolution 40 (1974), may request a hearing before a panel of three persons appointed by the President of the Kentucky Community and Technical College System. The panel may direct that appropriate action be taken to correct, explain, or expunge the record(s) challenged.

Requests for hearings should be sent to the Kentucky Community and Technical College System and will be addressed in a timely manner.

**1.4.3 Directory information:** In its discretion, a college or KCTCS as appropriate, may provide Directory Information in accordance with the provisions of the Act [Family Educational Rights and Privacy Act of 1974] to include: student name, address, telephone number, date and place of birth, major field of study, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, participation in officially recognized activities and sports, and weight and height of members of athletic teams. Students may withhold Directory Information by notifying designated officials in writing within ten (10) calendar days from the first scheduled day of class of the fall term. All written requests for non-disclosure will be honored by the college for one (1) academic year. Requests to withhold Directory Information must be filed annually thereafter. (*Administrative Policy 6.2.9 Directory Information*)

**1.4.4 Notifications of rights under FERPA for postsecondary institutions:** The Family Educational Rights and Privacy Act affords students certain rights with respect to their education records. They are:

1. The right to inspect and review the student's education records within 45 days after the college receives a request for access. Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect.

The college official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the college official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to "request for amendment" of the student's education records that the student believes are inaccurate or misleading.

Students may ask the college to amend a record that they believe is inaccurate or misleading. They should write the college official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the college decides not to amend the record as requested by the student, the college will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent FERPA authorizes disclosure without consent.

There are, however, **exceptions** to the consent policy (*Administrative Policy 6.2.6*) and the colleges reserve the right, as allowed under the Act, to disclose education records or components thereof without written consent to:

- 1.) Personnel within the colleges who demonstrate a need to know and who act in the student's educational interest including faculty, administration, and professional employees and other persons who manage students records;
- 2.) Officials of other institutions at which the student seeks to enroll, on the condition that the applicable college or System makes a reasonable attempt to inform the student of the disclosure at the student's last known address, unless the student initiated the request to transfer;
- 3.) Officials of other schools at which the student is currently enrolled;
- 4.) Persons or organizations providing the student financial aid in order to determine the amount of, eligibility for, and conditions of an award, and to enforce the terms of the award;
- 5.) Accrediting organizations carrying out their accrediting functions;
- 6.) Authorized representatives of the Controller General of the United States, the Secretary of the Department of Education, and state educational authorities only if the information is necessary for audit and evaluation of federal or state supported programs;
- 7.) State and federal officials to whom disclosure is required by state statute adopted prior to November 19, 1974;

- 8.) Organizations conducting studies to develop, validate, and administer predictive tests, to administer student aid programs, or to improve instruction, so long as there is no further external disclosure of personally identifiable information and the information is destroyed when no longer necessary for the projects;
  - 9.) Parents of dependent students who have established the student's status as a dependent according to Internal Revenue Code of 1954, Section 152 (as amended). This requires a certified copy of the parent's most recent Federal Income Tax Form;
  - 10.) Persons in compliance with a judicial order or a lawfully issued subpoena if reasonable effort is made to notify the student; and
  - 11.) Appropriate persons in a health or safety emergency, so long as (1) there is a serious threat to the student or others, (2) the knowledge of the information is necessary to meet the emergency, (3) time is of the essence, and (4) the persons to whom the information is disclosed are in a position to deal with the emergency.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the college, college district, or the Kentucky Community and Technical College System to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office, U.S.  
 Department of Education  
 600 Independence Avenue SW  
 Washington, DC 20202-4605

## ARTICLE II

### ACADEMIC POLICIES AND PROCEDURES

*(Referenced in the Rules of the Community College Senate, Section VII  
 and in the Rules of the Technical College Senate, Section VII)*

#### **2.1 Academic Honesty Policy:**

The KCTCS faculty and students are bound by principles of truth and honesty that are recognized as fundamental for a community of teachers and scholars. The college expects students and faculty to honor, and faculty to enforce, these academic principles. The college affirms that it will not tolerate academic dishonesty including, but not limited to, violation of academic rights of students (section 2.2) and student offenses (section 2.3).

A reference to where a student can find information about academic rights and academic offenses and the student's right to appeal shall be included in the course syllabus.

#### **2.2 Academic Rights of Students:**

When a student believes any of the following six academic rights have been violated, he/she should refer to section 2.4.1.1 for information on the Student Appeals process.

**2.2.1 Information about course content:** A student has the right to be informed in reasonable detail in writing by the first or second class session, or in the introductory materials for a distance learning course, about the nature of the course and to expect the course to correspond generally to its official description.

**2.2.2 Information about course grading criteria:** A student has the right to be informed in writing by the first or second class session, or in the introductory materials for a distance learning course, about the criteria to be used in evaluating the student's performance, a course grading system that includes specific expectations with relative weights, and to expect that the grades described in the *KCTCS Catalog* will be used.

**2.2.3 Contrary opinion:** A student has the right to take reasoned exception to the data or views offered in the classroom and laboratory without being penalized. A student may appeal the fact of guilt for all three faculty sanctions listed in 2.3.2.1. Also, a student may appeal the severity of the sanction of a failing grade for the course.

- 2.2.4 Academic evaluation.** A student has the right to receive a grade based only upon a fair and just evaluation of performance in the course as measured by the standards presented at the first or second class session or in the introductory materials for a distance learning course. Grades determined by anything other than the instructor's good-faith judgment based on such standards are improper. Among irrelevant considerations are race, color, religion, gender, disability, national origin, political affiliation, sexual orientation, or activities outside the classroom that are unrelated to the course work.
- 2.2.5 Academic records .** A student has the right to have academic records kept confidential unless the student consents in writing to have them released. The chief executive officer or designee may disclose the academic record of a student without the student's consent to authorized college personnel if the information is required for official use, such as advising students, writing recommendations, or selecting candidates for honorary organizations.
- 2.2.6 Evaluation of student character and ability.** A student has the right to have character and ability evaluated only by individuals with a personal knowledge of the student. Records containing information about a student's character and ability shall indicate when the information was provided, by whom, and the position of the individual providing the information.

### **2.3 Student Academic Offenses And Academic Sanctions:**

When a student is believed to be guilty of any of the following four academic offenses, information concerning disposition of the case by the college and responsibilities of college personnel can be found in sections 2.5.2.1 through 2.5.2.3.

#### **2.3.1 KCTCS Academic Offenses:**

##### **2.3.1.1 *Plagiarism***

Plagiarism is the act of presenting ideas, words, or organization of a source, published or not, as if they were one's own. All quoted material must be in quotation marks, and all paraphrases, quotations, significant ideas, and organization must be acknowledged by some form of documentation acceptable to the instructor for the course.

Plagiarism also includes the practice of employing or allowing another person to alter or revise the work that a student submits as the student's own. Students may discuss assignments among themselves or with an instructor or tutor, but when the actual material is completed, it must be done by the student and the student alone. The use of the term "material" refers to work in any form including written, oral, and electronic.

All academic work, written or otherwise, submitted by a student to an instructor or other academic supervisor, is expected to be the result of the student's own thought, research, or self-expression. In any case in which a student feels unsure about a question of plagiarism involving the student's work, the student must consult the instructor before submitting the work.

##### **2.3.1.2 *Cheating***

Cheating includes buying, stealing, or otherwise obtaining unauthorized copies of examinations or assignments for the purpose of improving one's academic standing. During examinations or in-class work, cheating includes having unauthorized information, and/or referring to unauthorized notes or other written or electronic information. In addition, copying from others, either during examinations or in the preparation of homework assignments, is a form of cheating.

##### **2.3.1.3 *Student Co-Responsibility***

Anyone who knowingly assists in any form of academic dishonesty shall be considered as guilty as the student who accepts such assistance. Students should not allow their work to be copied or otherwise used by fellow students, nor should they sell or give unauthorized copies of examinations to other students.

##### **2.3.1.4 *Misuse or Student Falsification of Academic Records***

The misuse or actual or attempted falsification, theft, misrepresentation, or other alteration of any official academic record of the college is a serious academic offense. As used in this

context, “academic record” includes all paper and electronic versions of the partial or complete academic record.

**2.3.2 Academic Sanctions/Penalties of Students (Academic Offenses):** Academic penalty shall not be imposed upon the student for non-academic infractions of college regulations. This principle does not compromise the right of the college to suspend or dismiss a student for non-academic reasons.

**2.3.2.1 Faculty Academic Sanctions** (*pertaining to sections 2.3.1.1 to 2.3.1.3*)

For instances of academic dishonesty related to earning grades (violations 2.3.1.1 – 2.3.1.3), the instructor may implement any of three sanctions:

- A. a failing grade for the specific assignment; and/or
- B. a reduced grade for the course; and/or
- C. a failing grade for the course.

The specific sanction depends upon the weight of the assignment in satisfying the requirements for the course.

If an instructor chooses the sanction which assigns a failing grade for the course, the instructor shall notify the division chair, the chief executive officer or designee, and the registrar. For more information about the role of college personnel in the process, refer to section 2.5.2.

**2.3.2.2 Other Academic Sanctions** (*pertaining to sections 2.3.1.4 and 2.3.2.1*)

The instructor may also recommend that the student be suspended for any academic offenses (as defined in sections 2.3.1.1, 2.3.1.2, or 2.3.1.3).

Any student found guilty of a second academic violation shall be expelled from the college and shall not be allowed to enroll at any of the other KCTCS colleges for one academic year.

The minimum sanction for misuse or falsification of an academic record (violation 2.3.1.4), including the omission of information or attempted falsification or other misuse of academic records as described in section 2.3.1.4, is suspension for one semester.

**2.4 Student Appeals And Responsibilities:**

**2.4.1 Student Responsibilities:**

**2.4.1.1 Responsibility Involving Academic Rights of Students** (*section 2.0*)

When a student believes his/her academic rights have been violated, the student shall report the matter in writing to the appropriate division chair\* as soon as possible and no later than ten calendar days after the first class day of the following semester. The student shall specify which right(s) enumerated in Section 2.2 have been violated. This letter is the formal notification that begins the appeals process. At this point, the division chair tries to resolve the case. If the case is not resolved within fifteen (15) calendar days, the division chair will refer the case to the chief executive officer.

If the student does not accept the decision of the chief executive officer or designee, the student has ten calendar days to request in writing a hearing before the College Appeals Board. (Refer to sections 2.6, 2.7, and 2.8 for Appeals Board responsibilities, authority, and composition.) No new matter may be appealed which was not identified by the student in the original appeal to the division chair.

Please refer to flowchart: *Appeals in Cases of an Alleged Violation of Student Academic Rights Figure 1*

**2.4.1.2 Responsibility Involving Academic Offenses** (*section 2.3*)

When a student is believed to be guilty of any of the four academic offenses (2.3.1.1 – 2.3.1.4), a student will find information concerning responsibilities of college personnel in section 2.5.2.

In case of an alleged academic offense (section 2.3.1) by a student, the instructor shall notify the student in writing, explain the sanction to be implemented, and inform the student of her/his rights to appeal.

The student shall have ten (10) calendar days from the date of submission of the instructor's notification in which to appeal in writing to the instructor's division chair.\* The student may appeal the fact of guilt for all three faculty sanctions listed in section 2.3.2.1 and other academic sanctions in section 2.3.2.2. The student may appeal the severity of the academic sanction which assigns a failing grade for the course.

Refer to flowchart: *Appeals In Cases of an Alleged Student Academic Offense (Figure 2)*

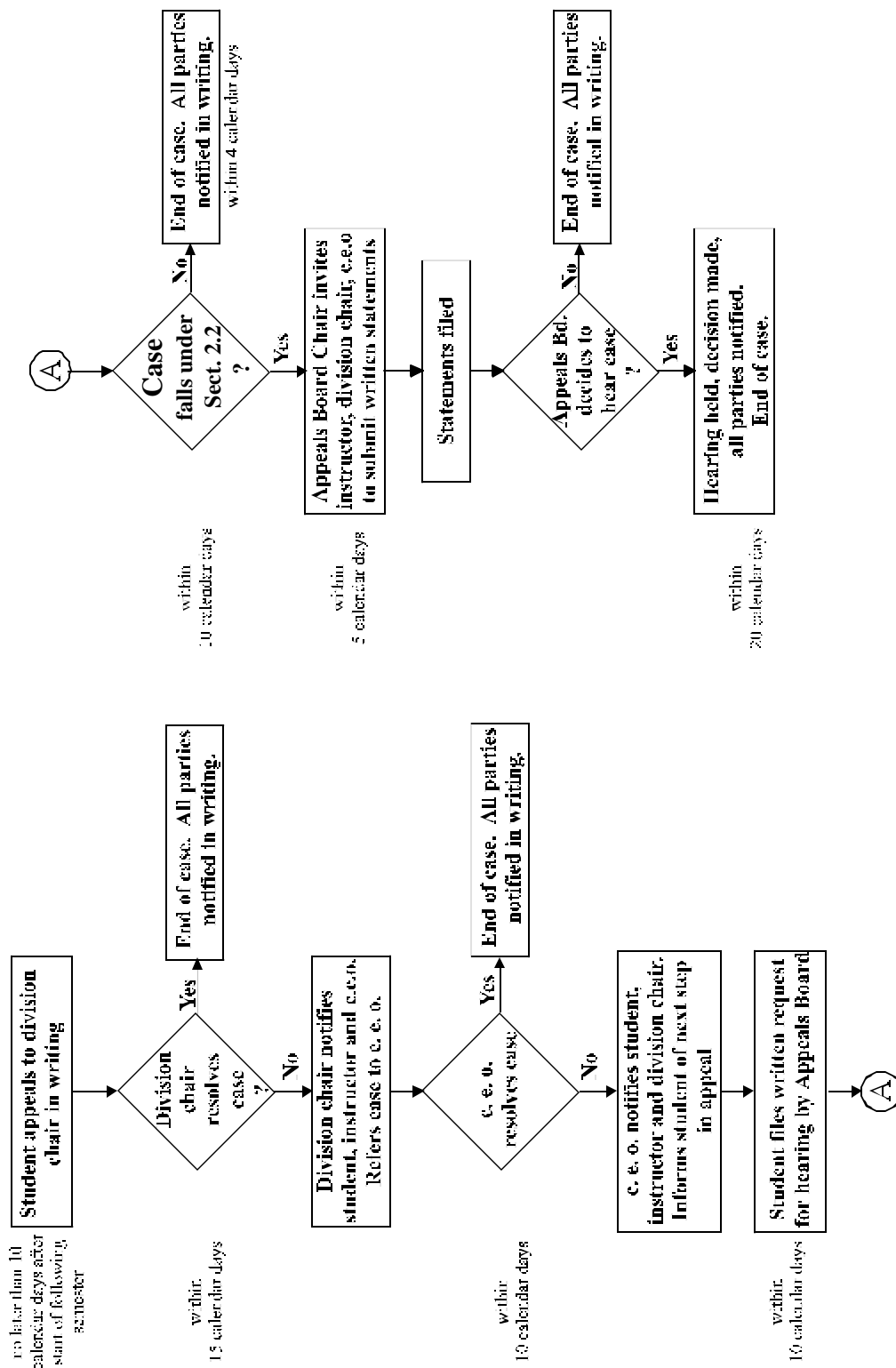
**2.4.2 Student Rights During the Appeals Process (Academic Rights/Academic Offenses):** In cases of academic rights and academic offenses, the student shall have the right of class attendance and participation during the consideration of any appeal except that such attendance and participation may be limited when:

- a. outside agencies are used as a part of the student's educational experience, in which case precedence will be given to the terms of any agreement(s), which have been negotiated between the college and the agency; or
- b. patient/client contact is involved in the student's educational experience, in which case only patient/client contact may be limited or excluded at the discretion of program faculty.

If the appeal is decided in the student's favor, the college must provide an opportunity for the student to complete any essential experiences missed due to the appeals process.

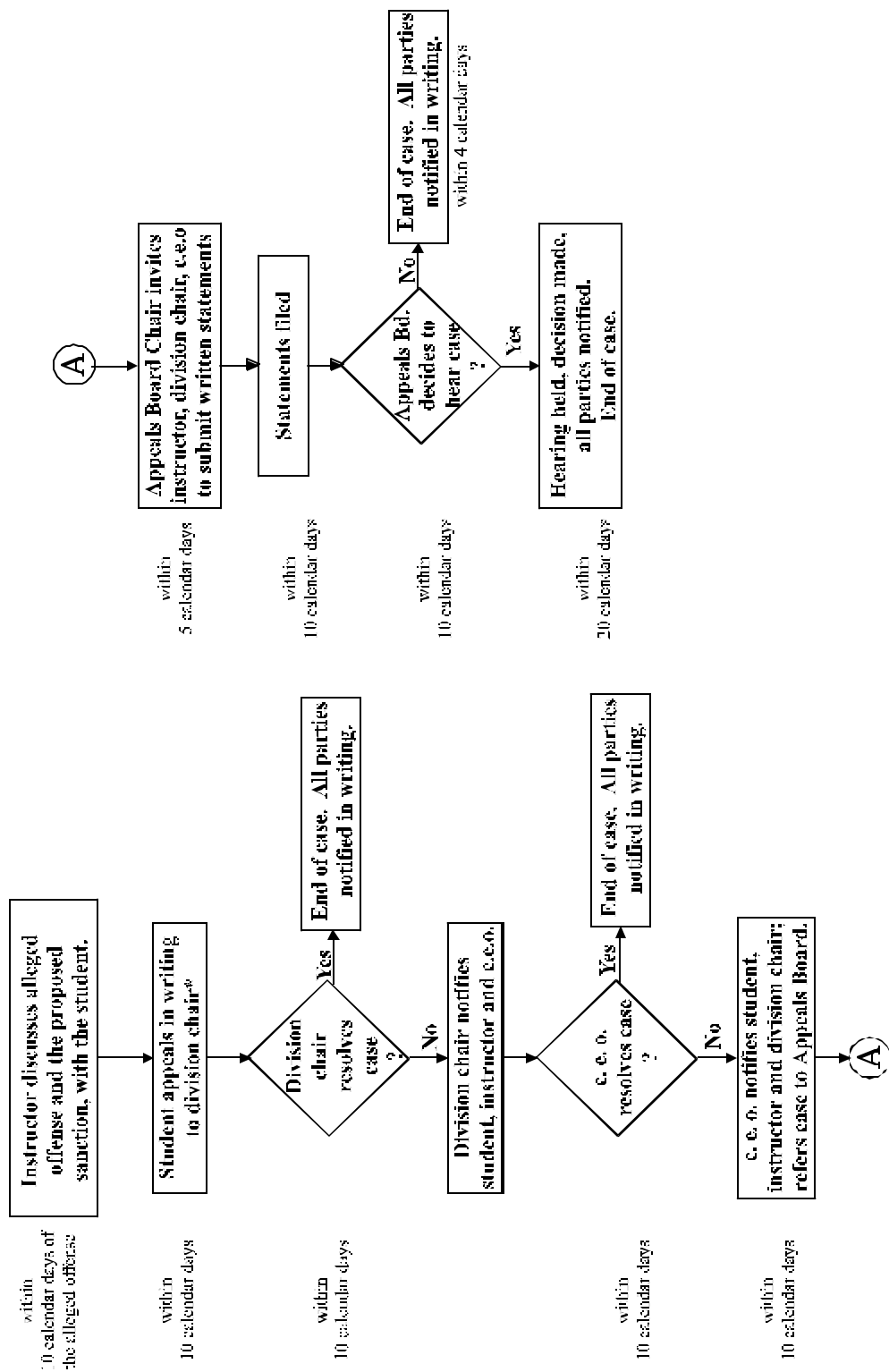
# Appeals in Cases of an Alleged Violation of Student Academic Rights

Figure 1



# Appeals in Cases of an Alleged Student Academic Offense

Figure 2



## **2.5 Disposition of Alleged Violations of Student Rights/Academic Offenses of Students:**

### **2.5.1 In Cases Involving Alleged Violations of the Academic Rights of a Student (2.2):**

#### **2.5.1.1 *Responsibility of the Division Chair\****

The division chair shall attempt to resolve all cases of student appeal to the satisfaction of the student and the instructor. If the division chair cannot resolve the matter within fifteen (15) calendar days after the appeal is filed, the division chair shall refer the matter to the chief executive officer or designee, and shall notify in writing the student, instructor, and chief executive officer.

#### **2.5.1.2 *Responsibility of the Chief Executive Officer***

If the chief executive officer or designee is unable to resolve the matter to the satisfaction of the instructor and student, the chief executive officer or designee shall notify the student, instructor, and division chair in writing within ten calendar days of the date on which the case was forwarded by the division chair. The chief executive officer or designee shall also notify the student of the next step to appeal the decision to the College Appeals Board.

### **2.5.2 In Cases Involving Alleged Student Academic Offenses (section 2.3):**

#### **2.5.2.1 *Responsibility of the Instructor***

Within ten (10) calendar days of the occurrence of an alleged student academic offense, the instructor shall submit in writing to the division chair\* a description of the activity that resulted in the accusation of academic dishonesty and the sanction implemented when a failing grade is assigned. (Copies of letters shall be forwarded to the chief academic and student affairs officers.)

An instructor shall notify the student in writing of the academic offense, explain the sanction, and inform the student of her/his right to appeal the fact of guilt and/or severity of the sanction when a failing grade is assigned.

If the student appeals the severity of the sanction and/or the fact of guilt, the instructor may confer with the appropriate division chair\* to determine appropriate sanctions for the student. All academic misconduct actions must be reported to the chief academic officer for record keeping purposes.

#### **2.5.2.2 *Responsibility of the Division Chair\****

The division chair shall attempt to resolve all cases referred by student appeal to the satisfaction of the instructor and the student. If the division chair upholds the decision of the instructor, the student may appeal, in writing, within ten (10) calendar days of notification of the division chair's decision, to the chief executive officer or designee.

#### **2.5.2.3 *Responsibility of the Chief Executive Officer***

Upon reviewing the basis of the student appeal, the chief executive officer or designee should attempt to resolve the case. If not resolved, the chief executive officer must refer the case to the College Appeals Board within 10 calendar days.

## **2.6 College Appeals Board Responsibilities:**

**2.6.1 Responsibility in Cases Involving Academic Rights of a Student (section 2.2):** Within ten calendar days of receipt of a student request for a hearing, the Chair of the Appeals Board will convene the Board to determine if the alleged offense falls within section 2.2, and if the student's appeal falls under the authority of the Appeals Board. If the offense does not fall within this section, the Chair of the Appeals Board shall notify the student and appropriate college officials within four calendar days after the Board's determination. The notice shall contain the reasons for the Board's denial of the student's request for a hearing.

If the Appeals Board determines that the alleged offense falls within Section 2.2, and that the student's appeal falls under the authority of the Appeals Board, then within five calendar days the Chair of the Appeals Board shall invite the instructor, division chair, and chief executive officer to file statements with the Appeals Board. Such statements shall be filed within ten calendar days after

the receipt of the invitation. Within ten calendar days of receipt of these statements, the Appeals Board shall review the appeal and associated statements and decide by majority vote whether to grant a hearing in the case.

The decision of whether a hearing will be granted shall be communicated in writing within five calendar days of the decision to the student, instructor, division chair, and chief executive officer with reasons for the decision.

If the Appeals Board decides not to hear the case, the student has no further right to appeal within the system.

If the Appeals Board decides to hear the case, it will establish procedures (including a schedule) and notify the student, instructor, division chair, and the chief executive officer or designee. All parties shall have the opportunity to appear at the hearing and to present oral and written evidence in support of their positions. The Appeals Board may call for further evidence as it deems appropriate. The hearing shall be held, and a final decision made by the Board within twenty calendar days after the decision to hear the case. The decision of the Appeals Board is final, and the student has no further right to appeal within the system (see section 2.6.2.1.).

**2.6.2 Responsibility in Cases Involving Student Academic Offenses (section 2.3):** Within five calendar days upon receipt of a student appeal, the Chair of the Appeals Board shall invite the instructor, division chair, and chief executive officer to file statements with the Board. Statements must be filed within ten (10) calendar days after receiving the invitation. The Board will, within ten calendar days of receipt of the statements, convene, review the appeal and any statements, and decide by majority vote whether to hear the case, except that the Board must hear all cases ..... in which a student has appealed actual suspension or expulsion.

If the Appeals Board hears the case because of some question about the fact of the student's guilt, it shall have the authority to impose a final decision as to guilt. If the Board decides not to hear the case, the student has no further right of appeal within the system (see section 2.6.2.1.).

If the Appeals Board hears the case because of an appeal of the severity of the sanction, it shall recommend an appropriate sanction to the instructor or to the chief executive officer of the college. If the Appeals Board does not agree that the sanction of dropping the student from a course or program be imposed, the Board shall return its decision and its recommendation of appropriate sanction to the chief executive officer who shall consult with the division chair and the instructor involved as to the appropriate sanction.

The instructor may refuse to accept a recommendation of the Appeals Board with respect to an appropriate sanction, but if the instructor does so, the Board shall have the authority to give the student a W in the course. If the Board decides not to hear the case, the student has no further right of appeal within the system.

**2.6.2.1 *KCTCS Chancellors' Approval of the Suspension/Expulsion Sanction***

When hearing a disciplinary case in which the instructor and the chief executive officer have recommended actual suspension or expulsion, the Appeals Board may concur with the instructor and chief executive officer or designee (chief academic officer) and shall recommend to the KCTCS Chancellors' Office for approval and implementation of the sanction of actual suspension or expulsion. Suspension or expulsion decisions may be appealed to the KCTCS Board of Regents pursuant to KRS 164.370. The Chancellor(s) shall notify the student of the decision in writing. Within thirty (30) days of the delivery date of the Chancellors' decision, an appeal may be taken to the KCTCS Board of Regents pursuant to KRS 164.370.

**2.7 Authority of the Appeals Board in Cases of Academic Rights of a Student:**

If the Chair of the Appeals Board deems it necessary, the Chair may call upon legal counsel to assure the proper administration of a case.

After hearing a case involving a violation of student academic rights, the Board may either:

- a. direct that the student's grade in the course in question be changed, but only to a W (Withdraw) or a P (Passing);
- b. uphold the assigned sanction; or
- c. may take any other reasonable action calculated to guarantee the rights.

If the appeal is decided in the student's favor, the college must provide an opportunity for the student to complete any essential experiences missed due to the appeals process. Under no circumstances shall a student's grade be lowered as a result of the appeal.

## **2.8 Composition of the College Appeals Board:**

(The composition of this Board can only be changed by the Kentucky Community and Technical College System Board of Regents.)

The College Appeals Board shall consist of six members: two full-time students and four full-time faculty members. In addition, two student alternates and two faculty alternates shall be selected on the same basis and with the same requirements as the regular members. All members of the Appeals Board and/or their alternates shall be expected to meet within 48 hours after notice from the Chair.

Appeals Board members shall meet the following criteria:

- a. Each student member must have earned at least 24 semester credit hours at the college, must have had one full year residence in the college, and must be in good academic standing. Each student member will be appointed by the chief executive officer or designee upon recommendation of the chief student affairs officer. Appointments shall be for one-year terms. A student may not serve concurrently on both the Appeals Board and the Judicial Board.
- b. The faculty members shall be elected to staggered three-year terms by the faculty. The Chair of the Appeals Board shall be elected by the Appeals Board members.

A quorum for the conduct of business will be five members, no fewer than three of whom are faculty members.

## **2.9 Authority of the KCTCS Board of Regents in Cases Involving Suspension or Expulsion of a Student:**

Suspension or expulsion decisions may be appealed to the KCTCS Board of Regents pursuant to KRS 164.370 (see section 2.6.2.1.).

**\*Chief academic officer responsibility if the student's instructor is also the division chair (in case of a distance learning course, the instructor, division chair, chief executive officer, and all other roles shall be those of the college offering the course, the KCTCS Delivering Institution) .**

## **ARTICLE III**

### **POLICY GOVERNING ACCESS TO AND USE OF KCTCS COMPUTING RESOURCES** *(Administrative Policy 4.2.5)*

#### **3.1 Two Basic Rights:**

Access to computing resources is granted to an individual by the Kentucky Community and Technical College System (KCTCS) solely for the grantee's own use. Every user of the KCTCS computing resources has two basic rights regarding computing:

1. Privacy
2. A fair share of resources

It is unethical and a violation of this policy for any person to violate these rights.

All users, in turn, are expected to exercise common sense and decency (due regard for the rights of others) with respect to the public computing resources, thereby reflecting the spirit of community and intellectual inquiry at KCTCS. Access is a right that may be limited or revoked if an individual misuses the right or violates applicable KCTCS policies or state or federal laws.

### **3.2 Principles Governing Use of Computing Resources:**

- a. User access is granted to an individual and may not be transferred to or shared with another without explicit written authorization by the Vice President responsible for Information Technology, a designee, or the appropriate system administrator.
- b. User access to computing resources is contingent upon prudent and responsible use.
- c. The user may not use computing resources for any illegal or unauthorized act; in particular, the user may not use computing resources to violate any state or federal laws or any of the regulations specified in KCTCS policy or the student rights and responsibilities handbook (Code of Student Conduct).
- d. The user may not use computing resources for any commercial purpose without prior written authorization from the Vice President (Information Technology), a designee, or the appropriate system administrator.
- e. Computing resources must be shared among users in an equitable manner. The user may not participate in any behavior that unreasonably interferes with the fair use of computing resources by another.

### **3.3 Examples of Violations:**

Violations of these principles or any attempt to violate these principles constitutes misuse. Violations include, but are not limited to:

- a. Sharing passwords or acquiring another's password without prior written authorization from KCTCS Information Technology or the appropriate system administrator.
- b. Unauthorized accessing, using, copying, modifying, or deleting of files, data, user ids, access rights, usage records, or disk space allocations.
- c. Accessing resources for purposes other than those for which the access was originally issued, including inappropriate use of authority or special privileges.
- d. Copying or capturing licensed software for use on a system or by an individual for which the software is not authorized or licensed.
- e. Use of computing resources for remote activities that are unauthorized at the remote site.
- f. Causing computer failure through an intentional attempt to "crash the system," or through the intentional introduction of a program that is intended to subvert a system, such as a worm, virus, Trojan horse, or one that creates a trap door.
- g. Intentional obscuring or forging of the date, time, physical source, logical source, or other header information of a message or transaction.
- h. Interception of transmitted information without prior written authorization from KCTCS Information Technology or the appropriate system administrator.
- i. Failure to protect one's account from unauthorized use (e.g., leaving one's terminal publicly logged on but unattended).
- j. Violation of priorities for use of computing resources as established by an individual facility within the KCTCS.

### **3.4 Responses to Violations:**

Violation of this policy will result in action by the appropriate KCTCS office or agency. Violations of KRS 434.840 (Kentucky statutes dealing with unlawful access or use of a computer) may be referred to the Commonwealth Attorney or the police for investigation and/or prosecution. Similarly, violations of 18 U.S.C. Sec. 1030 (Federal laws dealing with unlawful access or use of a computer) may be referred to the Federal Bureau of Investigation.

### **3.5 KCTCS Sanctions:**

KCTCS sanctions are imposed by the appropriate KCTCS authority and may include, but are not limited to, limitation or revocation of access rights and/or reimbursement to KCTCS for the computing and personnel charges incurred in detecting and proving the violation of these rules, as well as from the violation itself. Reimbursement may include compensation for staff work time related to the violation and for archiving information related to the incident. The usual rights and privileges of appeal apply.

### **3.6 Investigating and Review of Charges:**

When the Vice President responsible for Information Technology, a designee, or the appropriate system administrator has reason to believe that a violation may have occurred, he or she may initiate an investigation and/or suspend computing privileges for the individual(s) involved, pending further investigation. If significant KCTCS sanctions are imposed, such action, together with an explanation of the causal events, shall be reported by the Vice President or the appropriate system administrator to the appropriate Chancellor's or Vice President's office.

In cases where a user's computing privileges are limited or revoked, a user should request a review of the action according to procedures established by KCTCS Information Technology before appealing through other KCTCS channels.

## **ARTICLE IV**

### **THE COLLEGE AS SUPERVISOR OF STUDENT ORGANIZATIONS**

The college recognizes the role that organized activities serve in enlarging the educational experience of the members of the college community. Intellectual and personal growth takes place in student organizations that have effective leaders and effective members. Membership in student organizations shall be limited to students, faculty, and staff of the college except Honor, Leadership, and Recognition Societies that may include other persons as provided for in their national constitutions.

#### **4.1 Types of Organizations:**

The college recognizes and encourages students to participate in the following types of organizations:

- a. Honor, Leadership, and Recognition Societies;
- b. Divisional Organizations and Professional Fraternities;
- c. Political Organizations;
- d. Governmental Organizations; and
- e. Specialty Organizations (religious, athletic, military, etc.).

#### **4.2 Registration:**

The registration of any student organization is at the discretion of the college and is dependent upon the completion of the required application form and compliance with the rules and additional criteria, such as a probationary period, the college may set forth. Such criteria shall be established and published by the college and made uniform for all similar types of organizations.

Student organizations must be registered before they may use college facilities or property.

#### **4.3 Use of KCTCS Facilities: (excerpts Administrative Policy 3.3.16)**

- In order to promote operational efficiency and to provide administrative flexibility within KCTCS, the KCTCS President ... delegates this function to the president of each community college and director of each technical college.
- The System's facilities shall be used only for educational, cultural, or charitable purposes, or other purposes as determined by the President for KCTCS in accordance with the KCTCS Board of Regents and the *Rules of the Senate*.

- College facilities shall not be used to further the interests of a political party or to be used to advance or inhibit religion.
- College facilities shall be made available to college units and groups and non-college groups only after it has been determined that the facility has not been scheduled and is not otherwise expected to be used for academic functions.
- Solicitations by any college unit or group, or any non-college group, for subscriptions, sales of merchandise of any kind whatsoever, publications, or services upon college property (other than by the authorized stores, eating places, or vending operations of a college) are prohibited except upon written permission of the college president or director.

**4.4 Procedural Guidelines for the Management and Use of Facilities in KCTCS:** *(excerpts Administrative Policy 3.3.16)*

- All requests for the use of facilities by college units and groups and non-college groups shall be forwarded to the local college president or director or the president's or director's designee.
- All requests shall be in writing and received by the local college president or director or the president's or director's designee at least 48 hours prior to the scheduled event.
- All applications from college units and groups and non-college groups will be considered in order of receipt. Scheduled academic activities and community service functions shall have priority for the use of a college facility.
- The best interest of the college may make it necessary occasionally to cancel an event. When such a cancellation becomes necessary, the unit or group holding the reservation shall be given notice as far in advance as possible.
- Any organization or group using a college facility shall take proper care of the facility and its equipment and shall be financially responsible for any damage thereto during use resulting from abuse or neglect.

**4.5 Advisors:**

Advisors of organizations can be members of the college staff, faculty or any other responsible adult who is interested in the purpose of the organization and who will agree to carry out the responsibilities of an advisor.

Responsibilities:

- a. Offer support and guidance to the organization in carrying out the purposes of the organization.
- b. Counsel and advise the officers of the organization as to their powers and responsibilities.
- c. Attend regular and specially called meetings of the organization.

Each student organization will have two advisors. The college President/Director or designee may make exception to allow an organization to have only one advisor when appropriate or necessary.

- a. The membership of the organization may elect persons to be recommended to hold the position of advisor to the college President/Director or designee for approval.
- b. When approval is not granted, the membership will be given the opportunity to submit additional names.
- c. In absence of recommendations from the membership, the college President/Director or designee will appoint advisors.

#### **4.6 Offenses:**

Offenses as defined below are punishable when committed by student organizations, their visitors, or invitees:

- a. Hazing by subjecting college students to unnecessary and excessive abuse, humiliation, or physical danger, or by committing any action or causing any situation that recklessly or intentionally endangers mental or physical health or involves the forced consumption of alcohol or drugs for the purpose of initiation into or affiliation with any organization.
- b. Interference, coercion, or disruption that impedes, impairs, or disrupts the college mission, processes, or functions, or interferes with the rights of others on college property, or the rights of registered student organizations.
- c. Conduct that is disorderly, abusive, drunken, violent, or excessively noisy.
- d. Discrimination against any person due to race, color, national origin, age, marital status, sex, sexual orientation, political or religious affiliation or belief, except when the expressed and legitimate purposes of the organization require limitation as to sex or religion.
- e. Knowingly enrolling as an official member or electing, appointing, or retaining as an elected or appointed officer or committee chairperson, any student on academic probation or under any disciplinary sanction that prohibits the student from holding such office.
- f. Organizing, sponsoring, implementing, or conducting programs or activities that are disorderly or that are violations of law or college regulations.
- g. Distributing obscene matter or knowingly organizing, sponsoring, implementing, or conducting programs or activities that contain indecent or obscene behavior.
- h. Recurrent financial over-obligation and non-payment of debts financially delinquent to the college.
- i. Any violation of college rules or policies that apply to registered student organizations or their use of college facilities or property.

#### **4.7 Sanctions:**

Student organizations are entities of the college and, therefore, without legal status. The chief executive officer or designee may impose sanctions up to and including refusal or cancellation of registration.

#### **4.8 Right to Appeal:**

Within 30 days of receipt of notice that the chief executive officer or authorized representative has refused or canceled the registration of an organization, the officers or proponents of such organization may appeal in writing to the chief executive officer or designee.

The chief executive officer or designee may either grant or reinstate the registration in question or refer the matter to the College Appeals Board. The Appeals Board shall forward its recommendation to the KCTCS Chancellor's Office. The Chancellor's decision shall be final.

## **ARTICLE V**

### **NON-ACADEMIC DISCIPLINARY POLICIES AND PROCEDURES**

#### **5.1 General Regulations Concerning Student Behavior:**

Students are responsible for knowing the college's regulations, disciplinary procedures, and penalties. It should be emphasized that students are subject to criminal statutes and legal action, in addition to the college's regulations and disciplinary system.

#### **5.2 Disciplinary Offenses:**

Though not an inclusive list, the offenses as defined below are punishable disciplinary offenses. Lack of intent may be asserted as an affirmative defense by any student charged with an offense listed below.

1. Material disruption or obstruction of teaching, research, administration, disciplinary proceedings, or any other college activities. Under no circumstances will fighting be tolerated while on college property or at off-campus events sponsored by the college.
2. Assault and/or battery.

3. Psychological abuse or harassment.
4. Participating in or inciting a riot or an unauthorized disorderly assembly.
5. Seizing, holding, commandeering, or damaging any property or facilities of the college or threatening to do so, or refusing to depart from any property or facilities of the college upon direction by college officials or other persons authorized by the institution.
6. Sexual assault.
7. Use of alcoholic beverages, including the purchase, consumption, possession, or sale of such items except where specifically authorized by state law and regulations of the college.
8. Failure to comply with the official and proper order of a duly designated college official.
9. Gambling or holding an unauthorized raffle or lottery.
10. Manufacturing, possessing, using, selling, or distributing any type of controlled substances or illegal drugs.
11. Use or possession of weapons (guns, knives, etc.) on college property, on one's person, or in one's motor vehicle.
12. Creating a fire or safety hazard or abusing/misusing safety equipment, or transmitting false fire alarms.
13. Littering.
14. Defacing, destroying, damaging, removing, or using public or private property without proper authorization.
15. Violating any rule or regulation not contained within the official college publications, but announced as administrative policy by the chief executive officer or his/her designee.
16. Encouraging or assisting others to commit any of the acts that are prohibited by the Code of Student Conduct.
17. Knowingly furnishing false information to the college, including the forgery, alteration, or misuse of college documents, instruments, or identification.
18. Unauthorized use of computers or word processors or unauthorized efforts to penetrate or modify the computer or word processing security system or any program software.
19. Allowing children under age sixteen (16) to remain unsupervised while on campus.
20. Offering or passing a worthless check or failing to meet financial obligations of the college.
21. Failing to abide by any terms of any disciplinary sanctions properly imposed by a college official, committee, or agency.

### 5.3 Penalties and Sanctions:

The college has the authority to penalize or impose sanctions on students who violate college regulations. In determining possible sanctions, the college shall consider such matters as the nature of the particular offense, the welfare of the student and the college community, and the prior disciplinary record of the student. Usual sanctions are listed and explained in this section. In addition to these sanctions, other sanctions, as appropriate for a particular case, may be imposed. Each level of hearing body may use creative sanctions that are designed to be educational in nature.

1. **Reprimand:** Official written or oral statement to the student that he or she is guilty of violating a college regulation. A reprimand warns that any further such actions may result in a more severe sanction.
2. **Restitution:** Compensation to the college for damages to college property.
3. **Social Probation:** Status given to less serious policy violations, and in some cases, a restriction of privileges for a specified time.
4. **College/Community Service:** Service to the college or community of up to 16 hours be served within a specified time frame.
5. **Educational Sanction:** An educational sanction requiring attendance or participation in a pre-arranged class, program, or activity designed to prevent or deal with high-risk behavior.
6. **Counseling:** Student may be referred to counseling evaluation on appointment by Counseling Services.
7. **Eviction:** Forced removal from a classroom or other college property.
8. **College Probation:** Status that carries a severe warning that any further violation of college regulations that may result in the student going before the College Appeals Board for consideration of suspension or expulsion. This may include restrictions of privileges for a specified period of time.
9. **Suspension:** Forced withdrawal from the college for a specified period of time or until stated conditions have been met as determined by the College Appeals Board.

**10. Immediate Suspension:** A student may be suspended immediately when:

- a. In the judgment of the chief executive officer (upon consultation with the chief student affair's officer), the presence of the student poses a serious threat to persons and/or property provided informal opportunity is first given to the student, except in the case of exigent circumstances, to discuss the matter and possible resolution.
- b. The student refuses to cease disruptive behavior or conduct in violation of this policy after direct orders from the chief executive officer (upon consultation with the chief student affair's officer).
- c. When such suspension is involved, the student must leave the campus immediately. Students refusing to do so will be removed by law enforcement authorities and charged with trespassing.

When a student is placed on immediate suspension, a disciplinary hearing will be held at the earliest reasonable time (see Section 5.6.).

**11. Expulsion:** Permanent, forced withdrawal from the college as determined by the College Appeals Board.

#### **5.4 Enforcement:**

All college personnel are responsible for enforcing college rules and regulations. When a violation is observed, it should be reported in writing to the chief student affairs officer. The accused will be notified in writing of the charge and an impending hearing. The college reserves the right at all times to take such prompt action as may be needed to preserve the peace, integrity, and safety of the educational process and campus environment.

#### **5.5 The Procedures:**

##### **5.5.1 The Role of the Chief Executive Officer in Student Disciplinary Matters:**

**5.5.1.1** When the chief executive officer or designee, after investigation into an alleged violation of the disciplinary rules, believes a student has committed a disciplinary offense defined in Section 5.2, the chief executive officer or designee shall notify and charge the student with said offense. Thereafter, the chief executive officer or designee shall notify the student of "The Rights of the Accused" (see Section 5.5.1.5), after which the chief executive officer or designee may solicit a plea of guilty or not guilty, which shall be in writing and notarized.

**5.5.1.2** When a student enters a plea of guilty, the chief executive officer or designee shall confer with the student and outline proposed disciplinary action as defined in Section 5.3 and/or counseling. Any information obtained from the student during a counseling session is strictly confidential and inadmissible in any judicial proceeding of the college except in cases where the student withdraws from the counseling process or refuses to comply with the conditions of the counseling process.

**5.5.1.3** The accused shall enjoy the right to choose an advisor to assist during all preliminary conferences and judicial hearings and shall be informed of this right. However, the student is not entitled to an advisor during any counseling session except at the request of the chief executive officer or designee.

**5.5.1.4** If the chief executive officer or designee and the student are unable to resolve the matter to their mutual satisfaction in the counseling process, the chief executive officer or designee shall forward the reports and evidence concerning the case to the College Judicial Board for evaluation and possible prosecution. The chief executive officer or designee is thereafter concerned with keeping the records of the College Judicial Board and Appeals Board and in aiding the student to comply with any sanction decreed by either Board.

**5.5.1.5** To guarantee that a student receives due process, the following elements will be made available to the parties involved:

1. Published rules, regulations, and procedures (including, but not limited to, the *KCTCS Catalog* and *KCTCS Code of Student Conduct*).
2. Written notice of the charge(s) violating rules and regulations.

3. A hearing or oral proceeding before an administrative officer or committee.
4. Information about witnesses who may give evidence to support the charge(s) and the hearing.
5. Right to have counsel at the hearing to advise the student, but counsel may not participate in the hearing.
6. A written record of the hearing.
7. A prompt written decision within ten (10) business days following deliberations.
8. Information about appeals procedures.

**5.5.1.6** Within the rights of the student at a college, the chief executive officer or designee may contact the parents, or other persons as the chief executive officer or designee deems appropriate in matters of discipline only if the student is under eighteen years of age or consents.

**5.5.1.7** All student complaints involving rights stated herein shall be reported to the chief executive officer or designee within 30 days of their occurrence. Complaints reported after this period or which otherwise come to the attention of the chief executive officer or designee may be acted upon according to the chief executive officer's determination of the circumstances.

**5.5.1.8** The chief executive officer or designee shall investigate each student complaint to determine whether it contains merit.

- a. If the chief executive officer or designee decides that it does contain merit, the chief executive officer or designee shall use moral persuasion, negotiation, personal appeal, and the prestige of the chief executive officer's or designee's office to settle the case to the chief executive officer's or designee's satisfaction and that of the student.
- b. When the chief executive officer or designee is unable to satisfy the complaint to the satisfaction of the student or when the chief executive officer or designee has notified the student that the complaint does not contain merit, the student has the right to appeal within 30 days to the College Appeals Board.

**5.5.1.9** The chief executive officer or designee shall have broad investigatory powers in nonacademic cases and shall receive prompt and full cooperation from students, student organizations, faculty and administrators. The chief executive officer or designee may recommend policies or practices that should be terminated, modified or initiated to the Student Government, the Senate Council, division heads, or other appropriate persons.

**5.5.2 The College Judicial Board:** Each college shall have a Judicial Board, hereinafter referred to as the J-Board, with original jurisdiction over cases involving alleged violations by students and the stated college disciplinary offenses defined in Section 5.2.

**5.5.2.1** *Authority*

The J-Board shall have the sole authority to determine the issue of guilt in those cases referred to it pursuant to Section 5.2. It shall have the sole authority to impose sanction(s) short of actual suspension or dismissal upon any student found guilty of a violation of college disciplinary rules defined in Section 5.2. If the J-Board believes that actual suspension or dismissal is the appropriate remedy, it shall recommend such action to the chief executive officer or designee.

**5.5.2.2** *Composition*

The J-Board shall consist of ten students, five male and five female. The college shall make every effort to ensure proportionate ethnic diversity. There shall be two co-chairpersons, one male and one female. In order for any proceeding to be taken against a student for a violation of college rules, at least five members of the J-Board must be present to hear the case, with at least two members of each sex represented. Prior to the hearing, the student may request that the Board be comprised of the student's sex only. Any decision of the J-Board must be by a majority of the members of the Board hearing the case.

### **5.5.2.3 Eligibility Requirements**

Any student, who is enrolled in at least six (6) hours of coursework and has earned at least twelve (12) credit hours in residence in the college and who is a student in good standing is eligible for appointment to the J-Board. Consideration will be given to academic standing of the students.

### **5.5.2.4 The Appointment Process**

- a. The chief student affairs officer or the Student Affairs Committee shall nominate all applicants for membership and forward those who have been nominated to the President of the Student Government or equivalent organization, who, with the advice and approval of the chief executive officer of the college, shall make the final appointment of the J-Board members.
- b. Any member of the J-Board is obliged to withdraw from participation in a hearing when the member feels unable to hear the case fairly and objectively and to decide its outcome impartially on the basis of the evidence presented.
- c. Representatives of the college administration and the accused shall have the right to challenge, for cause, any member of the J-Board. Any challenge(s) shall be submitted in writing to the chief executive officer no later than twenty-four hours prior to the established date of the hearing. Any challenge(s) shall be sustained or denied by the chief executive officer. Should such challenge(s) be sustained, the alternate shall be appointed by the chief executive officer.

### **5.5.2.5 Terms of Office**

Students selected for membership on the J-Board will serve one year terms or, at the discretion of the chief executive officer, a term not exceeding three semesters.

### **5.5.2.6 Absence**

Three unexcused absences in any one semester shall constitute automatic dismissal from the J-Board. The J-Board, acting as a unit, may make such additional regulations regarding absences as it may deem appropriate. All requests for excused absences shall be made to the chief executive officer whose decision shall be final.

### **5.5.2.7 Temporary Appointments to the Judicial Board**

If a sufficient number of the members of the College Judicial Board are not present at any time when that Board has duties to perform, the President of the Student Government Association or equivalent organization, with the advice and consent of the chief executive officer of the college, shall make such temporary appointments as are necessary to ensure that the required number of members are present. Such temporary appointments need not be preceded by the recommendations otherwise provided herein.

**5.5.3 The College Appeals Board:** There shall be a College Appeals Board with appellate jurisdiction over all decisions of the College Judicial Board and over decisions of any faculty members on matters of college academic offenses.

#### **5.5.3.1 Jurisdiction on Cases of Disciplinary Offenses**

- a. Within 30 days after receipt of the decision of the College JBoard, any accused student may appeal in writing to the chief executive officer for review by the College Appeals Board of the J-Board's finding of guilt or for review of the nature or severity of the sanction imposed or recommended by the J-Board. The chief executive officer shall forward the appeal to the Chairperson of the College Appeals Board for the appropriate action.
- b. If the chief executive officer believes that the sanction imposed by the J-Board was inappropriate for the offense committed, the chief executive officer may request a review thereof by the College Appeals Board. Such a request shall be directed to the Chairperson of the College Appeals Board within 30 days of the decision by the J-Board.

### **5.5.3.2 *Disposition of Cases of Disciplinary Offenses***

- a. If the student appeals on the issue of fact regarding commission of the offense, the College Appeals Board shall review the evidence, and its decision shall be final.
- b. If the student requests a review of the sanction, the College Appeals Board shall recommend what it believes to be the appropriate sanction to the chief executive officer who shall set the sanction.
- c. Any decision and/or recommendation by the College Appeals Board must be by a majority of those members sitting on the case.

## **5.6 Temporary Sanctions:**

In the event that the chief executive officer (upon consultation with the chief student affairs officer) has reasonable cause to believe that a student's presence may result in injury to the student, others, or college property, or in the event that the student has been charged with a crime so serious as to threaten the welfare of the college community, the chief executive officer may impose such temporary sanctions necessary to protect members of the college community or its property including expulsion from college property. Upon taking such action, the chief executive officer shall notify the College Appeals Board and the affected student of his or her rights to be heard. The student may appeal the chief executive officer's decision to the College Appeals Board in writing within 30 days. If requested in the written appeal, the Chairperson shall call a meeting of the Board to hear the case within 48 hours, or as soon as practicable thereafter. The Board shall consider the student's academic needs to attend class, use the library, and fulfill other academic responsibilities in making its recommendation. This Board may recommend to the Chancellor changes or extensions of the chief executive officer's action. The Chancellor then shall determine the sanctions to be imposed. Such temporary sanctions shall be enforced only for such time as the conditions requiring them exist. Accordingly, the college official who made the final determination of the sanction to be imposed shall have jurisdiction for the purpose of reconsidering this sanction in the light of new circumstances. Alternatively, the circumstances shall be reviewed by the Board whenever there are indications that they have changed and upon an appeal in writing from the student involved.

## **COMPLIANCE STATEMENT**

The Kentucky Community and Technical College System is committed to a policy of providing educational opportunities to all qualified students regardless of economic or social status, and will not discriminate based on race, color, religion, sex, marital status, beliefs, age, national origin, sexual orientation, or physical or mental disability.

Compliance with Title IX of the Educational Amendments of 1972, which prohibits sex discrimination, and with Title VI of the Civil Rights Act of 1964 is coordinated by the Director of Diversity Programs, KCTCS, 2750 Research Park Drive, P. O. Box 14092, Lexington, Kentucky 40512-4092 (phone 859-246-3100, ext. 3201).

Efforts to comply with the laws and regulations applicable to people with disabilities, as required by Section 504 of the Rehabilitation Act of 1973 (revised 1992), and the Americans with Disabilities Act of 1990, are also coordinated by the Director of Diversity Programs.

Questions concerning compliance with regulations may be directed to the Kentucky Community and Technical College System's Executive Director of Human Resources, 2780 Research Park Drive, P.O. Box 14092, Lexington, KY 40512-4092, (859) 246-3113, or to the Director of the Office of Civil Rights, U.S. Department of Education, Philadelphia, PA.

The Kentucky Community and Technical College System is in compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendment of 1989. Questions may be directed to the KCTCS Student Affairs Division or the Human Resource Coordinator's Office at each college.

Questions about admissions to any college within the Kentucky Community and Technical College System should be directed to the appropriate admissions office.

**KCTCS does not discriminate based on race, color, religion, national origin, sex, disability, or age in its programs and activities. The following person has been designated to handle inquiries regarding non-discrimination policies: Director of Diversity Programs, P.O. Box 14092, Lexington, KY 40512; phone 859-246-3100.**

