

DISCIPLINE AND PENALTIES  
DISCIPLINE PROCEDURE

FMA  
(LOCAL)

REPORTS OF  
ALLEGED  
MISCONDUCT

Unless another policy governs the processing of a complaint – such as bullying or dating violence [see FFE]; discrimination, harassment, and retaliation [see FFD] – College District faculty, staff, and students shall submit an alleged violation or violations of College District policies and procedures, including the rules for student conduct [see FLB], committed by a student to the Vice Chancellor, Student Services within 30 calendar days. The allegations must be submitted in writing, through traditional or electronic means, and must describe the alleged violation and any surrounding facts.

The Vice Chancellor, Student Services or designee shall investigate the matter as necessary. If an allegation is deemed to be unfounded, the Vice Chancellor, Student Services or designee shall dismiss the alleged violation and shall provide the student who is the subject of the allegation a written notice that the allegation of misconduct was made against the student and that the allegation was dismissed.

CONFERENCE

If, however, the Vice Chancellor, Student Services or designee determines that the allegation warrants further consideration, the Vice Chancellor, Student Services or designee shall require the student who is the subject of the allegation to attend a conference to be held within a reasonable time frame, not to exceed ten College District business days, following the receipt of the alleged violation of misconduct.

At the conference, the Vice Chancellor, Student Services or designee shall notify the student of the allegation(s) and provide the student an opportunity to respond.

UNFOUNDED  
ALLEGATIONS

After conferring with the student, if the Vice Chancellor, Student Services or designee determines that the student did not commit a violation of College District policies and/or procedures, including the rules of student conduct, then the allegation(s) shall be dismissed as unfounded. The student shall be provided written notice of the dismissal.

MISCONDUCT  
WARRANTING A  
SANCTION

If the Vice Chancellor, Student Services or designee determines that the student committed a violation of College District policies and/or procedures that warrants a sanction, the Vice Chancellor, Student Services or designee shall inform the student in writing of the determination and the student's right of disciplinary appeal.

INTERIM  
DISCIPLINARY  
SUSPENSION

In a situation where it is determined that a student's continued presence at the college constitutes an immediate threat of harm to the student, other individuals, and/or College District property or presents a threat of disrupting the educational environment, the Vice Chancellor, Student Services or designee may suspend the

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student pending the final disposition of the case through the College District discipline process.

STUDENT RIGHT OF  
DISCIPLINARY APPEAL

A student has the right to appeal an initial administrative disposition to the chairperson of the disciplinary appeals committee. The chairperson shall notify the student and the committee of the appeal date, time, and location to review the administrative disposition in question. Following the appeal process, the chairperson shall notify the student of the committee's decision, and this decision shall serve as the concluding administrative action regarding the violation. Except when a student has been suspended from the campus by the Chancellor or designee, all penalties except interim suspension or expulsion shall be held in abeyance until the student accepts the penalty given or the appeals process has ended.

DISCIPLINARY  
APPEALS COMMITTEE

The disciplinary appeals committee shall be convened:

1. At the request of a student appealing an administrative disposition. The request must be filed in writing, on a form provided by the College District, within one College District business day of the receipt of the administration's disposition; or
2. At the request of the Vice Chancellor, Student Services or an appointed designee.

STUDENT REQUEST  
OF DISCIPLINARY  
APPEAL

When a student refuses administrative disposition of a violation and appeals the disposition, the student is entitled to a hearing before the disciplinary appeals committee. This request must be made in writing to the chairperson within one College District business day following administrative disposition. The request shall include:

1. Name, address, and student ID number;
2. Description, date(s), and place(s) of alleged act(s) for which the student was disciplined;
3. Date of administrative disposition;
4. Nature of disciplinary measure;
5. Circumstances that the student feels should be reviewed;
6. The student's signature and date; and
7. The student's intention, if any, of having an attorney present for the hearing. The attorney will not be allowed to question witnesses but only to advise the student except in hearings brought under Section 51.233-.234 regarding withdrawal of consent to remain on campus during periods of disruption or if

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there is a determination that the student is unable to question witnesses due to extenuating circumstances.

STUDENT  
NOTIFICATION OF  
APPEAL HEARING

The chairperson of the disciplinary appeals committee shall notify the student by letter of the date, time, and location of the appeals hearing. Unless the student and the Vice Chancellor, Student Services or designee otherwise agree, the appeal shall take place within a reasonable time period, not to exceed five College District business days, after the date of the student's request for the appeal.

The chairperson of the disciplinary committee shall notify the student of the appeal date, time, and location of the hearing and shall advise the student of the right to:

1. Have a private hearing;
2. Appear alone or with legal counsel;
3. Have the student's parent or guardian present at the hearing;
4. Require the production of documentation and other evidence possessed by the College District regarding the alleged violation; and
5. Arrange to have a stenographer present at the hearing to make a transcript of the hearing at the student's expense (the student is not permitted to record the hearing by electronic means).

FAILURE TO  
APPEAR FOR  
HEARING

The disciplinary appeals committee may impose appropriate sanctions upon a student who, without good cause, fails to appear at his or her designated appeal hearing. For purposes of assessing sanctions, the committee may proceed with the hearing.

PROCEDURE

The hearing shall be informal, and the chairperson shall provide reasonable opportunities for witnesses to be heard. The College District may be represented by legal counsel if the student is to be represented by legal counsel. The hearing shall be closed, except that, with the consent or on invitation of the student, members of the student's immediate family and the student's attorney may attend. The committee shall proceed as follows during the hearing:

1. The chairperson shall read the description of the alleged violation.
2. The chairperson shall inform the student of his or her rights.
3. The Vice Chancellor or designee shall present the College District's case.
4. The student shall present the student's response.

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5. The designated College District official or representative shall present rebuttal evidence.
6. The student shall summarize his or her case.
7. The designated College District official or representative shall summarize the College District's case.
8. The committee members shall meet alone to deliberate the case. The committee members shall vote on the issue of whether or not the student violated the College District policies and procedures.
9. Based on majority vote, if the committee finds the student in violation, the committee will determine the appropriate sanction.
10. The chairperson shall inform the student of the committee's decision and sanction, if any, immediately following the hearing.

EVIDENCE

Legal rules of evidence shall not apply to hearings brought under this policy. The committee may admit and consider evidence that possesses probative value and is commonly accepted by reasonable persons in the conduct of affairs. The committee shall exclude irrelevant, immaterial, and unduly repetitious evidence. Committee members may freely question witnesses, but committee members are not subject to questioning. The committee shall presume no violation has occurred and will make its decision based on the evidence presented. All evidence shall be offered to the committee during the hearing and made part of the hearing record. Documentary evidence may be admitted in the form of copies. Tangible evidence may be photographed or described for the records. The committee shall decide whether a violation has occurred and an appropriate sanction solely on the basis of a preponderance of the evidence. The committee may consider a student's grades and disciplinary record only in determining an appropriate sanction after finding the student in violation.

RECORD

The hearing record shall include a copy of the notice of the hearing, all documentation and other evidence offered or admitted at the hearing, minutes of the hearing, and the committee's decisions.

The committee chairperson shall send the record to the Chancellor, Vice Chancellor, Student Services, and designated College District administrators, with a copy to the student, within one College District business day of the hearing.

SANCTIONS

A student shall be subject to disciplinary sanctions for violations of College District policies and procedures per FM(LOCAL).

Once a sanction has been imposed by the committee, the chairperson shall notify the student of the committee's decision, and this decision shall serve as the concluding administrative action regarding the violation. There is no right to appeal to the Vice Chancellor, Student Services, Chancellor, Board, or any appointed designee(s); however, the Vice Chancellor, Student Services, Chancellor, Board, and any appointed designee may amend the committee's findings at their sole discretion.

SECTION 51.234  
PROVISIONS

If a student is notified in accordance with Section 51.234 of the Texas Education Code that consent to remain on the campus or facility under the control of the College District has been withdrawn due to reasonable cause to believe that the person has willfully disrupted the orderly operation of the campus or facility and will constitute a substantial and material threat to the orderly operation of the campus or facility, the student may request a hearing. A student requesting a hearing under this provision has the following rights:

1. The right to be represented by counsel;
2. The right to call and examine witnesses and to cross examine adverse witnesses;
3. The right to have all matters upon which the decision may be based introduced into evidence at the hearing in the student's presence;
4. The right to have the decision based solely on the evidence presented at the hearing;
5. The right to prohibit the introduction of statements made against him or her unless the student has been advised of the content and the names of the person who made the statements and has been given the opportunity to rebut unfavorable inferences that might otherwise be drawn; and
6. The right to have all findings made at the hearing be final, subject only to the student's right to appeal to the Chancellor and the Board.