



	Administrative Policy
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Policy Summary:

Jackson College is an institution of higher education whose mission is to assist learners in identifying and achieving their educational goals. The College exists so that learners succeed and community needs are met. The College supports a positive educational environment that will benefit student success. In order to ensure this vision, the College has established this Student Code of Conduct to ensure the protection of student rights and the health and safety of the College community, as well as to support the efficient operation of College programs. In addition, the College has established guidelines for the redress of grievances by individuals accused in such proceedings.

Scope:

The College Student Code shall apply to conduct that occurs on College premises, at College sponsored activities, and to off-campus conduct that adversely affects the College community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Student Judicial Officer (or his or her designee) shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case by case basis.

The Student Code applies at all locations of the College, including, but not limited to, Central Campus, JC @ LISD TECH, LeTarte Center, Jackson Flight Center, and W.J. Maher Campus. This code also applies to all current students of the College regardless of their geographical and online location.

Policy Statement:

JC shall adopt and maintain a clear description of Student Rules, Regulations and Procedures. These expectations shall be reviewed, and update as needed. Expectations shall be communicated to students as part of mandatory orientation and shall be accessible on the JC website.

The Provost shall establish and maintain appropriate policies and procedures that address violations of these expectations. Students feeling their rights have been violated may seek assistance through the Office of the Student Ombudsman, in accordance with approved policy.



JACKSON COLLEGE STUDENT CODE OF CONDUCT

PREAMBLE

Jackson College is an institution of higher education whose mission is to assist learners in identifying and achieving their educational goals. The College exists so that learners succeed and community needs are met. The College supports a positive educational environment that will benefit student success. In order to ensure this vision, the College has established this Student Code of Conduct to ensure the protection of student rights and the health and safety of the College community, as well as to support the efficient operation of College programs. In addition, the College has established guidelines for the redress of grievances by individuals accused in such proceedings.

In cases of noncompliance with the Student Code of Conduct the College will impose discipline that is consistent with the impact of the offense on the College community (See Article IV (B) below). The College reserves the right to pursue criminal and/or civil action where warranted. The Student Code of Conduct shall apply from the time of admission to the college and continue as long as the student remains enrolled at the college. They shall also be applicable to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

If an individual has violated the Student Code of Conduct on college property while not enrolled as a student at the college, but then later seeks to enroll, he or she must first contact the Student Judicial Officer. The same Due Process procedures listed in Article IV below will be followed to determine an admission decision.



ARTICLE I: DEFINITIONS

- A. The term "College" means Jackson College.
- B. The term "Student Code" refers to the College's Student Code of Conduct.
- C. The term "student" includes all persons currently admitted or enrolled (or upon the issuance of a student number) at the College, full-time or part-time. This code applies to all current students of Jackson College regardless of their geographical or online location.
- D. The term "faculty member" means any person hired by Jackson College to conduct classroom or teaching activities.
- E. The term "College official" includes any person employed by the College, performing assigned administrative or professional responsibilities.
- F. The term "member of the College community" includes any person who is a student, faculty member, College official or staff member employed by the College, or any authorized non-employed personnel (such as externs or interns). A person's status in a particular situation shall be determined by the Student Judicial Officer (or his or her designee).
- G. The term "College premises" includes all land, buildings, facilities, and other property in the possession of, owned, used, or controlled by the College (including adjacent streets and sidewalks).
- H. The term "harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:
 - 1. submission to such behavior is made, explicitly or implicitly, a term or condition of an individual's employment or status in a course, program or activity; or
 - 2. submission to or rejection of such behavior is used as a basis for a decision affecting an individual's employment or participation in a course, program, or activity; or
 - 3. such behavior is so severe, persistent, or pervasive that a reasonable person would find that it:
 - a. alters the terms or conditions of a person's employment or educational experience, or
 - b. unreasonably interferes with an individual's work or performance in a course, program, or activity, thus creating a hostile or abusive working or educational environment.

A person's subjective belief alone that behavior is offensive does not necessarily make that behavior sexual harassment. The behavior must also be objectively unreasonable.

- I. The term "Judicial Board" means a group of persons authorized by the President (or his or her designee) to consider whether a student has violated the Student Code.
- J. The term "Appellate Board" means a group of persons authorized by the President (or his or her designee) to review the sanction(s) imposed by Designated Administrators (see Article II(A-E)) or the Judicial Board if requested by the respondent (or complainant).
- K. The term "respondent" means any student accused of violating this Student Code or any other rule or policy of the College.
- L. The term "policy" means the written regulations of the College as found in, but not limited to, the Course Schedule, the College web site and/or other written regulations and procedures available within a department or division.
- M. The term "complainant" means any person who submits a report alleging that a student violated this Student Code. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code as are provided to the accused, even if another member of the College community submitted the allegation itself. Complainants will receive updates regarding the status of the complaint.
- N. "Force" means physical force, violence, threat, intimidation or coercion.
- O. "Incapacitation" means the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where alcohol (or other drug) is involved, one does not have to be intoxicated or drunk to be considered incapacitated. Rather, incapacitation is determined by how the drug or alcohol consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments.
- P. "Effective Consent" means words or actions that show a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Effective consent cannot be gained by force, by ignoring or acting in spite of the objections of another, or by taking advantage of the incapacitation of another, where the accused student knows or reasonably should have known of such incapacitation. Effective consent is also absent when the activity in question exceeds the scope of effective consent previously given. It is strongly recommended that consent be obtained in writing.
- Q. "Non-Consensual Sexual Contact" means sexual contact that occurs without effective consent.
- R. "Non-Consensual Sexual Intercourse" Means sexual intercourse that occurs without effective consent.
- S. "Sexual Exploitation" means taking sexual advantage of another person without effective consent, and includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other

person; causing the prostitution of another person; recording, photographing - or transmitting identifiable images of private sexual activity and/or the private parts (including genitalia, groin, breasts or buttocks) of another person; allowing third parties to observe private sexual acts; engaging in voyeurism; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including, but not limited to, HIV.

- T. "Sexual Harassment" means unwelcome conduct, based on sex or on gender stereotypes, which is so severe or pervasive that it unreasonably interferes with a person's College employment, academic performance or participation in College programs or activities and creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive. Sexual harassment may include, for example, unwelcome sexual advances, requests for sexual favors, and acts of sexual violence.
- U. "Dating violence" means a pattern of assaultive and/or controlling behaviors that one person uses against another in order to gain or maintain power and control in the relationship. The accused student has intentionally behaved in ways that causes fear, degradation and humiliation to control the victim. Forms of abuse can be physical, sexual, emotional and/or psychological.

In determining whether an individual has engaged in "dating violence," the following must be established: the accused student and the victim have been in a societal relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on a consideration of the following factors: 1.) length of the relationship, 2.) type of the relationship, and 3.) the frequency of interaction between the persons involved in the relationship.

- V. "Stalking" means a pattern of behavior made up of a series of two or more separate non-continuous acts which shares the same purpose and causes a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed or molested.
- W. "Domestic Violence" is a pattern of behavior in which one person uses physical, sexual, economic or emotional abuse to control the victim. This behavior specifically includes assaults or an assault and battery of a person's spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household.
- X. "Sexual Assault" is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the program. Sex Offenses are: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
1. Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 2. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including

instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

3. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

ARTICLE II: STUDENT CODE AUTHORITY

- A. The Student Judicial Officer (or his or her designee) shall determine whether or not the Judicial Board shall be authorized to hear all non-academic violations, excluding Title IX violations.
- B. The Jackson College Title IX Coordinator (or his or her designee) shall be authorized to determine whether or not to hear all Title IX violations.
- C. Student Judicial Officer (or his/her designee) shall develop policies for the administration of the Code of Conduct process and procedural rules for the conduct of Judicial Board hearings that are not inconsistent with provisions of the Student Code.
- D. Decisions made by the Judicial Board and/or Designated Administrators (or his/her designee) shall be final, pending the normal appeal process.

ARTICLE III: PROSCRIBED CONDUCT

- A. Jurisdiction of the College Student Code of Conduct

The College Student Code shall apply to conduct that occurs on College premises, at College sponsored activities, and to off-campus conduct that adversely affects the College community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Student Judicial Officer (or his or her designee) shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

The Student Code applies at all locations of the College, including, but not limited to, Central Campus, JC @ LISD TECH, LeTarte Center, Jackson Flight Center, and W.J. Maher Campus. This code also applies to all current students of the College regardless of their geographical and online location.

B. Conduct - Rules and Regulations

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

1. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College premises.
2. Physical abuse, acts of violence or assaults: including but not limited to: hitting; shoving; attacks; stalking; intentionally or recklessly causing or attempting to cause physical harm; endangering the health or safety of any person or group of people, including engaging in any form of physical fighting is prohibited. Intentionally or recklessly touching another person resulting in bodily harm or when done in a rude; hostile insulting or angry manner.
3. Threatening Behavior: conduct (verbal, non-verbal, written, and /or physical) against people or property that is offensive, hostile, intimidating, injury producing, and/or abusive. This includes but is not limited to: threats of physical harm; behavior that would cause fear in a reasonable person; intimidation, harassment; coercion; bullying; and/or other conduct which threatens or endangers the health or safety of any person. Including, but not limited to, messages sent via text messaging, emails, comments or post on social media networks, or any electronic format including phone, computer, etc.
4. Discrimination: discrimination, as defined by Federal and State laws and College policy, on the basis of race, color, age, religion, national origin, creed, ancestry, familial status, disability, marital status, height, weight, sexual orientation or veteran's status is prohibited.
5. Retaliation: any student found to have retaliated against a person making a complaint or cooperation (including testifying as a witness) in the investigation of a complaint is subject to disciplinary action. For this purpose, "retaliation" includes, but is not limited to: intimidation, threats; harassment; and other adverse actions (threatened or carried out) against the complainant or a third party.
6. Theft of and/or damage (Attempted or actual) to property of the College or property of a member of the community or other personal or public property, on or off campus.
7. Hazing which is defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
8. Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
9. Unauthorized possession, duplication or use of keys to any premises or unauthorized entry to or use of the College premises.

10. Violation of any College policy, rule, or regulation published in hard copy or available electronically on the College website.
11. Use, possession, manufacturing, distribution, or being under the influence marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by federal law. Possession of drug paraphernalia is also prohibited on campus. Smoking or chewing tobacco is prohibited on campus, except in an individual's own personal vehicle. Electronic cigarettes (e-cigarettes) may be used outside of buildings only. Jackson College is a Drug- Free and Tobacco-Free Campus.
12. Use, possession, manufacturing, distribution, or being under the influence of alcoholic beverages (except expressly permitted by College regulations), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person, regardless of the student's age. Jackson College is an Alcohol-Free Campus.
13. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on Jackson College premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
14. Possession of firearms, Tasers, stun guns, explosives, weapons, or dangerous chemicals on College premises, and/or use of any such item in a manner that harms, threatens or causes fear to others. The definition of a weapon includes but is not limited to a pistol or other firearm or dagger, dirk, razor, stiletto, or knife (regardless of length or size), or any other dangerous or deadly weapon or instrument.

College premises covered by this policy includes, without limitation, all College owned or leased buildings and surrounding areas such as sidewalks, driveways and parking lots under the College's ownership or control. College vehicles are covered by this policy at all times regardless of whether they are on College premises. (See Article I (G))

15. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
16. Conduct that is disorderly, breach of peace; or aiding, abetting, or procuring another person to breach the peace on Jackson College premises or at functions sponsored by, or participated in by, Jackson College or members of the academic community.

Disorderly Conduct includes but is not limited to: Any unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises without his/her prior knowledge, or without his/her effective consent. This includes, but is not limited to, secretly taking pictures of another person in a gym, locker room, or restroom.

17. Theft or other abuse of computer facilities and resources, including but not limited to:
 - a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
 - b. Unauthorized transfer of a file.

- c. Use of another individual's identification and/or password.
- d. Use of computing facilities and resources to interfere with the work of another student, faculty member or College Official.
- e. Use of computing facilities and resources to send obscene or abusive messages.
- f. Use of computing facilities and resources to interfere with normal operation of the College computing system.
- g. Use of computing facilities and resources in violation of copyright laws.
- h. Any violation of the Information Technology Electronic Accounts Policy 1617 (<http://www.jccmi.edu/policies/IT/Policies/1607.pdf>).

18. Abuse of the Judicial Process, including but not limited to:

- a. Failure to obey the notice from a College official to appear for a meeting or hearing as part of the Judicial Process.
- b. Falsification, distortion, or misrepresentation of information before a Judicial Board or Appellate Board.
- c. Disruption or interference with the orderly conduct of a Judicial Board, Appellate Board, or one on one Administrative proceeding.
- d. Institution of a student conduct code proceeding in bad faith.
- e. Attempting to discourage an individual's proper participating in, or use of, the Judicial Process.
- f. Attempting to influence the impartiality of a Judicial/Appellate Board member or Administrator prior to, and/or during the course of, the Judicial/Appellate Board or one on one Administrator proceeding.
- g. Harassment (verbal or physical) and/or intimidation of a member of a Judicial/Appellate Board or Administrator prior to, during, and/or after a Judicial/Appellate Board hearing or one on one Administrator proceeding.
- h. Failure to comply with the sanction(s) imposed under the Student Code.
- i. Influencing or attempting to influence another person to commit an abuse of the Judicial Process.

19. Students are required to engage in responsible social conduct that reflects credit upon the College community and to model good citizenship in any community.

C. Violation of Law and College Discipline

1. If a violation of law which also would be a violation of this Student Code is alleged, proceedings under this Student Code may go forward against a respondent who has been subjected to criminal prosecution only if the College determines that its interest is clearly distinct from that of the community outside Jackson College. Ordinarily, the College should not impose sanctions if public prosecution of a student is anticipated or until law enforcement officials have disposed of the case.
2. When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Code, the College may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled within the College community. The College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

ARTICLE IV: STUDENT CONDUCT CODE PROCEDURES (DUE PROCESS)

A. Charges and Student Conduct Judicial Board Hearings (The practice below only describes Article II (A) process.)

1. Any member of the Jackson College community may file a report against a student for violations of the Student Code of Conduct. An allegation of a Student Code violation must be directed to the respective Designated Administrators (please see Article II(A-F)).

Any report of a violation of the Student Code should be submitted as soon as possible after the event takes place, preferably within a week.

2. The Student Judicial Officer (or his or her designee) will conduct an impartial and reliable preliminary review of all allegations to determine if the allegations have merit and/or if they can be disposed of administratively.
3. If it is determined that the allegation has merit, the respondent will receive written (electronic) notification that an alleged violation has occurred. In the notification, the student will be directed to make an appointment with the Student Judicial Officer (or his/her designee) within three (3) business days of the notification letter, to review the facts concerning the alleged violation in order to determine if formal charges should be prepared.

4. During this meeting, the respondent meets one on one with the Student Judicial Officer (or his or her designee). Representatives or parents will only be allowed in this meeting at the discretion of the Student Judicial Officer (or his or her designee) when appropriate. In addition, a FERPA release must be signed.
5. If the respondent is unable to, or does not wish to meet with the Student Judicial Officer (or his or her designee) in person, the student may submit a statement in writing (via their College email account or in person) responding to the allegations, within the notification period (three (3) business days from deliverance of notification letter).

Other arrangements may be made to facilitate the meeting such as video or teleconference when a face to face meeting may be difficult for the student and at the sole discretion of the Student Judicial Officer (or his or her designee). In situations where a meeting other than a face to face meeting will be held, the student must provide a copy of their identification to the Student Life office before the meeting occurs. However, a face to face meeting is the preferred option.

6. After reviewing the facts with the respondent, or after reviewing the respondent's statement, a decision will be made whether to formally charge the respondent with a violation of the Student Code of Conduct. Based on the facts and circumstances presented, the charges may be amended or changed, and the student will be made aware of those changes within five (5) business days (excluding Saturday and Sunday).
7. In the event that the student fails to contact the Student Judicial Officer (or his/her designee) within five (5) business days of the date listed on the written notification (excluding Saturday and Sunday), the Student Judicial Officer (or his/her designee) will then review the facts available without the student and make a decision whether to prepare formal charges.
8. Student Judicial Officer (or his/her designee) that he or she is being accused of violating the Code and that he or she If a decision is made to prepare formal charges, the respondent shall be notified by the may elect to do one of the following:
 - a. The respondent may admit the alleged violation and request, in writing, that the Student Judicial Officer (or his or her designee) take whatever action seems necessary; or
 - b. The respondent may admit the alleged violation and request a hearing before the Judicial Board regarding the sanction; or
 - c. The respondent may deny the alleged violation, in which case the Student Judicial Officer (or his or her designee) shall refer him or her to the Judicial Board for a hearing.

9. In the event that the respondent does not make an election of one of the three options available within five (5) business days from the date of the letter, the Student Judicial Officer (or his or her designee) will take whatever actions seem necessary, including the imposition of appropriate sanctions.
10. If the respondent elects to admit the alleged violation and request a hearing before the Judicial Board to determine the sanction or if the student denies the allegation, a Judicial Board hearing will be scheduled as soon as practical.
11. Prior to a Judicial Board hearing, the respondent shall be entitled to the following:
 - a. A written statement of a decision rendered and/or charges so that the accused student may prepare his or her defense;
 - b. Written notification of how the alleged violation came to the College's attention.
 - c. The student shall be entitled to an expeditious hearing of his or her case.
12. Members of the Judicial Board shall be appointed by The President (or his or her designee) and shall be comprised of the following:
 - a. The Student Judicial Officer (or his or her designee) will serve as the Chairperson to preside over Judicial Board Hearings. However, when the Judicial Board is hearing a case based on a disciplinary decision of the Student Judicial Officer (or his or her designee), the Student Judicial Officer (or his or her designee) will relinquish the Chair and another Chairperson will be appointed. The Chair conducts the hearing but does not participate in the deliberation.
 - b. College administrators and faculty members.
13. Judicial Board hearings shall be conducted by the Judicial Board according to the following guidelines except as provided by article IV(A)(7) below:
 - a. The Judicial Board hearing will be scheduled at the convenience of the sitting Board members, however, all efforts will be made to schedule the hearing within fifteen (15) business days of initial incident report.
 - b. The parties will provide the Judicial Board Chair a list of witnesses they propose to call, and copies of documents and a description of any other information they propose to present at the hearing, on or before a date set by the Chair. The Chair will then provide each party with a copy of the list of witnesses and identification of copies of documents or other information submitted by each party, at their request, no later than three (3) days before the scheduled hearing date. In the absence of good cause, as determined by the Chair in his or her sole discretion, the parties may not introduce witnesses, documents, or other information at the hearing that were not provided to the Chair by this deadline. The parties are also responsible for the attendance of their witnesses at the hearing.
 - c. All Judicial Board hearings shall be conducted by invitation only.
 - d. The complainant and the respondent have the right to be assisted by one advisor or parent they choose, and at their own expense (if applicable). The complainant and/or

the respondent is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any Judicial Board hearing. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Judicial Board hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.

- e. The complainant, respondent and their advisors, if any, shall be allowed to attend the entire portion of the Hearing Phase (excluding deliberations). The complainant or the respondent who does not wish to attend the hearing phase in person may submit a written statement for the Board to consider during deliberations. Admission of any other person to the Judicial Board hearing shall be at the sole discretion of the Chair (or his or her designee).
- f. In Judicial Board hearings involving more than one respondent, the Chair (or his or her designee), in his or her sole discretion, may permit the Judicial Board hearings concerning each student to be conducted either separately or jointly.
- g. Witnesses will provide information to and answer questions from the Judicial Board. The tone of the hearing should be educational and not adversarial. Questions of whether potential information will be received shall be resolved at the sole discretion of the Chairperson of the Judicial Board.
- h. Pertinent records, exhibits, and written statements (including Student Impact Statements), may be accepted as information for consideration by a Judicial Board at the sole discretion of the Chairperson.
- i. All procedural questions are subject to the final decision of the Chairperson of the Judicial Board.
- j. Requests for a continuance shall be at the discretion of the Chairperson of the Judicial Board.
- k. After the portion of the Judicial Board hearing concludes in which all pertinent information has been received, the Judicial Board shall determine (by majority vote) whether the respondent has violated each section of the Student Code which the student is charged with violating. However, the Board may also suggest a different charge to the Chairperson if they believe the facts support charge(s) different than the charge(s) the student was originally charged with. The Judicial Board will also recommend an appropriate sanction to the Chairperson.

- l. The Judicial Board's determination shall be made on the basis of whether "more likely than not" the respondent violated the Student Code.
 - m. Formal rules of process, procedure, and/or technical rules of evidence, such as those that are applied in criminal or civil court, are not used and do not apply in Student Code of Conduct proceedings/hearings.
 - n. If a disruption occurs during the hearing, the Chairperson, in his or her sole discretion may have the disruptive party removed from the hearing.
14. There shall be a single verbatim record, such as a digital recording, of all Judicial Board hearings before a Judicial Board (not including deliberations). The record shall be the property of the College. This recording will be maintained only until the appeal process has concluded (if applicable) or until the time of appeal has lapsed. For the purposes of Family Education Rights and Privacy Act, the recording is considered an educational record and cannot be released unless a release is signed by all students with identifiable information contained in the recording. The recording may be requested under Freedom of Information Act, if the hearing only involved one student without any witnesses, and the student is the individual requesting the recording. FERPA will still be adhered to in the release of records.
15. If an accused student or complainant, with notice, elects not to appear or provide a written statement (in lieu of appearance) before a Judicial Board hearing, the student shall be considered to have waived the right to appeal, and the decision at the prior level stands. If the Judicial Board is the initial decision maker, the information in support of the charges shall be presented and considered by the Judicial Board even if the accused student or the complainant is not present.
16. The Chairperson may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Student Judicial Officer (or his or her designee) to be appropriate.
17. Once the Judicial Board has made a decision as to whether more likely than not the respondent violated the Student Code of Conduct, the Judicial Board will make recommendations to the Chairperson regarding an appropriate sanction.

If the respondent has requested that the Judicial Board decide his or her sanction (under Article IV(A)(5)), then the Judicial Board shall make the final determination regarding sanction.

18. After receiving the recommendations of the Board, the Chairperson will decide the most appropriate sanction proportionate to the violation. The Chairperson shall notify the respondent in writing of the decision and of the sanction(s) imposed, if any within two (2) business days.

19. The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault or stalking will be communicated, in writing, to both the accuser and the accused simultaneously.

B. Sanctions

1. In cases of noncompliance with the Student Code of Conduct, the College will impose discipline that is consistent with the impact of the offense on the College community. Progressive discipline principles will be followed in that the student's prior discipline history at Jackson College will be taken into account except zero tolerance offenses. Sanctions for violations of physical abuse, acts of violence and assault are zero tolerance offenses meaning a single offense will result in the student's immediate removal from the College. Disciplinary action taken against a student may include, but is not limited to, one or more of the following:
 - a. Verbal Warning - Student is given a verbal warning and a notation is made in the student's disciplinary file.
 - b. Written Warning - A notice in writing to the student that the student is violating or has violated institutional regulations and a copy of the warning letter is placed in the student's disciplinary file.
 - c. Probation - A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
 - d. Loss of Privileges—Denial of specified privileges for a designated period of time.
 - e. Fines - Previously established and published fines may be imposed. Fines for a drug violation will be \$50.00 to be paid within 10 business days. Failure to make payment will result in removal from housing or a balance added to their account (non-housing students).
 - f. Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - g. Discretionary Sanctions—Work assignments, essays, service to the College, or other related discretionary assignments.
 - h. Residence Hall Suspension—Separation of the student from the residence halls for a definite period of time, after which the student may be eligible to return. Conditions for readmission may be specified. Suspensions may be effective immediately or deferred.

- i. Residence Hall Dismissal - Separation of the student from the residence halls for an indefinite period of time. Conditions for readmission may be specified. Dismissals will be effective immediately.
 - j. Residence Hall Expulsion—Permanent separation of the student from the residence halls. Expulsions will be effective immediately.
 - k. College Suspension - Separation of the student from the College for a definite period of time (usually a year or less) after which the student is eligible to return. Conditions for readmission may be specified. Suspensions may be effective immediately or deferred.
 - l. College Dismissal - separation of the student from the College for a year or more. The student may be eligible for return. Conditions for readmission may be specified. Dismissals will be effective immediately.
 - m. College Expulsion - separation of the student from the College permanently. Expulsions will be effective immediately and can only be imposed by the College President. Expulsion will occur if found that a student is selling and/or distributing drugs.
 - n. Revocation of Admission and/or Degree - Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of the College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
 - o. Parental Notification - The Federal Educational Rights and Privacy Act (FERPA) permits parent notification without their student's consent when the student has violated any Federal, State or local law, or any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance, if the institution determines that the student has committed a disciplinary violation regarding that use or possession and the student is under 21 at the time of the disclosure (§ 99.31(a)(15)).
2. Withholding Degree or Certificate – the College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed, if any.
 3. More than one of the sanctions listed above may be imposed for any single violation.
 4. In situations involving both a respondent(s) (or group or organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the respondent(s) and the student(s) claiming to be the victim because the educational career and chances of success in the academic community of each may be impacted.
 5. The following sanctions may be imposed upon groups or organizations:
 - a. Those sanctions listed above in article IV (B) (1) (a)–(n).
 - b. Loss of selected rights and privileges for a specified period of time.

- c. Deactivation. Loss of all privileges, including Jackson College recognition, for a specified period of time.
6. Once the Judicial Board has determined that a student and/or group or organization has violated the Student Code, the sanction(s) shall be recommended by the Judicial Board to the Chair. The Chairperson shall make a final determination of the sanction to be imposed, taking into consideration the Judicial Board's recommendations.
7. Following the Judicial Board Hearing, the Chairperson shall advise the accused student, group and/or organization in writing of the decision and of the sanction(s) imposed, if any within two (2) business days.

C. Interim Due Process Suspension

In certain circumstances, the President, and/or his designee, may impose a College suspension prior to a Judicial Board Hearing.

1. Interim suspension may be imposed only in the following circumstances:
 - a. To ensure the safety and well-being of members of the College community or preservation of College property; or
 - b. To ensure the student's own physical or emotional safety and well-being; or
 - c. If the respondent poses an ongoing threat of disruption of, or interference with, the normal operations of the College.
2. Interim suspension will take effect immediately upon the direction of the President and last for no more than ten (10) working days (Saturdays and Sundays are not included). The 10-day period may be extended for good cause by President or by agreement with the student.
3. During the interim suspension, a student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other Jackson College activities or privileges for which the student might otherwise be eligible, as the President may determine to be appropriate.
4. The interim suspension does not replace the regular process including a Judicial Board Hearing, if required.

D. Appeals

1. A decision reached by the Student Judicial Officer (or his or her designee) or the Judicial Board may be appealed by either the respondent(s) or the complainant to the Appellate Board within three (3) working days, excluding Saturday and Sunday, of the decision. Both the respondent and the complainant will be notified, in writing, of the right to appeal. Such appeals shall be in writing and shall be delivered to the Student Ombudsman Office.
2. The Student Ombudsman (or his or her designee) shall have the sole authority to

determine whether or not an appeal warrants further review. An appeal that has been accepted for review shall be limited to review of the verbatim record of the Judicial Board hearing and supporting documents for one (or more) of the following reasons only:

- a. There is substantive new evidence not previously available at the time of the hearing, which could have materially affected the outcome (NOTE: New witnesses or witness statements do not constitute new evidence unless there is a clear basis as to why the witnesses were not presented at the time of the original hearing).
 - b. There were procedural errors in the case that substantively impacted the student's access to a fair hearing;
 - c. The severity of the sanction needs to be reviewed based on documented mitigating personal circumstances;
 - d. The decision of the Judicial Board was not supported by the evidence presented at the hearing, or evidence was not sufficient to establish that a Code of Conduct violation occurred.
3. If an appeal is based on Article IV (D) (2) (a) & (b) (as listed above) and is approved by the Student Ombudsman (or his or her designee), the matter shall be introduced to the Appellate Board and Chairperson for a rehearing, which will take into consideration the suggestions made by the Student Ombudsman (or his or her designee) in addition to the facts that were originally presented. If an appeal is upheld by the Appellate Board, the matter shall be returned to the Appellate Board for reconsideration of the original determination and/or sanction(s). If an appeal is not upheld, the matter shall be considered final and binding upon all involved. Both the respondent and the complainant will be simultaneously notified, in writing, of any changes to the results of the disciplinary proceedings based on an appeal and notified simultaneously , in writing, when the result of the proceedings become final.
 4. If an appeal is not approved by the Student Ombudsman (or his or her designee), the matter shall be considered final and binding upon all involved.

ARTICLE V: INTERPRETATION AND REVISION

- A. Any question of interpretation or application of the Student Code shall be referred to the Student Judicial Officer (or his or her designee) for final determination.
- B. The Student Code shall be reviewed periodically under the direction of the Student Judicial Officer (or his or her designee).