



ARIZONA WESTERN COLLEGE

of Conduct:

Policies and Procedures

Student Code of Conduct: Policies and Procedures

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ARIZONA WESTERN COLLEGE
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Student Code Of Conduct:

Policies and Procedures

I. INTRODUCTION

- A. The College Community**—Arizona Western College (the “College” or “AWC”) was established, in part, to promote the exchange of knowledge in an environment that encourages reasoned discourse, intellectual honesty, and respect for the rights of all persons. By accepting membership in this community, individuals neither surrender their rights nor escape their responsibilities as citizens, but acquire rights in, as well as responsibilities to, the College community. The College community is defined as students, District Governing Board members, administrators, faculty, and other College employees.

Attendance at a public community college is not compulsory; consequently, individuals entering the College Community voluntarily assume all obligations of performance and behavior reasonably expected by the College. The College is a “special purpose” institution and, as such, can set forth higher expectations than those of the community in general.

- B. Purpose of this Student Code of Conduct**—This Student Code of Conduct (the “Code”) is intended to provide the framework for an orderly and stable College community. The Code is promulgated to protect the freedoms to which its members are entitled, and to ensure that the College community can pursue and accomplish its purposes and carry out its functions and activities without obstruction.

This Code obligates students to respect the rights and privileges and property of other members of the College community and visitors to the campus, refrain from actions which would interfere with College functions or endanger the health, welfare or safety of other persons, practice high standards of academic and professional honesty and integrity, and comply with the rules and regulations of the College and its departments. In general, this Code sets forth duties owed by students to each other and to the College. It also sets forth administrative procedures whereby students accused of violating College rules are afforded due process and, if the evidence warrants, receive fair discipline. Finally, this Code specifies procedures by which a student may appeal certain decisions. *Students are responsible for knowing and understanding the contents of this Code.*

- C. Disciplinary Authority**—Pursuant to authority granted by A.R.S. §13-2911 and A.R.S. §15-1444, the Arizona Western College District Governing Board has established policies regulating student conduct and student discipline on College campuses and centers and at College events. In accordance with these District Governing Board policies (including without limitation DGB Policy #550) and pursuant to applicable procedures (including, but without limitations, AWC Procedure #550.1), the Vice President for Student Services has primary authority and

responsibility for the administration of student discipline. Further delegation of this authority may be made by the Vice President for Student Services to the designee assigned to the role of Disciplinary Hearing Officer as delineated in Section IV. of this Code.

- D. Faculty Authority for Classroom Situations Including Academic Dishonesty**—Any student who engages in dishonest academic work or who engages in prohibited conduct in the classroom may be subject to action by the instructor. In the event of disruptive student behavior in the classroom, faculty members have the authority to temporarily exclude a student from the current class session. Persistent disorderly behavior, cases of academic dishonesty, and other violations of the Code may be referred to the Disciplinary Hearing Officer (see Section IV.B.), who has the authority to implement all aspects of the student disciplinary procedures as set forth in this Code.
- E. Prosecution for Violations**—An individual may be charged and prosecuted for the same alleged conduct by both the College and the criminal justice system. Disciplinary action by the College is not subject to challenge or postponement on the grounds that criminal charges or civil litigation involving the same incident has been dismissed, reduced, or is pending in court. *A disciplinary hearing is an administrative, rather than a criminal proceeding; therefore, the principle of double jeopardy does not apply.*

II. JURISDICTION

- A. Conduct Covered by this Code**—This Code will apply to and govern all conduct, henceforth referred to as “Covered Conduct,” which: (1) occurs on College property; (2) occurs at a College sponsored, sanctioned or supervised class, activity, contest, conference, meeting or other function regardless of location and is inclusive of travel, lodging and unscheduled time in between; or (3) in any manner, on or off campus, is associated with the College or is otherwise deemed to affect the operation of the College.
- B. Individuals Covered by this Code**—This Code, as well as other College rules and regulations governing student conduct, shall apply to the Covered Conduct of all individuals who are matriculated or otherwise enrolled to attend class full or part-time at Arizona Western College and/or Northern Arizona University in Yuma. A student who engages in Covered Conduct that is prohibited by this Code shall be subject to discipline.
- C. Right To Restrict Non-Members of the College Community**—The College reserves the right to restrict or prohibit the presence of a person who is not a member of the College community from being on College property or attending College events whenever that individual’s presence is considered detrimental to the welfare of the College community.

D. Students Covered Under Additional Rules and Regulations—In addition to the requirements imposed by this Code on all students, some students may be subject to additional rules and regulations imposed by College departments or outside agencies. Examples of such situations include:

- 1. Residence Hall Students:** Students residing on campus will additionally be subject to residence life rules and regulations, as may reasonably be adopted or modified from time to time. The Director of Campus Life, Coordinator of Residence Life, and all Residence Hall Head Residents are authorized to issue warnings for violations of residence life rules and regulations. The Director of Campus Life and/or the Coordinator of Residence Life may revoke certain residence life related privileges of individuals violating residence life rules. A student who violates residence life rules may also be summoned to appear before the Disciplinary Hearing Officer and may subsequently lose the privilege of on-campus residence or be otherwise disciplined.
- 2. Student Extracurricular Activities Including Athletics:** Students participating in extracurricular activities will additionally be subject to rules and regulations set forth in club, team, or organization handbooks or otherwise established by the applicable departments. Students determined to be in violation of such rules may be sanctioned by the appropriate staff or administrator, which may include probation, suspension or withdrawal from the privilege of extracurricular activity participation. Such students may also be disciplined by the disciplinary Hearing Officer.
- 3. NAU in Yuma and Consortium Students:** In addition to the behavioral requirements and disciplinary procedures imposed by this Code on AWC students, NAU in Yuma and consortium students shall be subject to all applicable policies, rules and regulations promulgated by Northern Arizona University. A student may, therefore, face disciplinary action by either or both AWC or NAU administrative personnel, depending upon the specific parameters of the case.
- 4. Students Participating in College Sponsored Activities:** Students who participate or are otherwise involved in a College sponsored event on or off College property will be subject to this Code and to such additional rules and regulations as may reasonably be imposed by College representatives related to such event. Lodging during travel is considered an extension of College housing; and therefore, students are subject to all of the rules and regulations that apply to the residence halls.
- 5. Students with Outstanding Debts:** Students who are indebted to the College for an outstanding/overdue financial obligation will not be provided further services of any kind, including but not limited to registration, transmitting files, records, or transcripts, or receiving other services that have been requested by

such person; provided, however, that an individual shall not be prohibited from obtaining a copy of his or her student records in those circumstances where the individual cannot effectively review his or her student records without receiving such copies. Nonpayment of financial obligations constitutes authorization for administrative removal of the student from classes. Students who wish to dispute outstanding debts will be provided an adjudication process by the Vice President for Business Services or designee.

III. PROHIBITED CONDUCT, SANCTIONS AND STIPULATIONS

A. **Articles of Prohibited Conduct**—The following Covered Conduct is prohibited by this Code:

1. **Disruptive Conduct:** An individual shall not engage in disorderly, lewd or indecent conduct or any conduct that is reasonably likely to cause a breach of peace, disrupt, or that does disrupt, any College function, process or activity including teaching, research, and administration of public service functions on or off campus.
2. **Alcohol, Drugs and Drug Paraphernalia:** An individual shall not possess, sell, offer to sell, purchase, offer to purchase, use or transfer illegal drugs, drug paraphernalia or alcohol, or be under the influence of alcohol, drugs or medication (except as prescribed by a physician and used in accordance with the prescription), or furnish alcohol to a minor. The term “drugs” includes any narcotic, dangerous drug, steroid, vapor releasing toxic substance, marijuana, or controlled substance (imitation or otherwise) as defined by law. The term “medication” means any substance that is available legally by prescription only.
3. **Academic Dishonesty:** An individual shall not engage in any form of academic dishonesty, including but not limited to cheating, fabrication, facilitating academic dishonesty, copyright violation, or plagiarism. An individual shall not use or attempt to use the academic work or research of another person (or agency engaged in the selling of academic materials) and represent that it is his or her own or otherwise engage in dishonest academic work. An individual shall not share his or her knowledge or work with another student during an examination, test, or quiz or other academic assignment unless specifically approved in advance by the professor. An individual shall neither bring to an examination any materials nor notes unless approved by the professor nor shall the individual receive or attempt to receive any test response from another student during an exam or at any time unless expressly authorized by a faculty member.
4. **Threats, Assaults and Fighting:** An individual shall not verbally or physically threaten, abuse, assault or engage in a fight with any student, College employee or any other person.

- 5. Defamation:** An individual shall not use defamatory words or phrases or distribute defamatory materials. Defamatory words or materials are those that: (1) are false and expose any person or the College to hatred, contempt, ridicule, disgust or an equivalent reaction; or (2) are false and have a tendency to impugn a person's occupation, business or office.
- 6. Obscenity and Vulgarity:** An individual shall not use obscene or vulgar language or gestures, distribute or exhibit obscene or vulgar materials. Obscene materials, language or gestures are those that an average person, applying contemporary standards of the College community, would find that taken as a whole, appeal to prurient interests and lack serious literary, artistic, political or scientific value.
- 7. Initiation and Hazing:** An individual shall not engage in any activity involving an initiation, hazing, intimidation, assault, or other activity related to group affiliation that is likely to cause or does cause bodily danger, physical harm, mental harm, or personal degradation or humiliation. All initiations, including those related to any College club, athletic team, or other groups are subject to the above prohibitions whether or not the conduct occurs on College property.
- 8. Fraud, Misrepresentation, Extortion and Theft:** An individual shall not take, use or borrow any property without that person's permission or otherwise obtain any benefit by fraud, misrepresentation, deception or by express or implied threat. An individual shall not make any false oral or written statement to any person or entity with the intent to mislead or deceive.
- 9. Endangering the Health and Safety of Others:** An individual shall not engage in conduct that endangers or reasonably could endanger, or that reasonably appears to endanger, the health or safety of students, College employees or other persons.
- 10. Obstruction:** An individual shall not obstruct the authorized use or enjoyment of College facilities by any other individual. Obstruction includes, but is not limited to: (1) interfering with the normal flow of pedestrian or other traffic; (2) use of sound amplifying equipment that unreasonably interferes with the activities of others; (3) disorderly conduct at any College activity; (4) use of facilities that are assigned to another individual or group; (5) unauthorized interference with any person's access to or from College facilities or events; and (6) participation in any activity with the intent or reasonably predictable effect of disrupting or otherwise depriving a group or individual of the ability to see, hear or otherwise experience a College function or activity.
- 11. False Imprisonment:** An individual shall not imprison, detain or exercise unlawful control over the freedom of movement of any person.

- 12. Harassment, Stalking, and Discrimination:** An individual shall not harass another person. Harassment includes written or verbal abuse of a serious nature (either as a result of the severity or repetitive nature of the conduct) that humiliates or intimidates another individual and does not otherwise advance matters of public concern. Harassment also includes any conduct that could reasonably be expected to cause fear or apprehension on the part of another individual including persons submitting complaints, serving as witnesses or members of adjudicating committees. An individual shall not engage in conduct that is directed toward another person if that conduct would cause a reasonable person to fear for the person's safety or the safety of that person's immediate family member or close acquaintance, and that person in fact fears for his or her safety or the safety of an immediate family member or close acquaintance. An individual shall not engage in discriminatory conduct on the basis of age, ethnicity, gender, disability, color, national origin, race, religion, sexual orientation, or veteran status.
- 13. Sexual Harassment:** An individual shall not engage in sexual harassment which consists of any unwelcome sexual advance, request for sexual favors or other written, verbal, or physical conduct of a sexual nature when: (1) submission to or rejection of the conduct is made either an explicit or implicit condition for access or decisions relating to any College-related opportunities; (2) the expression or conduct substantially interferes with an individual's work or academic performance or creates an unreasonably intimidating, hostile or offensive work, learning or other College-related environment; or (3) the expression of sexual or social interest in an individual continues after being informed that the interest is unwelcome.
- 14. Sexual Misconduct:** An individual shall not engage in conduct that constitutes sexual misconduct, whether forcible or non-forcible, including but not limited to rape, sexual assault, public sexual indecency, indecent exposure.
- 15. Vandalism, Littering, and Destruction of Property:** An individual shall not damage, destroy or deface any College property or property belonging to any other person, and shall not litter on College property or at a College event.
- 16. Forgery:** An individual shall not use or attempt to use the identity or signature of another and represent that it is his or her own to obtain any benefit by fraud, misrepresentation, or deception.

17. **Emergency Alarms and Fire Control Devices:** An individual shall not knowingly activate, use, or tamper with any College fire alarm, safety device or other device provided by the College for use in emergencies, unless the individual reasonably believes that an emergency exists justifying use of the device.
18. **Arson:** An individual shall not willfully or maliciously start, attempt to start, or promote the continuation of any fire or explosion.
19. **Unauthorized Entry and Duplication of Keys:** An individual shall not gain, or attempt to gain, or attempt to gain forceful or unauthorized entry into, or occupation of, College buildings or grounds or designated off-limits areas. An individual shall not possess, reproduce, transfer or sell a key to any College building or facility without receiving express permission to do so from an appropriate College administrator.
20. **Unauthorized Access and Tampering:** An individual shall not, without proper authorization, read, remove, copy, counterfeit, misuse, photograph, forge, alter, destroy or tamper with any College computer equipment (including any computer hard drive or zip drive, computer network or software), disk, file, document, library material, record, telephone message, telephone record or telephone equipment, or otherwise violate College policies pertaining to copyright law, computer software contracts, or computer use. Such prohibited activities are inclusive of (but not limited to) unauthorized entry into a file, transfer of a file, use of another individual's identification and/or password, use of computers to interfere with the work of another student, faculty member or other College employee, sending or forwarding obscene, vulgar, threatening, or abusive messages, files, or website or other links, or otherwise interfering with the normal operation of the College's computer systems.
21. **Solicitation and Posting of Notices:** An individual shall not solicit or post any materials, pictures, or writing on College property without first obtaining appropriate authorization.
22. **Violation of Federal, State or Local Law:** An individual shall not violate any federal, state or local law on or off College property.
23. **Violation of College Policies, Rules or Directives:** An individual shall not violate any College policy, administrative regulation, rule or directive inclusive of the terms and conditions of a disciplinary sanction or stipulation or an "order to appear" issued by an authorized college official. (Note that this article is also inclusive of, but not limited to, regulations established by the offices of Residence Life, Financial Aid, Athletics, Campus Life, Admissions, Campus Police, Learning Services, Business and Administrative Services, Student Services, Information Technology and Learning Resources, and the President.)

- 24. Defiance of Authority and Untruthfulness:** An individual shall obey the reasonable orders of instructors, administrators, and other College employees and shall respond to lawful requests for information from these persons in a truthful manner. An individual shall not obstruct or resist any College official, employee, College police officer or other law enforcement officer in the performance of his or her duty. An individual shall not furnish false information, including false identification, or fail to provide information to the College or to any College employee or agent, including campus law enforcement or security officers or other agents acting in good faith.
- 25. Possession of Weapons or Dangerous Items:** An individual shall not possess or use firearms, weapons, explosives, fireworks, dangerous chemicals or any other instrument capable of harming any person or property or that reasonably would create the impression of being able to induce such harm, without express authority from the College administration.
- 26. Pets and Animals:** An individual shall not bring pets or animals onto College property or to College sponsored events without administrative approval, with the exception of an animal specially trained to assist an individual with a disability.
- 27. Conspiracy and Encouragement:** An individual shall not conspire, encourage, assist, or incite any other person(s) to engage in any conduct prohibited by this Code.
- 28. Attempted Violation:** An individual shall not attempt to engage in any conduct prohibited by this Code. An attempted violation of this Code is punishable in the same manner as a completed violation without regard to whether the act was or could have been successfully completed.

B. Sanctions and Stipulations—Sanctions are penalties that may result from the violation of one or more Articles of Prohibited Conduct set forth in this Code. Stipulations are terms that may be imposed upon a student as a condition of resuming or continuing studies at the College. The sanctions that follow are listed in order of severity; however, the Hearing Officer may choose to issue any sanction, in a given case, as the Hearing Officer deems warranted by the evidence in that particular case and the student’s cumulative disciplinary record.

Any single violation of an Article of Prohibited Conduct depending upon the severity of the incident, may result in a sanction of suspension or expulsion. Violation of more than one of the Articles of Prohibited Conduct during a single incident, the accumulation of a number of Code violations, or the repeated violation of the same Article of Prohibited Conduct over time, may impact the severity of the sanction imposed.

1. Sanctions:

- a. **Reprimand:** A written admonishment for violating this Code and a warning not to commit further violations.
- b. **Probation:** An order to comply strictly with the provisions of this Code for a specified period of time. An individual on probation is permitted to continue as a student, but is warned that any further Code violation may result in the imposition of more severe sanctions, including suspension or expulsion.
- c. **Suspension:** A suspension is a sanction that, for a specified period of time, (i) requires a student not to be on College property, (ii) excludes the student from all academic courses and activities, and (iii) prohibits the student from attending or participating in any College function or activity. A suspension shall not exceed three years in length. In some situations, a limited suspension may be imposed. A limited suspension is one that restricts a student from some or all academic classes or activities, and does not restrict the student from being on College properties or from attending College functions and activities. A suspension shall only be considered to be a limited suspension if it is expressly referenced as such in the decision that imposes the suspension. Use of the term suspension elsewhere in this Student Code of Conduct is intended to include regular as well as limited suspensions. A student who receives a suspension may also be subject to stipulations that apply (i) during the term of the suspension, (ii) during the term of the suspension as well as for a defined period of time thereafter, and/or (iii) following the term of the suspension, with the student's readmission being conditioned on compliance with such stipulations.
- d. **Expulsion:** An expulsion is a sanction that involves the permanent exclusion of a student from (i) College property, (ii) all academic courses and activities, and (iii) the right to attend or participate in any College function or activity.
- e. **Exclusion of Suspended or Expelled Student From Student Housing:** A student who has been suspended or expelled may not reside in College housing. It is the responsibility of a suspended or expelled student to secure alternative living accommodations and/or travel arrangements following the suspension or expulsion.

2. **Stipulations:** As a result of a Code violation, a student may be ordered to comply with the provisions of one or more of the following types of stipulations either separately or in conjunction with a sanction:

- a. **Restitution:** A monetary assessment in any case in which a violation of this Code has caused loss or damage. Restitution to the College may be ordered to be paid in appropriate cases. Failure to make a required payment during the allotted time may result in further disciplinary action by the College.
- b. **Restriction:** Forfeiture, denial, curtailment, or limitation of specific privileges, services or access to facilities provided for students through the College (including but not limited to campus housing and food service) for a specified period of time.

Note: It is the responsibility of a residence hall student, who has been restricted from the residence hall area, to secure alternate living accommodations and/or travel arrangements.

- c. **Service:** An order to provide a specified service, relevant to the Code violation for a specified period of time, to the College community.

IV. RESOLUTION OF ALLEGED CODE VIOLATIONS

- A. **Complaint Procedure**—The student discipline process normally begins with a written complaint or police report. A complaint must describe the alleged misconduct by the individual, be signed by the person making the complaint, and be filed with the Vice President for Student Services or designee serving as the Disciplinary Hearing Officer for investigation and resolution. Verbal complaints will be accepted only in emergency situations. Under circumstances deemed appropriate, the Vice President for Student Services or designee may also initiate a complaint. The College will not tolerate reprisals against any individual who submits a complaint or who participates as a witness or in any capacity in a student disciplinary procedure.
- B. **Disciplinary Hearing Officer**—Any decision to impose student discipline shall be made by a Disciplinary Hearing Officer (“Hearing Officer”). For informal disciplinary hearings, the Director of Campus Life shall serve as the Hearing Officer unless the Vice President for Student Services designates a different individual to be the Hearing Officer in a particular case. The Vice President for Student Services shall serve as the Hearing Officer in formal disciplinary hearings unless the Vice President for Student Services designates otherwise in a given case. Upon receipt of a complaint, the Director of Campus Life will make an initial determination from among the options defined in Section IV.D. Adjudication Process, as to what procedure to pursue. In accordance with the Family Educational Rights and Privacy Act of 1974 (“FERPA”), upon case resolution, the Hearing Officer may communicate his/her findings to College personnel with an interest in the case. Additionally, the final results of a

disciplinary hearing involving a crime of violence may be released to appropriate persons, including any victim of the crime, including the name of the alleged perpetrator, the charge, and the sanction.

- C. Temporary Injunction**—In certain situations, it may be necessary to issue a temporary injunction against an individual alleged to have violated one or more provisions of this Code, particularly when the Code violation involves a potentially dangerous or damaging situation. Pending resolution of alleged charges, the Hearing Officer may issue an order to the student prohibiting any future conduct specified in the order.

Issuance of a temporary injunction shall not be deemed an indication or ruling on the merits as to whether the student did or did not engage in conduct in violation of this Code. A temporary injunction may be issued in one of the following forms:

- 1. Cease and Desist Order:** The student is issued an official verbal warning and is ordered to refrain from provoking or participating in any incident involving further violation of the Code. A student may be issued a Cease and Desist order at the discretion of the Hearing Officer and may also receive a sanction at a subsequent Disciplinary Hearing.
- 2. Interim Suspension:** A student receiving an interim suspension will immediately be required to vacate College property and shall be restricted from all College activities. An interim suspension may be imposed if the Vice President for Student Services or designee determines that reasonable cause exists to believe that the student presents a real or potential danger to himself or herself, any other person, or to property. An interim suspension shall remain in effect only until a Disciplinary Hearing can be held, usually within eight (8) working days.
 - a. Interim Suspension Hearing Process:** Whenever reasonably possible, a student will be afforded a hearing process substantially the same as the informal hearing process defined in subsection IV.D.1. prior to the possible imposition of an interim suspension. If an interim suspension is imposed without a hearing, the student will be afforded a hearing process substantially the same as the informal hearing process defined in subsection IV.D.1. as soon as reasonably possible. The hearing referenced by this paragraph relates only to the interim suspension and does not limit the College's right to impose further discipline or schedule additional disciplinary hearings.

- b. **Student Housing During Interim Suspension:** It is the responsibility of a suspended residence hall student to secure alternate living accommodations and/or travel arrangements during the term of any interim suspension imposed. It is also the student's responsibility to inform the Hearing Officer of his/her address during the period of interim suspension.

D. Adjudication Process Alternatives—The Hearing Officer may designate a complaint for resolution pursuant to one of the following three procedures.

- 1. **Informal Disciplinary Hearing:** An informal hearing may be conducted with a student accused of misconduct. This informal disciplinary hearing may be nothing more than a face-to-face meeting between the Hearing Officer and the student, following a written or verbal notice of the meeting. The purpose of this informal hearing is to provide an opportunity for the student to respond to allegations of misconduct before any disciplinary action is taken. The student waives any rights to an informal hearing by his/her failure to attend. During the informal hearing, the student must be provided the following information:
 - a. The alleged misconduct and the reasons for the College's belief that the student engaged in the misconduct.
 - b. The specific section(s) of the Code allegedly violated; and
 - c. The possible sanctions that may be imposed. Only minor sanctions may be imposed based solely on informal disciplinary hearing. A suspension of ten (10) instructional days or fewer, minor restrictions with respect to campus activities, warnings, directives, or probation are considered minor sanctions. Suspensions in excess of ten (10) instructional days, or deprivation of student housing, are not considered minor sanctions.
 - d. Based on the findings of an informal hearing, the Hearing Officer shall enter in writing one of the following orders:
 - (1) An order dismissing the disciplinary proceedings if it appears there has been no misconduct;
 - (2) An order imposing a minor disciplinary sanction;
 - (3) An order referring the matter to a formal disciplinary hearing. This referral shall occur whenever it appears that other than a minor disciplinary sanction may be warranted. In such situations, the formal disciplinary process must be used (see subsection IV. E., below).
 - e. The official record of this informal hearing shall consist of all documents prepared or considered by the Hearing Officer with regard for the dispute on hand.
 - f. The decision of the Hearing Officer is final.

2. **Formal Disciplinary Hearing:** In cases where the Hearing Officer determines that the student may be subject to other than a minor sanction, a Formal Disciplinary Hearing will be scheduled and will proceed as outlined in Section IV. E. below.
3. **Waiver of Formal Disciplinary Hearing Where Student Accepts Recommended Sanctions:** In situations where a formal disciplinary hearing is being recommended, or would be recommended, but the student desires to accept the proposed sanctions and waive his or her right to the hearing, the procedures set forth in Section IV.F. below shall be followed.
4. **No Action:** The Hearing Officer may determine that no further action is merited.

E. Formal Disciplinary Hearing Procedures—

1. **Notice of Formal Disciplinary Hearing:** In accordance with the principles of due process, the Hearing Officer will give written notice of the time, date and location of the Disciplinary Hearing. The notice will describe the alleged misconduct, the Code provisions allegedly violated, and the potential sanctions. The hearing notice, plus a copy of this Code, shall be delivered to the student accused of misconduct no less than four (4) workdays prior to the hearing. The notice will also inform the student that he or she has the option to waive the formal disciplinary hearing and accept the proposed sanctions, and shall refer the student to Section IV.F. of this Code for procedures related to this option.
2. **Option for Student to have Advisor Assist Student at Formal Disciplinary Hearing:** A student who is subject to a formal disciplinary hearing has the right to bring to that hearing a person who may assist the student in his or her defense. The advisor to the student (“Advisor”) may not actively participate in the Formal Disciplinary Hearing by actions such as making statements, questioning witnesses, etc. The Advisor may provide advice to the student during the hearing in a manner deemed non-disruptive by the Hearing Officer.

If the Advisor to the student is an attorney, the student must inform the Hearing Officer not less than two (2) working days before the hearing that an attorney will be present at the hearing.

3. **Access to the Case File:** The student, by appropriate request, shall have reasonable access to the case file and relevant evidence that may be used at the Disciplinary Hearing. Note that access will not be inclusive of the privilege of reviewing the personal disciplinary files or other records of any other individual student.
4. **Who May Attend the Formal Disciplinary Hearing:** The Hearing Officer, an assigned recorder, the accused student, an Advisor to the student (if any), a representative of the College administration (“College Representative”) whose task it is to prosecute the case on the behalf of the administration, and witnesses

called by the student or the College Representative (each of whom may be present only during his/her testimony), and College legal counsel (if called) are the only individuals permitted to attend the Formal Disciplinary Hearing. Exceptions to this rule are permitted at the sole discretion of the Hearing Officer and may include the following: (1) the parent(s) of a minor student; (2) a language interpreter; (3) an AWC athletic coach and/or Athletic Director, (4) a counselor, and/or (5) an assigned Campus Police Officer. These individuals permitted by the Hearing Officer to be in attendance cannot participate in the actual hearing process.

- 5. Witnesses:** At least two (2) workdays prior to the date of the hearing, the student and the College Representative shall each furnish to the Hearing Officer a written list of the names of witnesses each intends to call. All witnesses shall be excluded from the hearing room except when testifying.

- 6. Conduct of the Formal Disciplinary Hearing:** The Hearing Officer is not required to adhere to the formal rules of evidence used in criminal proceedings. The Formal Disciplinary Hearing will be conducted as follows:
 - a. The Hearing Officer reads the charge(s) against the student.
 - b. The student and the College Representative shall each be permitted to make a brief opening statement.
 - c. The College Representative shall next present the evidence, witness statements, or witnesses to substantiate the charges. The student shall be permitted to ask questions of any witness presented by the College Representative.
 - d. The student shall next present evidence, witness statements, or witnesses to defend against the charges. The College Representative shall be permitted to ask questions of any witness presented by the student.
 - e. If the student or College Representative desires to read from or submit a written statement or document, copies of the statement or document must be provided to the Hearing Officer and the other party.
 - f. The student and the College Representative shall each be permitted to make a brief closing statement.
 - g. Following the presentation of evidence and closing statements, the Hearing Officer will, following any private deliberations deemed necessary by the Hearing Officer, reach a decision on the matter by determining whether the College administration has demonstrated that it is more likely than not that a violation of the Code has occurred. If so, an appropriate disciplinary sanction will be imposed. A copy of a written decision rendered by the Hearing Officer shall be presented to the student within ten (10) days of the hearing.

7. **Non Attendance:** If the student does not attend the Formal Disciplinary Hearing, the Hearing Officer may either:
 - a. reschedule the Hearing; or
 - b. proceed with the Hearing in the student's absence and impose a sanction if warranted by the evidence, including a sanction of suspension or expulsion.

F. Procedures Where Student Desires To Waive Formal Disciplinary Hearing and Accept Disciplinary Sanctions

1. **Option for Student to Accept Proposed Sanctions and Waive Formal Disciplinary Hearing:** Whenever a student is faced with the prospect of being subjected to a formal disciplinary hearing and, depending on the outcome of the hearing, receiving discipline, the student has the option to waive the formal disciplinary hearing and accept sanctions for the misconduct recommended by the Vice President for Student Services. This option is available to a student at any time up to the actual commencement of a formal disciplinary hearing.
2. **Notice to Student of Option to Waive Formal Disciplinary Hearing and Accept Disciplinary Sanctions:** A student may be informed at any time about the option to waive the conduct of a formal disciplinary hearing and accept disciplinary sanctions recommended by the Vice President for Student Services. In addition, every notice of formal disciplinary hearing sent to a student will inform the student of the student's option to waive the conduct of a formal disciplinary hearing and accept disciplinary sanctions recommended by the Vice President for Student Services. The notice will also inform the student that procedures related to this option are contained in this Section IV.F.
3. **Procedure for Student Interested in Option of Waiving Formal Disciplinary Hearing and Accepting Sanctions to Request Information About Specific Sanctions Applicable to Student's Alleged Misconduct:** If a student faced with the prospect of a formal disciplinary hearing and resulting disciplinary sanctions is interested in considering the option of waiving the conduct of the hearing and accepting disciplinary sanctions, the student may request that he or she be apprised of the specific sanctions that would be imposed for the student's alleged misconduct. Such a request should be directed to the Vice President for Student Services and may be made at any time up until the actual start of a formal disciplinary hearing. The Vice President for Student Services shall respond to the request within a reasonable time, specifying the specific sanctions that would be imposed against the student for the misconduct alleged. If the student decides not to pursue the option of waiving the formal disciplinary hearing and accepting the sanctions, the

student shall not be prejudiced in any manner for having requested information as referenced by this Section IV.F.3.

- 4. Required Documentation for Situations Where a Student Decides to Waive the Conduct of a Formal Disciplinary Hearing and Accept Sanctions for Misconduct:** If a student decides to waive the conduct of a formal disciplinary hearing and accept sanctions for alleged misconduct, the student should so inform the Vice President for Student Services. The Vice President for Student Services will then be responsible for preparing and presenting to the student a document memorialize the student's decision. The document, entitled "Student's Agreement to Waive Formal Disciplinary Hearing and Accept Disciplinary Sanctions" (hereinafter "Student's Agreement") will contain, at a minimum: (a) the student's name (b) a description of the student's misconduct (c) a description of the specific sanctions to be imposed on the student as a result of the misconduct, (d) an acknowledgement by the student that the student has decided not to contest the allegations of misconduct and thus waives the conduct of a formal disciplinary hearing and any other procedures related to the misconduct, and (e) an acknowledgement by the student that he or she is accepting the proposed sanctions listed in the Student's Agreement. A Student's Agreement must be signed and dated by the student to be effective. The student shall be given a copy of any signed Student's Agreement with the original being maintained in the student's school records.
- 5. Questions Related to Option to Waive Disciplinary Hearing and Accept Disciplinary Sanctions:** If a student has any questions about the matter set forth in this Section IV.F., such questions may be directed to the Vice President for Student Services.

V. COLLEGE DISCIPLINARY APPEALS PROCESS

- A. Appeal and Review Options for Decisions Involving Code of Conduct Violations**—The purpose of an appeal is to ensure that the students' rights have been maintained throughout the disciplinary process. The option for appeal exists only for decisions adjudicated through the formal disciplinary hearing process. Except as required to explain the basis of new evidence that could not reasonably have been previously discovered, no new witnesses or documents will be allowed to be admitted. An appeal shall be limited to one or more of the following:
 1. Failure to follow provisions of the Code or other applicable procedures with such failure resulting in prejudice to the student;
 2. Unlawful, arbitrary, or capricious action
 3. Excessively severe sanction(s);

4. Newly discovered evidence that could not reasonably been discovered prior to the hearing.

B. Appeal to the Vice President for Learning Services: A student seeking relief from a sanction imposed by the Vice President of Student Services as a result of a violation of the Articles of Prohibited Conduct must file his or her written appeal with the Vice President for Learning Services within five (5) workdays from receipt of the disciplinary decision. The Statement of Appeal must contain the following information:

1. the student's name, local address and telephone number;
2. a statement of concerns regarding the Hearing Officer's findings;
3. arguments supporting the student's position; and
4. a statement of the requested solution.

The Vice President or designee will conduct such inquiries as deemed appropriate and shall provide a written decision, within five (5) workdays. The Vice President for Learning Services' decision on the appeal is final.

C. Institutional Appeals Committee (IAC): At the discretion of the Vice President for Learning Services, the Institutional Appeals Committee ("IAC"), of which Vice President for Learning Services is the Chairperson, may be convened to assist him/her in reaching a decision on the appeal. The purpose of the IAC is to assist the Vice President for Learning Services with respect to student appeals of disciplinary decisions for violations of the Code. In situations where the Vice President for Learning Services decides to convene the IAC, the Vice President shall have ten (10) workdays, instead of five (5) workdays, to render his/her decision.

1. **Composition of the Institutional Appeals Committee (IAC):** The IAC consists of a Chairperson (the Vice President for Learning Services) and four (4) College employees to include two (2) full-time members of the faculty, one (1) full-time member of the professional/administrative staff, and one (1) full-time member of the classified staff.
2. **Optional Appearance of Student and College Representative:** At the discretion of the Vice President for Learning Services, the student and the College Representative may be invited to attend the meeting of the IAC. The purpose will be to allow the student and College Representative to respond to any questions posed by the Vice President or IAC on the matters to be decided, including any questions related to the students' Statement of Appeal. The attendance of the student and the College Representative shall be for the sole purpose of responding to questions posed by the Vice President for Learning

Services or the IAC members, and will not involve the presentation of witnesses or exhibits.

VI. READMISSION

- A. Conditions of Readmission:** A student suspended from the College for disciplinary reasons will be readmitted upon expiration of the time period for which the suspension was issued, subject to any stipulations that were contained in the original decision to impose a suspension.
- B. Petition Requesting Readmission:** If a student feels that circumstances warrant (i) readmission prior to the end of the term of a suspension, (ii) modification to any conditions imposed with a suspension, including readmission, or (iii) readmission despite an expulsion, the student may submit a written Petition Requesting Readmission to the Vice President for Student Services. The Petition Requesting Readmission must state reasons that support consideration of readmission. The Vice President for Student Services or designee may then choose to:
1. authorize readmission, with a minimum one (1) semester on a probationary status
 2. schedule a hearing before the Suspension Review Committee to determine whether or not readmission is warranted, or
 3. deny readmission.
- C. Readmission Review Process and Suspension Review Committee (SRC)—**
1. **Request for SRC:** The Vice President for Student Services may refer a suspended or expelled students' Petition Requesting Readmission to the Suspension Review Committee ("SRC") for review.
 2. **The Committee:** The five (5) member SRC is comprised of a Chairperson (the Vice President for Learning Services or designee), one (1) full-time member of the faculty, one (1) full-time member of the professional/administrative staff, and two (2) full-time students selected by the Chairperson from a list of eligible students submitted by the Director of Campus Life. No student may serve on the SRC while on academic probation or while under any disciplinary sanction.
 3. **Notice of Hearing:** The SRC Chairperson, assisted by the Vice President for Student Services and the Disciplinary Hearing Officer will prepare and forward to each SRC member a written Notice of Hearing, which shall contain the following information:
 - a. the name of the suspended or expelled student;

- b. the students' Petition Requesting Readmission;
- c. the date, time, and location of the hearing;
- d. the names of the SRC membership.

A copy of the Notice of Hearing will be mailed to the student's last known address. The SRC Hearing shall be convened no less than three (3) nor more than six (6) working days from the date of the Notice of Hearing, unless the Chairperson shortens or extends the timeline for good cause. It is the responsibility of the student to keep the SRC Chairperson informed as to his/her current address and phone number.

4. **Authority of Chairperson:** The SRC Chairperson has the authority to:
 - a. preside over and conduct the hearing;
 - b. determine who may or may not attend the hearing;
 - c. provide scheduling and notice of the hearing;
 - d. preside over and conduct closed deliberations of the committee to reach a decision on readmission;
 - e. provide for written notification to the student of the committee decisions.
5. **Failure to Appear:** The absence of the student from the hearing shall not affect the authority of the SRC to proceed to a conclusion of the hearing.
6. **Attendees:** Members of the SRC, the suspended or expelled student, the Vice President for Student Services and/or College Representative, hearing recorder, and an assigned police officer have the right to attend the SRC hearing. At the discretion of the Chairperson, additional individuals may be permitted to attend.
7. **Legal Counsel:** Legal counsel is not permitted to participate in or attend a readmission hearing on behalf of a student; however, a student may seek legal advice at his or her own expense.
8. **Procedural Order of the SRC Hearing:** The SRC hearing will proceed in the following manner:
 - a. The Chairperson calls the meeting to order;

- b. The Chairperson shall request the Vice President for Student Services or College Representative to provide a review of the circumstances surrounding the students' suspension or expulsion, including a review of the (i) the determination made at the disciplinary hearing that resulted in the suspension or expulsion, (ii) the students' overall disciplinary record at the College, and (iii) any conditions for readmission on behalf of the College.
- c. The student will then be allowed to present information in support of readmission.
- d. The Vice President for Student Services or College Representative will then be permitted to present information and/or a recommendation either in support of or in opposition to the students' request for readmission. If the recommendation is to grant readmission, the recommendation may include conditions for readmission.
- e. Committee members may ask questions of the student, the Vice President for Student Services or College Representative, or anyone else present at the hearing.

9. SRC Deliberations and Final Decision: The SRC will deliberate in private. The student bears the burden of proof to demonstrate that circumstances warrant reconsideration of a suspension prior to its expiration, reconsideration of conditions imposed for readmission, or reconsideration of an expulsion. By majority vote, the SRC will render a decision limited to the following options:

- a. Uphold the previously imposed sanction(s);
- b. Reduce or limit the previously imposed sanction(s);
- c. Readmit the student with or without existing or new conditions.

The decision of the SRC is final.

VII. SUPPORTIVE PROVISIONS OF THIS CODE

A. Victims of Alleged Misconduct—A victim of alleged misconduct, upon request, will be informed of the steps that can be taken if the accused student or another party intimidates or harasses the victim. Nothing in this Code shall be construed to preclude a victim from seeking criminal or civil judicial remedies against an alleged wrongdoer. To the extent permitted by applicable law, victims of alleged misconduct may be informed concerning the status and outcome of discipline proceedings.

B. Victims of Sexual Assault—College personnel provide victims of sexual assault with information regarding their legal rights, counseling, classroom and campus residence relocation options and the names and telephone numbers of local agencies that are available to provide assistance. The College administration will seek to protect the identities and confidentiality of statements made by sexual assault victims to the extent permitted by law, unless and to the extent that such confidentiality unreasonably interferes with the College’s ability to investigate and/or prosecute reported allegations of sexual assault.

C. Defense of Self, Others and Property—A student shall not be disciplined for threatening or using physical force against another when and to the extent a reasonable person would believe such force is necessary to protect that person or a third person against another person’s use or attempted use of unlawful or otherwise inappropriate physical force. Verbal provocation alone does not justify the use of physical force.

A student shall not be disciplined for threatening or using physical force against another when and to the extent a reasonable person would believe such force is necessary to prevent theft or criminal damage to property.

D. Civil Liability for Damage to College Property—A student shall be legally responsible for damage to College property caused by that student. The student may be required to pay for replacement or repair of damaged property through an appropriate civil process. The student also may face the imposition of discipline.

E. Mailing of Documents—Whenever this Code allows or requires a letter or other document to be mailed, the mailing may be by first-class, certified or registered mail or, when available, by facsimile transmission.

F. Requirement of Substantial Compliance—Technical errors made by the College or any employee or administrator thereof in the application of this Code that do not prejudice the student shall not be grounds for invalidating discipline that has been imposed.

G. Severability—If any provision of this Code is found by a court of competent jurisdiction to be unenforceable, the provision shall be construed to be severed from this Code and the remainder of this Code shall continue in full force and effect.

H. Discipline And Hearing Records—A discipline record is maintained for each student in the Office of the Vice President for Student Services or designee and contains information concerning that student’s disciplinary history. A taped record of formal disciplinary hearings shall be made and, at the discretion of the College, may be transcribed. The taped record of the hearing, documentary evidence or other exhibits, case records, and other information pertinent to the hearing, with the exception of bulky exhibits, will be maintained as part of the student’s discipline record. The record is maintained for at least five (5) years or so long as deemed necessary. Additional

physical evidence in support of a particular case may also be maintained by the Campus Police Department under similar conditions as applied to the discipline record.

The right to examine a discipline record is limited to the affected student or individuals approved by the student or the Vice President for Student Services or designee(s) in accordance with limitations imposed by FERPA and the College procedures.

- I. **Modification of Code**—The College reserves the right to modify this Code from time to time when, in its discretion, such action will serve the best interests of the College or its students. The provisions of this Code shall not be construed to replace or supersede any state, federal or local laws that also may apply to students or others.
- J. **Questions Regarding Code**—Any question of interpretation regarding this Code shall be referred to the Vice President for Student Services or designee for final determination. The Code shall be reviewed periodically, at least every three years, under the direction of the Vice President for Student Services or designee.

Arizona Western College does not discriminate in admission or access to, or treatment or employment in, its services, programs or activities on the basis of race, color, national origin, sex, religion, age (40+) or disability, in compliance with the laws of the United States and the State of Arizona. Any questions regarding the applicability of state and federal anti-discrimination laws to Arizona Western College and its services, programs or activities, and any grievances or claims of violation of such laws, should be directed to its compliance officer:

The Vice President for Business and Administrative Services

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