

# **KCTCS Code of Student Conduct**



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## **Article I. FOUNDATIONS AND PRINCIPLES**

**Who We Are:** The Kentucky Community and Technical College System (“KCTCS” or “System”) was established in 1998 through an act of Kentucky’s General Assembly, KRS 164.580. The System is made up of sixteen colleges with various campuses situated throughout the state of Kentucky and dedicated to supplying the educational and training needs of students seeking two (2) year academic or technical degrees as well as other certificate, licensure, and training programs.

**Our Governing Body:** KCTCS colleges are governed by one body, the KCTCS Board of Regents, the membership, role, responsibilities, and authority of which is set forth in sections of KRS 164.290 to 164.475 and more specifically detailed in KRS 164. 580 to KRS 164.600. The KCTCS Board of Regents is authorized by KRS 164.350 to adopt rules, regulations, and bylaws governing its members, and this *Bill of Rights and Code of Student Conduct* is established under their authority to govern student academic and behavioral matters. Nothing contained in this Code of Student Conduct should be construed as creating a contract between KCTCS and students.

The local boards of directors as established in KRS 164.600 have no authority to govern or regulate student conduct and may not act contrary to the authority granted solely to the KCTCS Board of Regents and properly delegated to appropriate academic and administrative bodies within the System.

**Our Philosophy and Commitment:** KCTCS Colleges strive to provide students with education and training in a structured yet free environment that recognizes the dignity and value in all people and all groups. KCTCS is committed to a community of learning where students and ideas do not simply exist but flourish and thrive.

KCTCS understands, accepts, and exercises the role of the institution as the primary entity responsible for the enforcement of conduct that permits students to grow academically and personally as they pursue education and training in the System. To encourage an atmosphere conducive to the education of all students enrolled in KCTCS colleges, KCTCS recognizes that fundamental values, principles, and responsibilities are imperative to the proper functioning of our college community.

**Our Students and Our Community:** Students are members of our academic community as well as our local, state, national, and global communities. KCTCS recognizes the freedoms, rights, and privileges of our students but also demands of our students those responsibilities, obligations, and duties that are part of good citizenship. When students fail to live up to the standards necessary to be responsible and productive members of the KCTCS academic community, those administrators and faculty given authority by the KCTCS Board of Regents to act in accordance with the KCTCS Student Code of Conduct shall take measures to protect the community, to preserve property, and to maintain order. At all times, System officials shall balance the needs of the students involved against the well-being of the academic community as a whole.

## **Article II. THE KCTCS STUDENT BILL OF RIGHTS**

1. KCTCS students enjoy the rights considered basic human rights and memorialized in the United States Constitution and in the federal laws passed to support and defend that Constitution.
2. KCTCS students also enjoy the rights set forth in the Kentucky Constitution and in the laws of the Commonwealth of Kentucky.
3. The Rights associated with the US and Kentucky Constitutions most prominently include the right to be enrolled in and to attend any KCTCS College without fear or threat of discrimination on the basis of any immutable characteristic or protected status, including but not limited to race, gender, ethnicity, color, nationality, age, and religion.
4. All KCTCS students shall enjoy the protections of all state and federal laws as well as any KCTCS policies that respect the gender identity, the gender presentation or the sexual orientation of students.
5. KCTCS students will not be discriminated against based on military service.
6. Students shall have access, if needed and desired, to student services that provide reasonable accommodations as required under US laws and state laws relevant to the establishment of an equal opportunity to succeed in academic endeavors.
7. KCTCS colleges respect the right of all students to learn, study, and grow in an environment that is free of any discrimination that reduces students to classes rather than recognize students as individuals.
8. KCTCS students shall have the right of free speech but shall understand the responsibilities that govern that right. Those constraints and restraints that limit and protect First Amendment Rights also constrain and restrain the rights of students.
9. As a “marketplace of ideas,” the academic setting at KCTCS shall respect divergent viewpoints and the right to express them with respect and civility toward fellow students.
10. Students have the right to participate in a community devoted to scholarship and are encouraged to inquire, debate, think, and express as individual scholars within that community. This expression includes both agreement with the main and dissent with others. The exercise of this right shall not interfere with the rights of others to the academic experience and shall not target, harass, intimidate, or threaten another participant in the academic process in such a severe or offensive manner that the target of this conduct is effectively denied access to the academic community at KCTCS. This is so whether the conduct occurs during course time, after class, or using electronic or other means rather than face-to-face debate.

11. KCTCS students' right to free speech shall include the right to form and to participate in student presses at their colleges. Student press shall include academic and literary publications and journals. The right to participate in student organizations with the primary goal of written or oral speech shall not be arbitrarily abridged by the colleges but all students shall recognize the correlation between the rights of speech and responsibilities of speech. Students shall exercise responsible speech, including ethical journalistic guidelines as well as any editorial or regulatory guidelines that carry the weight of law or policy.
12. As members of the KCTCS educational community, students have the right to expression but also responsibility to attribute the expression to its rightful owner. This responsibility includes written, oral, or any other type of creative expression. Said plainly students shall express themselves but shall not claim the expression of others as their own. The foundation of the academic community relies on free expression and freedom from theft of expression.
13. KCTCS students have the right to assemble and to participate in the social, religious, and political activities available in a free and open society.
14. The right to assemble shall include participation in KCTCS recognized organizations. Groups of students seeking to create or be part of an organization officially recognized shall have the right to petition for recognition and must follow all rules, regulations, policies, and procedures necessary for KCTCS recognition.
15. KCTCS students have the right to participate meaningfully in the governance of KCTCS, including, when appropriate, representation on college or System committees as well as representation on the KCTCS Board of Regents. All colleges shall provide students the means to participate in local governance through a student government association.
16. KCTCS students have the right to privacy in their educational, academic, and financial records. This right to privacy shall be consistent with the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, (20 U.S.C. § 1232g; 34 CFR Part 99). FERPA is a federal law that protects the confidentiality of personally identifiable information contained in student education records. KCTCS shall adhere to policies and procedures for identification of directory information and for any release of information that is not identified as directory information and therefore protected by FERPA. KCTCS students shall also enjoy, when relevant, the protections of KRS 164.283.
17. KCTCS students have the right to know with accuracy and clarity information that assists them in successfully meeting the established academic standards in their classes.
18. KCTCS students have the right to clear and comprehensible course objectives and requirements. This right shall extend to have access to a consistent grading policy used to evaluate student performance established by their class instructors.

19. A student has the right to receive a grade based only upon a fair and just evaluation of performance in the course as measured by the standards presented in the first or second class session or in the introductory materials for a distance learning course.
20. KCTCS students have the right to know and understand the graduation requirements for their course of study and their type of degree. This right shall include to the students' knowledge and understanding of course transfer requirements.
21. The rights expressed in this KCTCS Bill of Rights shall not be abridged or removed without providing students with appropriate due process. The level of due process owed for academic and disciplinary offenses may vary but shall always include these essential parts – knowledge of the allegations against the student, a right to express a defense, the right to know the findings, and a right to an appeal.
22. Colleges shall not sanction students academically or behaviorally when the regulation, rule, or policy is imposed ex post facto. In other words, regulations, rules, or policies effective after an alleged offense shall not be enforced against students when addressing that offense. New regulations, policies, or rules will only be applied from the effective date forward.

KCTCS recognizes that this Bill of Rights has no meaning without the full disclosure and publication of the substantive rules and possible sanctions students might face when found to have violated those rules. To ensure both substantive and procedural due process, KCTCS establishes and maintains as current the KCTCS Code of Student Conduct. All KCTCS students are presumed by the act of enrollment to know and to agree to abide by the KCTCS Code of Student Conduct. Students shall not have ignorance of the rules as a defense to academic or behavioral violations. With Rights come Responsibilities, and KCTCS expects our students to exercise both.

## **ARTICLE III. PRINCIPLES AND STANDARDS OF STUDENT CONDUCT**

### **SECTION 1: GENERAL PRINCIPLES**

#### **A. Purpose**

The Kentucky Community and Technical College System (“KCTCS” or “System”) student code is intended to set forth the expectations for academic and behavioral responsibilities of the students who enroll in and attend the sixteen KCTCS colleges across Kentucky. As declared in Article I, KCTCS Colleges are committed to creating a community where learning flourishes and students from all backgrounds and experiences are welcome and respected. The KCTCS Code of Student Conduct provides the framework for student success without unnecessary distractions and harmful disruptions.

#### **B. Authority**

The Kentucky General Assembly through KRS 164.350 authorized the KCTCS Board of Regents to adopt rules, regulations, and bylaws governing its members. The KCTCS Code of Student Conduct is enacted under the legislatively granted authority to govern student academic and behavioral matters. The KCTCS President exercises delegated authority in promulgating this Code for the safety and well-being of the campus community. The KCTCS President delegates authority to each College President to apply the Code at their respective college, and the College Presidents designate the Chief Student Affairs Officers (CSAO) as the front line authorities for application of the Code.

This Code may apply to acts conducted on or off campus when those acts have a direct impact on the orderly conduct of regular college business. This Code may apply to acts conducted as face-to-face encounters, cyberspace, or by use of any means or medium that facilitates violation of the rules contained herein. The Code is written to provide a reference for general guidelines of expected student behaviors and penalties for failing to meet those expectations. It is not a criminal code nor an exhaustive list of misconduct.

#### **C. Proceedings**

Disciplinary actions conducted pursuant to this Code are to be conducted in a manner that is fair, expedient, and civil. Disciplinary actions under the Code are not legal processes and are not subject to the procedures governing criminal or civil actions, such as formal rules of evidence and the burden of proof. Deviations from the processes outlined in this Code shall not invalidate a proceeding or decision unless such deviation clearly results in significant prejudice to the student or the College.

Jurisdiction for violations of this Code may be extended to conduct that occurs off College premises if that conduct adversely affects the College community.

#### **D. Interplay of Code of Student Conduct with Local, State and Federal Law**

1. Students who enroll at a KCTCS college enjoy the privilege of attendance at the college, and accept the governance of KCTCS policies, local ordinances, state law, and federal law.



2. Students who enroll at KCTCS accept the responsibility of reviewing and abiding by the rules of conduct described in this Code. Violation of these general rules of conduct may lead to disciplinary action by the College in accordance with this Code.
3. If a student engages in conduct that is in violation of state or federal law as well as this Code, KCTCS reserves the right to refer such conduct to the appropriate law enforcement agency for prosecution in addition to College disciplinary action. Disciplinary action under this Code may proceed regardless of the status of criminal prosecution; action taken under this Code does not constitute or necessarily reflect formal legal processes under law.

## **SECTION 2: DEFINITIONS**

### **A. Student**

In this Code, the term “student” means:

1. Any individual who applies for admission at a KCTCS college, is accepted, and has registered for a course(s). Students who withdraw after allegedly violating the KCTCS Code of Student Conduct are still considered a student for purposes of completing the processes outlined in the Code. Once a student registers for classes, they are responsible for associated tuition and fees unless classes are dropped according to the refund schedule; and/or
2. Individuals enrolled at another institution of higher education who are enrolled in classes on a KCTCS campus (depending on the terms governing this arrangement); and/or
3. Student organizations recognized by the College. The organization may be held collectively responsible for violations of this Code if the organization’s leadership consents to or encourages violation of this Code.

### **B. Campus**

All property (land, buildings, facilities), including adjacent streets and sidewalks, in the possession of, owned, used, or controlled by a KCTCS college. Campus may also extend to mean the platform through which courses are offered online.

## **SECTION 3: STANDARDS OF CONDUCT**

In order to foster a positive campus community and maintain an optimal learning environment, KCTCS establishes the following behavioral expectations of students:

***Standard 1: KCTCS students are expected to adhere to the highest standards of academic honesty and integrity, and support a campus environment that is conducive to learning and scholarship.***

Violations or attempted violations may include, but are not limited to:

1. Cheating, fabrication, plagiarism or facilitating academic dishonesty.
2. Classroom conduct that disrupts or interferes with the learning experience, such as sleeping, horseplay, cell phone use, entering or leaving class while it is in session,

unnecessary interruptions, failure to exhibit respect and consideration to faculty, staff, and fellow students during class or class experiences.

***Standard 2: KCTCS students are expected to respect and preserve the health, safety, welfare, privacy and rights of all members of the campus community.***

Violations or attempted violations may include, but are not limited to:

1. Physical violence – hitting, pushing, use of a weapon, beating or other such activity resulting in or intended to cause harm.
2. Making a threat(s) of violence (including verbal, written, or virtual communication) that does or could cause(s) a reasonable expectation of harm to the health or safety of a specific person.
3. Substantial or repeated acts directed as a person or group of people that would cause a reasonable person to feel fearful, including but not limited to:
  - a. Bullying, defined as repeated and/or severe behavior that is aggressive and likely to intimidate or intentionally hurt, control, or degrade another person physically or mentally.
  - b. Stalking, defined as engaging in two or more acts directed at a specific person that would cause a reasonable person to fear for the individual's safety or the safety of others, or suffer substantial emotional distress.
  - c. Hazing, defined as acts likely to cause physical or psychological harm or social exclusion or humiliation.
4. Any form of retaliation towards a complainant or a participant in an investigation or conduct process. Retaliation will not be tolerated.

\*\*Instances of sexual misconduct and sexual harassment are governed by the [KCTCS Sexual Misconduct Procedure](#), which is administered separately from this Code.

***Standard 3: KCTCS students are expected to respect the property of others, and the property, facilities, resources, and reputation of the College.***

Violations or attempted violations may include, but are not limited to:

1. Illegal or unauthorized possession or use of weapons, including but not limited to: firearms, explosive devices, knives longer than three inches, or any other object used to threaten or cause harm. The full policy is available at [KCTCS Administrative Policies and Procedures, 3.3.23 Policy on Deadly Weapons](#).
2. Making a threat of violence (including verbal, written, or virtual communications) that causes a reasonable expectation of harm to the health or safety of the campus.
3. Behavior that can put physical safety at risk, including but not limited to:
  - a. Reckless driving
  - b. Possessing flammable chemicals or fireworks or tampering with smoke detectors
  - c. Climbing on roofs or buildings
  - d. Leaving minors unattended on campus.

- e. Knowingly putting others at risk of a contagious disease or exposure to infectious materials
- 4. Misuse, theft, or unauthorized use of College services or property
- 5. Trespassing or unauthorized access to physical or virtual/cyber property or services of the College.
- 6. Attending classes without being registered for them, other than with permission by the instructor.
- 7. Theft of the property of a member of the College community.
- 8. Intentional destruction of property.
- 9. Use of recreational or outdoor equipment indoors (such as skateboards and hover boards), or reckless use of equipment outdoors.
- 10. Having an animal in a campus building other than in accordance with campus policy and ADA laws, such as permissible service animals trained to perform tasks for the benefit of an individual with a disability or illness or animals in the course of being trained as service animals. The full policy is found at [KCTCS Administrative Policies and Procedures, 3.3.24 KCTCS Policy on Live Animals on Campus](#).
- 11. Unauthorized or irresponsible use of College computer, network, or other technology system resources as described in [KCTCS Administrative Policies and Procedures, 4.2.5 Information and Information Technology Responsible Use Policy](#). KCTCS reserves the right to review and investigate activity of any sort on any machine or technology resource belonging to KCTCS, including reviewing email accounts, documents, hard drives, cloud-based accounts, or any other resource or method of use.

***Standard 4: KCTCS students are expected to observe the rules, regulations, policies and procedures of the College as well as local, state and federal laws.***

Violations or attempted violations may include, but are not limited to:

- 1. Prohibiting classroom instruction or learning from occurring.
- 2. Prohibiting College sponsored events from occurring.
- 3. Infringing on the rights of other members of the College community, including violations of policies or procedures pertaining to expressive activity.
- 4. Leading or inciting others to interrupt scheduled or normal activities within any campus building or area.
- 5. Obstructing the free flow of pedestrian or vehicular traffic on College property or at a College sponsored or supervised event.
- 6. Illegal or unauthorized possession, manufacturing, use, or distribution of marijuana, heroin, narcotics, synthetic drugs as determined by KRS Chapter 218A, and any other illegal or controlled substance or look-alike drug except as expressly permitted by law and College policy.

7. Illegal or unauthorized possession, manufacturing, use, or distribution of alcohol, except as expressly permitted by College policy. No person under 21 years of age may possess or consume alcoholic beverages, under any circumstances.
8. Illegal possession or use of prescription medications.
9. Public intoxication, vomiting, or other effects of irresponsible substance consumption.
10. Smoking or using tobacco products, including e-cigarettes or any other violation of the College's Smoke-Free campus policy as found in the **KCTCS Administrative Policies & Procedures, 3.3.14 KCTCS Tobacco Free Policy**.
11. Failure to comply with
  - a. the Code of Student Conduct
  - b. directions or an authorized College representative who is performing his/her duties
  - c. any reasonable guidelines for the use of labs, offices, waiting areas, classrooms, common areas, etc.
  - d. any finding made and disciplinary action taken based on this Code of Student Conduct
  - e. any local, state or federal law

## **SECTION 4: PROCEEDINGS**

### **A. STUDENT HARASSMENT OR DISCRIMINATION GRIEVANCE PROCEDURE**

The Kentucky Community and Technical College System has zero tolerance for illegal discrimination of any kind. Any student who thinks he/she may have been discriminated against or subjected to harassment by students or employees because of his or her race, color, national origin, sex, sexual orientation, marital status, religion, beliefs, political affiliation, veteran status, age, or disability (including denial of a request for an accommodation), has the right to pursue an informal and/or formal discrimination grievance. The informal student discrimination grievance procedure is described below.

Complaints relating to sexual misconduct should be made to the College Title IX Coordinator or other college administrator. Such complaints shall be handled in accordance with the Sexual Misconduct Procedure.

The Chief Student Affairs Officer (CSAO) or his/her designee shall be responsible for investigating student discrimination grievances. If appropriate, this shall be conducted in collaboration with the college human resources director.

1. If a student thinks that he/she has been discriminated against, the student shall inform the CSAO or his/her designee within thirty (30) calendar days of the occurrence of the alleged incident. The CSAO or his/her designee shall conduct a preliminary investigation of the discrimination grievance.

2. The student, CSAO or his/her designee, and other involved parties shall work informally to negotiate a solution within fourteen (14) calendar days.

The informal student discrimination grievance procedure shall be completed within forty-four (44) calendar days of the occurrence of the alleged incident.

3. If the grievance is not resolved to the satisfaction of the student through the informal grievance procedure, the student may file a formal appeal pursuant to Section D below.

## **B. ACADEMIC**

Students have the ability to file appeals when they believe a violation of their academic rights has occurred. Students have the academic right to:

- timely receive information about course content
- timely receive information about course grading criteria
- hold and express a contrary opinion
- fair and impartial academic evaluation
- confidentiality of academic records
- informed evaluation of student character and ability

More information about student academic rights may be found in the Student Bill of Rights, particularly #6, 7, 9, 10, 17, 18, 19 and 20.

### **i. Grievances Involving Academic Rights of Students**

#### **Step 1**

If a student encounters a problem in a class and wishes to file a grievance, he/she should first speak with the instructor and try to resolve the issue. If a satisfactory resolution is not achieved, the student should proceed to Step 2 below.

#### **Step 2**

When a student believes his/her academic rights have been violated, the student shall submit a formal written appeal specifying the alleged violations to the appropriate division chair as soon as possible following the occurrence of the violation. In order to be considered, a student appeal must be filed no later than five (5) business days after the first class day of the following semester. Appeals received after that will be declared untimely and will not be considered. Upon receipt of the student appeal, the division chair will attempt to resolve the issue. If no resolution is agreed upon by all parties within 15 business days, the division chair will refer the case to the KCTCS College President or designee.

#### **Step 3**

The KCTCS College President or designee will attempt resolution. If no resolution can be agreed upon within 15 business days, the College President or designee must notify the student in writing. The student may choose to move to Step 4 by filing a written request for a hearing on the issue before College Appeals Board.

#### Step 4

If the student does not accept the decision of the KCTCS College President or designee, the student has ten (10) business days to submit a written request for a hearing before the College Appeals Board (see Section D). No new matter may be appealed which was not included in the student's original appeal to the division chair.

#### ii. Discipline Process for Academic Violations Committed by Students

Incidents of academic dishonesty and misconduct which occur within the context of a specific course are resolved by the academic department in accordance with the College academic honesty policy. In such a case, the instructor or academic department determines if academic dishonesty or misconduct occurred, and what the academic penalty should be.

Sanctions for a finding of academic dishonesty or misconduct include but are not limited to:

- a. Requiring the student to resubmit the assignment
- b. A lower grade on the assignment or in the course;
- c. A zero for the assignment or exam;
- d. A failing grade in the course.
- e. Removal from the course
- f. Referral for disciplinary actions beyond the above sanctions.

A student who receives an academic penalty as a result of academic dishonesty or misconduct may not withdraw from the course in order to avoid the academic penalty.

#### Step 1

Within ten (10) business days of the occurrence or discovery of the occurrence of an alleged student academic offense, the instructor shall submit to the division chair or chief academic officer a written description of the activity that resulted in the accusation of academic dishonesty and the sanction implemented as a result.

#### Step 2

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

#### Step 3

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

### iii. Appeals of Student Academic Offenses

If a student has protested a finding of having committed an academic offense to a faculty member and the sanction has been upheld, the student has further appeal rights described below. (Reference the *Appeals in Cases of Alleged Academic Violation of Student Academic Rights* flowchart in Appendix.)

#### Step 1

Students who are not satisfied with the outcome of their protest to the faculty member may submit an appeal to the division chair of the department. The division chair shall attempt to resolve all cases referred by student appeal to the satisfaction of the instructor and the student. If the division chair upholds the decision of the instructor, the student may appeal, in writing, within ten (10) business days of notification of the division chair's decision, to the College President or designee.

#### Step 2

Upon reviewing the basis of the student appeal, the College President or designee shall attempt to resolve the matter. If no resolution is reached within ten (10) business days, the student may submit a written appeal to the College Appeals Board (CAB). (See section D)

- iv. **Student Rights During the Appeals Process (Academic Rights/Academic Offenses):** In cases of academic rights and academic offenses, the student shall have the right of class attendance and participation during the consideration of any appeal except that such attendance and participation may be limited when:
- a. outside agencies are used as a part of the student's educational experience, in which case precedence will be given to the terms of any agreement(s), which have been negotiated between the college and the agency; or
  - b. patient/client contact is involved in the student's educational experience, in which case only patient/client contact may be limited or excluded at the discretion of program faculty.

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

## C. BEHAVIORAL/NON-ACADEMIC

### i. Reporting Violations of the Code

Any student, faculty or staff member, or visitor to the college may make a report to the Chief Student Affairs Officer (CSAO) of suspected violations of the Code of Student Conduct. A written complaint is not required, but is preferred. Those making reports are generally expected to participate in proceedings related to the report and to provide information during the process.

If the complaint is received more than one term after the incident occurred, the Chief Student Affairs Officer will assess whether or not disciplinary action should still go

forward. The assessment will be based on such information as: the nature of the violation, the likelihood of repetition, and the impact upon the campus community. (Reference the *Appeal of Behavioral/Non-Academic Grievance* flowchart in Appendix.)

## ii. Administrative Review and Resolution

### 1. Preliminary Review

Upon receiving a report of an alleged violation of this Code, the CSAO may conduct a preliminary review to determine if there is credible information to proceed with an investigation and/or to formally charge a student with a violation of this Code. During the course of this preliminary review, the CSAO may meet with affected parties and/or witnesses. The CSAO will notify any interviewees of the preliminary nature of the review and that it may result in formal misconduct charges.

- a. **Case Not Pursued**--If the CSAO does not find sufficient evidence that a violation of this Code has occurred, the CSAO will not pursue a formal conduct process. The CSAO will maintain documentation of the receipt of an allegation that is separate from the formal student record. The CSAO will notify the student that the matter has been closed and no further action will be taken.
- b. **Informal Response**—If the CSAO finds concerning information that does not rise to the level of a violation of this Code, the College may still take reasonable action, such as requiring a student to meet with a staff member prior to registering for courses, or a verbal or written warning.
- c. **Formal Response**—If there is sufficient credible information that a student has violated this Code, then the CSAO will initiate the conduct process.

### 2. Interim Measures

Upon preliminary review, KCTCS reserves the right to enact any interim measures it deems necessary to protect the rights, well-being, and personal safety of KCTCS employees, students, guests or visitors. Interim measures may be imposed regardless of whether formal disciplinary action is sought or pursued against the Respondent. Such measures may include, but are not limited to:

- referral to counseling services and other resources
- rescheduling of exams or assignments (in conjunction with appropriate faculty)
- no-contact order
- limited access to college facilities or organizations pending resolution of the report
- temporary work reassignment
- temporary class schedule reassignment



- administrative leave during the investigation and resolution
- report of the matter to local law enforcement in the jurisdiction in which the college is located
- KCTCS further reserves the right to apply any other remedy that can be tailored to the involved individuals to achieve the goals of this policy

### 3. Immediate Temporary Suspension

#### a. A student may be suspended immediately when:

- If, in the judgment of the College President (upon consultation with CSAO and/or the college Behavioral Intervention Team (BIT)), there is reasonable cause to believe that the presence of the student poses a serious threat to persons and/or property, or that the student has been charged with a crime so serious as to threaten the welfare of the college community, the College President may impose temporary sanctions, including temporary suspension and ban from campus.
- Except in the case of emergency circumstances, the student will be provided an informal opportunity to discuss the matter and possible resolution.
- The student may be temporarily banned from campus if he/she refuses to cease disruptive behavior or conduct in violation of this policy after direct orders from the College President (upon consultation with the CSAO and/or BIT).
- When such suspension is involved, the student must leave campus immediately. Law enforcement will be called if the student refuses to comply.

#### b. Notice and Right to Appeal

- The College President shall issue a written notice of the immediate temporary suspension and campus ban to the student. This written notice shall include the student's right to appeal the decision to the College Appeals Board (CAB).
- The student may file a written appeal with the College Appeals Board within 30 days. If requested in the written appeal, the CAB shall schedule a hearing of the case within 48 hours, or as soon as practicable. The CAB shall consider the student's academic needs to attend class, use the library, and fulfill other academic commitments.
- The CAB has three options: it may uphold the immediate temporary suspension, it may overturn the decision and return the student to regular status, or it may enact other remedies and/or sanctions. The alternative remedies/sanctions may be more extensive than the temporary suspension, such as expulsion or other sanctions that are appropriate. The CAB shall communicate its findings to the College President and the Student within three (3) business days of the decision. Should the CAB uphold the

immediate temporary suspension, it shall remain in effect until such time as the student can prove that circumstances have changed and he/she can resume attendance without being a threat to the campus community. The CAB's decision is final except in cases of long term suspension or expulsion that are subject to appeal to the KCTCS Board of Regents.

- If the student's circumstances change, the student may make a written request to the College President for permission to readmission to the college.
- The College President will consult with the CSAO and/or BIT to determine if the student has demonstrated that his/her dangerous or threatening behavior has been remediated.
- The College President may require the student to enter into a behavioral contract that establishes specific terms and limitations for the student's conduct and consequences for failure to abide by those terms as a condition of readmission.

#### 4. Formal Conduct Process

When the CSAO finds sufficient credible information, a formal conduct process will be initiated. The CSAO will present the respondent with formal written notice of the alleged violations of this Code and provide an opportunity for the respondent to make a formal statement to the CSAO, and to provide any evidence and any witnesses pertinent to the alleged violation. The CSAO shall review the evidence and conduct witness interviews. When the CSAO is satisfied that a full review has been conducted, the CSAO shall notify the respondent in writing of the findings. If the CSAO's investigation shows the respondent has violated this Code, the report of findings shall also notify the respondent of the sanctions imposed. The report of findings shall also provide the respondent with notice of his/her rights to appeal.

The CSAO will seek to resolve the formal conduct process within 60 days of the initial report. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances. In the event that the investigation and resolution exceed this time frame, the CSAO will notify affected parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

#### 5. Appeal of a Code Violation Finding

A student may appeal a code violation finding by submitting a written request for appeal to the College President. The appeal may ask for reconsideration of guilt

or innocence and/or the severity of the sanction. Upon receipt of the appeal, the College President shall notify the College Appeals Board of the request for appeal. (Reference the *College Appeal Board (CAB) Appeal Process* flowchart in Appendix.) The College Appeals Board procedures are described in section E below.

#### **D. Sanctions**

Sanctions are designed to protect the College's educational mission, to promote safety and security of the College community, and to deter students from behavior that harms, harasses, or threatens people or property. More than one sanction may be imposed in a case. The following factors are generally considered when determining sanctions for a particular case:

- The nature of the violation(s)
- Prior findings of responsibility and sanction(s)
- Mitigating circumstances surrounding the violation
- The student's motivation(s) for engaging in the behavior
- Impacts of the behavior
- Sanctions which have been imposed in similar cases in the past
- The developmental and educational impact on the student

Standard sanctions are listed below. This list is not exhaustive, and the College is not limited to only this list. Sanctions tailored to the particular violation may be enacted by the College.

1. Reprimand: Official written notice to the student that the behavior is not acceptable at the College and that additional incidents may result in more severe sanctions. This notice exists in the student conduct file and is not reflected on an academic transcript.
2. Disciplinary Probation: A period of time (which may be indefinite) during which a student is under warning that any other violation of College policy may result in suspension. Disciplinary probation may also prohibit a student from participating in certain College activities or programs, as it is considered notice that the student is not in good standing due to behavior. This notice exists in the student conduct file and is not reflected on an academic transcript.
3. Eviction: Forced removal from a classroom or other College property. This notice exists in the student conduct file and is not reflected on an academic transcript.
4. Suspension: A defined period of time during which a student is not permitted to engage in any of the privileges, courses, organizations, events, or activities associated with being a student at the KCTCS College. During the period of

suspension, a *Student Dean Hold* service indicator will be placed on the student's PeopleSoft account to prevent enrollment at any other KCTCS college. The *Student Dean Hold* may only be removed by the home college where the service indicator was applied. Once the period of suspension has been completed, the student may request that the *Student Dean Hold* service indicator be removed.

5. Expulsion: Permanent, forced withdrawal from the College as determined by the hearing body.

Suspension or expulsion decisions may be appealed to the KCTCS Board of Regents pursuant to KRS 164.370. See Section E(ii) below.

In addition to the standard sanctions above, individualized sanctions may be imposed that are designed to maximize the learning of a specific student. These sanctions take into account the student's learning style and stage of development, as well as the unique factors of a given situation. Multiple individualized sanctions may be imposed, including but not limited to one or more of the following:

1. Reflective Activity: An activity designed to promote reflection by the student about his/her behavior and its impact. Examples can include: writing assignments, interviews, research projects, etc. Completion will be based on fulfilling the objective requirements of the assignment, not on whether the student adopts or expresses a particular perspective or point of view.
2. College/Community Service: Service to the College or community of up to 16 hours to be served within a specified time frame.
3. Educational Sanction: An educational sanction requiring attendance or participation in a pre-arranged class, program, or activity designed to prevent or deal with high-risk behavior.
4. Counseling Assessment: Student may be referred to an external counseling evaluation. Counseling referrals and any suspension, expulsion, or readmission shall all be consistent with state and federal law and shall include the CSAO and/or the College President's consultation with Disability Services if appropriate and at all times with the KCTCS Office of General Counsel.
5. Restitution: Payment to a harmed party, such as to repair or replace vandalized property.
6. Meetings with College Resources: Meeting with a College employee or office to learn about resources offered to support students, both on and off campus.

## **E. Appeals**

### **i. College Appeals Board**

The College Appeals Board (CAB) serves as a hearing body for appeals of violations of academic rights, of findings of academic misconduct, and for non-academic/behavioral the *Code of Student Conduct*.

1. Composition

The Appeals Board shall consist of six members appointed by the College President:

2 full time students

2 full time faculty

2 full time staff

In addition, 2 student alternates, 1 faculty alternate, and 1 staff alternate shall be appointed. These alternates must meet the same requirements as the regular members.

2. Service on the CAB

- a. Student members and alternates: Each student member must have earned at least 24 semester credit hours at the college, must have had one full academic year of attendance at the college, and must be in good academic standing. The CSAO shall recommend students to the College President for appointment. Appointments shall be for a term of one year.
- b. Faculty and staff members and alternates: Faculty and staff members are elected to staggered three year terms by the faculty.
- c. Appeals Board Chair: The chair is elected annually by the Appeals Board members.

3. Quorum

A quorum of five members, at least three of whom must be faculty and staff, is required for the conduct of business of the Appeals Board.

4. CAB Review Process

- a. Within five (5) business days of receipt of a request for hearing the CAB will meet to determine if the issue on appeal is properly before the hearing panel. If the CAB decides that the request for a hearing is not properly before the body, the Chair of the CAB will notify the student and the appropriate college officials in writing within three (3) business days, including the reasons for the CAB's decision not to hear the matter.
- b. If the CAB determines that it is proper to consider the appeal, within five (5) business days the Chair will request statements related to the appeal from the appropriate college officials. Those statements are due for submission to the CAB within five (5) business days. The CAB then has five (5) business days to review the appeal and associated statements and decide by majority vote whether to grant a hearing or to make a decision based on the record provided by each party.
- c. The CAB's decision as to the hearing will be communicated in writing within five (5) business days of the decision to the student and the appropriate college officials. If the CAB does not grant a hearing, the student has no further right to appeal within the system except in cases of suspension or expulsion.

- d. If the CAB decides to hear the case, it will establish procedures (including a schedule) and notify the student and the appropriate college officials. All parties shall have the opportunity to appear at the hearing and to present oral and written evidence in support of their positions. The CAB may call for further evidence as it deems appropriate. The hearing shall be held, and a final decision made by the CAB within 15 business days after the decision to hear the case. The decision of the CAB is final and the student has no further right to appeal within the system except in cases of suspension or expulsion of a student.
  - e. If the CAB hears the case because of some question about the fact of the student's guilt, it shall have the authority to impose a final decision as to guilt or innocence. If the CAB decides not to hear the case, the student has no further right of appeal within the system except in cases of suspension or expulsion.
  - f. If the CAB hears the case because of an appeal of the severity of the sanction, it shall recommend an appropriate sanction to the appropriate college official(s). If the CAB does not support the sanction, the CAB shall submit its decision and a recommendation of appropriate sanction to the College President or designee who shall consult with the appropriate college official(s) involved to find an appropriate sanction. The final decision is the responsibility of the College President.
- ii. Appeal of Suspension or Expulsion to the KCTCS Board of Regents  
Pursuant to KRS 164.370, students may appeal a sanction of suspension or expulsion to the KCTCS Board of Regents. (Reference *Appeal of Suspension or Expulsion to the KCTCS Board of Regents* flowchart in Appendix.)
1. Before an appeal can be submitted to the Board of Regents, the student must exhaust all available remedies by using all applicable appeal processes in this Code.
  2. The student has 30 calendar days from the completion of the final applicable appeal process to submit an appeal in writing to the KCTCS Board of Regents in care of the KCTCS President.
  3. Upon receipt of an appeal, the KCTCS President shall forward the appeal document to the Office of General Counsel. The Office of General Counsel shall conduct a review of the record related to the suspension or expulsion, and may conduct additional fact finding if warranted. The Office of General Counsel shall prepare a Report of Findings.
  4. The appeal shall be heard by a three-person panel (appointed by the KCTCS President) consisting of the KCTCS Vice President responsible for Student Services, the Chair of the Education Committee of the KCTCS Board of Regents, and one of the student members of the KCTCS Board of Regents. The panel members shall review the Report of Findings then meet, with the option to use video conferencing, with a representative of the Office of General Counsel to finalize a recommendation, which will be acted upon by the full Board of Regents at the next scheduled meeting.

5. The student shall be notified in writing of the recommendation of the panel and of the date the full Board will take action on the recommendation. Once the Board has taken action, the student will receive written notice of the final decision.

## **Section 5: STUDENT ORGANIZATIONS**

KCTCS recognizes that organized activities serve to augment and improve the educational experience of the members of the College community. Membership in student organizations shall be limited to students, faculty, and staff of the College except Honor, Leadership, and Recognition Societies that may include other persons as provided for in their national constitutions.

### **A. Types of Organizations**

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

1. Honor, Leadership, and Recognition Societies;
2. Divisional Organizations and Professional Fraternities;
3. Political Organizations;
4. Governmental Organizations; and
5. Specialty Organizations (religious, athletic, military, etc.)

### **B. Registration**

The registration of any student organization is at the discretion of the College and is dependent upon the completion of the required application form and compliance with the rules and additional criteria, such as a probationary period, the College may set forth. Such criteria shall be established and published by the College and made uniform for all similar types of organizations. Only those student organizations officially recognized and registered with the colleges may enjoy the rights and privileges associated with recognition. Student organizations must be registered before they may use College facilities or properties. Unrecognized and unregistered student organizations may use College facilities or properties in the same manner that external or unaffiliated organizations access and use facilities or properties.

### **C. Use of KCTCS Facilities**

Student organizations may use KCTCS facilities for sanctioned meetings and events in accordance with **KCTCS Administrative Policy and Procedure 3.3.16 Kentucky Community and Technical College System Policy and Procedural Guidelines for the Management and Use of Facilities**. Student organizations must request the use of space through the College's published procedures.

### **D. Advisors**

Student organizations are required to have two advisors. Advisors must be members of the college faculty or staff. College staff may only serve as advisors if that service is incorporated into their job duties and if their service is in alignment with the policies and procedures of KCTCS Human Resources.

Advisors are chosen by the members of the organization and submitted for approval to the College President or designee for approval. If approval is not granted or advisors leave their position, the President or designee may appoint advisors consistent with KCTCS Human Resources policies and procedures.

Advisors are responsible for:

1. Providing support and guidance to the organization in carrying out the purposes of the organization
2. Counseling and advising the officers of the organization as to their powers and responsibilities
3. Attending all meetings of the organization

The College President or designee may make an exception to permit a student organization only one advisor when appropriate or necessary. Registered, recognized student organizations must abide by all policies and procedures relevant to affiliated organizations. Volunteers associated with recognized, registered student organizations shall be used only as the law permits and shall be the responsibility of the student organization, not KCTCS.

Failure to have an approved advisor will result in suspension of college registration and recognition until an approved advisor is in place.

## **E. Conduct Violations by Student Organizations**

If a Student Organization fails to abide by any College policy, procedure, or standard, the Student Organization as a whole as well as individual members may face disciplinary action pursuant to this Code.

The following sanctions may be imposed against a Student Organization as a whole for the violation of College conduct regulations or failure to file required financial statements each year. This list is neither exhaustive nor in order of severity and may be enlarged upon or modified to meet the particular circumstances of any given situation.

1. Recommendation for charter revocation: An official request to a national office that the local chapter's charter be revoked.
2. Revocation of College registration: Permanent severance of the organization's relationship with the College.
3. Suspension of College registration: Temporary severance of the organization's relationship with the College for a specific period of time. The period of time and any requirements, which must be satisfied prior to re-registration.



4. Probation: Notice that further finding of responsibility for the violation of College conduct regulation(s) as specified in the decision of the hearing officer will likely result in the suspension or revocation of College registration.
5. Reprimand: College disapproval or warning issued to the student organization.
6. Restrictions: Restriction of some or all of the organization's activities or privileges, including the right to recruit new members.
7. Other educational sanctions: Projects, assignments, programs with the effect of educating the organization's members.

Student Organizations are not beings entitled to due process and shall not be entitled to procedures nor shall they have appeal rights equivalent to individual student rights. The right to recognize and register a Student Organization falls within the authority granted to each College President/CEO.

## **COMPLIANCE WITH REGULATIONS**

Kentucky Community and Technical College System is an equal educational and employment opportunity institution and does not discriminate on the basis of race, religion, color, sex/gender, sexual orientation, gender identity or expression, national origin, age, disability, family medical history, or genetic information. Further, we vigilantly prevent discrimination based on sexual orientation, parental status, marital status, political affiliation, military service, or any other non-merit based factor.

Compliance with Title IX of the Educational Amendments of 1972, which prohibits sex discrimination, with Title VI of the Civil Rights Act of 1964 is coordinated by the KCTCS Office of General Counsel, 300 North Main Street, Versailles, KY 40383. Each college has a Title IX Coordinator serving the college community.

Efforts to comply with the laws and regulations applicable to people with disabilities, as required by Section 504 of the Rehabilitation Act of 1973 (revised 1992) and the Americans with Disabilities Act of 1990, are coordinated through the Office of Disability Services at each KCTCS College.

Questions concerning compliance with college policies and procedures should be directed to the Chief Student Affairs Officer at the college.

The Kentucky Community and Technical System is in compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989. Questions may be directed to the Chief Student Affairs Officer or the Director of Human Resources' office at each KCTCS College.

Questions about admissions to any KCTCS College should be directed to the appropriate Admissions Office.

## **EXTERNAL ASSISTANCE**

External remedies are available for students through the United States Department of Education Office for Civil Rights. For more information, you may contact the Philadelphia Office:

U.S. Department of Education Office for Civil Rights  
Wanamaker Building, Suite 515  
100 Penn Square East  
Philadelphia, PA 19107  
Telephone: 215-656-8541  
FAX: 215-656-8605;  
TDD: 215-656-8604  
Email: [OCR\\_Philadelphia@ed.gov](mailto:OCR_Philadelphia@ed.gov)

## **Acknowledgements**

KCTCS would like to acknowledge the following as resources for the 2016 revisions of this document:

- Student Conduct Administration and Title IX: Gold Standard Practices for Resolutions of Allegations of Sexual Misconduct on College Campuses, White Paper prepared by the Association for Student Conduct Administration, 2014.
- Professional resources and guidance from the Association of Student Conduct Administration (ASCA), the Association for Title IX Administrators (ATIXA), and the NCHERM Group, LLC.
- The Student Codes of Conduct and related procedures from: William Rainey Harper College (IL), Valencia College (FL), Waubonsee Community College (IL), Sinclair Community College (OH), College of Coastal Georgia, Technical System of Georgia, Colorado Community College Online, Rockland Community College (NY); College of the Albemarle (NC) and many other community college examples; Oberlin College; Purdue University; and the University of Iowa.

## **APPENDIX**

**Appeals in Cases of Alleged Student Academic Offenses**

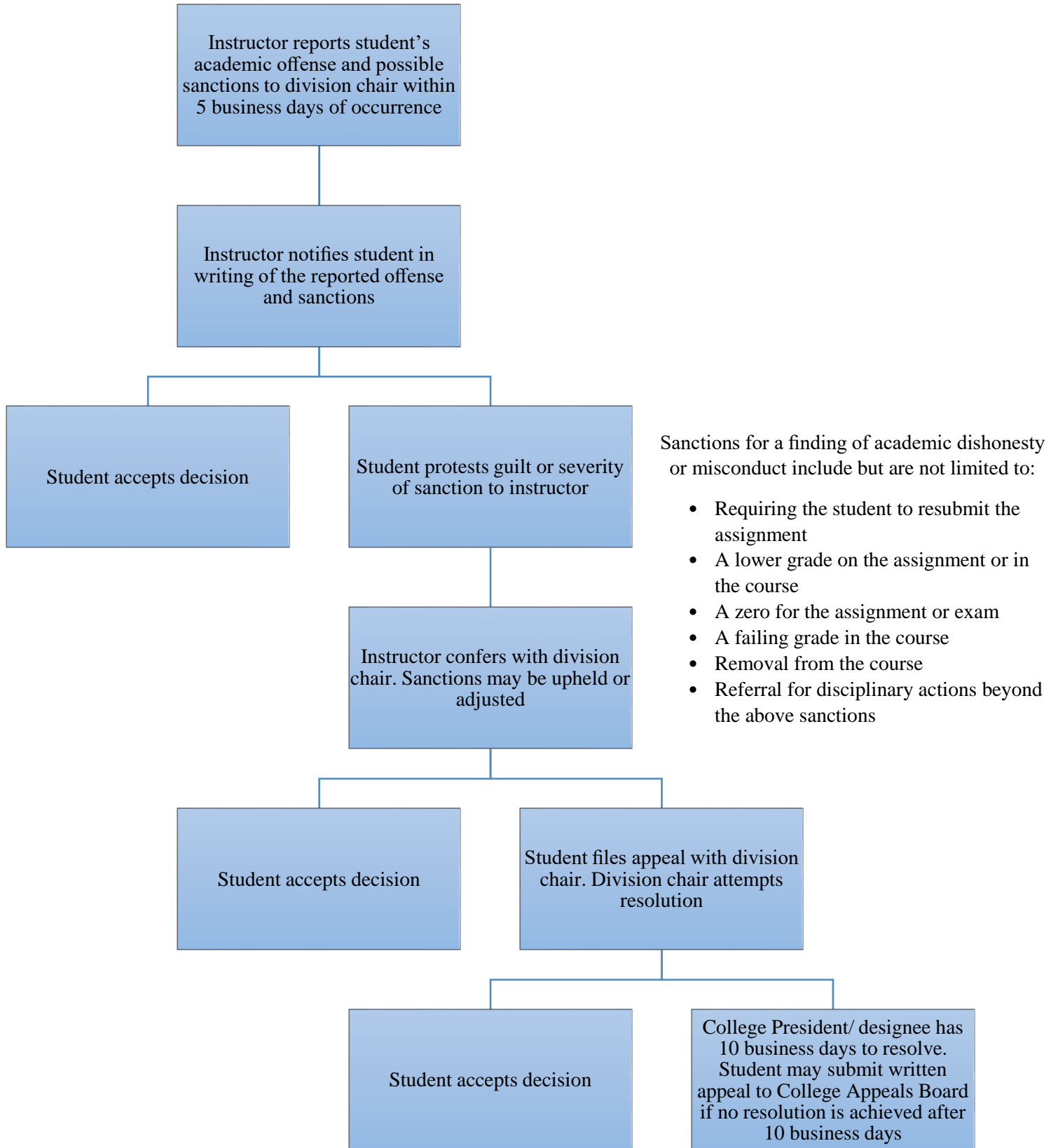
**Appeals in cases of Alleged Violations of Student Academic Rights**

**College Appeals Board (CAB) Appeal Process**

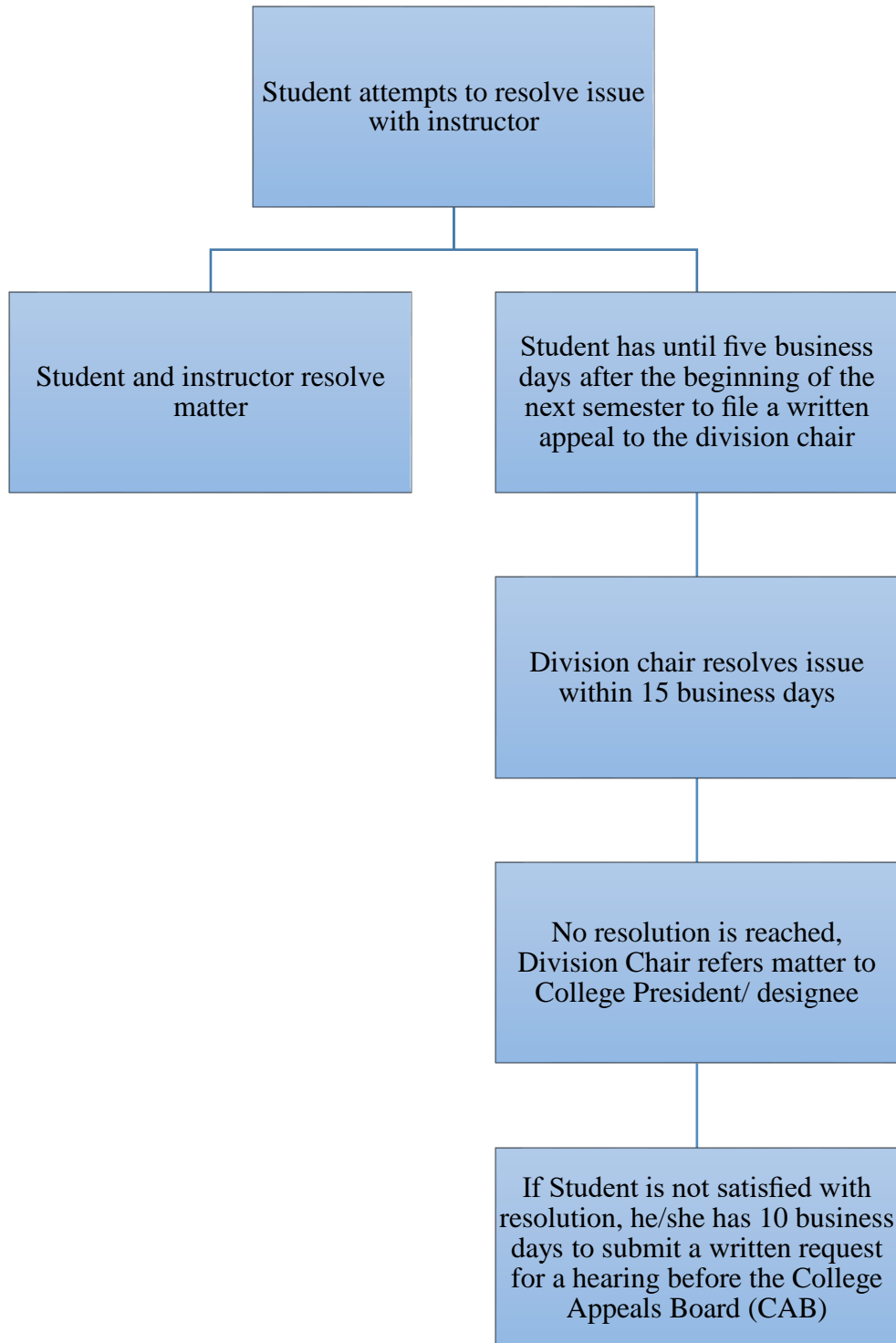
**Appeal of Behavioral/Nonacademic Grievance**

**Appeal of Suspension or Expulsion to the KCTCS Board of Regents**

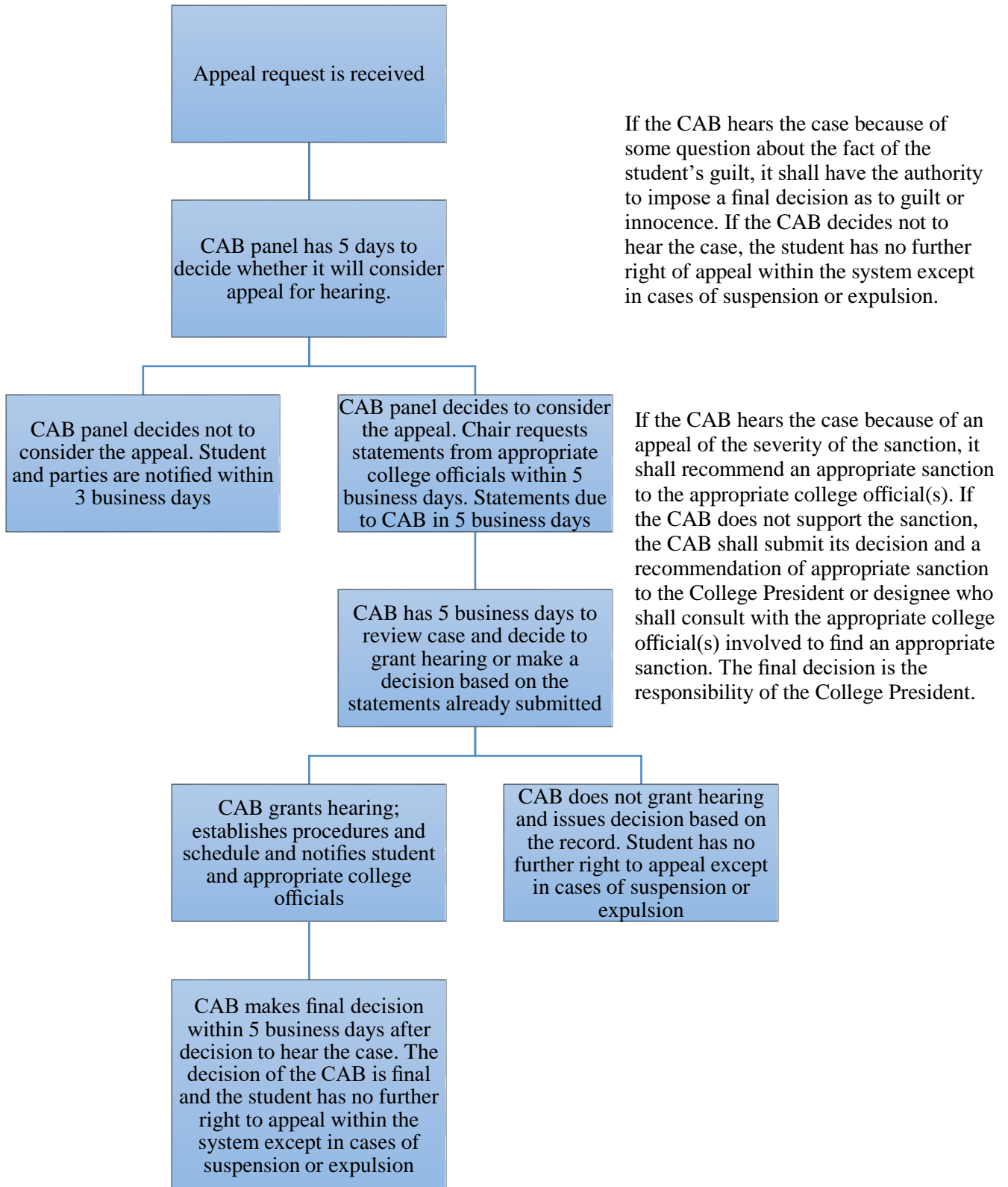
# Appeals in Cases of Alleged Student Academic Offense



# Appeals in Cases of Alleged Violation of Student Academic Rights



# College Appeals Board (CAB) Appeal Process

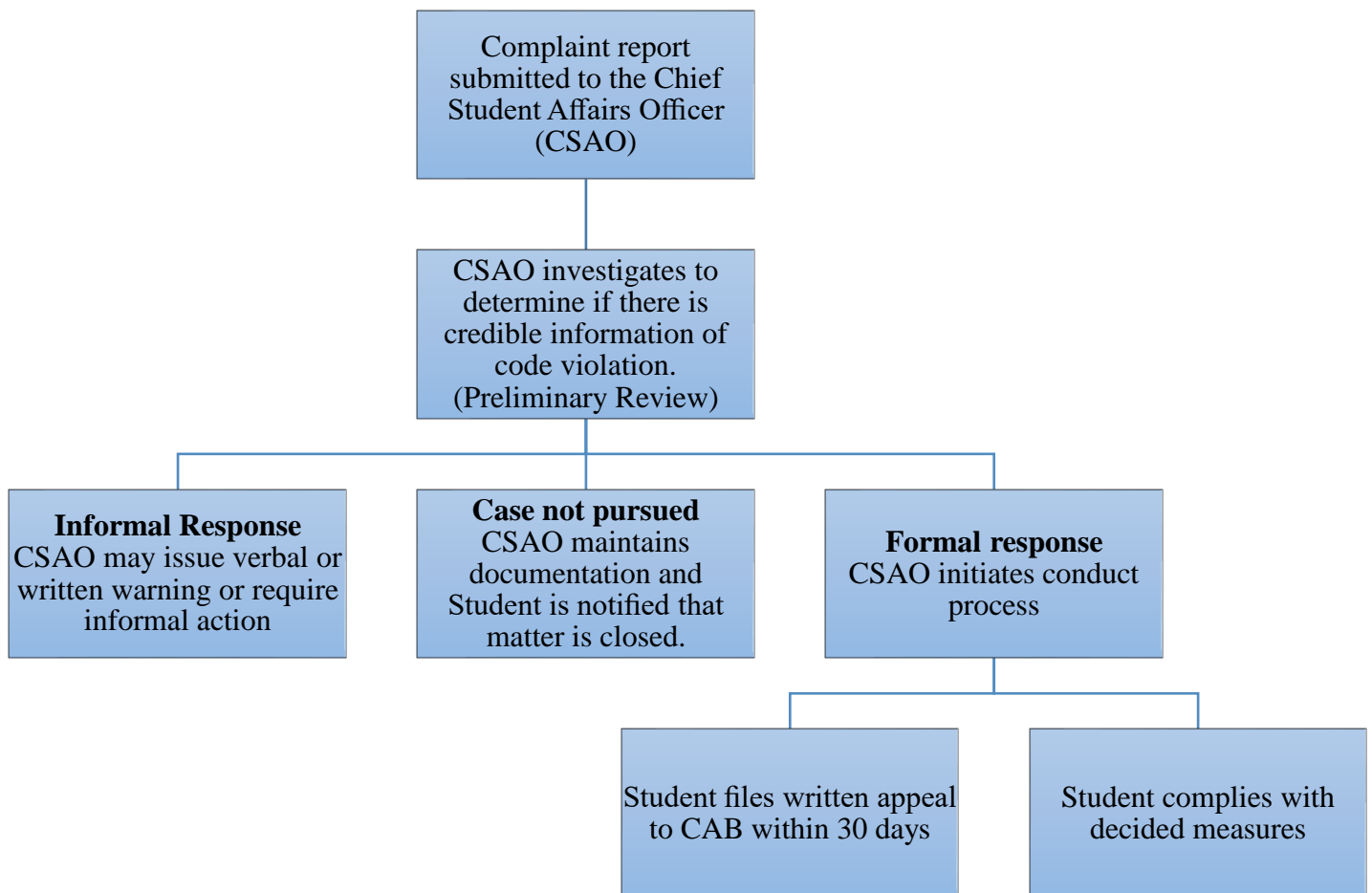


# Behavioral/Nonacademic Violations Process

## Interim Measures

Upon preliminary review, KCTCS reserves the right to enact any interim measures it deems necessary. Such measures may include, but are not limited to:

- referral to counseling services and other resources
- rescheduling of exams or assignments (in conjunction with appropriate faculty)
- no---contact letter
- limited access to college facilities or organizations pending resolution of the report
- temporary work reassignment
- temporary class schedule reassignment
- administrative leave during the investigation and resolution
- report of the matter to local law enforcement in the jurisdiction in which the college is located
- KCTCS further reserves the right to apply any other remedy that can be tailored to the involved individuals to achieve the goals of this policy





# Appeal of Suspension or Expulsion to the KCTCS Board of Regents

Before an appeal can be submitted to the Board of Regents, the student must exhaust all available remedies by using all applicable appeal processes in this Code.



Student submits appeal in writing to KCTCS Board of Regents in care of KCTCS President within 30 calendar days from the completion of the final applicable appeal process

KCTCS President forwards appeal to Office of General Counsel for review

The appeal shall be heard by a three-person panel (appointed by the KCTCS President) consisting of the KCTCS Vice President responsible for Student Services, the Chair of the Education Committee of the KCTCS Board of Regents, and one of the student members of the KCTCS Board of Regents. Reference Article III, Section 4.E.ii, of the KCTCS Code of Student Conduct.



A three-person panel conducts a review and makes a recommendation to the Board of Regents

Board of Regents reviews and votes upon recommendation

Student is notified of final decision in writing by Office of General Counsel