

STUDENT RIGHTS & CONDUCT



**Effective
2018-2019
Academic
Year**

This document describes the policies and procedures governing student rights and conduct at Southwestern Illinois College, Community College District #522 (SWIC). It also describes the process students follow to file a grievance concerning academic, administrative or equal opportunity complaints. More detailed information concerning the policies, procedures and programs of the college may be obtained from the SWIC Catalog.

STUDENT CONDUCT CODE

SWIC students have the same rights as those accorded all citizens of the United States and the state of Illinois, including the right to free, open and responsible discussion and inquiry, and the right to a quality education in a program of study under competent instructors.

SWIC is obligated to its residents and the state to provide an environment which is conducive to the academic and personal development of its students. This obligation requires SWIC to conduct its affairs in an orderly, uninterrupted manner. It is an expectation for SWIC students, staff, employees and visitors to uphold the decorum of the college environment at all times.

Student conduct on campus and at all college-sponsored activities is governed by the rules of the community. Violations of federal, state and local laws at any college-sponsored activity, on or off campus, will be considered a violation of the Student Conduct Code and violators will be subject to disciplinary action. Violations include, but are not limited to:

- violation of Board policy;
- acts that interfere with the purposes, necessities and processes of the college community to include administrators, faculty, staff, students and visitors, or that deny the rights of members of the college community to include disruptions of any learning environment or college-sponsored activity;
- denying a trustee, employee, student or invitee of the college freedom of movement or use of the facility; disrupting the performance of institutional duties or pursuit of educational activities; and occupying buildings or other property after due and legal notice to depart;
- causing or threatening to cause harm to an individual either directly or indirectly by action or verbal behavior;
- academic misconduct including, but not limited to, cheating, plagiarism and forgery; failure or refusal to follow clinical practice standards; and soliciting, aiding, abetting, concealing or attempting such acts. Plagiarism is defined as the use or close imitation of the language, thoughts or work of another to include copying, quoting, paraphrasing and using another's creation, images or illustrations to represent them as your own work without proper acknowledgment of the source;
- improper, unauthorized or personal use of college computer laboratories, equipment, internet services or software; the modifying or copying of college software; and the use of illegal or unauthorized software to include Title 17, United States Code, the Digital Millennium Copyright Act of 1998, and the Copyright Term Extension Act;
- trespass is defined as entering any area that is obviously forbidden, or remaining in a forbidden area after receiving notice; presenting false documents or falsely representing identity; and interfering with lawful use or enjoyment of any area including but not limited to accessing restricted/limited access areas, bypassing control systems through improper means or system compromise;
- sexual harassment under Title IX, defined as any unwelcome attention, behavior or materials of sexual misconduct to include sexual harassment, sexual assault (sexual violence), domestic/dating violence or any form of retaliation.

Sexual harassment is a violation of state and federal law, as well as college policy;

- stalking, bullying, intimidation or other means of harassment by verbal, written, physical or electronic means; using social media to communicate an indirect threat or creating an intimidating, hostile or offensive environment or interfering with educational or work performance;
- discrimination based on the person's race, color, religion, sex (including pregnancy, gender identity and sexual orientation), national origin, disability or genetic information, or veteran status;
- nuisance activities such as the use of loud, abusive or otherwise improper language; loitering; improper assembling; creating any hazard and/or safety concern to people or things; blocking access ways; improper disposal of rubbish; and lewd or obscene conduct as defined by law;
- disrespect to authority;
- possession, consumption and/or being under the influence of alcoholic beverages, except at Foundation-sponsored events and off-campus activities where such possession and consumption meet requirements of state law and where the location of the activity does not prohibit such beverages;
- sale, use, possession, distribution and/or being under the influence of marijuana to include medical marijuana or any other illicit or synthetic substance, including any controlled substance prescribed or not prescribed by a licensed physician;
- illegal gambling;
- loss, theft or damage of college property or property of members of the college community, including failure to return college supplies, equipment, software and library material and misuse of the MetroLink Ridership Program;
- failure to meet financial obligations relative to college transactions, issuing of fraudulent checks or committing deceptive practices such as counterfeiting, fraud or false impersonation;
- the sale, transfer, possession, use or discharge of explosives, fireworks, ammunition, firearms, dangerous chemicals, hazardous substances or other weapons (to include simulated devices) except as specially permitted by law and college officials;
- failure to give information or giving false or misleading information in response to requests from college officials to include failure to identify, non-compliance and interference with reasonable verbal or written instructions;
- misuse of camera phones, to include but not limited to, electronic capture devices or unauthorized videotaping in an area where the expectation of privacy exists; to photograph copyrighted materials; or to compromise academic work or tests;
- disorderly conduct defined as knowingly acting in an unreasonable manner so as to alarm or disturb another and to provoke a breach of the peace; failure to follow verbal/written directions/sanctions per discipline meetings or direction of SWIC officials.

A student against whom (the respondent) an order of protection has been issued by a court may be subject to removal from classes to assure compliance with the order.

STUDENT GRIEVANCE PROCEDURES

Student grievances may involve academic matters, administrative matters or discrimination. Grievances, other than those involving discrimination charges, will be handled through the regular line of authority. A grievant who is not satisfied with a decision at one level may appeal the grievance to the next level of authority. Information and discussions concerning the resolution of a grievance will be maintained in as confidential a manner as possible so as to protect the interests of all parties.

In grievances involving academic matters, including grading, the student should first consult with the instructor concerned. Every attempt should be made to resolve the grievance on an informal basis. If necessary, the student should process a grievance through the levels of department head/coordinator, dean, vice president for Instruction and college president. At the Sam Wolf Granite City Campus, the dean of Technical Education may be consulted. At the Red Bud Campus, contact the appropriate department chairperson.

In grievances involving administrative matters, the student should attempt to resolve the complaint on an informal

basis by consulting with the responsible administrator. If necessary, the student should proceed through the levels of director, dean, appropriate vice president and college president. At the Sam Wolf Granite City Campus, the dean of Technical Education may be consulted. At the Red Bud Campus, contact the appropriate department chairperson.

A complaint becomes formal when it is submitted in writing by the complainant. Grievances should be submitted in writing at each level of authority within 10 school days of the action being grieved or within 10 school days of the decision being appealed. Written response normally will be made to the grievant within 10 school days unless circumstances require additional time for consideration. Grievances may not be appealed to the SWIC Board of Trustees.

Grade appeals are considered a special category of student grievance. A student who wishes to appeal a grade must contact his or her instructor within 30 calendar days after the start of the regular semester (fall, spring or summer) following the recording of the disputed grade. If the student is not satisfied with the instructor's response, then he or she must contact the relevant department chair/coordinator in writing within the following

10 school days. If an instructor is unavailable because, for example, he or she is away from campus for the summer or on a sabbatical, then the student must submit his or her grade appeal to the relevant department chair/coordinator or dean within the 30-day time period with the understanding that resolution will be pursued when the instructor returns to campus. The 30-day time limit may be waived by the vice president for Instruction when extraordinary circumstances are applicable. In any event, this grade appeal procedure is not to be used for a review of the judgment of an instructor in assessing the quality of a student's work.

Grievances involving discrimination because of the person's race, color, religion, sex (including pregnancy, gender identity and sexual orientation), national origin, age (40 or older), disability or genetic information, or veteran status should be made to the affirmative action officer (director of Human Resources) who will handle the grievance. Specific college processes exist in conformance with state and federal statutes governing such cases.

DISCIPLINARY PROCEEDINGS

A student who is accused of violating the Student Conduct Code will be referred to the vice president for Student Development or designee, who will determine whether the student is guilty of the charge. If the student is found guilty using preponderance of the evidence, the vice president for Student Development will impose appropriate sanctions. The student will be notified in writing of the decision. Written response will normally be made to the student within 10 school days unless circumstances require additional time for consideration.

If the student disagrees with the action taken, he or she may request a hearing before the Hearing Board Committee within seven school days from the time the notification is received. The request for a hearing must be in writing. The hearing date will be set by the chair of the Hearing Board Committee no later than 15 school days after the receipt of the student's request for a hearing.

Each appeal will be heard by a panel of the Hearing Board Committee comprised of three administrators appointed by the college president (one to be appointed chair), two faculty members appointed

by the president of the Faculty Union and two students appointed by the Student Leadership Group at the Belleville Campus.

The Hearing Board Committee hearing should be informal and non-adversarial in nature, with rules of evidence and civil procedure not strictly applying. The hearing should be conducted much as an arbitration would be handled involving personnel decisions under administrative proceedings. The vice president for Student Development or designee and the student should be allowed to present any testimony or documents, and such evidence will be given whatever weight it is due. All documents used by the vice president for Student Development or designee to impose sanctions should be made available to each Hearing Board Committee member and the student prior to the hearing. A transcript should be taken of the hearing.

The written decision of the Hearing Board Committee will be communicated to the student and vice president for Student Development or designee. The Hearing Board Committee is the final authority on the matter.

These procedures are intended to serve as general guidelines and substantial compliance with them will be considered to meet the requirements of the process.

SWIC's policy provides that:

- The accuser and the accused student each have the opportunity to attend a hearing before a properly trained hearing board that protects the safety of victims and promotes accountability;
- The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;

- The institution will allow for timely access to the accuser, the accused and appropriate officials to any information that will be used after the fact-finding investigation but during formal and informal disciplinary meetings and hearings;

- The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;

- The institution provides the accuser and accused the same opportunities to have others present during an institutional disciplinary proceeding. The accuser and the accused student each has the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or proceeding; however, the institution may establish restrictions regarding the extent which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

- Decision is based on the preponderance of evidence standard, i.e. "more likely than not to have occurred" standard;

- The accuser and the accused will be notified simultaneously in writing of the results of any disciplinary proceeding, as well as any changes to those results or disciplinary actions prior to the time that such results become final; and

- The accuser and the accused each have the right to appeal the outcome of the hearing as described previously and will be notified simultaneously in writing, of any change to the result prior to the time that it becomes final and of the final result after the appeal is resolved.

POSSIBLE SANCTIONS FOR VIOLATIONS OF STUDENT CONDUCT CODE

Sanctions for academic dishonesty or for behavior disruptive to the educational process may be imposed by faculty members in their instructional role. Sanctions for academic dishonesty include a failing grade on an individual assignment, examination or course. Serious matters of academic dishonesty or disruptive behavior may cause the student to be withdrawn from the instructor's course or a program of study. A student found to have violated the Student Conduct Code may be denied access to certain courses or programs, including the loss of internship privileges, needed to complete a program of study.

The vice president for Student Development or designee may impose the following sanctions upon students found to have violated the Student Conduct Code:

- Disciplinary Reprimand: An oral conference that is documented or a written reprimand; both noting the seriousness of the violation of the Student Conduct Code.
- Probation: A status for a specific period of time which places the student on notice that further misconduct may result in more serious penalty.
- Social Probation: Probationary status that also restricts the student from specified activities, equipment or facilities.

- No Contact Order: May be issued to prohibit making contact with (staying away from) the victim/complainant, to include no physical or nonphysical contact whether direct or indirect (including but not limited to, telephone calls, text messages, mail, email, faxes, written notes or through other electronic means [social media], or through third parties who may know or may not know about the restriction).
- Suspension: Involuntary separation from the college for a stated period of time or until stated conditions are met. Days on suspension are unexcused absences from class.
- Expulsion: Permanent removal from SWIC.
- Assessment for Restitution: Payment for restoration of property or to resolve financial obligations to the college. Failure to pay assessed amounts will prevent the student from obtaining records and registering for classes.
- Separations or Restrictions: A student may be separated or restricted from enrollments on a temporary basis pending the completion of proceedings relevant to the Student Conduct Code. Students will be so notified.

Sexual assault (sexual violence) is a violation of federal, state and local law, and SWIC policy. Therefore, criminal sanctions by the criminal justice system and administrative sanctions by the college may be imposed. Guidelines for proceedings are available in the office of the Title IX coordinator.

TO REPORT INCIDENTS:

Students who feel threatened or intimidated, who are harmed or who observe violations of the Student Conduct Code may report the incident as appropriate:

- **For academic matters:** To the instructor, coordinator/department head or dean.
- **For matters of safety or security:** To the Public Safety office or campus administrative office.

Belleville Campus 618-235-2700, ext. 5555
Sam Wolf Granite City Campus..... 618-931-0600, ext. 7372
Red Bud Campus..... 618-282-6682, ext. 8888

- **In general:** To an administrator, faculty member or staff member for assistance and referral.
- **For discrimination and sexual harassment/misconduct (including sexual violence):** Contact Title IX Co-Coordinators, Staci Clayborne or Nancy LeVault, by calling 618-235-2700, ext. 5566, sending an email to TitleIX@swic.edu or visiting the Office of the Vice President for Student Development at the Belleville Campus, Main Complex, Room 1246, 2500 Carlyle Avenue, Belleville, IL 62221. The institution's sexual harassment policy and the formal complaint form for discrimination can be found in Board policies and can be obtained in hard copy from the Office of Human Resources.

For emergencies or immediate safety concerns, call Public Safety or 9-1-1.

In keeping with the college mission, these regulations may be revised at the discretion of the college. Supplements and/or additions may be made at any time. Distributed by the vice president for Student Development or designee in cooperation with the Hearing Board Committee.



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July 2018