

LOUISIANA COMMUNITY & TECHNICAL COLLEGE SYSTEM
Policy # 2.004

Title: STUDENT CONDUCT AND APPEAL PROCEDURES

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This Policy on student due process and protection, relative to disciplinary proceedings, right to counsel for students and student organizations, and appeals, is promulgated pursuant to Act 464, R.S. 17:3394, of the 2022 Regular Legislative Session of the Louisiana Legislature. Each college shall establish policies and regulations governing student conduct and due process and publish such policies and regulations on the college’s website and in the appropriate college publications, including student handbooks and codes of conduct. These policies and regulations shall:

1. Acknowledge students’ rights as well as responsibilities, including the right to private legal action for violation of due process rights;
2. Provide for due process. Due process includes notice of any and all violations of the college’s non-academic rules or policies and the disciplinary proceedings or charges that will occur as a result. This notice shall include but need not be limited to each and every section of the college's rules or policies that the student or student organization is alleged to have violated and any evidence the institution used and collected in making the charge. Due process also includes an opportunity to be heard in disciplinary matters, including the right to appeal; and
3. Provide for appeal of the college’s decision in disciplinary matters to the Louisiana Community and Technical College System (LCTCS) Office after all due process procedures at the college-level are exhausted, in accordance with the procedures stated below.

Disciplinary Proceedings

Any student enrolled at an LCTCS member college who is accused of a violation of the disciplinary or conduct rules that carries a potential penalty of suspension of ten or more days, deferred suspension, or expulsion has the right to be represented, at the student's expense, by an attorney or a non-attorney advocate who may “fully participate” (make opening and closing statements, examine and cross-examine witnesses, and provide the alleged victim or accused with support, guidance, and advice) during any disciplinary proceeding or during any other procedure adopted and used by that college to address an alleged violation of the college's non-academic rules or policies. This right applies to both the student who has been accused of the violation and to the student who is the alleged victim, if applicable. Prior to scheduling a disciplinary proceeding, the institution shall inform the students in writing of their rights. These rights extend to any student

organization officially recognized by an LCTCS member college and the alleged victim, if applicable.

Disciplinary proceedings shall ensure the following:

1. The express presumption of innocence of the accused student or student organization;
2. Access to the administrative case file, which shall include all documents and evidence in the college's possession or control relevant to the alleged violation and the college's investigation;
3. Reasonable continuing access to the administrative file, which will be redacted as required by law, and the ability to make copies of all evidence or documents in the file beginning at least seven business days prior to any disciplinary hearing (or sooner if required by law);
4. Freedom from conflicts of interest;
5. No person in the adjudicative process will assume more than one of the following roles:
 - a. Victim counselor and victim advocate,
 - b. Investigator,
 - c. Institutional prosecutor,
 - d. Adjudicator, or
 - e. Appellate adjudicator;
6. A designee will be assigned in the event any step in the disciplinary proceedings would by order of process lead to a duplicative role. The LCTCS Board Office reserves the right to, on its own initiative, remove a case from the college for adjudication resolution at the System office to avoid duplication of roles.
7. An opportunity for either party to submit an appeal within ten days after receiving final notice of the college's decision;
8. Appeals are limited to the basis of new evidence, contradictory evidence, and evidence that the student or student organization was not afforded due process.
9. The right for attorney and non-attorney advocacy mentioned above extends to the appeal process;
10. In the reversal of the decision or a lessening of the sanction, the college shall reimburse the student for any tuition and fees paid for the period of suspension, including a deferred suspension, or expulsion which had not been previously refunded, if applicable;
11. Equitable treatment of the accused alleged victims, including simultaneous notifications throughout the disciplinary process.

Interim Measures

Colleges have the ability to take reasonable interim measures necessary to ensure the physical safety of members of the campus community during a timely investigation and adjudication of a student disciplinary issue. Reasonable interim measures shall require the following:

1. Within seventy-two hours of the alleged violation being deemed an immediate threat, written notice of the interim measure that explains the college's reasons for enacting the measures;
2. Within seven business days of the written notice unless otherwise waived by the accused student, an interim measure hearing to determine whether there is substantial evidence that the student poses a risk to the physical safety of a member of the campus community and that the interim measure is appropriate to mitigate that risk. At the hearing, both the accused student and the alleged victim shall have the right to be represented as described above. An accused student's waiver of the right to an interim measure hearing shall not constitute an admission of guilt or a waiver of any additional rights;
3. Colleges should develop a process for addressing coursework completed during an interim suspension or involuntary removal;
4. Colleges should provide notice that the completed coursework may be denied or revoked pending the outcome of the hearing.

Student Leaders

All LCTCS institutions are committed to upholding and instilling in all students the highest standards of academic, personal, professional, and social integrity. However, student leaders, by virtue of their post, are considered to be role models within the college community and must therefore at all times exhibit behavior, on and off campus, that aligns with the college's mission and its student code of conduct. For purposes of this policy, student leaders include: student athletes, student government officials, student organization leaders, honor society leaders, and other official student leadership roles recognized by the college.

If a student leader is charged with a felony offense or serious misdemeanor, the student leader may be removed from his/her leadership position until final legal disposition of the matter. While charges do not constitute guilt, a student leader being charged could affect the college's reputation and/or the learning environment. Student leaders have a responsibility to self-report any felony or serious misdemeanor charges, within 48 hours, to their staff advisor, who will then inform college leadership. This policy will be enacted when a student self-reports or when college leadership becomes aware of the charges.

The decision to remove a student leader from his/her leadership position will be made by the college Chancellor, in consultation with the college's Chief Student and/or Academic Affairs Officer. The following factors will be considered when deciding whether or not to remove a student leader from his/her position following a felony offense or serious misdemeanor charge:

1. The impact having the student leader remain in his/her position may have on the college community as a whole;
2. Whether or not the felony or serious misdemeanor offense involved any other members of the LCTCS college community or property of an LCTCS college; and
3. The individual student leader's personal ability to fulfill in his/her leadership responsibilities while under investigation.

Once final legal disposition of the matter occurs, the college Chancellor, in consultation with the college's Chief Student and/or Academic Affairs Officer, may lift, modify, leave in place, extend, or make permanent the student's removal from the leadership position.

Student leaders must be made aware of and acknowledge this policy upon their ascension to a leadership position.

Procedures for an Appeal to the LCTCS Office

A student, or the parent/legal guardian of a minor student, may appeal to the LCTCS Office on the grounds that the college's published procedures do not provide due process or that such procedures were carried out in an unfair or impartial manner. The appeal must be made, in writing, within 30 business days of the college's final disposition on the matter.

Formal requests for appeals should be emailed to the Louisiana Community and Technical College System Office at students@lctcs.edu or mailed to 265 S. Foster Road, Baton Rouge, LA. 70806, ATTN: Student Governance, and should contain the following information:

1. Name of individual submitting the appeal as it appears in the college's records;
2. Student ID number of the individual submitting the appeal;
3. Mailing address of the individual submitting the appeal;
4. Phone number of the individual submitting the appeal;
5. Email address of the individual submitting the appeal;
6. Dates of attendance at the college;
7. The individual's affiliation with the college (current student, former student, parent or legal guardian of current or former student, if complainant is an un-emancipated minor)
8. A description of the nature of and reason for the appeal; and
9. Any supporting documentation

Once a formal request for appeal is received, System Office staff will:

1. Review the submitted materials and contact the individual who submitted the appeal for any additional information or clarifications needed.
2. Send a copy of the request for appeal to the college and request that a formal response and any relevant supporting documentation from the college be submitted to System Office staff within 10 business days.

Once all documents are received, System Office staff will:

1. Review the documents submitted to ensure that the college's published procedures provide due process and were carried out in a fair and impartial manner.
2. In the event that System Office staff cannot determine whether the college's published procedures provide due process or whether or not they were carried out in a fair and impartial manner based on the documents submitted, System Office staff may engage in any fact-finding reasonably required by the circumstances. This may include a request for

either party to participate in a telephone conference meeting so that the facts can be clearly set forth.

Once the review process and any reasonably required fact-finding has concluded, System Office staff will notify, in writing, both the college and the individual who filed the appeal of the System Office staff's determination. This determination will represent the final disposition on the appeal. Every effort will be made to resolve all appeals within 30 business days of the formal request for appeal.