

# **Lakeland College**

## **The Kellett School of Adult Education**

### ***Non-Academic Student Conduct & Disciplinary Policy*** **(Revised)**

**March 24, 2010**

## **Student Rights and Responsibilities**

Lakeland College's Kellett School of Adult Education (hereafter referred to as the Kellett School) seeks to provide for all students an environment that is conducive to personal growth, academic endeavor, individual responsibility, and respect for the rights and privileges of others. To implement regulations, the Kellett School relies primarily on each student's personal sense, honor, humanity, and responsibility.

Believing that intellectual and personal development are fostered by an atmosphere which stresses responsibility to oneself and others, the Kellett School is committed to upholding the attributes of integrity, human dignity, and concern for others.

## **Community Expectations**

The Kellett School is a community where faculty, staff and students attempt to engage academically and interact with one another in openness and mutual respect. The Kellett School endeavors to help its members develop their full intellectual capacities, spiritual and ethical awareness, sense of social responsibility, and enthusiasm for life-long learning. Central to this is an emphasis on community, the network of human relationships sustained by a sense of common purpose, mutual caring, and respect.

All students who choose to attend Lakeland College and the Kellett School make a commitment to conduct their lives in a manner which reflects a sense of responsibility and caring for the sensitivities of the community. All Kellett School community members assume the responsibility for regulating their personal conduct at each Kellett School location and/or in the online environment, as well as at Lakeland's main campus and/or at other College-sponsored activities.

We expect you, as well as all members of the Kellett School community to:

1. Treat one another with respect, dignity and sensitivity;
2. Not abuse or misuse College property or the property of others;
3. Act with concern for the well-being and safety of others;
4. Conduct any and all College activities according to local, state, and federal laws.

## **College Officials**

All employees of Lakeland College are considered College officials. This includes, but is not limited to, our president, vice presidents, directors, deans, associate deans, full-time faculty, part-time faculty, adjunct faculty in the Kellett School, security personnel, and all members of the Kellett School staff. Kellett School students are to comply with all reasonable directions and requests of all College officials. This includes the request to present a valid identification. All members of the Lakeland College faculty have full authority in their respective classes and/or in any such activities related to the instructional process. Verbal and/or physical abuse directed toward any College official will not be tolerated and will be subject to disciplinary action.

## **Discrimination and Harassment**

Lakeland College and the Kellett School value a community atmosphere that is free from all forms of discrimination and harassment and will endeavor to prevent such based on race, color, religion, gender, sexual orientation, national origin, age, disability, handicap, or military service. For the purposes of College policy, the term harassment is defined as any verbal, written, or physical conduct that a person knows or has reasonable grounds to know would intimidate, demean, or degrade an individual's or group's character, self-worth, or dignity. Behavior that will not be tolerated includes, but is not limited to, physical force or violence, stalking, and threats.

## **Disciplinary Records**

Disciplinary records, conduct records and those records pertaining to Kellett School judicial affairs are kept in the office of the Associate Dean of Operations and Advising for the Kellett School. These files are kept separate from academic transcripts, and are confidential and protected under the Federal Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment.

In the event that a dismissal or suspension occurs, a copy of the disciplinary actions and procedures will be placed in the student's academic records maintained in the Registrar's Office for as long as the sanction is in force. Disciplinary records held by the Associate Dean of Operations and Advising for the Kellett School will be maintained for a period of seven years from the date of graduation with the exception of students who are dismissed. Records of students who are dismissed are permanent.

Students are provided full and fair access to their judicial or disciplinary records. Information on student's disciplinary records is not considered public knowledge and shall not be released without the student's written permission. Information from these records may, however, be released to college officials who have a professional justification for such information and federal or state agencies as specifically provided by law. Any student may examine his/her Kellett School judicial files by asking the Associate Dean of Operations and Advising for the Kellett School at least three (3) business days in advance for an appointment to do so.

## **Norms for Distinguishing Civil and/or College Jurisdiction over Student Misconduct**

1. A Kellett School student is a member of the Lakeland College community, the Kellett School community, and also of the community at large. Therefore, the College recognizes him/her as both a student and citizen.

2. It is the intention here to define the spheres of College and civil jurisdiction.

*The following distinctions become relevant:*

a) Exclusive College jurisdiction: There are certain kinds of conduct (i.e., violation of policies of a Kellett School Center or in the Online environment) which interfere with the educational objectives of the College, but which violate no civil laws. The Kellett School and College Officials have sole and final jurisdiction in these matters.

b) Exclusive external jurisdiction: There are other kinds of conduct which may violate a wide variety of civil laws (e.g., traffic violations), but which provides no basis for College action. The student is not, therefore, subject to a second sanction by the Kellett School.

c) Concurrent jurisdiction: There are yet other instances when a student's conduct may violate civil law and/or criminal law, county and/or municipal ordinances, and/or the regulations of the Kellett School (e.g., theft at a Kellett School Center or in the Online environment) and the student may be subject to both internal and external judicial procedures. The College considers that all violent personal and drug law violations, or any other behavior which might threaten the welfare of the Kellett School community must fall into the category of concurrent jurisdiction, even though the actual offense may not have happened at a Kellett School Center or in the Online environment.

3. In general, the Kellett School does not attempt to duplicate the function of civil laws and hence, "only where the institution's interests as an educational community are distinctly and clearly involved is the right of the institution asserted." The Kellett School will consider:

a) Whether the individual can continue to benefit from or contribute to the educational process of the Kellett School,

b) Whether the individual student, by his/her actions, has endangered the welfare of other members of the Kellett School or local community, and

c) When the student's conduct threatens the image and reputation of Lakeland College and/or the Kellett School in the community.

4. In matters which may involve concurrent jurisdiction, the following specific principles are maintained:

a) When behavioral circumstances warrant, the Kellett School may proceed according to Kellett School judicial procedures, even though the civil process has yet to begin.

b) If a student is charged with a felony or other criminal offense, the Kellett School shall also retain the option to suspend such a student until criminal courts have reached a judgment.

c) The Kellett School cannot regard an arrest or indictment as a finding of guilt. Even where a student has been found guilty by civil authorities, the Kellett School is required to reach its own conclusion as to whether the student has violated a Kellett School regulation.

d) Because a Kellett School student accused of violating both civil and Kellett School regulations may be subject to a trial, the Kellett School should be scrupulous in respecting his/her rights as an accused person and avoid any effort to secure a confession or evidence that may be used against him/her.

e) A civil trial is a matter separated from the Kellett School. When the Kellett School student is involved in a civil trial, College Officials, if subpoenaed, shall participate. However, said participation shall be only at the formal request of the civil judicial process.

### **Adverse Behavior in the External Environment**

Adverse behavior of a Kellett School student that occurs externally, e.g. not at a Kellett School Center or in the Online environment, may still be subject to a Kellett School judicial hearing. Those behaviors include, but are not limited to, burglary, theft, disorderly conduct, sexual assault, aggravated assault, and murder.

### **Student Conduct Policies and Procedures**

The following procedures are designed to handle cases of alleged misconduct in fairness to all concerned, including the student, the faculty, and the entire Kellett School community.

#### 1. Academic Misconduct

Please refer to the academic portion of the Kellett School Catalog.

#### 2. Kellett School Judicial Board

A meeting of the Kellett School Judicial Board will convene to resolve cases which are deemed necessary by the Associate Dean of Operations and Advising for the Kellett School, involves severe violations, or involve repeat violators. The duties of the Kellett School Judicial Board are to determine if an accused student has violated the Kellett School Non-Academic Student Conduct & Disciplinary Policy, and/or any College policy, and to render appropriate sanctions.

a) The Kellett School Judicial Board will be made up of the Associate Dean of Operations and Advising for the Kellett School or his/her designee, the Associate Dean of Instructional Leadership for the Kellett School or his/her designee, and one administrative staff member from the Kellett School.

b) Those in the hearing include the Judicial Board, the accuser, the accused student, and witnesses pertaining to the case. (The Kellett School reserves the right to replace those Judicial Board members who present a conflict of interest.)

c) The chair of the Kellett School Judicial Board will be the Associate Dean of Operations and Advising for the Kellett School or his/her designee.

### **Kellett School Judicial System**

#### *Philosophy*

The purpose of the Kellett School judicial system is to hold students responsible for their actions and behavior. It is not a criminal system; rather, it is founded to uphold Lakeland College and Kellett School policies/regulations. Decisions of the judicial process are not based on guilt or innocence, but whether a violation of the Kellett School Non-Academic Student Conduct & Disciplinary Policy exists.

### *Procedures*

Kellett School Judicial Board hearings are non-adversarial, confidential, and not to be considered analogous to court proceedings. The degree of formality of these proceedings is considered necessary to ensure a well-functioning, equitable program, which protects the rights of all concerned. Responsibility and authority in matters of Kellett School student behavior resides with the Vice President for the Kellett School and his/her staff.

## **Kellett School Non-Academic Student Conduct & Disciplinary Policy**

### *Disciplinary Policies*

Conduct incompatible with the Kellett School community, therefore disruptive of the academic environment, shall be subject to disciplinary action. The Kellett School community has established policies for behavior to ensure that a healthy environment for adult learning exists. Kellett School students are responsible for all policies and/or information related to disciplinary policies.

The following acts are defined by the Kellett School to be unacceptable.

### *Level I Violations*

A Kellett School student found to have engaged in any of the following violations may be subject to a maximum sanction of dismissal from the College. Being under the influence of drugs and/or alcohol does not diminish or excuse a violation of the Disciplinary Policy.

#### **I.1 Violation of Probation**

Violation of disciplinary policies while on probation, or violation of the terms of that probation.

#### **I.2 Disruption/Obstruction**

Obstructing or interfering with College functions of any College activity to include, but not limited to: the obstruction of teaching, research, administration, disciplinary proceedings, and other College activities, including its community service functions on main campus, at Kellett School Centers or in the Online environment; or other authorized non-College activities, where the act occurs on College premises.

#### **I.3 Demonstration**

Participation in a demonstration which disrupts the normal operations of the College and infringes on the rights of other members of the Kellett School community; leading or inciting others to disrupt scheduled and/or normal activities within any College building or area; intentional obstruction which reasonably interferes with freedom of movement, either pedestrian or vehicular, on College premises.

#### **I.4 Mental or Bodily Harm**

a. Intentionally inflicting mental or bodily harm upon any person;

- b. taking any action for the purpose of inflicting mental or bodily harm upon any person;
- c. taking any reckless but not accidental action from which mental or bodily harm could result to any person;
- d. causing a person to believe that the offender may cause mental or bodily harm;
- e. any act that demeans, degrades, or disgraces any person. "Any person" as used in this section may include oneself.

#### I.5 Harassment

Any speech, action, or behavior that is focused on any individual or group based on the individual's or group's gender, race, sexual orientation, religion or ethnicity is a form of harassment and will not be tolerated. Any speech, action or behavior that demeans, degrades, is inflammatory, or could be considered "fighting words" are not acceptable for the Kellett School community.

#### I.6 Discrimination

Intentional discrimination against a person on the basis of race, color, religion, national origin, sex, age, disability, veteran status or sexual orientation except where such distinction is required by law.

#### I.7 Destruction of Property

Intentionally or recklessly damaging, destroying, defacing or tampering with College property or the property of any person.

#### I.8 Theft

Theft or attempted theft of property or services from any person or business.

#### I.9 Possession of Stolen Property

Possessing property suspected by the possessor to be stolen and that may be identified as property of the College or any other person. The burden of proof is that the possessor "suspects" such property is stolen, and not necessarily "knows" the same is stolen.

#### I.10 Forcible Entry or Trespass

Forcible or unauthorized entry to any building, structure, or facility and/or unauthorized entry or use of College grounds.

#### I.11 False Report of Emergency

Causing, making, or circulating a false report or warning of a fire, explosion, crime, or other catastrophe.

#### I.12 Misuse of Safety Equipment

Unauthorized use or alteration of firefighting equipment, safety devices, or other emergency equipment.

#### I.13 Possession of Dangerous Weapons

Unauthorized possession of a firearm, weapon, dangerous chemicals, or any explosive device of any description on College grounds.

#### I.14 Illegal Controlled Substances

a) The manufacture, distribution, sales, offer for sale, or possession of any illegal controlled substances, including but not limited to barbiturates, hallucinogens, amphetamines, cocaine, opium, heroin, or marijuana.

b) Possession of drug paraphernalia, such as bong, roach clips, or pipes, is prohibited.

#### I.15 Failure to Appear

Failing to appear at a Kellett School Judicial Board hearing at the request of the Associate Dean of Operations and Advising or his/her designee.

#### I.16 Misuse or Abuse of Computers

Unauthorized use or misuse of any computer, computer system, service, program data, network, cable television network, or communication network. Also to include, but not limited to:

a) Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.

b) Unauthorized transfer of a file.

c) Unauthorized use of another individual's identification and/or password.

d) Use of computing facilities to interfere with the work of another student, faculty member, or College official.

e) Use of computing facilities to send obscene or abusive messages.

f) Use of computing facilities to interfere with normal operation of the College computing system.

#### I.17 Falsification of Records

Altering, tampering, forging or knowingly using falsified documents or records of the College; being party to falsification; giving or providing false statements, written or oral; and/or providing false information during any College proceeding or to any College official.

#### I.18 Violation of Criminal Law

Alleged violation of any criminal law where the accused student's conduct interferes with the College's exercise of its educational objectives or responsibilities to its members.

#### I.19 Repeated Violations

After receiving penalties or sanctions for violations, any repeated violations similar in nature.

#### I.20 Sexual Assault or Harassment

Any violation specified under the College's sexual assault or harassment policy.

#### I.21 Aiding and Abetting

Assisting, hiring, or encouraging another person to engage in a Level I violation.

#### I.22 Abuse of the Judicial System

To include, but not limited to:

- a) Failure to obey the summons of a Kellett School Judicial Board or College official.
- b) Falsification, distortion, or misrepresentation of information before a Kellett School judicial body.
- c) Disruption or interference with the orderly conduct of a Kellett School judicial proceeding.
- d) Institution of a Kellett School judicial proceeding knowingly without cause.
- e) Attempting to discourage an individual's proper participation in, or use of, the Kellett School judicial system.
- f) Attempting to influence the impartiality of a member of a Kellett School judicial body prior to, and/or during the course of, the judicial proceeding.
- g) Harassment (verbal or physical) and/or intimidation of a member of a Kellett School judicial body or any person involved in Kellett School judicial proceedings, prior to, during, and/or after a Kellett School judicial proceeding.
- h) Failure to comply with the sanction(s) imposed by a Kellett School Judicial body or College Official.
- i) Influencing or attempting to influence another person to commit an abuse of the Kellett School judicial system.

#### I.25 Unauthorized Use of College Keys

Unauthorized use, distribution, duplication, or possession of any key(s) issued for any building, facility, room, or other College property.

#### *Level II Violations*

A Kellett School student found to have engaged in any of the following violations may be subject to a maximum sanction of disciplinary probation. Being under the influence of drugs and/or alcohol does not diminish or excuse a violation of the Student Disciplinary Policy.

### II.1 Unauthorized Use of Property or Services

Unauthorized use of property or services, unauthorized possession of College property, or the property of any other person or business.

### II.2 Disorderly Conduct

Disorderly conduct is disturbing the peace and good order of the College by, among other things, fighting, quarreling, disruptive behavior, indecent behavior, lewd behavior.

### II.3 Failure to Comply or Identify

Failure to comply with directions of College officials, security, law enforcement officers or any other official acting in the performance of their duties, and/or failure to identify oneself to these persons when requested to do so.

### II.4 Misuse of Identification

Transferring, lending, borrowing, altering, or unauthorized creation of College identification.

### II.5 Aiding and Abetting

Assisting, hiring, or encouraging another person to engage in a Level II violation.

### II.6 Violation of Any Lakeland College Policy

Violation of any policy outlined in any College publication.

### *Administrative Structure*

1. The Vice President for the Kellett School is the administrative officer who has the overall responsibility and authority to supervise the Kellett School judicial process at Lakeland College as delegated by the President of the College.

2. The Associate Dean of Operations and Advising for the Kellett School and his/her staff have the delegated responsibility to counsel, guide and assist in the discipline of those students who have violated the established Kellett School Non-Academic Student Conduct & Disciplinary Policy.

3. College Officials may be required in specific Kellett School judicial proceedings to serve as accusers in presenting the case to the Kellett School Judicial Board. The role of the accuser is to present the alleged violation(s) and provide the hearing body with all relevant information.

4. The Associate Dean of Operations and Advising for the Kellett School or his/her designee has the right to decide when to convene a hearing of the Kellett School Judicial Board, and shall preside over such hearings. This decision would be made in the best interest of the individuals and the College.

*Kellett School Judicial Board Hearing Procedures*

The following procedural guidelines shall be applicable in Kellett School Judicial Board hearings:

1. All charges shall be presented to the accused student in written form. A time and physical or virtual location for hearing shall be set at the discretion of the Kellett School Judicial Board. Prior to the Judicial Board hearing, the Associate Dean of Operations and Advising for the Kellett School may elect to convene, and invite the accused student to a Pre-Hearing Conference. If convened, the purpose Pre-Hearing Conferences are to inform the accused student of the Kellett School Judicial Board process, what the charge(s) are before them, and to answer any questions they may have. If convened, Pre-Hearing Conferences are held at a physical or virtual location, and scheduled at the discretion of the Associate Dean of Operations and Advising for the Kellett School or his/her designee.
2. The Associate Dean of Operations and Advising for the Kellett School or his/her designee will inform the Judicial Board of the case.
3. The Board may not begin to hear a case with less than two members present.
4. The hearing will be recorded for appeal purposes only. The recording will be kept in the sole possession of the Associate Dean of Operations and Advising for the Kellett School or his/her designee. Outside recording devices will not be allowed. The Associate Dean of Operations and Advising for the Kellett School or his/her designee will retain tapes and all materials after the judicial process is completed. Under normal circumstances, materials will be destroyed and the tapes erased after the hearing or appeal process is completed.
5. The violation will be read to the accused student and s/he will be allowed a response.
6. The Board will ask questions to determine all facts of the case, which includes the calling of witnesses.
7. Final statements from the accused and the accuser will be taken.
8. Decisions by the Board shall be by majority vote and officially recorded by oral balloting of each member of the Board.
9. A reminder of confidentiality will be given.
10. The board will impose sanctions if a violation is determined to have occurred.
11. Written notification of the decision will be sent within three class days of the decision.
12. A written request for an appeal of the decision must be submitted by the accused student to the Vice President for the Kellett School within three (3) business days of receiving official notification of the Judicial Board decision.

13. If the accused student does not appear before the Judicial Board at a physical or virtual location, the hearing will still take place to determine whether a violation has occurred and determine a sanction.

14. The proceedings of the Judicial Board and all facts related to the case are considered confidential.

15. Professional legal counsel will not be permitted to attend a Kellett School Judicial Board hearing or the Pre-Hearing Conference conducted by the Associate Dean for Operations and Advising of the Kellett School or his/her designee.

16. Kellett School Judicial Board hearings are closed to the public.

### **Kellett School Sanctions**

One or more of the following sanctions may be imposed upon a Kellett School Student as the situation warrants:

#### **1. Dismissal**

Permanent termination of student status. A Kellett School student shall receive a grade of F in all courses enrolled during the term he/she is dismissed. Fees and tuition are forfeited according to the normal withdrawal policy. The action of dismissal will be recorded on the student's permanent record.

#### **2. Suspension**

Temporary loss of student status for a specified period of time up to two years with resultant loss of all student rights and privileges. A Kellett School student on suspension may not attend classes nor attend any College-sponsored event. The student will not be allowed on any College property or in the College's Online environment until such time that the suspension has elapsed. The student will also lose academic credit for any courses in which they are enrolled that semester, and fees and tuition will be forfeited according to the normal withdrawal policy. The disciplinary action will be recorded on the student's record in the office of the Associate Dean of Operations and Advising for the Kellett School or his/her designee.

#### **3. Interim Suspension**

The Vice President for the Kellett School or Associate Dean of Operations and Advising for the Kellett School may immediately suspend a student from the Kellett School, for an interim period, prior to a resolution through a hearing of the Kellett School Judicial Board. The Vice President for the Kellett School or Associate Dean of Operations and Advising for the Kellett School will base their decision on whether the allegation of misconduct is apparently reliable, and whether the continued presence of the student in the Kellett School community might interfere with the educational or orderly operation of the College, or if the student were allowed to remain, would endanger the physical health, emotional well-being of any individual, including the student, or property of the members of the Kellett School community.

The decision to alter or suspend the rights of a Kellett School student for an interim period will be communicated in writing to the student and will become effective immediately.

Notification will either be hand-delivered or sent by certified mail to the last address provided to the Registrar's Office. (Failure or refusal to take receipt of notification will not negate or postpone said action.) Kellett School students are responsible for updating directory information (including address) with the Registrar's Office. The notice will include a statement of the regulations or policies that the student allegedly violated, a specific statement of facts constituting the alleged violation, and the time and place of Kellett School Judicial Board hearing.

The interim suspension or altered privileges will remain in effect until a final decision has been made on the pending complaint or until the Vice President for the Kellett School or Associate Dean of Operations and Advising for the Kellett School determines that the reason for imposing the interim suspension or alterations of privileges no longer exists. The hearing will be conducted as prescribed in the Kellett School Judicial Board Hearing Procedures. In the event that there is a decision to dismiss or suspend the accused student, the sanction will take effect from the onset of the interim suspension. In the event of a lesser sanction being imposed, the interim suspension will not become a part of the accused student's permanent record.

If dismissed or suspended, a student will not be reimbursed for loss of tuition or fees. In Kellett School Judicial Board Hearing Appearances, the Associate Dean of Operations and Advising for the Kellett School or his/her designee shall have the authority to require any Lakeland College student to appear at a physical or virtual location at a designated time when the student's presence is necessary to resolve a question which is before the Board. The Associate Dean of Operations and Advising for the Kellett School or his/her designee shall have the authority to require any Lakeland College student to produce additional information as is relevant to the hearing.

#### 4. Disciplinary Probation

Permits a Kellett School student to remain enrolled in the College on the condition that he/she complies with College policies and the conditions of the particular probation. The provisions of the probation are determined by the Kellett School Judicial Board.

#### 5. Loss of Privileges

Denial of specified privileges for a designated period of time.

#### 6. Restitution

Payment for theft or damage done to property of a Kellett School student, the College, or an agent of the College should not exceed the value of the property and should be paid to the original owner of the property. In the case of College property, payment is made through the Business Office on the College's main campus.

#### 7. Discretionary Sanctions

Actions of the Kellett School Judicial Board may also include a referral to health care professional, counseling professional, or other professional with the requirement that the student attend special seminars, engage in field study or work details, community service, initiate a counseling relationship, or participate in other appropriate educational programs.

## 8. Written Agreement

This is a written document indicating the Kellett School student's intended change in behavior. This is a binding agreement between the student and the Kellett School Judicial Board.

## 9. Official Warning

This is a written description of student misconduct with the understanding that further misconduct will result in more severe disciplinary action. A record of the incident is kept in the office of the Associate Dean of Operations and Advising for the Kellett School while the student is enrolled.

## **Appeals**

Upon receipt of a written request for an appeal, the Vice President for the Kellett School will review all written and recorded information pertaining to the case, and based on information gathered has the right to grant or deny the request for an appeal. No new testimony will be allowed at this stage. The only grounds for requesting an appeal are insufficient proof of guilt, violation of student rights, or a judicial sanction being inappropriate for the violation.

A written request for an appeal must be sent to the Vice President for the Kellett School within three (3) business days of the accused student receiving written notification of the decision by the Kellett School Judicial Board. The request for an appeal must state specific reasons as to why the accused student believes an appeal is in order. A request for an appeal will be granted or denied by the Vice President for the Kellett School.

If a request for an appeal is denied, the decision of the Kellett School Judicial Board stands and written notification will be sent to the accused student. If a request for an appeal is granted, written notification will be sent to the accused student informing him/her that the Vice President for the Kellett School will, in a time-frame at his/her discretion, formally review the Judicial Board hearing. Upon completion of that formal review, the Vice President for the Kellett School will render one or more of the following decisions:

- a) Affirm the decision of the Kellett School Judicial Board;
- b) Amend the decision of the Kellett School Judicial Board;
- c) Overturn the decision of the Kellett School Judicial Board;
- c) Return the case to the Kellett School Judicial Board for further review.

**Honesty** - Each participant in the Kellett School Judicial Board process, either as an accuser or the accused student, must present the facts with total honesty. The Kellett School disciplinary system depends on each participant being totally truthful. Individuals who are dishonest are subject to their own judicial action, which could include dismissal as a sanction.