

place within (15) fifteen class days after the date of the letter. The decision of the AIC is final.

## **Guidelines**

### **Faculty Rights**

As an academic matter, faculty retain all rights of grade assignment and related academic sanctions. Course grades assigned (including the “XF”) may not be altered without the consent of the originating faculty member.

### **Faculty Responsibilities**

Faculty members retain the right to address those instances of academic dishonesty which they may deem to be less serious using their own professional discretion as may be appropriate; however, the adjudication of either basic or capital violations must be guided by the parameters of this policy following all stated processes when deliberating and recommending academic sanctions and/or disciplinary action.

Violations of the policy which are not resolved informally shall be reported to the department chair and, upon resolution or recommendation of academic sanction or disciplinary action, results shall be briefly documented and reported to the VPES through the Division Director. Notification, as described herein, shall not be construed to indicate that faculty members are in any way restrained from applying the academic sanction they deem appropriate.

### **Process**

When a faculty member believes that there is sufficient reasonable evidence to demonstrate that a student may have violated the college’s integrity policy, he/she will:

1. Discuss the incident with the student, (in the presence of the department chair if either the faculty member or student so desires);
2. Review the college’s academic integrity policy, explaining to the student how the alleged behavior has violated the policy and the possible penalties that may be the outcome;
3. Offer the student the opportunity to provide explanation relevant to the allegation of academic misconduct;
4. Advise the student of the academic sanction and/or recommendation for disciplinary action (if any) to be rendered within a reasonable time (if not immediately); and
5. Inform the student of their his/her appeal rights (department chair, division director, and VPES). The decision of the Academic Integrity Committee is final.

NOTE: Capital violations must be referred to the VPES for adjudication by the Academic Integrity Committee when the recommended academic sanction and/or Disciplinary action exceeds an “XF.”

If the faculty member determines that academic misconduct has not occurred, no report or documentation is necessary. However, if the faculty member determines that a violation of the academic integrity policy has occurred, he shall:

1. Impose an academic sanction and/or recommendation for disciplinary action (as described above);
2. Retain evidence of the integrity violation (if any); and
3. Prepare and forward a (confidential) academic integrity violation report indicating the determination reached and the sanction(s) imposed.

## **DISCIPLINARY PROCEEDINGS AND GRIEVANCE PROCEDURES**

### **Cause for Disciplinary Proceedings**

Any action by one or more individuals, whether students or non-students, that interferes with the orderly operation of the College or violates College rules/policies will be the cause of disciplinary action and/or possible arrest by authorized peace officers.

A student convicted by civil authorities for any crime committed on the Temple College campus shall be subject to automatic suspension from the College. All student rights and privileges are revoked at the point of suspension.

### **College Discipline Committee**

The College Discipline Committee is convened to dispose of matters relating to student disciplinary cases deemed serious enough by the Vice President of Educational Services to require a consensus regarding the action to be taken. The College Discipline Committee is also the means through which a student may appeal a decision made by the Vice President of Educational Services. The student must submit written notice of appeal to the Vice President of Educational Services within ten working days of the disciplinary settlement. The composition of the Committee is as follows:

Vice President of Educational Services, Chairperson

Four faculty members or administrators, usually including the Vice President of Educational Services

One male student-at-large

One female student-at-large

The Committee meets only on call of the Chairperson.

At the hearing before the College Disciplinary Committee, the student shall be given an opportunity to be heard in defense of the charges against him/her, and will be able to present such other evidence or witnesses as the student feels necessary. Likewise, the College may present similar witnesses and testimony to support the charges pending against the accused student. An accused student whose case is brought before the College Discipline Committee is entitled to certain fundamental rights which include:

1. Written presentation of charges and written notice of hearing.
2. A list of witnesses.
3. Opportunity to review the nature of the evidence.
4. Opportunity to exercise his/her right to be represented, by a counsel of his/her choosing.
5. To ask questions of witnesses.
6. To have a copy of a recording of the hearing.

The College Discipline Committee need not hold such hearings in public if, in the judgement of the Chairperson, an open hearing would be detrimental to the student or disruptive to the operation of the College.

Decisions may be appealed to the President of the College. The final appeal may be made to the Board of Trustees. Written notice of appeal must be filed with the Vice President of Educational Services within ten business days.

### **Discipline Committee Hearings**

The hearing is informal and the Chairperson shall provide reasonable opportunities for witnesses to be heard. Legal rules of evidence do not apply to hearings before the College Discipline Committee. The committee may admit evidence that is considered commonly accepted by reasonable men in the conduct of their affairs. Committee members may freely question any witness.

The Committee shall proceed generally as follows during the hearing:

1. Vice President of Educational Services reads the complaint and reviews the student's rights.
2. Vice President of Educational Services presents the College's case.
3. Student presents his/her defense.
4. Vice President of Educational Services and the student present rebuttal evidence and arguments.
5. Each side summarizes its case.
6. The Committee will discuss and vote on the issue of whether or not there has been a violation of College rules and regulations. If the Committee determines there has been an infraction of College policies, the Committee will determine an appropriate penalty. All members of the College Discipline Committee shall have an equal opportunity to vote in all matters brought before the Committee. Each vote shall have equal value; a simple majority will determine the outcome of all matters voted upon. Deliberation and voting are conducted in closed session with only committee members present.
7. Vice President of Educational Services informs the student of the decision of the Committee and of the penalty, if any. If a student fails to comply with a notice of hearing, the Vice President of Educational Services may impose an appropriate penalty or proceed with the hearing in the student's absence.

### **Disciplinary Penalties**

The Vice President of Educational Services and/or the College Discipline Committee may impose one or more of the following penalties for a violation of College rules and regulations:

1. Reprimand—  
This may take the form of a written and/or oral admonition from the Vice President of Educational Services.
2. Disciplinary probation—  
This indicates that further violations may result in suspension. Disciplinary probation may be imposed for any length of time up to one calendar year. The student shall be automatically removed from probation when the imposed period expires.
3. Withholding of transcript or degree—  
This penalty is imposed upon a student who fails to pay a debt owed the College or who has a disciplinary case pending final disposition. The penalty terminates on payment of the debt or final disposition of the case.
4. Assignment of failing grade—  
Assignment of a failing grade may be imposed on a student found guilty of scholastic dishonesty.
5. Restitution—  
Restitution is reimbursement for damages to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
6. Suspension of rights and privileges—  
Suspension of rights and/or privileges is an elastic penalty which may impose limitations or restrictions to fit the particular case.
7. Denial of degree—  
Denial of degree may be imposed on a student found guilty of scholastic dishonesty and may be imposed for any length of time up to and including permanent denial.

8. Suspension from the College—  
Suspension from the College prohibits, during the period of suspension, the student on whom it is imposed from being enrolled in or from registering for any credit or non-credit scholastic work at or through the College. Additionally, it prohibits the student from entering the College campus except in response to an official summons.
9. Not Eligible for Re-Admission—  
This penalty is equal to suspension, or in some cases expulsion. This penalty may apply to persons not registered in the College at the time the penalty is imposed.
10. Expulsion from the College—  
Expulsion is permanent severance from the College.
11. Referral to Authorities-  
Provide authorities with information.

### **Operational Procedure-Discipline Policy**

Any alleged violation of College rules and regulations should be brought to the attention of the Vice President of Educational Services, who will make an investigation into the matter. The investigation shall include a discussion or an attempt to discuss the case with the student. Upon completion of the investigation, the Vice President of Educational Services will determine the course of action to be followed. The options include:

1. Dismiss the allegation as unfounded.
2. Disciplinary settlement with the accused without any further deliberation.
3. Consultation with additional administrators/faculty before determining disciplinary settlement with the accused student.
4. Referral of complaint to the College Discipline Committee for their its determination of the innocence or guilt of the accused student and their recommendation for punitive measures, if found guilty.

### **Grievance Procedure**

Purpose and Scope: These procedures are established for two purposes:

1. To provide the individual student opportunity to be heard in grievances involving alleged acts of unlawful discrimination on the basis of gender, disability, race, color, age, religion, national origin or veteran status. (Type I Grievance)
2. To provide individual students the opportunity to be heard in grievances involving alleged errors in the interpretation interpretation, application or lack of application (or lack of ) of stated policy or violations of stated policy. (Type II grievances)

All other grievances will be handled through regular administrative and organizational channels or in accordance with other formal policies (See Academic Appeals in Student Handbook and Calendar).

Interpretation of Coverage. Where a dispute exists concerning the application of these procedures, the President of the College will make final judgment on the question.

#### **Eligibility:**

**Type I Grievances:** Any student believing that he/she has been discriminated against unlawfully based on gender, disability, race, color, age, religion, national origin, or veteran status through the action of an employee, a supervisor, or other person acting for the Institution may bring a grievance under these procedures.

**Type II Grievances:** A student believing that an error has occurred in the interpretation or application of stated policy or that a violation of stated policy has occurred may bring a grievance under these procedures.

These procedures are not intended to change or to establish new policy. They are only to establish whether or not an error has occurred, and if so, what might constitute appropriate redress for the aggrieved.

### **Procedure**

#### Informal Procedure

1. Prior to filing a written grievance, the student (grievant) may first wish to attempt to resolve his/her grievance by discussing the matter with the person (respondent) alleged to be responsible for the discrimination or error. This discussion shall occur within 20 business days of the alleged grievance (day here and elsewhere in these procedures means business days excluding Saturdays, Sundays, and holidays definition: "business days" refers to days the college administrative offices are official open).
2. If the grievance is not resolved at this level, the grievant must submit a formal grievance in writing to the respondent's

Department Chair for in order to initiate the grievance process to continue. False and/or malicious allegations made by the grievant may result in disciplinary action against the grievant.

## **Formal Procedure**

### **I. Grievance Filing**

- A. Grievances shall be filed in writing with the appropriate Department Chair within business 10 days of the attempted resolution of the grievance with the respondent. The written grievance shall provide the following information:
  1. Name(s) and address(es) of the grievant;
  2. Nature and date of the alleged violation;
  3. Name(s) of the person(s) responsible for the alleged violation (where known);
  4. Requested relief or corrective action (redress).(The grievant has the option of not specifying this information); and
  5. Other background information the grievant believes to be relevant, e.g., names of others affected by the alleged violation or error.

### **II. Initial Processing of Grievances**

- A. Notification of Respondent: Within 5 business days of the filing of a written grievance, the Department Chair shall notify the respondent of the grievance and of his/her responsibility for submission of a written reply to the grievance. Respondent will have 5 business days after receipt of the grievance notification or return date of certified letter to Temple College to reply. While the respondent is to be informed of the actual grievance or grievances being filed, the respondent is not allowed access to the grievant's official written statement prior to submission of his/her own initial written account of the facts surrounding the grievance.
- B. Respondent Grievance Answer: The respondent's answer shall be as follows:
  1. Confirm or deny each fact alleged in the grievance;
  2. Indicate the extent to which the grievance has merit; and
  3. Indicate acceptance or rejection of the corrective action sought by the grievant, or outline an alternative corrective action.
- C. Department Chair's Determination and Ruling
  1. After receiving reply from respondent, Department Chair will within 5 business days issue a written decision either affirming or denying the grievance to the grievant and the respondent;
  2. The grievant can either accept the decision or appeal to the next level of the grievance process. If the grievant does not accept the written decision of the Department Chair, the grievant can appeal the grievance in writing to the next level of the grievance process. The grievant will have 5 business days after receipt of the decision or return date of certified letter to Temple College to appeal the Chair's decision;
  3. If no appeal has been received within 5 business days after issuance of the Department Chair's decision, the Division Director shall issue a notice of non-response to the grievant, respondent, Vice President of Educational Services if grievance is at the Division Director Level and the President of the College and the grievance will be recorded as closed.
  4. If an appeal is received within 5 business days after issuance of the Department Chair's decision, the Division Director or Vice President of Educational Services will initiate the hearing panel process and conduct a hearing within 10 business days after receipt of the grievance appeal.

### **III. Processing of Grievance at the Levels**

- A. Conducting the Hearing
  1. A hearing panel will convene within 10 business days of receipt of the appeal. The hearing panel will consist of the Division Director or Vice President of Educational Services, who will serve as the chair of the panel and will be a non voting member, one student (the president of the Student Government, if available), and three faculty members selected at random from the faculty, excluding the respondent's discipline.
  2. Copies of any written materials sent to the hearing panel chair should also be sent to the grievant, the respondent, Vice President of Educational Services, and the President of the College.
  3. Persons present at the hearing shall include
    - the grievant,
    - the respondent,
    - any individual(s) requested by either party to provide information relevant to the grievance,
    - the hearing panel.

4. Hearings shall not be open to the public unless requested by the grievant.

#### B. Hearing Procedures

1. Equal time will be allocated to each party for the presentation of information. Time used for questions and answers asked by the hearing panel is not charged to the grievant or the respondent.
2. Both the grievant and the respondent shall have the right to present witnesses and ask questions of these witnesses. The time so used is to be counted as part of their allocated time.
3. The hearing panel chair shall appoint a timekeeper and recorder.

#### C. Grievance Decisions

10 days after the receipt of the appeal by the grievant.

1. Within 5 business days after the hearing, the chair of the panel shall issue a written decision which includes:
  - a. A statement regarding the validity of the grievance allocation;
  - b. Specification of any corrective action to be taken; and
  - c. The specific reasons for the decision.
2. Copies of the decision shall be sent to the grievant, the respondent, Division Director, Vice President of Educational Services, and the President of the College.

#### D. Acceptance or Rejection of a Hearing Decision

1. If the grievant rejects the hearing decision, he/she shall within 10 business days of the receipt of the decision or return date of certified letter to Temple College notify the hearing panel chair of his/her intent to appeal the grievance to the next level. The grievant must submit a formal letter of appeal of the hearing decision in writing to the President of the College with copies being sent, by the grievant, to the hearing Panel Chair.
2. If no such notification is received by the Hearing Officer within this time period, any corrective action specified in the decision shall be taken, and the grievance will be recorded as closed by the hearing panel chair and notice will be sent to grievant, respondent, Division Director, Vice President of Educational Services, and the President of the College.

#### E. Final Appeals Procedure

1. The President is the final institutional authority on grievances.
2. The President must issue a decision within 10 business days after the receipt of the appeal by the grievant.
3. No new information may be introduced unless the parties can show cause as to why it was not introduced at the hearing.

#### F. Time Extensions

1. Any time limits set by this procedure may be extended by mutual consent of the grievant and the respondent.
2. In the event any of the days falls on a College holiday, the extension will be the same number of days as the holiday.

#### G. Other Courses of Action

1. If this is a discrimination complaint, the defendant may also file a complaint of illegal discrimination with the Office for Civil Rights, Department of Education [1200 Main Tower, Suite 2260, Dallas, TX 75202] at the same time, during, or after use of this grievance procedure. Such complaints must be filed in writing no later than 180 days after the occurrence of the possible discrimination.

Adopted Fall 1999  
Revised Summer 2000

### **Policy for Student/Employee Complaints Involving Faculty**

(Note: This policy is to be used for any complaint that does not fall within the Type I or Type II grievance definitions outlined under the Grievance Procedure section of this handbook. For sexual harassment issues, please see the Sexual Harassment Policy in the Temple College Personnel Handbook).

This policy must be adhered to regarding time issues. Every effort should be made to resolve this issue.

Note: Working Business day is defined as any day the college is officially open.

#### STEP 1:

The student/college employee (complainant) must first discuss any complaints, i.e., issues, concerns, or academic appeal with the respective faculty member within 30 working business days of the occurrence.

**STEP 2:**

If the complaint is not resolved in Step I, a written statement with documentation describing the complaint must be presented to the supervisor and the faculty member within 5 business days following the discussion with the respective faculty member.

**STEP 3:**

An all-inclusive conference composed of the student/college employee, faculty member and faculty member's supervisor shall be called by the supervisor within 5 business days following receipt of the written statement. This conference shall be convened as an attempt to resolve the complaint.

**STEP 4:**

A written record of the conference with the decision made by the supervisor shall be provided to all parties involved within 5 business days following the conference in Step 2.

**STEP 5:**

If the complainant or faculty member does not accept the decision in Step 4, he/she must submit to the next level supervisor a written Statement with a copy of all documentation regarding this complaint within 5 business days following receipt of the decision in Step 4.

**STEP 6:**

The next level supervisor shall schedule an all-inclusive conference (complainant, faculty member, and supervisors). This conference should be completed within 5 business days after the supervisor receives the written complaint in Step 5.

**STEP 7:**

The supervisor shall provide a written record of the conference and the decision to all parties involved within 5 business days following the conference in Step 6.

**STEP 8:**

If the complainant or faculty member still does not accept the decision, he/she must submit to the final authority, the Vice President of Educational Services, a written statement with a copy of all documentation regarding this complaint within 5 business days following receipt of the decision in Step 7.

**STEP 9:**

The Vice President of Educational Services shall schedule an all-inclusive conference (complainant, faculty member, and supervisors) within 5 business days following receipt of the written statement in Step 8.

**STEP 10:**

The Vice President of Educational Services will provide a written record of the conference with the decision to all parties involved within 5 business days. (If the final complaint is filed against the Vice President of Educational Services, the President of the College will assume the duties of the Vice President of Educational Services beginning with Step 8).

**Note:**

In the event there are complaints involving administrative personnel who are also teaching a class, this policy will follow the same procedure, except omission of the respective administration level. Any individual teaching a class, regardless of position on the chain of command, will fall under the supervision of the department chair of the subject being taught.

## **PRIVACY INFORMATION**

Institutional Policy for Compliance with the Family Educational Rights and Privacy Act of 1974

Annual Notice to Students

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

(1) The right to inspect and review the student's education records within 45 calendar days of the day Temple College receives a request for access. Students should submit to the Director of Admissions and Records, Vice President of Educational Services, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

(2) The right to request the amendment of the student's education records that the student believes is inaccurate. Students may ask Temple College to amend a record that they believe is inaccurate. They should write the College official responsible for the record,