



**NOORDA COLLEGE**  
of OSTEOPATHIC MEDICINE

Policy Name:	Student Grievance Policy
Approval Authority:	Board of Trustees
Responsible Executive:	President
Responsible Office(s):	President's Council Title IX Coordinator
Effective:	March 2019
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Next Review Date:	N/A

## Student Grievance Policy

### Policy Statement

Noorda-COM is committed to treating all members of the College community (administrators, faculty, staff, students, applicants for employment, third-party contractors, all other persons that participate in the College's educational programs and activities, including third-party visitors on campus) fairly with regard to their personal and professional concerns. The Student Grievance Policy ensures that concerns are promptly dealt with, and resolutions reached in a fair and just manner.

The College's grievance procedure enables students to bring complaints and problems to the attention of the College's administration. Noorda-COM forbids any retaliatory action against students who present concerns and complaints in good faith. College policy strongly encourages students who believe they have a grievance to use all appropriate avenues for informal resolution before initiating the formal grievance procedure. Should such a resolution be impossible, the student may pursue the following options if they wish to file a grievance.

### Entities Affected by the Policy

Students  
Faculty  
Employees  
Credentialed Instructional Staff  
Third Party Contractors  
Title IX Coordinator

### Policy Procedures

#### **Student Discipline Procedures**

Complaints involving alleged misconduct by students will be handled according to the following procedures except in those cases where different procedures are prescribed by another College policy (e.g., allegations of sexual harassment, research misconduct). Noorda-COM has established a

multi- dimensional approach to adjudicating student misconduct, poor academic performance and/or disciplinary issues.

The following steps are to be followed in any case where a student is alleged to have violated the Code of Professional Conduct as enumerated in this handbook:

- All reports of code violations shall be reported to the Associate Dean for Student Affairs. Reports must be filed in writing and must be signed by the reporting party.
- Student Affairs will review the report and determine if the charge is of the nature to merit an investigation of the allegation(s).
- If the charge is of a nature to merit an investigation, the Associate Dean for Student Affairs, along with the Dean will gather, analyze and investigate the information. (This will be done as quickly as possible, but sometimes the nature of such investigations takes longer to gather evidence and speak with potential witnesses.)
- After all information is gathered, will apply a preponderance-of-the-evidence standard in making a judgment about the validity of the grievance and will then decide how best the alleged misconduct should be adjudicated.
- The Dean will make the final decision as to how the case will be heard and will make a referral to the specific adjudicating body for disposition of the case. The student will also be notified in writing to appear before the appropriate body to have their case heard.
- The multidimensional nature of Noorda-COM's disciplinary system allows for cases to be heard by the Student Promotion Committee (SPC).
- Upon review of the alleged violation and evidentiary findings, the SPC makes a recommendation as to the proposed outcome to the Senior Administrative Council (SAC).
- Senior Administrative Council (SAC) takes under consideration the SPC recommendations and makes a final decision on the adjudication of the case.
- Once the case has been formally adjudicated, the Chair of the SAC will then communicate in writing (electronically by delivery-receipt) the outcome to the individual(s) involved.
- Appeals of the SAC decision can be made by the student to the Dean within five (5) business days of delivery- receipt of the SAC decision.
- In cases where the information does not merit referral to the SPC or the Professionalism, Academic and Clinical Committee (PACC), the case will be dealt with by Student Affairs staff.

The College reserves the right to address inappropriate behavior that does not clearly fall within the identified Code of Professional Conduct.

Procedure Grievances relating to sex discrimination, sexual harassment or sexual violence fall under the purview of Title IX and will be dealt with under separate procedures. For further details on the basis for these kinds of grievances see the Nondiscrimination and Anti-Harassment Policy. All other grievances should be submitted in writing to the Associate Dean for Student Affairs.

The written statement should be as specific as possible regarding the action that precipitated the grievance:

- Date
- Location
- Individuals involved (including witnesses)
- Summary of the incident
- Efforts made to settle the matter informally

- Remedy sought.

Except as noted above or as otherwise stated in the College's policies, grievances will be evaluated and investigated in accordance with the Student Discipline Procedures. If deemed necessary, the issue will also be referred to the Department of Human Resources or other appropriate leadership team member. A record of all formal grievances, including written findings of fact and any transcripts or audio recordings, will be kept on file in Student Affairs and in the student's permanent file. An annual report of formal student complaints will be provided to the leadership team by June 1 of each year. Reports will be provided to the leadership team on a more frequent basis if necessary. The College uses student complaints in its ongoing performance improvement process.

### **Filing a Complaint with the College's Accrediting Agencies**

The Commission on Osteopathic College Accreditation (COCA) recognize their responsibility to provide complainants the opportunity to utilize their organizations as a vehicle to deal with specific grievances as well as being a mechanism for reviewing and finally resolving complaints.

Complaints that cannot be addressed by the College may be filed with COCA at the following address: COCA 142 East Ontario Street Chicago, IL 60611

### **Information for Crime Victims About Disciplinary Proceedings**

The College will, upon written request, disclose to the alleged victim of any crime of violence or a non- forcible sex offense or, if the alleged victim is deceased as a result of the crime or offense to the alleged victim's next of kin the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. Requests for such documentation should be directed to the Department of Student Affairs.

### **Utah Alcohol Laws**

- **Driving Under the Influence:** It is illegal to drive or be in physical control of a vehicle, even when parked, while under the influence of alcohol or other drugs. Utah's Implied Consent Law requires submission to a blood alcohol content (BAC) test. Refusal will result in revocation of your license for one year. You are in violation if your BAC is .08 or greater, or the officer judges you to be impaired. It is a Class B misdemeanor for the first and second conviction of driving under the influence of alcohol or drugs, with sentencing of not less than 48 hours in jail and a fine of not less than \$700. In addition, the court hearing the case shall suspend the operator's driving privileges.
- **Minors in Possession:** It is illegal for minors (under 21) to buy, possess (even hold), or drink alcohol. Penalties: up to six (6) months imprisonment and/or a \$1,000 fine; Class B misdemeanor. When a minor who is at least 18 years old, but younger than 21 years old, is found in violation of this law, the court hearing the case shall suspend the minor's driving privileges.
- **Not-a-Drop Law:** It is illegal for anyone under 21 years of age to operate a vehicle while there is any measurable alcohol (less than .08) in his or her body. Penalties: A first offense will result in loss of license for 90 days. A second offense within three years of a prior denial or suspension will result in suspension for one year.
- **Open Container:** It is illegal to drink any alcoholic beverage while operating, or as a passenger in, a vehicle (parked or moving), or have an open container in a vehicle. Once a container is open, one can be arrested for possession. Violating an open container law is a

Class B misdemeanor with a maximum penalty of six (6) months imprisonment and/or \$1,000 fine.

- Minors: It is illegal to sell or supply alcohol to a minor under the age of 21. Penalties: up to one-year imprisonment and/or up to \$2,500 fine; Class A misdemeanor.
- Intoxication: It is illegal to drink in a public building, park, or stadium, or to be so intoxicated that you disturb others, or injure yourself or others. Maximum penalty is 90 days imprisonment and/or \$750 fine; Class C misdemeanor. It is also illegal to sell or supply to intoxicated persons or to purchase alcohol if intoxicated. Maximum penalty is six (6) months imprisonment and/or \$1,000 fine; Class B misdemeanor.
- Unlawful Transfer or Use of Identification Card: It is illegal to give or use another's identification card with a maximum penalty of up to six (6) months imprisonment and/or \$1,000 fine; Class B misdemeanor. » (1) procure alcoholic beverages, » (2) gain admittance where alcohol is sold or consumed, and » (3) obtain employment that requires employees to handle alcoholic products.
- Maximum penalty: six (6) months imprisonment and/or \$1,000 fine; Class B misdemeanor.
- Dram Shop Liability: Liability may result to any person who provides alcoholic beverages illegally to underage persons or who provides alcohol to someone who is apparently intoxicated or, given the circumstances, may be under the influence of alcohol or other drugs. If the intoxicated person causes injury to persons or property while intoxicated, the person who furnished the alcohol is liable for injuries, property, or support to any third person or their spouse, child, or parent.

### **Utah Drug Laws**

It is unlawful to possess, produce, manufacture, distribute, and/or dispense a controlled substance such as cocaine, marijuana, LSD, heroin, steroids, and prescribed medications.

- Violation of this law may result in charges running from a Class A misdemeanor to a second-degree felony, depending on the type of controlled substance and the circumstances of the crime. Utah Code Ann. § 58-37-4.
- It is unlawful in Utah to possess or use a controlled substance except pursuant to a valid prescription. Violation of this law may result in charges running from Class B misdemeanor to a second-degree felony, depending upon the quantity of drugs within the individual's possession. Utah Code Ann. § 58-37-8(2).
- It is a Class B misdemeanor in Utah to use or possess drug paraphernalia. Utah Code Ann. § 58-37a-5.
- Penalties for drug violations in Utah may include incarceration for varying periods of time, and fines ranging from \$750 to \$10,000 depending upon the nature and circumstance of the offense. Utah law provides for enhanced penalties and charges if the drug violations occur on a college campus.

### **Drug Definitions**

- Cocaine (Crack) - Can cause short-term effects such as impaired judgment; increased breathing, heart rate, heart palpitations; and anxiety, restlessness, hostility, paranoia and confusion. Long-term effects may include damage to respiratory and immune systems, malnutrition, seizures and loss of brain function. Highly addictive.
- Designer Drugs/Synthetic Cannabinoids (Bath Salts, K2, Spice) - Can cause short-term effects such as elevated heart rate and blood pressure; chest pain; and hallucinations, seizures, violent behavior and paranoia. May lead to lack of appetite, vomiting and tremor. Long-term use may result in kidney/liver failure, increased risk of suicide and death.

- Hallucinogens (PCP, LSD, Ecstasy, Dextromethorphan) - Can cause extreme distortions of what is seen and heard. Can induce sudden changes in behavior, loss of concentration and loss of memory. Increases risk of birth defects in user's children. Overdose can cause psychosis, convulsions, coma and death. Frequent and long-term use can cause permanent loss of mental function.
- Inhalants (Nitrous Oxide, Amyl Nitrite, Butyl Nitrite, Chlorohydrocarbons, Hydrocarbons) - Can cause short-term effects such as nausea, dizziness, fatigue, slurred speech, hallucinations or delusions. May lead to rapid and irregular heart rhythms, heart failure and death. Long-term use may result in loss of feeling, hearing and vision. Can result in permanent damage to the brain, heart, lungs, liver and kidneys.
- Opiates/Narcotics (Heroin, Morphine, Opium, Codeine, Oxycodone, China White) - Can cause physical and psychological dependence. Overdose can cause coma, convulsions, respiratory arrest and death. Long-term use leads to malnutrition, infection and hepatitis. Sharing needles is a leading cause of the spread of HIV and hepatitis. Highly addictive, tolerance increases rapidly. Sedatives - Can cause reduced reaction time and confusion. Overdose can cause coma, respiratory arrest, convulsions and death. Withdrawal can be dangerous. In combination with other controlled substances, sedatives can quickly cause coma and death. Long-term use can produce physical and psychological dependence. Tolerance can increase rapidly.
- Tobacco (cigarettes, cigars, chewing tobacco) - Can cause disease of the cardiovascular system, in particular smoking being a major risk factor for a myocardial infarction (heart attack), diseases of the respiratory tract, such as Chronic Obstructive Pulmonary Disease (COPD), and emphysema and cancer, particular lung cancer and cancers of the larynx and mouth. Nicotine is highly addictive. Noorda-COM is a tobacco-free campus.
- Amphetamines - Can cause short-term effects such as rushed, careless behavior and pushing beyond your physical capacity, leading to exhaustion. Tolerance increases rapidly. Long-term effects include physical and psychological dependence and withdrawal, which can result in depression and suicide. Continued high doses can cause heart problems, infections, malnutrition and death.
- Cannabis - Can cause short-term effects such as slow reflexes, increase in forgetfulness, altered judgment of space and distance; can aggravate preexisting heart and/or mental health problems. Long-term health effects include permanent damage to lung

College Property - all buildings and land owned, leased or used by the College, and motor vehicles operated by employees, when used in connection with work performed for or on behalf of the College

### **Potential Student Conduct Outcomes**

- No Action - An official response from the disciplinary body indicating that no action be taken in regard to the student's case.
- Verbal/Written Warning - Documented warning that the behavior/academic performance demonstrated was unacceptable. Warnings remain in the student's file until the end of each academic year.
- Required Remediation - Required corrective academic action. This is required only after a student has failed a course, section, clerkship and/or national examination. Remediation is not guaranteed for any student who has failed a course, section, clerkship and/or national examination.



- Conditional Requirements - Official stipulations required of the student in order for the student to reconcile his/her behavior. Stipulations may include, but are not limited to the following:
  - Academic Probation - An official status of warning from the College, stating that the student is under the most sensitive academic monitoring and improvement plan, which becomes a part of the student's record for the period of time they are on probation. For specific information regarding academic warning, please review:
  - Academic Warning - A status of warning from Noorda-COM to the student indicating that the College is concerned about the student's academic performance. See the program for specific information regarding academic warning:
  - Clerkship Alterations - Required change(s) to a student's clerkship that might increase the student's likelihood of successful completion of said clerkship (e.g., changing location, repeating the clerkship, repeating an entire year, repeating a shelf exam, completing an independent study)
  - Counseling Intervention - Required referral to a mental health provider for counseling when a student's behavior indicates that counseling may be beneficial.
  - Disciplinary Probation - An official state of warning from the College which states that if the student violates any College policy during the probationary time, he/she could face up to suspension or dismissal depending upon the severity of the violation. The probationary status of the student may be communicated to the student's academic advisor, faculty or any other person who has legal access to this information.
  - First-Year Curricular Change - A formal decision that a first-year student withdraw with the possibility of readmission, after meeting specified academic criteria.
  - Partial (nonacademic) Suspension - A partial suspension of a student's normal right to participate in extra-curricular, co-curricular and other nonacademic activities. The student will continue to attend classes and may use all academic resources. The student will not be in good standing during the time of the suspension.
  - Referral to Outside Agency - The College may refer a student to the Utah Division of Occupational and Professional Licensing (DOPL) or other similar agencies, for assessment and treatment.
  - Required Tutoring/Learning Support - The College has the authority to require a student to seek mandatory tutoring and/or assistance from a learning specialist if it is deemed appropriate in assisting the student with academic performance issues.
  - Restrictions/Stipulations of Behavioral Activity - The College may restrict a student's behavioral activity this is deemed appropriate, including but not limited to restricting the student's contact with another student.
  - Restitution or Monetary Fine - Financial accountability for damage to property, and/or continued disciplinary problems, caused by the student, or a fine that is deemed appropriate for the offense.
  - Restorative Service - A project or amount of community service hours served by the student for the good of the community. This is usually completed within the community. If the service is approved to be done off-campus, it must be at a not-for-profit organization and the student cannot receive pay for his/her work.
- Suspension - A formal separation of the student (without refund) from the College during a specific period of time. The period of suspension can range from one semester to an indefinite period of time. The student will not be in good standing during the suspension.
- Dismissal - Permanent separation of the student from Noorda-COM (without refund).
- Dismissal is permanently noted on the student's Noorda-COM official transcript.

Grievance - a complaint arising out of any alleged unauthorized or unjustified act or decision by an individual (e.g., student, faculty, staff, credentialed instructional staff, administrator) that in any way adversely affects the status, rights or privileges of a member of the student body.

Such complaints may include, but are not limited to the following:

- Academic programs or courses
- Accreditation standards or processes
- Discrimination
- Financial aid
- General mistreatment
- Harassment, including sexual violence
- Mentoring
- Privacy of student educational records
- Privacy of student health records
- Parking
- Research
- Security and safety
- Student health

The use or abuse of alcohol and other drugs also increases the risks of behavioral and social problems such as negative effects on academic work performance; conflicts with classmates, co-workers, family, friends and others; conduct problems resulting in disciplinary action, including dismissal from an academic program; and legal problems resulting in ticketing, fines and imprisonment. College policies, local ordinances, state laws and federal laws prohibit the unlawful possession, and use or distribution of illicit drugs and alcohol.

Noorda-COM values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

When the Respondent is a member of the Noorda-COM community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Noorda-COM community.

### **Privacy**

Every effort is made by Noorda-COM to preserve the privacy of reports. Noorda-COM will not share the identity of any individual who has made a report or complaint of harassment or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sexual harassment or retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

### **Retaliation**

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy. Acts of alleged retaliation should be reported immediately

to the Title IX Coordinator and will be promptly investigated. Noorda-COM will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation. Noorda-COM and any member of Noorda-COM's community are prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Filing a complaint within Process B could be considered retaliatory if those charges could be applicable under Process A, when the Process B charges are made for the purpose of interfering with or circumventing any right or privilege provided afforded within Process A that is not provided by Process B. Therefore, Noorda-COM vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate process. The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

#### **When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law. The Title IX Coordinator has ultimate discretion over whether the Noorda-COM proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment. The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the Noorda-COM to pursue formal action to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence.

Noorda-COMs may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes. The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the Noorda-COM's ability to pursue a Formal Grievance Process fairly and effectively. When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy. When Noorda-COM proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.



Note that Noorda-COM's ability to remedy and respond to notice may be limited if the Complainant does not want the Noorda-COM to proceed with an investigation and/or grievance process.

The goal is to provide the Complainant with as much control over the process as possible, while balancing the Noorda-COM's obligation to protect its community. In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow Noorda-COM to honor that request, Noorda-COM will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action. If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Noorda-COM, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

### **Federal Timely Warning Obligations**

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Noorda-COM must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community. Noorda-COM will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

### **False Allegations and Evidence**

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination. Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under Noorda-COM policy:

While the College encourages all good faith complaints of Sexual Misconduct, the College has the responsibility to balance the rights of all parties. Therefore, if the College's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.

### **Amnesty for Complainants and Witnesses**

The Noorda-COM community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Noorda-COM officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons. It is in the best interests of the Noorda-COM community that Complainants choose to report misconduct to Noorda-COM officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process. To encourage reporting and participation in the

process, Noorda-COM maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident. Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

### **Students**

Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to campus security or the student health clinic. Noorda-COM maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, the Noorda-COM may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

### **Employees**

Sometimes, employees are hesitant to report sexual harassment or retaliation they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to Noorda-COM officials. The Noorda-COM may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

### **Federal Statistical Reporting Obligations**

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson.
- Hate crimes, which include any bias-motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property.
- VAWA-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations. All personally identifiable information is kept private, but statistical information must be shared with campus security regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

### **Student Discipline Assurances**

The following assurances are granted to all students in the handling of all alleged violations of the Code of Professional Conduct:

- **Disciplinary Notification:** Any student charged with an alleged violation of the Code of Professional Conduct will be given written notice. Email notification may serve as written notice.
- **Hearing:** Every student alleged to have violated the Code of Professional Conduct has a right to a hearing. The Noorda-COM disciplinary system is a multi-dimensional system that allows the student the right to a formal hearing through the Student Promotion Committee or a hearing through Student Affairs.
- **Appeal:** All students who are charged and found responsible for a violation of the Code of Professional Conduct have the right to appeal the decision of the Student Promotion Committee and any decision made by staff members within Student Affairs.

The student must express his/her intent to appeal any decision within five (5) business days after the initial decision is delivered (verbally or written, whichever is first) to the student. The student must submit an appeal in writing to the Dean. That written appeal should be submitted for review within five (5) business days of receipt of the initial decision. Appeals must clearly outline the sanction(s) you are appealing along with any compelling argument as to why you are requesting any part of this decision be overturned. For example, if part of the process was perceived as being “unfair,” be very specific and include this in the appeal. Disagreement with College policy is not considered a compelling argument for appeal.

The appeal is considered by the Dean with the autonomy to uphold the appealed decision, reverse the decision all together, or change the decision by making the decision either more or less severe. Students can expect a decision on their appeal within ten (10) business days from the time the appeal has been submitted for review. If the student does not agree with the decision of the Dean of COM, they do have the ability to appeal that decision to the President of the College.

They have an additional five (5) business days to submit the appeal to the Office of the President for review and consideration. The President has the authority and autonomy to uphold the appealed decision, reverse the decision all together, or change the decision by making the decision either more or less severe. Once the President has rendered a decision on an appeal, the decision is final with no additional options for appeal.

## Definitions

**Formal Grievance Process** means “Process A,” a method of formal resolution designated by the Noorda-COM to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).

**Grievance Process Pool** includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).

**Hearing Decision-maker or Panel** refers to those who have decision-making and sanctioning authority within the Noorda-COM’s Formal Grievance process.

**Resolution** means the result of an informal or Formal Grievance Process that is concluded

## Responsibilities

Students  
Student Organizations  
Faculty  
Employees  
Credentialed Instructional Staff  
Title IX Coordinator  
Department of Student Affairs  
Office of the Dean  
Office of the President

## Policy Violations

Violations Students, faculty, and employees found to be in violation of this policy will be subject to discipline including written reprimand, termination, or dismissal with cause. Violation of College policies will be subject to campus disciplinary review pursuant to College policies and consistent with local, state and federal laws. Disciplinary action may include dismissal of individuals and/or sanction of organizations in violation of this policy. Violators may also be subject to the loss of financial aid.

## Interpreting Authority

President's Council  
Title IX Coordinator

## Statutory or Regulatory References

34 CFR §106.45  
§ 58-37-4.  
§ 58-37-8(2)  
§ 58-37a-5

## Relevant Links

N/A

## Policy Adoption Review and Approval

President's Council