

MADISON COLLEGE STUDENT CODE OF CONDUCT

DISCIPLINARY PROCEDURES

OVERVIEW

Madison Area Technical College (Madison College) seeks to provide an environment that is conducive to student learning and social and individual growth. To that end, student rights and responsibilities have been formulated into a Student Code of Conduct that outlines student behavior and the student's relationship with Madison College. The Dean of Students Office upholds the student code of conduct to help create a campus community of civility, safety, and ethical decision-making and is charged with creating a process where students are held accountable for their behavior.

This procedure is designed to provide students with due process and procedural fairness, to ensure equal protection for all students, and to provide for the imposition of similar sanctions for similar acts of misconduct. At the same time, the procedures reflect the need to be concerned about the individual student involved in a particular case. The procedures therefore provide that the imposition of disciplinary sanctions must also be based upon a consideration of all circumstances in a particular case, including a student's prior record of misconduct, if any.

Please note that this procedure does not replace other college procedures such as dispute of charges, final grade dispute, or harassment/discrimination.

PROCEDURAL RIGHT TO DUE PROCESS

Any individual (e.g. student, guest) facing possible disciplinary action is entitled to the following procedural due process:

1. To be notified of the allegations against them;
2. The right to a timely and fair investigation and hearing process;
3. To know the nature of the information against them, unless release of the information would endanger the health or safety of the complainant or witness(es);
4. To have an opportunity to respond and to present information and/or witness(es) relevant to the allegation;
5. To an appeal, if applicable.

PROCEDURE SCOPE

This procedure applies to students, visitors, and guests. In addition to behaviors that occur on any College property or College related and/or sponsored events. Off-campus behaviors that have an actual or potential adverse impact on any member of the College community or the College may fall under this procedure. The Code of Conduct may apply to behavior conducted online, via email or other electronic medium. College community members need to also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations. Madison College does not regularly search for this information but may take action if and when such information is brought to the attention of College officials.

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STANDARD OF RESPONSIBILITY

The standard of evidence used in adjudication of conduct cases is the preponderance of evidence standard-it is more likely than not, that a violation of a College policy and or procedure has occurred. Conduct procedures are not formal legal proceedings and are not subject to the same rules that govern civil or criminal hearings including, but not limited to, the rules of evidence. When a violation is determined, Madison College will take prompt corrective action and impose appropriate sanctions. The specific sanction will depend on the type of conduct, severity, and past history of misconduct.

BEHAVIORAL INTERVENTION TEAM (BIT)

The Dean of Students Office governs the Behavioral Intervention Team (BIT), which is a central clearinghouse established to coordinate responses to student behaviors of concern from students, faculty and staff. Student conduct cases may be submitted through the BIT online referral form. The Behavioral Intervention Team will identify and assess risk, investigate, coordinate intervention, and monitor “at risk” students who may pose a threat to their own health and safety, and the health and safety of the campus community. BIT works to connect the dots for behaviorally at risk students, but does not replace other College policies and procedures. The team will make recommendations for action to the appropriate office which has the authority to act. Depending on the circumstances, students may be referred to the Dean of Students Office for disciplinary action.

INFORMAL RESOLUTION

If it is determined that the matter is best resolved in an informal manner, appropriate staff will assist the involved persons in whatever ways are helpful; including mediation, which may also involve Conflict Management Services.

If it is determined that an informal approach to address the alleged violation(s) fail, or are not appropriate, the matter may be referred to the Dean of Students Office for review and preliminary assessment.

SUSPENSION PENDING HEARING

In certain circumstances, the Dean of Students (or designee) or Madison College Public Safety may impose a temporary suspension prior to an Administrative Hearing or a Conduct Review Board Hearing.

Temporary suspension may be imposed:

- To ensure the safety and well-being of members of the College community or preservation of College property.
- To ensure the student’s own physical or emotional safety and well-being.
- If the student poses a definite threat of disruption of or interference with the normal operations of College or educational environment.

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During the temporary suspension, respondents may be denied access to the campus (including classes, systems/or processes) and/or all other College activities or privileges for which the respondent might otherwise be eligible, as the Dean of Students (or designee) may determine to be appropriate.

Respondents may be allowed make-up privileges if they are found not to have violated the Code of Conduct. This will be at the discretion of the Executive Vice President of Student Development and Success, the Dean of Students, Faculty, and the Academic Dean.

RETALIATION

Retaliating directly or indirectly against a person who has, in good faith, made a report or participated in an investigation of a complaint of any type of misconduct is strictly prohibited. Retaliation includes, but is not limited to: ostracizing the person; pressuring the person to drop, not support the complaint, or to provide false or misleading information; or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment; threatening, intimidating, or coercing the person; or otherwise discriminating against any person for exercising their rights or responsibilities under this procedure. Retaliation may be determined regardless of if the complaint is ultimately found to have merit. Any retaliation will be treated as a new and additional violation of the relevant college policy and/or procedure.

DISCIPLINARY PROCEDURE

1. File a complaint
2. Initial Review and Preliminary Assessment
3. Notice of Hearing
 - a) Administrative Hearing and/or;
 - b) Conduct Review Board Hearing
4. Investigation/Hearing
 - a) Administrative Hearing and/or;
 - b) Conduct Review Board Hearing
5. Notice of Hearing Findings and Adjudication Decision

FILE A COMPLAINT - REPORTING A CODE VIOLATION

Any member of the College community may initiate a complaint of an alleged violation of the Madison College Student Code of Conduct. A complaint should be made as soon as possible following the incident. The longer someone waits to report an offense, the harder it becomes for College officials to obtain information, witness statements and to make determinations regarding alleged violations. Though anonymous complaints are permitted, doing so may limit the College's ability to investigate and respond to a complaint. For the purposes of this procedure, the person who reports a conduct violation allegation is the "complainant". The person reported to have committed an alleged violation is the "respondent". Both the complainant and the respondent are encouraged to participate in the investigation and hearing process.

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INITIAL REVIEW AND PRELIMINARY ASSESSMENT

Incidents that fail the informal approach to address the alleged violation(s), or are not appropriate to resolve at the informal level, may be referred to the Dean of Students Office for review and preliminary assessment.

The Dean of Students, or designee, will work with the reporting person(s) to understand the nature of the incident and to determine the merits of informal vs. formal processes. Based on the nature of the complaint, the case may be referred to another process (e.g. Academic Integrity, Classroom Disruption, Final Grade Dispute, Harassment/Discrimination, Title IX and Sexual Misconduct) to be addressed.

The outcomes of individuals found responsible for a violation of the Code of Conduct is a complex task that takes into account several factors; such as the need to remedy the effects of the respondent's behavior, the need to protect the safety of the College community, and to hold the respondent accountable for their actions.

The Dean of Students, or their designee, will conduct a preliminary investigation to determine if the allegation has merit. If the allegation can be disposed of at the preliminary stage, such disposition will be final and there will be no subsequent proceedings. Violations found not to warrant a formal hearing may be settled without proceedings, through disciplinary sanctions such as:

Fair Warning	Confiscation of Prohibited Property
Restitution	Behavioral Requirements
Community/College Service Requirements	Educational Program Requirements
Loss of Privileges	Other Similar Sanctions

Depending on the severity of the allegations and possible significance of punitive sanctions, the matter may be referred to an Administrative Hearing or Conduct Review Board Hearing for resolution.

ADMINISTRATIVE HEARING NOTICE

Within ten (10) working days of receiving an alleged code violation, the Dean of Students (or their designee) will notify the respondent of the allegation and the need to schedule an Administrative Hearing. All formal written notices regarding student conduct actions will be delivered by certified mail, first class mail and College email. It is a respondent's responsibility to ensure that their information (including address, phone number and email) is current in their educational record. In appropriate cases, notices may be sent to the parent(s).

The respondent may choose to have a "support person" accompany them during the meeting (e.g. a peer, friend, family member, or Madison College employee). The support person may be present during the hearing, but may not speak for or on behalf of the respondent. In appropriate cases, a parent may observe and offer quiet counsel.

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If the respondent does not attend a scheduled hearing, or chooses not to respond to the notice within five (5) working days, the Dean of Students or Conduct Review Board may make a decision without input from the respondent.

A “hold” may be placed on the respondent’s academic record until the disciplinary case is resolved. A hold will prevent the respondent from requesting an official transcript, registering for classes or withdrawing, dropping courses, etc.

INVESTIGATION AND ADMINISTRATIVE HEARING

The purpose of the Administrative Hearing is to review relevant case information, establish the facts behind disciplinary allegations and to allow the respondent an opportunity to respond.

Administrative hearings are conducted by an administrative hearing team which consists of the Dean of Students (or designee), with another Dean of Students Office staff member (or designee) to support the process. The Administrative Hearing will take place within ten (10) working days of when a referred respondent is first notified of the conduct charge. However, the College reserves the right to extend this time limit, in its sole discretion, in order to ensure a proper review of all relevant material. A mutually convenient time for the Administrative Hearing will be decided upon. If necessary, and at the discretion of the Dean of Students (or designee), an Administrative Hearing may take place over the telephone and/or video conferencing.

Most allegations of misconduct will be investigated and adjudicated through an Administrative Hearing. However, in cases where the alleged misconduct is severe and may lead to a finding of responsibility and/or imposed sanctions of a suspension greater than one year or expulsion, the case may be referred to a Conduct Review Board Hearing for adjudication.

In accordance with the Family Rights Educational and Privacy Act of 1974, conduct hearings are closed to anyone not directly involved with the hearing, and all conduct files are confidential, unless a student waives confidentiality.

THE ADMINISTRATIVE HEARING WILL PROCEED AS FOLLOWS:

1. At the beginning of the hearing, the respondent will be introduced to others who are present and will be provided an overview of the hearing process.
2. The respondent will be informed of the alleged violations to the college’s student code of conduct.
3. The respondent will have an opportunity to give a statement about the incident, including an admission or denial of the alleged violations;
4. After the administrative hearing team has examined all of the information and heard from the respondent, the Dean of Students (or designee) will determine whether the respondent is, or is not, in violation of the Code of Conduct or other college policy and/or procedure.

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5. When the Dean of Students (or designee) finds the respondent in violation, they will determine the appropriate sanctions. Any sanctions imposed become effective immediately unless otherwise stipulated.
6. The Dean of Students or designee will hold as many meetings as necessary to ensure a fair disposition of the case. If a referred respondent fails to attend an Administrative Hearing or otherwise participate in the process, the Dean of Students (or designee) may decide the case based on the information available at the time. Any imposed sanctions will be effective immediately unless otherwise stipulated.

Administrative Hearing sanctions may include:

Fair Warning	Program Requirements
Restitution	Probated Suspension
Community/College Service	Eligibility Restriction
Loss of Privileges	Suspension one (1) year or less
Confiscation of Prohibited Property	Other similar sanctions
Behavioral Requirements Educational	

Madison College will take reasonable measures to notify the referred respondent of the outcome and sanctions in writing within five (5) working days of the last session of an Administrative Hearing. However, the College reserves the right to extend this time limit, in its sole discretion, in order to ensure a proper review of all relevant material.

CONDUCT REVIEW BOARD HEARING OVERVIEW

Cases where alleged misconduct is severe and may lead to a finding of responsibility and/or imposed sanctions of a suspension greater than two years or expulsion, the case may be referred directly to a Conduct Review Board Hearing for adjudication.

CONDUCT REVIEW BOARD HEARING NOTICE

Within ten (10) working days of receiving an alleged code violation, the Dean of Students (or their designee) will notify the respondent of the allegation and the need to schedule a Conduct Review Board Hearing. All formal written notices regarding student conduct actions will be delivered by certified mail, first class mail and College email. It is a respondent's responsibility to ensure that their information (including address, phone number and email) is current in their educational record. In appropriate cases, notices may be sent to the parent(s).

The respondent may choose to have a "support person" accompany them during the meeting (e.g. a peer, friend, family member, or Madison College employee). The support person may be present during the hearing, but may not speak for or on behalf of the respondent. In appropriate cases, a parent may observe and offer quiet counsel.

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If the respondent does not attend a scheduled hearing, or chooses not to respond to the notice within five (5) working days, the Conduct Review Board may make a decision without input from the respondent.

A “hold” may be placed on the respondent’s academic record until the disciplinary case is resolved. A hold will prevent the respondent from requesting an official transcript, registering for classes or withdrawing, dropping courses, etc.

INVESTIGATION AND CONDUCT REVIEW BOARD HEARING

The purpose of the Conduct Review Board Hearing is to review relevant case information, establish the facts behind disciplinary allegations and to allow the respondent an opportunity to respond.

The Conduct Review Board operates under the authority of the Executive Vice President for Student Development & Success. The Dean of Students Office oversees the student conduct program, including the recruitment, selection, and training of Conduct Review Board Members. The Conduct Review Board is a five-member panel comprised of a combination of student (enrolled in the current academic term or upcoming academic term, if the hearing occurs during summer session), faculty, PSRP, and administrative members of the Conduct Review program. The Executive Vice President for Student Development & Success, or their designee, chairs the Conduct Review Board.

The Conduct Review Board Hearing will take place within ten (10) working days of when a referred respondent is first notified of the conduct charge. However, the College reserves the right to extend this time limit, in its sole discretion, in order to ensure a proper review of all relevant material. A mutually convenient time for the Conduct Review Board Hearing will be decided upon. If necessary, and at the discretion of the Dean of Students (or designee), a Conduct Review Board Hearing may take place over the telephone and/or video conferencing.

In accordance with the Family Rights Educational and Privacy Act of 1974, conduct hearings are closed to anyone not directly involved with the hearing, and all conduct files are confidential, unless a student waives confidentiality.

THE CONDUCT REVIEW BOARD HEARING WILL PROCEED AS FOLLOWS:

A. Opening of the Case

1. Call the hearing to order.
2. Introduce Board Members.
3. Call the case number and the names of the parties.
4. Read the Student Code of Conduct violations alleged against the Respondent.
5. Explain the order of proceedings and answer questions regarding that order.

B. Oath of Witnesses

The Chairperson of the Conduct Review Board shall read the introduction statement to all persons involved in a Conduct Review Board Hearing, including witnesses, before the parties begin presenting their respective information.

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C. Presentation of Relevant Information

1. The Complainant presents an opening statement.
2. The Respondent presents an opening statement.
3. The Complainant presents relevant documentation/information to support the reported allegations.
4. The Respondent may question the Complainant.
5. The Board may question the Complainant.
6. The Complainant may present and question witnesses; no more than two (2).
7. The Respondent may question the Complainant's witnesses.
8. The Board may question the Complainant's witnesses.
9. The Respondent presents relevant document and information.
10. The Complainant may question the Respondent.
11. The Board may question the Respondent.
12. The Respondent may present and question witnesses; no more than two (2).
13. The Complainant may question the Respondent's witnesses.
14. The Board may question the Respondent's witnesses.
15. The Board may call and question any witnesses of their choosing.
16. The Complainant may question the board's witnesses.
17. The Respondent may question the board's witnesses.
18. The Complainant presents a closing statement.
19. The Respondent presents a closing statement.

D. Deliberation & Recommendations of the Conduct Review Board

Upon completion of the hearing, the Conduct Review Board will deliberate to determine whether it feels that the Respondent or student organization has violated the Madison College Student Code of Conduct. If the Board believes that a Student Code of Conduct violation has occurred, it shall mandate an appropriate sanction or consequence and may recommend additional activities to resolve the matter constructively.

Decisions of the Board shall be based on a simple majority vote. The decision and recommended consequence or sanction(s), if any, shall be in writing and signed by the Chairperson.

The deliberations of the Conduct Review Board shall be closed to all except Board Members and the Dean of Students Office staff, who may not vote, but may answer procedural questions.

E. Reporting the Board's Decisions

Within five (5) working days of the hearing, the Executive Vice President for Student Development/designee will notify the Respondent and Complainant of the final decision and consequences or sanction(s), if any. The notice will be in writing and will be sent via certified mail or other method of delivery, as approved by the Respondent Student. The Dean of Students Office will also be notified, in writing, of the decision. Other parties may be notified of the decision and recommendations on a "need-to-know" basis for purposes of implementation.

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Any record of the charge, the Board's decision and recommended consequence or sanction, and the final determination shall be placed in the student's confidential file in the Dean of Students Office. Any further distribution of the information shall be restricted in accordance with confidentiality requirements for student records.

Conduct Review Board Hearing sanctions may include:

Fair Warning	Disciplinary Probation
Restitution	Probated Suspension
Community/College Service Requirements	Eligibility Restriction
Loss of Privileges	Suspension more than one (1) year
Confiscation of Prohibited Property	Expulsion
Behavioral Requirements	Other similar sanctions
Educational Program Requirements	

Madison College will take reasonable measures to notify the referred respondent of the outcome and sanctions in writing within five (5) working days of the last session of a Conduct Review Board Hearing. However, the College reserves the right to extend this time limit, in its sole discretion, in order to ensure a proper review of all relevant material.

ADMINISTRATIVE HEARING/CONDUCT REVIEW BOARD RIGHT TO APPEAL

The right to appeal is limited to a) significant procedural errors or b) the appearance of substantive new evidence not available at the time of the original decision. (Note that deliberate omission of information by the appealing party in the original investigation/hearing is not grounds for appeal.)

Appeals will be granted only in cases where the procedural problems or new evidence are considered substantive enough to have had significantly affected the outcome of the initial investigation/hearing and decision. The appeal must be in writing and filed with the Office of the Executive Vice/Chief Student Services Officer, or designee, within five (5) working days of the date of the receiving the decision letter. Upon the filing of an appeal, the other parties will be provided a copy of the appeal and may file an independent appeal or a rebuttal statement of the original appeal filed. The appeal shall consist of a concise and complete written statement outlining the grounds for the appeal. Written appeals should be addressed to the Executive Vice President/Chief Student Services Officer, and should be sent to 1701 Wright Street, Madison, WI, 53704.

The Executive Vice President, or designee, will review the written appeal, investigation/hearing findings, and decision by the Dean of Students, or designee, as well as the statement from the opposing party. At his/her sole discretion, the Executive Vice President, or designee, may interview the complainant, respondent, and/or any additional witnesses or the investigators/conduct officers. In regards to CRB appeals, the Executive Vice President may reconvene board members to review the appeal.

The Executive Vice President, or designee, will issue a final written decision to all parties. All parties will be notified of the decision of the Executive Vice President, or designee, within thirty (30) working days

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of the receipt of the appeal. The decision of the Executive Vice President, or designee, is final. All deadlines indicated above may be altered for good cause at the discretion of the Executive Vice President, or designee.

DISCIPLINARY RECORDS:

The outcome of the conduct process is part of the education record of the responding student and is protected from release under FERPA, except under certain conditions. Under these exceptions, Madison College is permitted to disclose personally identifiable information from education records without consent, though the college is not required to do so. The following is general information regarding some of these exceptions:

- Prior written consent by the student to the Dean of Students Office requesting the release disciplinary records to a third party.
- Requests to release disciplinary records from an “eligible student's” education records, without consent, to another school in which the student seeks or intends to enroll.
- Disclosure to “school officials” with “legitimate educational interests”. A school official has legitimate educational interest if the official needs to review a disciplinary records in order to fulfill their professional responsibilities.
- In a situation where a student is enrolled in both a high school and a postsecondary institution, the two schools may exchange information on that student. If the student is under 18, the parents still retain the rights under FERPA at the high school and may inspect and review any records sent by the postsecondary institution to the high school.

Additionally, in cases where Madison College determines through the student conduct process that a student violated a policy that would constitute a “Crime of Violence,” Madison College may also release disciplinary records publicly and/or to a third party. FERPA defines “crimes of violence” to include: arson, assault offenses (includes stalking), burglary, criminal homicide (manslaughter by negligence), criminal homicide (murder and non-negligent manslaughter), destruction/damage/vandalism of property, kidnapping/abduction, robbery, forcible sex offenses, statutory rape, incest, and non-forcible sex offenses.

Lastly, FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level regardless of age. Students to whom the rights have transferred are “eligible students.” FERPA permits a post-secondary institution like Madison College to let parents of students under the age of 21 know when the student has violated any law or policy concerning the use or possession of alcohol or a controlled substance.

Student disciplinary records are normally maintained in the Dean of Students Office for a period of seven years, after which the file records may be purged. Records may be maintained for a longer time at the discretion of Madison College. Files of students who are suspended or expelled will be retained.