



STUDENT DUE PROCESS PROCEDURE

STUDENT SUPPORT | 600.623B

Last Evaluation

8/1/24

Executive Staff Approval

8/13/2024

1. Definitions

- a) **Academic Dishonesty:** An act of dishonesty relating to a student's academic work or performance.

- b) **Student Misconduct:** Actions or behaviors that violate established policies or standards within Mountainland Technical College and the Student Code of Conduct. These violations may include disruptive behavior, harassment, bullying, violence, vandalism, substance abuse, or any other behavior that disrupts the normal functioning of the environment or causes harm to others.

- c) **Preponderance of Evidence:** The evidentiary standard used to determine whether the allegations and/or a college policy violation occurred. The preponderance of evidence means it is more likely than not, or more than 50% in favor, that the misconduct occurred as alleged.

- d) **Student:** For the purpose of this policy, students include all persons admitted to the college or enrolled in courses and persons who self-withdraw after a violation has potentially occurred. Persons notified of their acceptance to the college are also considered students.

- e) **Accused Student:** an individual enrolled in an institution who has allegedly violated an MTECH policy or the Student Code of Conduct.

- f) **Student Conduct Administrator:** The person designated by the Associate Vice Presidents to administer the Student Conduct Hearing process.

- g) **Student Conduct Hearing:** an adjudicatory hearing in which evidence is presented to a hearing officer or a hearing panel to determine whether the accused student has violated a policy or the Student Code of Conduct.

- h) **Adjudicating Panel:** The panel comprises three (3) additional Student Conduct Administrators responsible for hearing the evidence, determining whether a violation has occurred, and issuing resulting sanctions.

- i) **Sanctions:** Actions or conditions imposed on a student as a result of the student being found responsible for a violation.

- j) **Interim Measures:** Temporary actions, decisions, or arrangements to address a situation or problem until a permanent solution or decision can be implemented. These measures are often taken to prevent further harm, maintain stability, or provide temporary relief while more comprehensive or long-term solutions are developed or implemented.

2. Procedure

Mountainland Technical College complies with [Utah Code 53B-27](#), Part 6, which sets forth minimum due process standards for student disciplinary processes related to all student misconduct matters - *excluding academic dishonesty (1a)* that may result in expulsion or a minimum ten (10) day suspension.

MTECH Proceedings addressing the Student Code of Conduct are administrative and do not constitute civil or criminal proceedings. Students are presumed not responsible for misconduct until they acknowledge their responsibility for the

misconduct or responsibility is established through a preponderance of evidence standard via fair and impartial proceedings.

Students' non-participation or silence during any process under this policy will not be interpreted as an admission of responsibility. However, proceedings will continue, and a determination of responsibility will be made based on the available information, with or without their participation.

Students accused or suspected of conduct that could amount to discrimination or harassment based on protected status will receive all protections guaranteed in this policy; however, specific procedural differences in these cases are outlined in separate MTECH policies (MTECH Policy 304 MTECH-USHE Title IX 2022-2 & MTECH Policy 607 - Student Discrimination). If at any point during this procedure, it becomes apparent that the alleged policy violation involves harassment or discrimination based on characteristics protected by federal or state law, this procedure will be suspended, and the case will be referred to the MTECH Title IX office to be processed under separate procedures of the appropriate policy.

2.1 Delineation of Authority

2.1.1 For purposes of this policy, authority for the investigation, resolution, decision-making (including appeals), and sanctions are based on the type of misconduct as defined in section 1.1 as follows:

Type of Misconduct	Student Conduct Administrator
In-Classroom (including Clinical, Lab, Externship, etc.)	Program Director or designee
Out-of-Classroom	Director of Student Success or designee

2.1.2 At any time, a designee may act in place of the assigned Student Conduct Administrator based on a conflict of interest, availability, or ability to act in the required timely manner.

2.2 Investigation

2.2.1 In accordance with the MTECH Campus Safety, Response, and Reporting Plan 14.2, Campus Security will promptly investigate any potential acts that violate MTECH policies and report their findings to the applicable Vice President(s). If exigent circumstances dictate, the MTECH Security Department may institute interim measures, resulting in the student's suspension until the process is completed.

2.3 Review of Evidence

2.3.1 The Vice Presidents will triage the reported findings to the appropriate student conduct administrator for the next steps.

2.3.2 After receiving a report and evidence of an alleged violation of the student code of conduct or other applicable college policies, the student conduct administrator shall promptly review the findings to determine if a Student Conduct Hearing should be held.

2.4 Notices to Students Alleged of a Violation

2.4.1 The student conduct administrator will give written notice to a student alleged of a violation of their right to due process via a Student Conduct Hearing within seven (7) school days of the conclusion of the investigation. This will include:

2.4.1.1 Information on the time and place of alleged policy violation(s), which policies were allegedly violated, and how those policies were violated.

2.4.1.2 The student's right to legal representation or a non-attorney advocate of their choice throughout the student conduct process.

2.4.1.3 How to request disability accommodations and/or language translation services.

2.4.1.4 The student's right to choose not to participate in the process, notification that the hearing may proceed without them, and how a decision may be made without any input from the student.

2.4.1.5 The student's right to acknowledge the violations and thereby waive their right to a hearing, and that they may do so via written or verbal communication to the student conduct administrator.

2.4.2 Notification of Scheduled Student Conduct Hearing

2.4.2.1 Up to three (3) school days after the notification of the right to a student conduct hearing is sent or once a response from the student is received, whichever comes first, a notification of a scheduled Student Conduct hearing will be sent to the student at least seven (7) days before the hearing and will include:

2.4.2.1.1 The student's right to legal representation or a non-attorney advocate of their choice throughout the student conduct process and subsequent appeal hearings. Students must notify the student conduct administrator at least four (4) school days before the hearing of their support person/advisor's identity and the nature of their relationship to the support person/advisor (including whether the support person/advisor is an attorney).

2.4.2.1.2 All evidence of the alleged violation that may be used in the Student Conduct Hearing.

2.4.2.1.3 Reasonable efforts will be made to accommodate the schedules of all hearing participants. Typically, no more than one extension will be granted.

2.4.2.2 If the student fails to attend the hearing without good cause and prior notice to the student conduct administrator, the hearing will proceed in their absence. The student is not required to participate in the hearing for the hearing to proceed. Mountainland Technical College reserves the right to modify hearing procedures to protect the safety of all parties involved.

2.5 Student Conduct Hearing

2.5.1 Student conduct hearings will be conducted according to the following procedures:

2.5.1.1 The student conduct administrator who issued the notification will conduct the student conduct hearing with the student and serve as the institution's representative. Adjudication will be by a panel of three (3), including the AVP over the program the student is enrolled in, the AVP of Student Affairs, and the Director of Student Rights and Advocacy. This panel will have no involvement with the investigation until this point.

2.5.1.2 Student conduct hearings and outcomes will be shared with the parties to the extent allowed by law but will otherwise remain confidential. Mountainland Technical College will audio record the hearing and make it available to the student via a Grama request.

2.5.1.3 If the student and/or other witnesses have concerns for their safety, well-being, or fear of confrontation during the hearing, they may request other reasonable means of participating. The student conduct administrator, security team, and the student's academic counselor will determine whether the proposed means are reasonable.

2.5.1.4 In student conduct hearings involving more than one respondent, the student conduct administrator, security team, and the appropriate academic counselor(s) may permit separate or joint student conduct hearings concerning each student.

2.5.1.5 The student and the student conduct administrator may arrange for witnesses to present relevant information during the student conduct hearing. Records, exhibits, and written statements will be accepted if the Student Conduct Administrator deems them appropriate.

2.5.2 After all pertinent information has been received, the adjudicating panel shall deliberate on all available information and determine whether the student is in violation based on a preponderance of the evidence.

2.5.3 The student will receive notice of hearing decisions in writing to the student's school email address or hand-delivered, typically within five (5) school days of the hearing date, unless circumstances require delay. The notice will include the policy in question, whether the policy was found to be violated, actions taken to resolve the complaint, and any resulting sanctions.

2.5.4 A finding of not-in-violation will resolve the matter with no further action or appeals.

2.5.5 Disciplinary sanctions may be imposed upon students found in violation of the Student Code of Conduct or other applicable college policies and communicated in a written sanction letter. The sanctions' elements may be imposed singularly or in combination with other sanctions.

2.6 Appeals for Disciplinary Violations and Sanctions

2.6.1 A student has the right to appeal any decision resulting in violations and sanctions if any of the following conditions are met:

- a) A procedural irregularity affected the outcome of the matter.
- b) New evidence that was not reasonably available when the determination regarding responsibility was made has come to light and could affect the outcome of the matter.
- c) The student conduct administrator or member of the adjudicating panel had a conflict of interest or bias that affected the outcome of the matter.

2.6.2 If none of these three conditions are met, the decision is not eligible for an appeal.

2.6.3 Appeals for disciplinary violations and sanctions must be written and submitted to the appropriate Vice President for review no later than five (5) school days after a decision has been issued.

2.6.4 The Vice President will use all information gathered from the investigation and hearing to decide. Once the decision on the appeal is complete, it is final.

3. Evaluation History

Last Evaluation	Executive Staff Approval
4/30/24	5/6/24