

# MANUAL OF PROCEDURE

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| <b>PROCEDURE NUMBER:</b>    | 4030  | <b>Page 1 of 12</b> |
| <b>PROCEDURE TITLE:</b>     | Student Disciplinary Procedures for Violation(s) of Student Code of Conduct and/or Policy I-20  |                     |
| <b>STATUTORY REFERENCE:</b> | FLORIDA STATUTES 1006.60 AND 1006.62  |                     |
| <b>LEGAL AUTHORITY:</b>     | JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT (THE CLERY ACT) AS AMENDED IN 2008; THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013 (“VAWA”); SECTION 485(F) OF THE HIGHER EDUCATION ACT OF 1965 (20 U.S.C.1092(F)) AS AMENDED; TITLE VI, VII AND VIII, 1964 CIVIL RIGHTS ACT; TITLE IX EDUCATION AMENDMENTS OF 1972 AS AMENDED; CIVIL RIGHTS ACT OF 1991; TITLE IV OF THE CIVIL RIGHTS ACT OF 1964 (“TITLE IV”), 42 U.S.C. § 2000C-6; GENETIC INFORMATION NON-DISCRIMINATION ACT OF 2008; SECTIONS 1000.05 AND 1001.64 FLORIDA STATUTES; STATE BOARD OF EDUCATION RULES 6A-19.001 AND 6A-19.010; THE WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2012; THE WHISTLEBLOWER’S ACT, SECTIONS 112.3187-31895 |                     |
| <b>BASED ON POLICY:</b>     | IV-5 Student Rights and Responsibilities; I-20 Sexual Assault, Dating Violence, Domestic Violence and Stalking; and I-21 Equal Access/Equal Opportunity   |                     |
| <b>EFFECTIVE DATE:</b>      | August 1, 1977  |                     |
| <b>LAST REVISION DATE:</b>  | October 27, 2023  |                     |
| <b>LAST REVIEW:</b>         | <del>October 27, 2023</del> ; February 12, 2024   |                     |

## I. PURPOSE

This procedure provides a prompt and equitable process to address complaints alleging violations of Miami Dade College’s Student Code of Conduct (Code of Conduct). All alleged violations of the Code of Conduct are referred to the Office of the Dean of Students or designee (collectively referred to in this procedure as the Dean’s Office) at the respective campus. All Miami Dade College (MDC) proceedings for all alleged violations of the Code of Conduct will be comprised of a prompt, fair, and impartial investigation, and resolution.

In accordance with [MDC Policy I-20: Sexual Assault, Dating Violence, Domestic Violence & Stalking](#) and federal law, allegations of sexual violence/misconduct will be addressed through the specified sexual misconduct investigation and will be handled by the Office of EOP/ADA/Title IX or designee, and the Dean of Students, followed by hearings, and formal charging procedures.

## II. PROCEDURE FOR COLLEGE DISCIPLINARY ACTIONS (GENERAL)

### A. The Investigation

The Student Dean's Office must thoroughly investigate the alleged violation(s). During the investigation, the Respondent must be informed, prior to questioning, that they have the right to remain silent and that anything said may be used against them. The investigator may not coerce admissions of responsibility from a suspected student or require the disclosure of information about the conduct of other suspected persons.

If the investigator believes the facts of the case substantiate the allegations, the investigator will notify the Respondent, or make a reasonable attempt to notify the Respondent, in writing to appear at a specified time for a Preliminary Hearing (described below). Notice of this hearing will be given to the Respondent via email or mail/certified mail to the mailing and/or email address last furnished by the Respondent to the College. If during an investigation interview, the Respondent freely admits responsibility for the reported violation(s), the Preliminary Hearing may take place at that time and the respondent may be charged at its conclusion. If a Respondent fails attend the hearing, a Dean's Hold will be placed until the matter is resolved.

### B. Preliminary Hearing

At the Preliminary Hearing, the investigator will explain the elements of due process afforded to the Respondent, as listed below.

1. Inform the Respondent of the alleged violation(s) they are accused of.
2. Advise the Respondent of the right to remain silent and that anything they say may be used during the investigative process.
3. Advise the Respondent that they may make statements or explanations.
4. At the conclusion of the Preliminary Hearing, the Dean's Office shall either:
  - (a) advise the Respondent that the matter is dismissed;
  - (b) advise the Respondent that the College will charge them with violating the Student Code of Conduct; or
  - (c) advise the Respondent the alleged violation(s) will be referred to the Office of Equal Opportunity Programs/ADA/Title IX (the Student Dean's Office stays its proceeding pending the outcome of the investigation by the Office of Equal Opportunity Programs/ADA/Title IX).

If it is decided that MDC will charge the Respondent with specific violation(s) of the Code of Conduct the investigator will present the Respondent with the written charge(s) at the conclusion of the Preliminary Hearing.

### C. Formal Charging

The Notice of Charge(s) should inform the Respondent of:

1. The right to an investigation and resolution is prompt, fair, and impartial, as required by applicable law.
2. The allegations investigated, the citation to the policy, procedure, regulation, and/or the specific Code of Conduct alleged violated, the associated rights and the process of the proceedings, and the date, time, and location of the disciplinary proceedings (Campus Disciplinary Committee Hearing). This information will provide the Respondent with detailed information to prepare a defense.

The Notice of Charge(s) is mailed to the address provided by the Respondent and/or sent by email ten (10) business days before the Campus Disciplinary Committee meets. In addition, a listing of known witnesses who will provide evidence and/or information against the Respondent is included. All inculpatory and exculpatory information must be included in the Respondent's charge letter.

3. The possibility of expulsion, suspension, or other disciplinary sanctions.
4. The right not to be compelled to testify against oneself.
5. The right to the presumption that no violation occurred. The burden of proof is on MDC to show by a *preponderance of the evidence*, which means whether the information presented supports that the finding is more likely than not, a violation of the Code of Conduct was committed by the Respondent.
6. The right to a hearing is part of the disciplinary procedures.
7. The right to examine the evidence and ask questions of witnesses appearing and testifying at their hearing on behalf of the Complainant, as well as to offer witnesses and evidence on their own behalf.
8. The right of an advisor, advocate, or legal representative of the Respondent's choice, at their own expense. Such persons may be present at any proceeding, formal or informal. Such persons may directly participate in all aspects of the proceedings, including presenting relevant information and questioning witnesses. This advisor/advocate/legal representative may not serve in any other role, including as an investigator, hearing officer, decision-maker, member of the Campus Discipline Committee, or appeal decision-maker. The Respondent shall provide the name and address of the advisor/advocate to the Student Dean's Office no later than three (3) business days before a hearing.
9. The right to enter a plea of responsible or not responsible within three (3) business days after the charging.
10. If the Respondent fails to enter a plea within three (3) business days, the investigator will enter a Responsible or Not Responsible plea, and the Student Dean's Office will set a hearing date.
11. The right to a closed hearing unless the Respondent requests that it be opened to the public, subject to applicable laws.
12. The right to waive a hearing before a Campus Discipline Committee and have the Dean of Students hear the case for general Code of Conduct Violations only.

#### **D. Administrative Hearing (for General Code of Conduct Violations Only)**

A student may elect to waive a hearing before a Campus Disciplinary Committee and have a hearing before the designated Student Dean. The same elements of due process as are applicable to Campus Discipline Committee hearings shall apply. If a decision of responsible or not responsible is not able to be issued at the conclusion of the hearing, the Respondent is instructed to make an appointment with the Student Dean within three (3) business days to receive a decision of being responsible or not responsible. If the Respondent is found

responsible, the Respondent shall have the right to appear before the Student Dean who is hearing the case to present any mitigating circumstances or other factors that may affect the penalty.

#### **E. Concurrent Criminal Court Cases**

1. If law enforcement officials charge a student for a crime that violates MDC policy or procedure, MDC may charge the student after a Preliminary Hearing and stay its proceedings pending the outcome of the criminal court proceeding. If the student cannot appear at the preliminary hearing, MDC charges are sent to the last address provided by the student. The verdict or any finding in a criminal court proceeding shall be used as fact-finding information in the College's disciplinary proceeding.
2. When the facts of a criminal charge are similar to those underlying a violation of MDC policy or procedure, a plea of guilty in the criminal case, regardless of adjudication, shall operate as a conclusive finding of responsible in the MDC disciplinary proceedings.
3. When the facts of a criminal charge are similar to those underlying a violation of MDC policy or procedure, any finding made by the criminal court may be used to establish the same finding in the MDC disciplinary proceedings.
4. If a verdict is not rendered or a finding is not made in the student's criminal proceeding, MDC may proceed with the case according to these disciplinary procedures.
5. If the student is found guilty in a criminal case based on the same or similar facts arising at MDC, MDC will immediately notify the Respondent to appear before the Student Dean for a sanction assessment.

#### **F. Plea**

A Respondent shall have three (3) business days from receiving the Notice of Charges to deliver to the Student Dean's Office a plea of responsible or not responsible. The Respondent may enter the plea by filling out the appropriate section on the Notice of Charge(s) and returning the Notice to the Student Dean's Office. If a Respondent does not enter a plea within the prescribed three (3) business days, the Respondent shall be deemed to have pleaded not responsible. The following procedures shall apply for each of the available pleas:

1. Plea of responsible: If the Respondent enters a plea of responsible, the sanction assessment phase shall proceed according to [MDC Procedure 4025: Student Code of Conduct](#). If the student pleads responsible for a charge of Sexual Assault, Dating Violence, Domestic Violence, Stalking, or Sexual Harassment, the Student Dean's Office will notify the Office of EOP/ADA/Title IX.
2. Plea of not responsible: If the Respondent enters, or is deemed to have entered, a plea of not responsible, they shall have a right to an administrative hearing or an appearance before the Campus Discipline Committee. The Hearing Officer shall set the time and place for the hearing. The hearing should be held within ten (10) business days of receiving the initial written complaint. The Hearing Officer may, at their own discretion, extend the date of the hearing. A Respondent may waive the right to a Campus Discipline Committee hearing and have the case heard before the Student Dean. Notwithstanding the terms herein, if a Respondent is simultaneously charged in a criminal case proceeding with a similar matter MDC may stay a preliminary hearing pending the outcome of the criminal case.

**G. Preliminary Matters**

MDC shall provide the Respondent with the witness and document lists for the hearing no later than three (3) business days before the hearing. The Hearing Officer shall have the right to determine the relevance of all material and witnesses to the hearing.

**H. Campus Discipline Committee**

The Campus Discipline Committee will consist of the following members appointed by the Campus President:

- 2 students (names submitted by the Student Government Association);
- 2 Faculty (names submitted by the Dean of Faculty or equivalent); and
- 2 Administrators, one of whom shall be the Student Dean or the Dean's designee and will serve as the Hearing Officer.

The Hearing Officer is responsible for maintaining proper decorum and order and may exclude any person who, in the Hearing Officer's opinion, has no legitimate interest in the hearing or whose conduct impedes or threatens to impede a fair and orderly hearing. Each Committee member shall have one vote. The Hearing Officer will vote only in the event of a tie vote.

If the Respondent challenges the appointment of a Committee member because there may be a conflict of interest, the Hearing Officer shall have the right to make the final judgment on the matter. The Hearing Officer shall have the right to excuse for cause any faculty or student member of the Committee at any time, either upon the Hearing Officer's initiative or at the request of MDC or the Respondent. If a Committee member is dismissed or cannot continue to serve, an appropriate alternate will take the member's place. The Hearing Officer shall attach in writing to the final record of the hearing the reasons for dismissing any member of the Committee.

**I. Committee Responsibilities**

The Campus Disciplinary Committee has the following responsibilities during a hearing for a case in which a plea of responsible or not responsible is entered:

1. At the beginning of the hearing, briefly explain to the Respondent how the hearing will be conducted and appraise the Respondent of the consequences of giving false testimony.
2. To ensure, to the extent possible, that all questions asked and information offered are relevant to the question of being responsible or not responsible in the fact-finding portion of the hearing.
3. To ensure that the Respondent will have the right to examine the evidence, testify, and present evidence and witnesses the Respondent will have the right to hear and question all witnesses appearing and testifying against them.
4. To ensure no statements against the Respondent are considered unless the Respondent is advised of the content and the names of those who made them. In addition, the Respondent must be given the opportunity to rebut unfavorable inferences that might be drawn.

5. To ensure that all relevant evidence is introduced before the Committee and that the decision of responsible or not responsible will be based solely upon the evidence.
6. To ensure that the rules of evidence as contained in these procedures are upheld during the course of the hearing.
7. To conduct the hearing in the following recommended manner and order:
  - a. Introduction of participants.
  - b. Reading the charge(s) by the Hearing Officer and advising the Respondent of the possible penalties.
  - c. Respondent's response to charges.
  - d. Investigator's summary report of allegations.
  - e. Respondent's summary of defenses to allegations.
  - f. Introduction of College witness and/or exhibits with questions from the panel, Respondent, and investigator.
  - g. Introduction of complainant's witnesses and/or exhibits with questions from the Committee, Respondent, and investigator.
  - h. Questioning of the investigator by charged Respondent and Committee.
  - i. Questioning of the Respondent by investigator and Committee.
  - j. Closing statements by the investigator and charged Respondent.
8. At the conclusion of the fact-finding portion of the hearing, the hearing participants will be excused. Subject to applicable laws, the Committee will consider the matter in a closed session based on the evidence presented and will decide as to the Respondent's responsibility by a majority vote. If the Respondent admits responsibility during the fact-finding portion of the hearing, the Committee will immediately go into the penalty-recommending portion of the hearing.
9. If there is a finding of responsibility, the Committee will inform the Respondent of the finding and instruct the Respondent that the sanction recommendation portion of the procedures allows the Respondent, before the determination of the sanction to be recommended, the right to present any mitigating circumstances or other factors that may affect the sanction. After hearing the extenuating circumstances or other factors from the Respondent and the investigator, the Committee will consider the information presented in a closed session, and render a recommendation as to a sanction, subject to applicable laws.
10. The Respondent is informed that the recommended disciplinary action will be forwarded to the Student Dean, who will render the sanction decision. The Student Dean may accept, reject, or modify the recommendation offered by the Campus Disciplinary Committee and will communicate the disposition of the matter to the Complainant and Respondent in writing within seven (7) business days.

The Committee is to compile for the Student Dean's Office a complete file of the case to include both an abstract and a verbatim record, such as a tape recording of the hearing, all written statements, and exhibits utilized in the proceedings, and the Committee's decisions and sanction recommendation. A record of the Committee's final decision will be made. For purpose of an appeal, the Respondent alone shall have access to the record of the hearing, which must remain in the Student Dean's Office. The records of the hearing shall be available in the event an appeal is filed, subject to applicable laws.

**J. Administrative Hearing**

A Respondent may elect to waive a hearing before a Campus Disciplinary Committee and have a hearing before the designated Student Dean. The same elements of due process as are applicable to Campus Discipline Committee hearings shall apply. If the Student Dean finds the Respondent responsible, the sanction portion of the hearing will begin. If a decision of responsible or not responsible is not able to be issued at the conclusion of the hearing, the Respondent is instructed to make an appointment with the Student Dean within five (5) business days to receive a decision of being responsible or not responsible. If the Respondent is found responsible, the Respondent shall have the right to appear before the Student Dean who is hearing the case to present any mitigating circumstances or other factors that may affect the penalty.

**K. Effective Date of Sanction**

Unless the Student Dean who delivers the penalty specifically states otherwise, all penalties shall be effective as of the date of the commission of the offense, even though the Respondent may have attended classes and/or taken examinations during the interim.

**L. Burden of Proof**

MDC shall have the burden of proving the student's responsibility by a *preponderance of the evidence*.

**M. Evidence**

Formal rules of evidence will not be applicable in these hearings. The Hearing Officer may exclude evidence that is deemed to be irrelevant, immaterial, repetitious, incompetent, or untrustworthy in nature, and take other appropriate action to facilitate the orderly conduct of a fair hearing and a full and true disclosure of the facts.

**N. Testimony**

Any persons providing information in any proceedings will be asked to affirm that their testimony will be truthful and confirm their understanding that intentionally providing any false testimony may be subject to charges for violating the Student Code of Conduct.

**O. Right to Remain Silent**

A Respondent has the right against self-incrimination and the right to remain silent. No evidence, presumption, or determinations of credibility will be inferred from or imputed to a Respondent who chooses to remain silent. However, this does not prohibit the consideration of the Respondent's affirmative conduct or behavior during the process to determine responsibility or determine a sanction.

A Respondent remaining silent will be considered to have participated in any of the proceedings provided for in this Procedure.

**P. Hearing in Absentia**

If the Respondent, after due notice, does not appear at the hearing, they may be tried in absentia. MDC must meet the burden of proof before responsibility can be found. A failure to appear is not silent participation and inferences may be made about a lack of exculpatory evidence or the Respondent's intent.

**Q. Hold on Re-Enrollment**

If a Respondent has been formally notified of an appointment for an investigatory meeting or if the Respondent has been charged with a violation of MDC's Code of Conduct and they fail to appear thereafter, either because of withdrawal from MDC or for failure to complete the last term of enrollment, the Student Dean will place a hold on the Respondent's future registration/enrollment. This hold will prevent the Respondent from re-enrolling at any of the MDC campuses. MDC will notify the Respondent in writing of this action, request that the Respondent report to MDC to resolve the matter, and inform the Respondent that they are not in current good standing with MDC.

**R. Confidentiality of Hearing and Deliberations**

Subject to applicable laws, the proceedings of the Campus Discipline Committee shall be regarded as confidential and no record of the proceedings shall be kept other than that of the abstract and verbatim record which is retained by the Student Dean's Office. The deliberations of the Committee as to whether a Respondent is responsible or not responsible, or its discussions as to the recommended sanction are regarded as confidential and no other participants in the case shall be present during these deliberations. No record shall be made of the discussion or vote in these deliberations. Where a not responsible finding occurs, all records of the charges and proceedings shall be destroyed.

**S. Postponements**

The Campus Discipline Committee may postpone and/or recess a case if necessary at the request of the Committee or other parties involved in the case.

**T. Procedures Not Specifically Provided Herein**

Additional procedures may be implemented by the Campus Discipline Committee provided that such additions are not precluded in these procedures and would serve to arrive at a full and true disclosure of the facts.

**U. Temporary Suspension**

The Student Dean may temporarily suspend any student when:

- (1) the Respondent is ordered by an administrator, officer, or faculty member to cease any activity that disrupts the orderly operation of MDC;
- (2) the Respondent persists in an activity that is disruptive after receiving the warning and order, and the disruptive activity still constitutes a threat to the orderly operation of MDC; and;
- (3) for reasons relating to the physical or emotional safety and well-being of the Respondent, other Respondents, faculty, or College property.

The Student Dean shall decide on evidence seen or reported that the activity disrupts the orderly operation of MDC or is a clear and present danger or impinges upon or invades the rights of others in the MDC community.

When a Respondent is temporarily suspended as a result of a charge against them, they shall be entitled to petition the Campus President for a hearing after five (5) business days following the original order of suspension. Within ten (10) business days of receipt of the request, the Campus President must hear the student.

The jurisdiction of the Campus President in the matter of the temporary suspension is limited to the question of whether or not the suspension shall continue until a hearing is held on the merits of the case that caused the temporary suspension. If a hearing is not held within five (5) business days as provided herein, the temporary suspension shall be automatically lifted, provided the student does not cause or request the delay. In the case



of a student who is temporarily suspended and subsequently found not responsible, they shall be allowed to make up, without prejudice, any classwork or examinations missed because of the suspension.

## **V. Disciplinary Sanctions**

*Community Service*: disciplinary sanction that requires a student to complete mandatory campus community service hours, as designated by the Student Dean or Campus Disciplinary Committee.

1. *Restriction or revocation of privileges*: temporary or permanent loss of privileges, including, but not limited to, the use of certain College facilities or parking privileges.
2. *Restitution*: a reimbursement for damage to, or misappropriation of, property of MDC or other persons. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages as directed by the Student Dean.
3. *Disciplinary Probation*: a disciplinary sanction serving notice to a student that their behavior is in serious violation of College standards and that continued enrollment depends upon the maintenance of satisfactory citizenship during the period of probation. The student will be released from the Disciplinary Probation status after the specified period has elapsed, unless the student does not comply with the sanction or violates the MDC Student Code of Conduct again.
5. *Disciplinary Censure*: a disciplinary sanction serving notice to a student that their behavior has not met minimum College standards. This sanction remains in effect for one complete term. Future violations of the MDC Code of Conduct, if occurring while Disciplinary Censure is in effect, could result in more serious disciplinary sanctions.
6. *Suspension*: mandatory separation from MDC for the time specified in the order of suspension. A student that has been suspended is barred from enrolling at, or visiting, any of the campuses of MDC during the suspension. A suspended student may re-enroll at MDC when the suspension order has elapsed.
7. *Dismissal*: mandatory separation from MDC with no promise of future readmission. An application for readmission will not be considered until such time, as specified in the order of dismissal, has elapsed. Readmission is subject to the approval of the Campus President. A student who has been dismissed is barred from enrolling at or visiting, any of the campuses of MDC.
8. *Other: Appropriate Action*: disciplinary action not specifically set out above but deemed proper and imposed by the Student Dean. The removal of a student may be deemed necessary due to mental health issues as described in [MDC Procedure 4060: Psychological Assessment](#). These actions are deemed to be in support of more severe actions such as Dismissal, Suspension, Final Disciplinary Probation, Disciplinary Probation, and Disciplinary Censure.

## **W. Retention of Disciplinary Records**

The Student Dean keeps disciplinary records of students in a secure place. The procedures followed are in accordance with federal and state regulations pertaining to the destruction of records. ([MDC Procedure 4085: Release of Student Information](#) and [MDC Procedure 4088: Destruction of Student Records](#))

**X. Appeals**

A student found responsible for, or who pleads responsible for, an offense and has been sanctioned by the Student Dean shall have the option to appeal on the basis of the severity of the penalty and/or violation of the student's rights as contained in these procedures. Any such appeal must be made and submitted to the Student Dean's Office no later than ten (10) business days after issuance of the findings. All appeals will be taken before the Campus President or their designee.

Appeals must be made in writing and must contain a description of the specific errors upon which the appeal is based, or they must contain a statement that the sanction is too severe. Appeals in cases involving responsible pleas shall not place at issue any matter of fact or law previously settled by the responsible finding. Appeals in cases involving criminal court guilty pleas shall not place at issue any established facts of law ruled upon by the criminal court.

The Campus President will have ten (10) business days to set a time and place for a hearing on the points raised by the appeal if a hearing is requested in the written appeal. After consideration of the facts presented by the student and MDC, the Campus President shall issue a written determination either:

1. Affirming the action of the Campus Discipline Committee and/or the Student Dean;
2. Remanding the matter to a new Hearing Officer for a new hearing before a different Campus Discipline Committee;
3. Reducing the penalty; or
4. Dismissing the charge(s) against the student.

**Y. Final Appeals**

Determination by the Campus President or their designee is final on behalf of MDC and may not be further appealed.

**Z. Administration of Discipline When Committee is Not in Operation**

Whenever the Campus Discipline Committee is not in operation, such as during vacation or examination periods, and there is a not-responsible plea during that time, the case will be referred to the Student Dean for adjudication.

**III. PROCEDURE FOR COLLEGE DISCIPLINARY ACTIONS RELATED TO SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING, AND SEXUAL HARASSMENT**

A full investigation will be conducted by EOP/ADA/Title IX for all alleged sexual misconduct violations as outlined in Title IX of the Educational Amendments of 1972, the Jeanne Clery Act, and the Violence Against Women Act (VAWA). The investigation will proceed in accordance with the procedures outlined in [MDC Procedure 1665: Discrimination and Harassment Grievance Process](#).

**A. Supportive Measures**

The Title IX Coordinator, or an official with authority to institute supportive measures on the recipient's behalf (designee), must promptly contact the Complainant. The supportive measures must be individualized, reasonably available services that are non-punitive, non-disciplinary, and not unreasonably burdensome to the

other party while being designed to ensure equal educational access, protect their safety, or deter sexual harassment.

Promptly after receiving the written complaint, the Title IX Coordinator, or designee, will contact the Complainant to (1) explain the availability of supportive measures designed to restore or preserve equal access to the College's educational programs and activities; (2) explain that the supportive measures are available with or without a formal complaint; (3) always consider the Complainant's wishes with respect to supportive measures. All supportive measures provided to a Complainant will be maintained confidential to the extent that the maintenance of those supportive measures does not hinder the College's ability to provide them

### **B. Informal Resolution of Complaint**

The College, at its discretion, may choose to offer informal resolution options, if both parties give voluntary, informed, written consent. The parties to the Charge may not be required to participate in the informal resolution.

Informal resolution may be offered only if a formal complaint is filed. Prior to agreeing to a resolution, at any time, either complainant or respondent may withdraw from the informal process and resume the grievance process related to the formal complaint. The informal complaint process may not be used to resolve allegations that an employee sexually harassed a student. The College may not require a waiver of the right to an investigation and settlement of formal complaints as a condition of enrollment, continuing enrollment, or enjoyment of any other right.

The informal resolution process will be handled by the Student Dean's Office, in consultation with the Title IX Coordinator, in cases where the Complainant is a student, an applicant for admission, or the complaint involves a student as the Respondent.

No later than ten (10) business days after the filing of the complaint, the Student Dean's Office will meet separately with the Complainant and Respondent to determine the factual allegations on which the complaint is based and to discuss the complaint procedures.

If it is determined that the complaint is suitable for informal resolution, that option will be discussed and offered to the Complainant and Respondent, who will be given five (5) business days to decide whether to proceed with informal resolution.

Informal resolution should be completed no later than 30 business days after the Complainant and Respondent have agreed to this process.

At any time during the informal resolution process, either party may elect to terminate the process, and the complaint will then be investigated through the formal grievance process as outlined in [\*MDC Procedure 1665: Discrimination and Harassment Grievance Process\*](#).

If the complaint is successfully resolved through Informal Resolution, each party will sign a "Memorandum of Understanding" prepared by the Title IX Coordinator, which describes fully the terms of the agreement. A copy of the complaint and the "Memorandum of Understanding" will be signed and provided to both Complainant and Respondent.


If the complaint is deemed unsuitable for informal resolution, or if either party declines to participate in or make a decision regarding informal resolution, the complaint will then be investigated through the formal grievance process as outlined in [\*MDC Procedure 1665: Discrimination and Harassment Grievance Process\*](#).

**C. Formal Grievance Process**

The formal grievance process will consist of a full investigation, conducted by EOP/ADA/Title IX in accordance with [MDC Procedure 1665: Discrimination and Harassment Grievance Process](#). At the conclusion of the investigation, in consultation with the Title IX Coordinator, the Student Dean’s Office will hold a live hearing, make a determination, and provide information related to the appeal process.

**D. Hearing Outcome Notifications (Sexual Violence/Misconduct)**

The College shall provide simultaneous notification, in writing, to both the Complainant and the Respondent of the result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking; the College’s procedures for the Respondent and the Complainant to appeal the result of the disciplinary proceeding; any changes to the result; and when the results become final.

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|  | 02/12/2024  |
| <b>PRESIDENT</b>   | <b>DATE</b> |