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# STUDENT RIGHTS & RESPONSIBILITIES

## *PREFACE.*

**T**he office of Vice President of Student Services is pleased to present this revised edition of the Tohono O’odham Community College Student Rights and Responsibilities Handbook, effective September 9, 2004.

The Tohono O’odham Community College (TOCC) was established by Tohono O’odham Nation Legislative Council Resolution No. 98-006 on January 12, 1998. Now in its fifth year, Tohono O’odham Community College is undertaking steps to ensure and protect its college community and to implement the administrative, student and academic policies adopted by the College Board of Trustees on October 12, 2000. This revised Student Handbook provides the guidelines for those policies and is an educational, management, and operational tool to define appropriate student behaviors and responsibilities. It further provides the procedures to guide and govern any College employee who participates in resolving disputes related to student complaints, conduct and ethical behavior. Familiarity and compliant with this Student Handbook and the regulations and procedures outlined here rein is the responsibility of all College employees.

All students at Tohono O’odham Community College are considered responsible adults and are accountable for their own personal behavior. The College expects all students to comply with the laws o the Tohono O’odham Nation, federal and state laws and to conform to the College’s standard of conduct.

Note: This Handbook and the Guidelines and Procedures set forth herein also apply to the College’s Apprenticeship Program students except in those instances where this Handbook, Guidelines and Procedures are in conflict with the Apprenticeship Program Policy Manual and Handbook shall apply.

### **Vision**

The Tohono O'odham Community College's vision is to become the Tohono O'odham Nation's center for higher education, and to enhance the Nation's participation in the local, state, national, and global communities

### **Mission**

Our mission is to enhance the unique Tohono O'odham Himdag culture by strengthening individuals, families, and communities through holistic, quality higher education services. These services will include research opportunities and programs that address academic, life, and development skills.

### **Tohono O'odham Community College's goals are:**

To strengthen academic learning that will reinforce a strong competitive spirit to participate in an ever-changing society.

To include O'odham Elders as primary resources, instructors, advisors and counselors as a means of reinforcing Tohono O'odham Himdag.

To recruit highly qualified faculty and staff who are dedicated to the art of teaching, advising and service specifically to the Tohono O'odham Community.

To ensure that integration of appropriate Tohono O'odham Himdag in the physical environment, curriculum, and processes of the College.

To ensure that curricular offerings are relevant to the needs of individuals and communities in fundamental skills, i.e., general reading, writing and math skills; and

To establish a technology core that will enable the students and the broader community to meet the challenges of the future.

### **PHILOSOPHY**

The establishment of Tohono O'odham Community College provides an opportunity to all interested individuals who wish to pursue and explore knowledge and training in specified areas and an opportunity for each student to utilize the learning gained to better improve their lives and contribute to the overall welfare of the community in which they reside. The staff, faculty and administration of the college believes that democratic processes require the active participation of an educated citizenry.

Rapid change and continued growth in the fields of human relations, technology, the professions, and industry make imperative provision for higher levels of education o

empower student to make choices that not only are applicable to the local community, but also valuable at the national and global level.

Tohono O’odham Community College has responded to the challenge of educating student by providing a comprehensive curriculum, a program of student activities, and a variety of cultural activities to serve students and the community. Sharing a common mission, the administration, faculty, staff, and students of Tohono O’odham Community College join to create a positive learning College Community.

An excellent college education must also fit individual needs. Thus, one of the goals of Tohono O’odham Community College is to assist and guide each individual to greater knowledge, understanding, self-fulfillment, and to achieve the individual’s stated educational goals.

#### ACCESS TO HIGHER EDUCATION

The vision, mission, and philosophy of Tohono O’odham Community College insures that nay eligible person who wishes to enroll in the College will be admitted if space is available, and if the student is able to benefit from the curricular offerings of the College, provided that such admission is not inconsistent with the best interests of the applicant, other students, or the orderly operation of the College.

#### ASSOCIATION AND ORGANIZATION

Students are free to organize, establish and join associations to promote their common interests, provided such organizations are consistent with the provisions of law and are not disruptive or of an adverse nature to the educational goals of the College Community. Participation in campus organizations and activities is open to all students.

#### II. STUDENT RIGHTS

Students of Tohono O’odham Community College have certain rights as citizens of the College Community. Students have right to an academic evaluation which is neither prejudiced nor capricious. At the same time, they are responsible for achieving standards of academic performance established for each course in which they are enrolled.

Information about students’ view, beliefs, and political associations are considered confidential and under no circumstances will become part of their records or transcripts. A student’s official transcript and records will be released to persons outside the College only upon written request of the student. Students must be informed of any requests received from off-campus persons or agencies and will make the necessary decision regarding release of information based on the College Board of

Trustees Board Policy Number 205, Official Records and Transcripts, adopted October 12, 2000. Board Policy 205 designated the Director of Admissions & records or the Vice President of Student Services as custodian for maintaining and controlling student records.

Students have the right to expect instructors, advisors, and counselors to post and maintain office hours. For each course in which students are enrolled, they have the right to receive a detailed course syllabus highlighting all course requirements, instructor expectations, and grading standards within the first week of classes.

Students also have the right to due process in responding to any complaint or College action against them.

Time deadlines outlined herein may be extended at the sole discretion of the appropriate Vice President.

## STUDENT COMPLAINTS

A student with a complaint that a policy or procedure of the College has been incorrectly or unfairly applied to the student, or a student who wishes to make a formal charge because of a person's behavior has recourse through the complaint procedures in the Handbook. In most instances complaints can be resolved through an informal process beginning with talking to the individual or a supervisor if necessary. In certain instances, a more formal complaint procedure may be necessary.

## AMERICAN WITH DISABILITIES ACT/EQUAL OPPORTUNITIES/DISCRIMINATION (ADA/EEO)

Tohono O'odham Community College has a policy that prohibits discrimination on the basis of race to all programs, classes, services and facilities, and includes, but is not limited to, applications, admissions, access to programs, and employment. See policies in Appendices G and H.

Student complaints alleging violations of the American with Disabilities Act (ADA) and applicable Equal Opportunity and Dissemination laws, ordinances, and policies should be reported to the Vice President of Student Services to begin the formal complaint process. All complaints will be investigated in an impartial and confidential a manner as reasonably possible.

Copies of the ADA & Equal Opportunity/Discrimination Complaint Procedure are available upon request from the office of the Vice President of Student Services.

## ACADEMIC POLICY COMPLAINTS

Complaints arising from a perceived misapplication of academic policy or from classroom or instructional disputes should be addressed first with the instructor. If

possible adjustments should be made at this level and agreement reached. If the student is unable to reach agreement with the instructor, the student may take the complaint to the Vice President of Education. The procedure followed for classroom and other instructional disputes will be the same as it is for complaints about grading procedures.

## GRADING COMPLAINTS

Based upon professional judgment, the instructor is solely responsible for the semester/session grade assigned. Normally no instructor may be directed to change a grade. However, where mistake, fraud, or bad faith by the instructor is proven, the instructor may be directed to change the grade which resulted therefrom. The burden of proof for the existence of mistake, fraud, or bad faith on the part of the instructor is the responsibility of the student. Complaints about grading are resolved at the level of the Vice President of Education.

## COMPLAINT PROCEDURE FOR ACADEMIC AND GRADE DISPUTES

The complaint procedure for Academic and Grade Disputes must be completed within forty days (40) of the conclusion of the semester or session in which the student was enrolled in the course in which the challenged practice occurred or for which the grade is being challenged. Failure to comply with the filing deadlines at any step and any decision on the complaint at the terminated step shall be final without further right of appeal.

When a student believes that college academic regulations, including college grading practices or procedures and/or faculty grading criteria have not been followed, the student should attempt to resolve the issue by discussing the differences of opinion with the student's instructor. All discussions between the student and instructor concerning the complaint are confidential and should be discussed privately. The points at issue should be well defined to keep the discussion as objective as possible. If the problem between the student and the instructor cannot be resolved at this level, the student may initiate formal complaint by following step one below within five (5) days after the informal meeting with the instructor.

### Step 1 – Formal Complaint and Meeting Request

The student must submit to the Vice President of Education a written request for a meeting to resolve the complaint. The written request must include a detailed description of the formal complaint and appropriate documentation. The student must submit the request, complaint and documentation within five (5) working days after the student's informal meeting with the instructor. The Vice President of Education shall convene a Mediation Hearing Committee within five (5) working days thereafter.

## Step 2 – Notice to Mediation Hearing Committee

The Vice President of Education shall notify in writing the members of the Mediation Hearing Committee of the scheduled meeting date. The Mediation Hearing Committee shall be composed as follows:

1. An education administrator appointed by the Vice President of Education shall function as the Mediation Hearing Committee Chair.
2. The student filing the complaint; and
3. The instructor involved.

## Step 3 – Mediation Hearing Committee Meeting

The Mediation Hearing Committee will attempt to resolve the issue at this level through discussion. Meetings of the committee will be closed to all observers. If the issue cannot be resolved to the satisfaction of the instructor and student at this step, the Mediation Hearing Committee Chair shall decide if the complaint is valid and what appropriate action will be taken. The Committee Chair's written decision and proposed action shall be sent to the Vice President of Education within (5) working days after the Mediation Committee meeting date. Copies of the decision and proposed action shall be sent to the student and instructor involved. If there is no appeal by either party, the action proposed by the Committee Chair shall be taken.

## Step 4 – Appeal to Vice President of Education

If the student or instructor is dissatisfied with the Committee Chair's decision and proposed action, an appeal must be filed within five (5) working days of receipt thereof with the Vice President of Education. The appeal shall be written memorandum outlining the nature of and the basis or dissatisfaction with the decision or action taken. A copy of the appeal shall be given to the Committee Chair and the student or instructor, as applicable.

The Committee Chair may file response to the appeal with copies to the student and instructor. Any such response must be filed by the Committee Chair within five (5) working days of receipt of an appeal by the Vice President of Education.

Once the Vice President of Education has received the appeal and a written response from the Committee Chair, the Vice President may meet with the student and instructor, separately or together, at the Vice President's discretion within five (5) working days after receipt of the appeal memorandum.

## Step 5 – Final Decision by Vice President of Education

Within five (5) working days after meeting with the student and instructor, the Vice President of Education shall prepare a written decision which will be sent to the student, to the Committee Chair, and to the appropriate instructor. The Vice President of Education has discretionary power to uphold, reverse, or modify the recommendation of the Mediation Hearing Committee Chair.

The decision of Vice President of Education is final and completes the procedure for a complaint about instructional, academic, grading, or grading regulation, criteria, practice or procedures at Tohono O'odham Community College. The Office of the Vice President of Education shall be the official repository of records regarding decisions or actions involving an Academic or Grade Regulations complaint.

A Flowchart of the Academic or Grade Regulations Complaint Procedure is included as Appendix B to the Handbook.

### SEXUAL HARRASSMENT

Tohono O'odham Community College is committed to maintaining an environment for work and education which is free of discrimination. It is the policy of the College that no member of the College community shall engage in sexual harassment. Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favor(s), or other verbal physical conduct of a sexual nature, or the creation of a hostile work or learning environment through sexual overtones.

Student complaints alleging sexual harassment should be reported to the Vice President of Student Services to initiate the complaint procedure. A copy of the Tohono O'odham Community College Sexual Harassment Policy is attached as Appendix A.

### OTHER COMPLAINTS AGAINST TOCC EMPLOYEES

Student complaints against TOCC employees including faculty, College personnel and/or administrators alleging misconduct or unprofessional conduct which is not perceived by the complainant as discriminatory, sexually harassing, a misapplication of academic regulations, or an academic and grade regulations complaint should be reported to the Vice President of Education or Vice President of Student Services.

### III. STUDENT RESPONSIBILITIES

Enrollment in Tohono O'odham Community College carries with it the obligation that the student will be responsible citizen of the College. At the same time, the College has the responsibility of informing students of their rights and responsibilities, defining reasonable standards of behavior, and assuring substantive and procedural due process.

It is essential that all student students, as well as other members, of the College Community, be responsible for the well-being and stability of Tohono O’odham Community College. To accomplish this, all members of the College Community must adhere to the following responsibilities:

1. Cooperate with college employees in the performance of their duties and authorized activities.
2. Refrain from obstructing other students from obtaining a college education.
3. Meet all financial obligations to the College.
4. Obey laws and regulations of the Tohono O’odham Nation and applicable federal and state laws and regulations, and Tohono O’odham Community College policies.
5. Give accurate and complete information for all official records required by the College.
6. Obey all regulations of the College, including the Student Code of Conduct and the Scholastic Ethic Code.
7. Carry identification at all times while on College property.

#### STUDENT CODE OF CONDUCT VIOLATIONS

Inappropriate and/or illegal student conduct that are grounds for disciplinary action include, but are not limited to, the following:

1. Dishonesty, such as knowingly furnishing false information to the College.
2. Forgery, alteration, or misuse of College documents, records, identification, e-mail, or other electronic information.
3. Obstruction or disruption of teaching, administration of the College, disciplinary procedures, or other College activities, community service functions, or other authorized activities sponsored by the College on or off College premises.
4. Physical abuse of any person on College-owned or controlled property or at College-sponsored or supervised functions or conduct that threaten or endangers the health or safety of any person.
5. Psychological abuse of any person on College-owned or controlled property or at College-sponsored or supervised functions. This included threats,

stalking, harassing, including sending harassing or threatening messages via e-mail, and the use of telephone to terrify, intimidate, threaten, harass, annoy, or offend.

6. Theft of or damage to property of the College or of a member of the College community or of a visitor to the College.
7. Unauthorized entry or occupancy of College facilities or blocking access to or exit from such areas.
8. Unauthorized use of College supplies or equipment.
9. Violation of copyright laws as they apply to print, audio/video, and computer software materials.
10. Violation of trademark laws and protection as they apply to the Tohono O'odham Community College logo, College Seal, and College licensed merchandise.
11. Violation of College policies or campus regulations.
12. Use, possession, or distribution of illegal drugs and other substances on campus or at any College-sponsored event.
13. Use, possession, or distribution of alcoholic beverages on College property or appearance at the College or any College-sponsored event for students while under the influence of alcohol.
14. Disorderly conduct, lewd, indecent, or obscene or expression, breach of the peace, violent behavior on College-owned or controlled property or at College-sponsored or supervised functions.
15. Failure to comply with directions of College officials acting the performance of their duties.
16. Possession or use of firearms, explosive, dangerous, chemical, substances, instruments, or other weapons which can be used to inflict bodily harm on any individual or damage to a building or grounds of College-owned or controlled property.
17. Engaging in lotteries or other forms of gambling on College-owned or controlled property.
18. Leaving unattended minor children on College-owned or controlled property or at College-sponsored or supervised functions without making provisions for them to be cared for and supervised.

19. Use of computers for unauthorized purposes and engaging in any activity aimed at compromising computer systems or network security.
20. Inappropriate use of electronic devices. Students should avoid using pagers, beepers, cellular phones, or any other instrument that might be disruptive in an academic setting.
21. Failure to obtain prior approval from the Vice President of Student Services or appropriate College administrator for: soliciting of any type which involves the College student body, college employees, or visitors; posting or distributing information of any kind within the premises of the College Campus; selling merchandise on College property by a student or a student organization and any other fund raising activity.

#### COMPLAINT PROCEDURE: STUDENT CODE OF CONDUCT

Informal discussion between persons directly involved in a possible violation of the Student Code of Conduct is essential throughout the complaint process. An acceptable solution should be sought before the persons directly involved in the dispute have assumed an official or public position.

If no resolution is reached through informal means, the member of the College community who observed an action that may constitute a violation of the Student Code of Conduct shall file an Incident Report with the Vice President of Student Services.

##### Step 1- Formal Complaint: Incident Report

A written Incident Report of an alleged violation of the Student Code of Conduct must first be given to the Vice President of Student Services. The written incident report is a formal charge and must include a description of the alleged behavior and documentation. The Vice President of Student Services may choose to begin an informal investigation of the alleged prior to official notification of the student. In cases involving disruptive behavior or verbal or physical abuse, the Vice President of Student Services may immediately suspend the student while a complete investigation is being completed.

##### Step 2 – Notice to the Student

The Vice President of Student Services shall notify the accused student with a written Notice of Violation, which includes the following:

- The nature and date of the alleged violation;
- Instructions on how to request a meeting with the Vice President of Student Services;

- The consequences of the student's failure to schedule a meeting, such as proceeding without the student's attendance and possible range of disciplinary penalties, i.e. restitution, reprimand, probation, temporary exclusion, withholding degree or grade, or time-specific suspension.

A simple form for notifying the student of a code violation is included as Appendix C to this Handbook.

The Vice President of Student Services shall send to the student an official copy of the Tohono O'odham Community College Student Code of Conduct, along with the Notice of Violation. A copy of the Notice of Violation will be filed simultaneously with the President of the College and the individual who initiated the formal complaint. The student must contact the Vice President of Student Services within five (5) working days after the student is notified of the violation; otherwise, the Vice President of Student Services may assess a suitable disciplinary penalty as noticed in the initial Notice of Violation. After the student requests a meeting date set by the Vice President of Student Services, the Vice President of Student Services shall notify the charging party with a copy to the College President of the meeting date.

#### Step 3 – Meeting with the Vice President of Student Services

The Vice President of Student Services shall meet with the student and the individual who initiated the formal complaint, separately or together, at the Vice President's discretion.

The individual who initiated the formal complaint will present facts in support of the alleged Student Code of Conduct violation. The accused student has the right to review the facts and/or ask questions of the witnesses, present additional facts and witnesses, and respond to the accusations.

At the conclusion of the meeting, the Vice President of Student Services may determine that the student did not violate the Student Code of Conduct, in which case the matter is closed.

Alternatively, the Vice President of Student Services may find the student in violation of the Student Code of Conduct, in which case the Vice President of Student Services may impose a disciplinary penalty. The decision of the Vice President of Student Services is final. The Vice President shall advise the student of the decision in writing and send a copy to the College President and charging party within five (5) working days of the meeting with the student.

#### Step 4 – Appeal to the Student Conduct Review Committee (SCRC)

The student must submit a written and signed Notice of Appeal stating the basis for the appeal. The Notice must be submitted to the Vice President of Student Services within five (5) working days after the student's receipt of the Vice President's decision.

Failure to file an appeal within five (5) working days constitutes acceptance of the decision. If the student files a written and signed Notice of Appeal within the required time period, the Vice President of Student Services shall notify the student of the time and place for a meeting with the Student Conduct Review Committee (SCRC). The notification of said meeting will be delivered to the student at least ten (10) working days prior to the hearing. This ten (10) day notification may be waived by mutual agreement of both parties if the student wishes to expedite the hearing.

#### Step 5 – Hearing Before the Student Conduct Review Committee (SCRC)

The Vice President of Student Services shall convene a Student Conduct Review Committee (SCRC) and provide instructions on procedures to the Committee. The SCRC, selected by the Vice President of Student Services shall consist of the following members:

1. Two Students;
2. Two Faculty Members;
3. A fifth person acceptable to a majority of the two students and two faculty members.

The committee members shall elect a Chairperson for the SCRC. The Vice President of Student Services shall appoint a recording secretary.

The recording secretary shall take a tape recording of the hearing. The proceedings must remain confidential. Instructions from the Vice President of Student Services shall include the need for confidentiality in this process. Faculty, staff, or students who know the student requesting the hearing shall be exempt from the Committee. The Chair of the Committee shall secure replacements for exempt faculty, staff, or students. The Vice President of Student Services shall not be present during the formal part of the hearing.

The student has the right to have present an on-campus representative, excluding attorneys, to insure the student understands the alleged violation and the student's rights under the Student Code of Conduct. The advocate's role is limited to clarifying the student's due process right under the Student Code of Conduct and shall not be permitted to examine any person at the hearing or argue the Student's position.

#### SCRC Hearing Procedure

1. The hearing shall be closed to the public to protect privacy and maintain confidentiality of the persons involved. A person may assert the privilege against self-incrimination by remaining silent in the hearing and such silence cannot be used against the student. The Committee shall make a recommendation based upon the evidence presented.

2. The student may present witnesses on the student's behalf. These witnesses shall speak directly to the issue or violation and not to the general character of the student. The number of witnesses may be limited by the SCRC.
3. The Chairperson shall review the procedures with all parties.
4. Only the Committee and student may ask questions.
5. The student may hear all testimony.
6. The student may question each witness.
7. Each witness shall be limited to ten minutes of testimony.
8. Each witness may be questioned for no more than ten minutes.
9. No witness can listen to other testimony or remain in the hearing after giving testimony.
10. The individual initiating the formal complaint testifies first.
11. The student appealing then presents a response; then the student's witnesses in support thereof.
12. Witnesses shall not be interrupted during their testimony.
13. The hearing shall proceed in a calm and orderly manner following all of these procedures. If the procedures are not followed, the SCRC chairperson shall close the proceedings and make a recommendation based only on the information that has been presented.
14. Any verbal abuse or threats directed toward members of the SCRC or witnesses may result in violation of the Student Code of Conduct and/or discontinuance of the process. Should the hearing be terminated, the Vice President of Student Services may recommend to the College President that the student be suspended, or expelled from the college for a specified period of time.

#### Step 6 – Recommendations

- Should the appealing student or the person bringing the complaint or any witness voluntarily fail to appear before the SCRC after receiving written notification, the SCRC has full authority to proceed to a recommendation.
- The committee will deliberate immediately after the hearing.

- The vote will be a secret, paper ballot to be counted by the Committee Chair.
- The recommendation(s) must indicate that “a preponderance of the facts” submitted indicates that a violation of the Student Code of Conduct did occur and the severity if the punishment was merited.
- The recommendation(s) shall be written, signed by each Committee member, and forwarded to the Vice President of Student Services with a copy to the College President within five (5) working days of the hearing.
- The SCRC recommendation to the Vice President of Student Services with a copy to the College President is confidential and shall remain confidential.
- The SCRC may make one of the following recommendations or other recommendations relating to the resolution of the matter:
  - (4) The penalty imposed be upheld;
  - (5) The penalty imposed be changed and a harsher or lesser penalty be imposed; or
  - (6) No penalty should be imposed.

#### Step 7 – Final Decision

The Vice President of Student Services, within five (5) working days, after receipt of the SCRC recommendations shall provide the student written notice of a final decision with a copy to the College President and the charging party. The decision of the Vice President of Student Services is final. The Office of the Vice President of Student Services shall be the official repository of records regarding decisions or actions involving the appeal process. A flowchart of the Student Code of Conduct Complaint Procedure is included as Appendix D to the Handbook.

#### IMMEDIATE SUSPENSION OR EXCLUSION FROM COLLEGE PROPERTY OR ACTIVITIES

An instructor, staff member, or student who believes that a student is engaging in disruptive activities may:

1. Inform the student that such behavior is in violation of the Tohono O’odham Community College Student Code of Conduct and may result in the student’s suspension or exclusion from the College campus or activity.

2. Notify the Tohono O’odham Nation’s Department of Public Safety if a threat to the complaining party’s safety or the safety of others is clearly evident.
3. Notify the Vice President of Student Services, or in the Vice President’s absence, the College President, of the incident.

A student may be immediately suspended or excluded from College Property when the student’s conduct causes or precipitates situations that include, but are not limited to:

1. A threat to the peace, safety, or welfare of any person or group, including the student’s.
2. Disruption of, or threat to educational activities.
3. The possibility of physical property of the College being damaged.

The decision to immediately suspend or exclude a student rests with the Vice President of Student Services. The College President shall be notified by the Vice President of Student Services of any such suspension or exclusion. The immediate suspension or exclusion may remain in effect until a final decision had been made.

An immediate suspension or exclusion applies to all campuses and activities on or off campus, sponsored by Tohono O’odham Community College. The Vice President of Student Services shall notify the student by letter of the decision to immediately suspend or exclude the student from campus with a police escort only to pick up personal possessions, attend a meeting with the Vice President of Student Services, or to participate in a SCRC hearing.

A sample of a form that may be used to notify a student of immediate suspension or exclusion is included as Appendix E to the Handbook.

## DISCIPLINARY PENALTIES

Progressive disciplinary penalties that may be imposed on a student for misconduct, violation of law and/or college rules and policies include:

1. Restitution: Restitution is a repayment. The student must pay for damages to property or for loss of property.
2. Reprimand: A Reprimand is a written statement of student misconduct which places on record that a student’s conduct in a specific instance did not meet the standards expected at the College. A written reprimand from the Vice President of Student Services to the student serves as a warning that continued conduct of the type described in the reprimand or other misconduct may result in formal discipline against the student. At the end of a specified amount of

time defined stated in the reprimand, the student who has displayed appropriate conduct will be automatically removed from reprimand, the student status by the Vice President of Student Services.

3. Probation: Probation is a formal action for violation of College rules and regulations placing conditions upon the student's continued attendance at Tohono O'odham Community College. After close evaluation of the individual case, the Vice President of Student Services may restrict the College-related activities of a student. The Vice President will specify, in writing, the period of probation and the conditions, including a warning that further violations may result in necessary action to be referred to the appropriate law enforcement agency. Disciplinary probation may be for a specific term or for an indefinite period that may extend to graduation or to earlier termination of the student's enrollment at the College.
4. Temporary exclusion: A temporary exclusion prohibits a student's participation in specific activities of the College for a specified length of time. During the period of exclusion, the students cannot participate as a member of the College community in such activities as: registering for courses, attendance in class, participation in or initiation into honorary or services organizations, intramural sports, and intercollegiate athletics. The conditions of the temporary exclusion shall be in writing and remain in effect until the student has been reinstated by the Vice President of Student Services or the student's obligations to the College have been met.
5. Withholding of an academic record or degree: The student cannot obtain a copy of a transcript or receive a degree of a disciplinary case is pending final disposition.
6. Suspension-time specific or exclusion: A time-specific suspension is total exclusion from College property or College sponsored activities for a specified period. A student who is found to have committed a serious violation of College rules or regulations may be dismissed from the College. A student has the right to petition the College for readmission and to present assurances that such violations will not occur again. The Vice President of Student Services may readmit the student to the College. If readmitted, the student may be disciplined as a condition of readmission. All documentation pertaining to a time-specific suspension or exclusion shall be on file in the office of the Vice President of Student Services.

#### IV. Scholastic Ethic Code

The purpose of the Scholastic Ethics Code is to encourage and promote positive learning and ethical student behavior, define behavior violating scholastic ethics, specify procedures for the determination of the facts of the alleged violations, and to define penalties. It is the responsibility of the student to maintain the highest ethical

standards in academic achievement within the positive learning environment provided by the College.

## GUIDELINES FOR SCHOLASTIC ETHICS

Students assume full responsibility for the content and integrity of the course work they submit. The following is a guide to assist students in observing positive behavior in scholastic ethics:

1. Students must do their own work and submit only their own work on examinations, reports, and projects, unless otherwise permitted by the instructor.
2. Students can benefit from working in groups. They may collaborate or cooperate with other students during take-home examinations only if specifically authorized by the instructor in the class syllabus or at the time of the examination.
3. Students must follow all written and/or verbal instructions given by instructors or designated College representatives prior to taking examinations, placement assessments, test, quizzes, and evaluations.
4. Students are responsible for adhering to course requirements as specified by the instructor in the course syllabus.

## SCHOLASTIC ETHICS VIOLATIONS

Students enrolled in the College assume the obligation of conducting themselves in accordance with the highest ethical standards. Actions constituting violations of scholastic ethics include, but are not limited to the following:

1. Cheating: Intentional deceit during the pursuit of academic course work, tests, class assignments, activities in any testing area, learning center, clinical setting, tutoring sessions, or in the gathering of research materials is considered cheating. “Cheating on test” includes, but not limited to, the following:
  - (1) Copying from another student’s test paper or knowingly allowing your test to be copied.
  - (2) Using materials during a test, which were not clearly authorized by the person giving the test.
  - (3) Collaborating with another student during a test without permission.

- (4) Knowingly using, buying, selling, offering, transporting, or soliciting any of the contents of a test.
- (5) Students substituting for other individuals in order to fraudulently take a test.
- (6) Bribing or attempting to bribe another person to obtain a passing grade or a better grade on a test or for a course.
- (7) Intentional misconstruing of facts or incidents relating to an exercise or assignment that would change the grade given.

2. Plagiarism: The representing of the work of others as one's own, including the use of term papers written by other, is plagiarism. The use of another's words, ideas, or information without acknowledgement is also plagiarism. The student should seek guidance from the instructor about acceptable methods to be used to acknowledge the work and ideas of others.
3. Collusion: Obtaining from or giving to another student unauthorized assistance on material in any course work.
4. Compromising Instructional and Test Materials: Unauthorized acquisition of instructional and/or testing materials from desks, cabinets, work rooms, classrooms, laboratories, instructor's offices, tutoring labs, testing areas, assessment areas, secretarial offices, college offices, and/or other areas is compromising test materials.
5. Misrepresentation/Fraud: Using false identification papers, unauthorized I.D. cards, or computer access to official college documents or to services such as testing areas, placement assessments, tutoring services, and tests or test banks of any type is misrepresentation/fraud.

#### COMPLAINT PROCEDURE: SCHOLASTIC ETHICS

When an official of the College is made aware of an alleged violation of the Scholastic Ethics Code, the official will notify the instructor of the class in question in writing as soon as possible, unless the instructor is the person making the charge. The instructor is responsible for officially charging the student with the violation of the Scholastic Ethics Code. Staff and student reports alleging violation of this code are unofficial complaints that will be researched by the instructor prior to taking action as authorized in the complaint procedure.

Before taking formal action, the instructor should attempt to solve the problem informally by talking with the student directly to discuss the alleged violation. This conversation should be conducted confidentially and in private. Pertinent issues should be well-defined so that they may be discussed as objectively as possible.

If the issue cannot be resolved at this level, the instructor then notifies the student that a formal complaint will be filed. The instructor may then file a formal complaint with the Vice President of Education alleging the Student's violation of the Scholastic Ethics Code.

#### Step 1 – Formal Complaint and Meeting Request

The instructor submits a formal, written complaint to the Vice President of Education or appropriate supervising administrator asking for a meeting to resolve the alleged student violation of the Scholastic Ethics Code. This complaint must include a detailed description of the alleged violation with available documentation. The instructor must initiate the complaint within five (5) working days after meeting with the student. The Vice President of Education shall convene the Mediation Hearing Committee within ten (10) working days of receipt of the formal complaint and supporting documentation.

#### Step 2 – Notice to Mediation Hearing Committee

The Vice President shall notify in writing the members of the Mediation Hearing Committee of the scheduled meeting.

The Mediation Hearing Committee shall be composed as follows:

- An education administrator appointed by the Vice President of Education shall function as the Mediation Committee Chair;
- The student accused of the code violation; and
- The instructor initiating the accusation against the student.

#### Step 3 – Mediation Hearing Committee Meeting

The committee will discuss the alleged code violation in an attempt to resolve the issue at this level. Meetings of the Committee will be closed to all observers.

If the issue cannot be resolved to the satisfaction of the instructor and student, the Mediation Hearing Committee shall render a decision regarding the validity of the alleged code violation and appropriate action to be taken. The written decision and proposed action of the Committee Chair shall be sent to the Vice President of Education within five (5) working days of the meeting date. Copies of the decision shall be sent to the student and the instructor involved.

If there is no appeal by either the instructor or the student within five (5) working days, the action proposed by the Committee Chair shall be taken.

#### Step 4 – Appeal to Vice President of Education

If the student or the instructor is dissatisfied with the decision or action proposed by the Mediation Hearing Committee Chair, an appeal may be made within five (5) working days of receipt thereof to the Vice President of Education. This appeal will be a written memorandum outlining the nature of and the basis for the dissatisfaction with the decision or proposed action. A copy of the appeal shall be given to the Committee Chair and the student or instructor, as applicable.

Once the Vice President of Education has received the appeal, the written record of the original complaint and documentation from the Committee Chair, the Vice President shall meet with the student and instructor, separately or together at the Vice President's discretion, to discuss the appeal. These discussions shall take place within five (5) working days of receipt by the Vice President of Education of the written appeal.

#### Step 5 – Final Decision

Within five (5) working days after meeting with the instructor and student, the Vice President of Education shall prepare a written decision, which shall be sent to the student, the Committee Chair, and the instructor. The Vice President of Education has discretionary power to uphold, reverse, or modify the recommendation of the Mediation Hearing Committee Chair.

The decision of the Vice President of Education is final and completes the procedures for complaint of student violation of Scholastic Ethics Code at Tohono O'odham Community College. The Office of the Vice President of Education shall be the official repository of records regarding decisions or actions involving the complaint procedure.

A flowchart of the Scholastic Ethics Code Complaint Procedure is included as Appendix F to this Handbook.

#### DISCIPLINARY PENALTIES

If a student is found guilty of violating the Scholastic Ethics Code, any one or a combination of the following penalties may be imposed.

1. Student may receive a zero (0) grade on a test, project, or report from the instructor;
2. Student may receive a "Fail" grade (F) as the semester/session grade from the instructor;
3. Student may be required to repeat the course by the instructor or Vice President of Education;

4. Student may receive a formal written reprimand from the Vice President of Education;
5. Student may be excluded from the classroom or class activities for disruptive behavior or for the rest of the class period by the instructor. However, the instructor is expected to receive the approval of the Vice President of Education or designee in order to exclude the student beyond the class period in question.
6. Student may be suspended from classroom or class activities prior to a mediation hearing for a reasonable period of time by the Vice President of Education;
7. Student may be assessed other penalties as determined by the Vice President of Education. All such penalties may be reviewed by the College President without a hearing;
8. Other appropriate penalties may also be imposed.

If a grade must be recorded due to the completion of a semester, the student may receive a grade of “Incomplete” (I) until the case is determined, at which time the “I” will be changed and the appropriate grade given.

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Appendix A  
**TOHONO O'ODHAM  
COMMUNITY COLLEGE**

Sexual Harassment  
Policy

**BOARD POLICY**

It is the policy of the Tohono O'odham Community College to maintain a learning and working environment that is free from sexual harassment. Sexual harassment is a form of discrimination based on gender or sexual orientation which is prohibited by this policy in addition to federal and Tribal law. Sexual harassment is prohibited by Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and by the personnel policies of the Tohono O'odham Nation. Analysis of complaints under this policy, however, is not strictly limited to

Title VII or Title IX analysis or theories.

Although the Board's sexual harassment policy applies to College staff, students, and members of the public while on school property, it is particularly concerned about sexual harassment of students whether by employees or by other students, as it impairs the proper atmosphere for education and often creates an inequitable environment for learning.

In addition to its negative effect upon education, sexual harassment negatively affects the characters of college students, both the harassers and the victims of harassment. It is particularly so in view of the special vulnerability of students at different stages of their personal development. It is clear that sexual harassment, whether verbal or by other conduct, can create stress and distraction, and

upsetting feelings of fear, inferiority, or anger, which are detrimental to the education of college students. Toleration of sexual harassment also sends the wrong message regarding appropriate social conduct. Sexual harassment is inappropriate behavior in college because it is inappropriate behavior in society.

The Board of Trustees therefore forbids harassment of any student on the basis of sex and will not tolerate sexual harassment of students by employees or by other students. The intent of this policy regarding conduct between employee and students is clear and straightforward: No employee of the Tohono O'odham Community College may engage in any conduct of a sexual nature with any student, regardless of the student's age, ability to consent, or actual consent.

Much of the conduct described in the detailed specification of this policy—including sexual-oriented name-calling, graffiti, teasing etc. – clearly has no place in college, and would not be welcomed by anyone. Requests for dates or other age-appropriate expressions of interest or affection, however, are not characteristically inappropriate, and can even contribute to the socialization process that is a large part of education. Accordingly, requests for dates and other age-appropriate expressions of interest between students is not sexual harassment unless the student to whom such requests or expressions are directed has indicated that they are unwelcome. When a student has made it reasonably clear that he or she does not welcome the requests for attention by another student, it is sexual harassment for the other student to continue to make such requests or give such attention. In other words, you do have to take "No" for an answer.

**It shall be a violation of this policy for any member of the college community, or member of the public while on school property, to engage in conduct or communications of a sexual nature as defined below.**

**DEFINITIONS**

Sexual harassment consists of unwelcome sexual advances or conduct of a sexual nature, requests for sexual favors, and other verbal, graphic, written, or physical conduct of a sexual nature when made by a member of the college staff, student, or member of the public while on college property, where:

Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or education; or

Submission to or rejection of such conduct is used as a basis of employment or education decisions affecting such individual; or

Such conduct has the purpose or effect of substantially interfering with an individual's educational or work performance, or creating an intimidating, hostile, or offensive employment or educational environment.

Sexual harassment may also include, but is not limited to:

Suggestive or obscene letters, notes, invitations, or derogatory comments, slurs, jokes, epithets, assault, touching, fondling, sexual molestation or assault, impeding or blocking movement, leering, gestures, display of sexually suggestive objects, posters, cartoon, or subtle pressure for sexual activity;

Verbal or physical sexual advances, including subtle pressure for sexual activity;

Sexually oriented touching, pinching, patting, staring, pulling at clothing, or intentionally brushing against another;

Showing or giving sexual pictures, photographs, illustrations, messages, or notes;

Writing graffiti of a sexual nature on college property;

Comments or name-calling to or about a student regarding alleged physical or personal characteristics of a sexual nature;

Sexually-oriented "kidding", "teasing", double-entendres, and jokes; and

Any harassing conduct to which a person is subjected because of or regarding his or her sex;

Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment) but repeated or persistent requests for dates, meetings and other social interaction after being informed that the requests are unwelcome could be sexual harassment;

Within the employment environment, implying or withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation will be failed. Within the educational environment, actual withholding or implying that grades earned or deserved would be withheld; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.

Within the employment environment, coercive sexual behavior used to control, influence, or affect the career, salary, and/or work environment of another employee. Within the educational environment, engaging in coercive sexual behavior to control, influence, or affect the education opportunities, grades, and/or learning environment of a student.

Offering favors or educational or employment benefits, such as grades or promotions, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record as a whole and to the totality of the circumstances, including the nature of the sexual advances and the context in which the alleged incident or incidents occurred.

A single incident may result in violation of this policy.

#### Standard of Conduct for Employees

No employee may engage in conduct of a sexual nature with a student at any time or under any circumstances, regardless of whether such conduct takes place on school property or in connection with any school-sponsored activity.

#### Standard of Conduct for Students: Unwelcome Conduct of a Sexual Nature.

Verbal or physical conduct of a sexual nature by one student of another may constitute sexual harassment when the alleged harassed student has indicated, by his or her conduct, that the conduct is unwelcome, or when the conduct, by its nature, is clearly unwelcome or inappropriate.

A student who has initially welcomed conduct of a sexual nature by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

#### **PROCEDURES: REPORTING, INVESTIGATION AND SANCTIONS**

Any person who alleges sexual harassment by any employee, member of the public, or student in the Tohono O'odham Community College may complain directly to the College Human Resources Office or to any college Vice-President. Notice of persons designated to receive complaints shall be posted in public areas. In the case of a student who alleges sexual harassment, the student shall complain to the Vice President of Student Services.

Anyone charged with supervisory authority who receives a complaint of sexual harassment or who has knowledge of a violation of this policy shall conduct an investigation of the alleged violation. The Vice-President shall, within five working days of the receipt of the complaint or of the time he or she obtains knowledge of the violation, report it to the President.

Aside from the foregoing general procedures, it is the express policy of the Board to encourage students who feel they have been sexually harassed by a college employee or by another student or students to report such claims in accordance with the following guidelines:

#### Reporting of Sexual Harassment by a College Employee

If a student believes he or she has been sexually harassed by a college employee, the student should begin the process by presenting a written complaint to the Vice-President of Student Services within five (5) days after the alleged harassment.

#### Reporting of Sexual Harassment by a Student or Students

Any student who believes he or she has been sexually harassed by another student or other students, may report to the Vice-President of Student Services.

## Reporting by Employees Mandatory

Any employee who receives any report of sexual harassment of a student, whether the report is given by a student, a parent, or another employee, must notify his or her immediate supervisor of such report, regardless of whether the employee receiving the report considers the report credible or significant.

## INVESTIGATION

All reports of sexual harassment of students will be appropriately and promptly investigated by the Vice-President of Student Services. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated.

## CONFIDENTIALITY

The confidentiality of all parties involved in a sexual harassment charge shall be strictly respected insofar as it does not interfere with the legal obligation to investigate allegations of misconduct and to take corrective action. Documents created as part of a sexual harassment investigation shall remain confidential and shall not be considered public records.

## SANCTIONS

A substantiated charge against a college employee of the Tohono O'odham Community College shall subject such staff member to appropriate sanctions. Examples of possible sanctions are letters of reprimand, reassignment, discipline, suspension or job termination, subject to any applicable procedural requirements.

A substantiated charge against a student shall subject that student to student disciplinary action, including suspension or expulsion, consistent with the Student Rights And Responsibilities Code and subject to applicable procedural requirements.

A substantiated charge against a member of the public shall subject that person to appropriate sanctions consistent with and/or in addition to those set forth in this Policy and applicable Federal, Tribal and State law as the case may be.

## RETALIATION PROHIBITED

Retaliation is any adverse treatment of an individual because he or she filed a sexual harassment complaint, or participated in any manner in the investigation of such a complaint. When the adverse treatment is reasonably likely to deter the individual or others from bringing sexual harassment complaints, it is grounds for a subsequent complaint which may result in discipline. Retaliation, intimidation, or harassment is strictly prohibited and will not be tolerated. If such retaliation does occur, it will be grounds for severe disciplinary action.

## NOTIFICATIONS

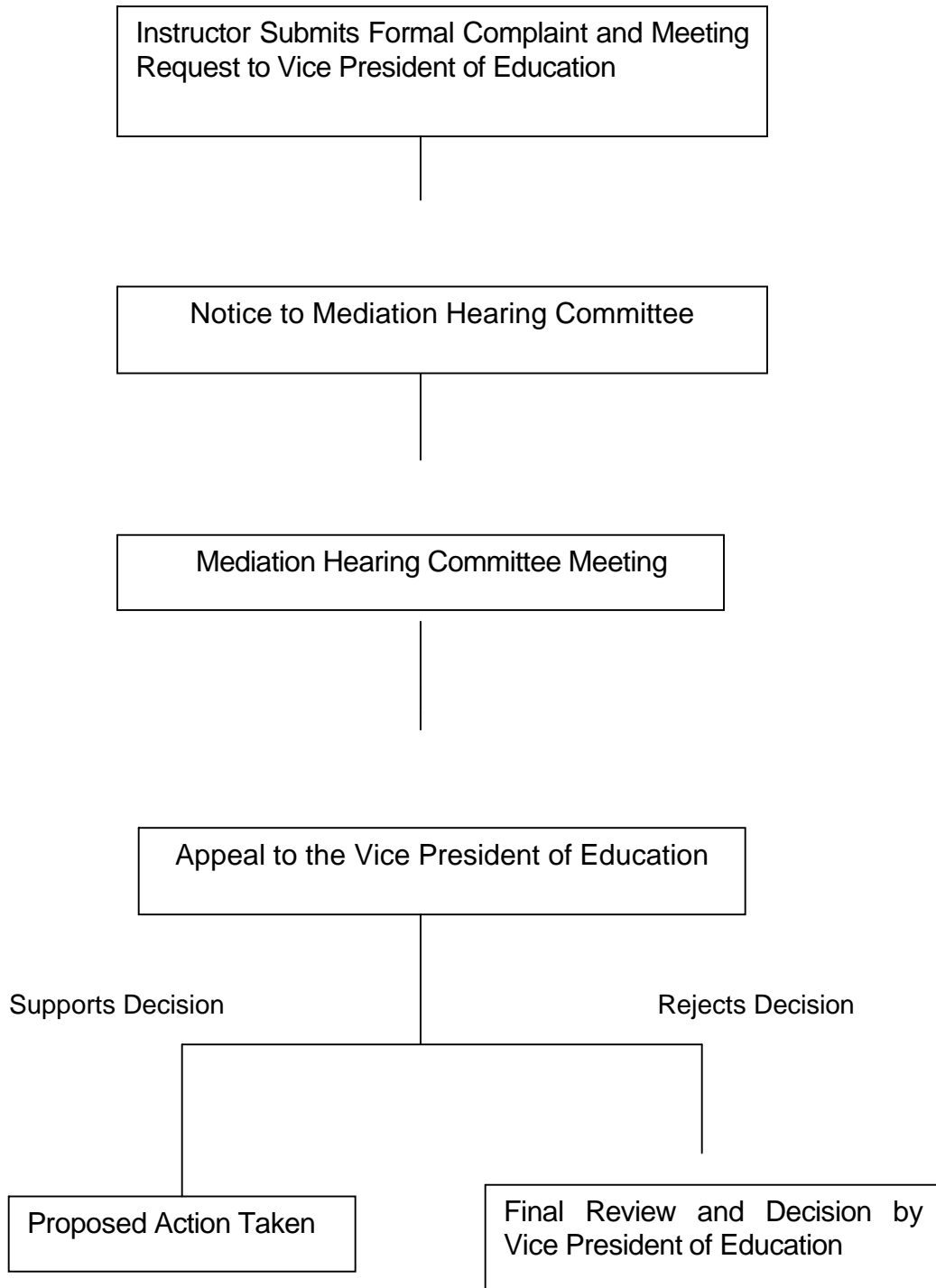
Notice of this policy shall be circulated to all departments of Tohono O'odham Community College on an annual basis and incorporated by reference in faculty and student handbooks. It will also be distributed to all organizations or vendors having cooperative agreements or contractual arrangements with the College. Failure to comply with this policy may result in termination of the cooperative agreement or contract. Training sessions on this policy and the prevention of sexual harassment shall be held for faculty, staff, and students as determined by the College President.

## FALSE REPORTING

It is a violation of this policy to knowingly report false information or allegations of sexual harassment. Persons found to knowingly report or corroborate false information or allegations of sexual harassment will be subject to appropriate disciplinary actions and possible sanctions listed in Section VI of this Policy.

Appendix B  
TOHONO O'ODHAM COMMUNIITY COLLEGE

Academic and Grade Regulations  
Complaint Procedure



**Appendix C**

**TOHONO O'ODHAM COMMUNITY COLLEGE**

CONFIDENTIAL

Notice of Violation

(Sample)

Date: _____ Day Telephone No. _____
Name: _____
Address: _____
Student ID No. _____

You have been formally charged with a violation of the Tohono O'odham Community College Student Code of Conduct.

This charge resulted from your actions on date: \_\_\_\_\_.

The specific violation/s:

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_

You have the right to defend yourself against these alleged charges. In order to do so, contact my office at (520)383-8401, and ask that a meeting be scheduled to discuss this violation.

If you do not notify me of your intent to meet with me within five (5) working days of receipt of this Notice of Violation, a suitable disciplinary penalty may be imposed on you. A copy of the Tohono O'odham Community College Student Handbook is enclosed. It is your responsibility to become familiar with the Handbook, especially the complaint procedure.

If you have any questions concerning this charge or the procedures relating to it, please contact me.

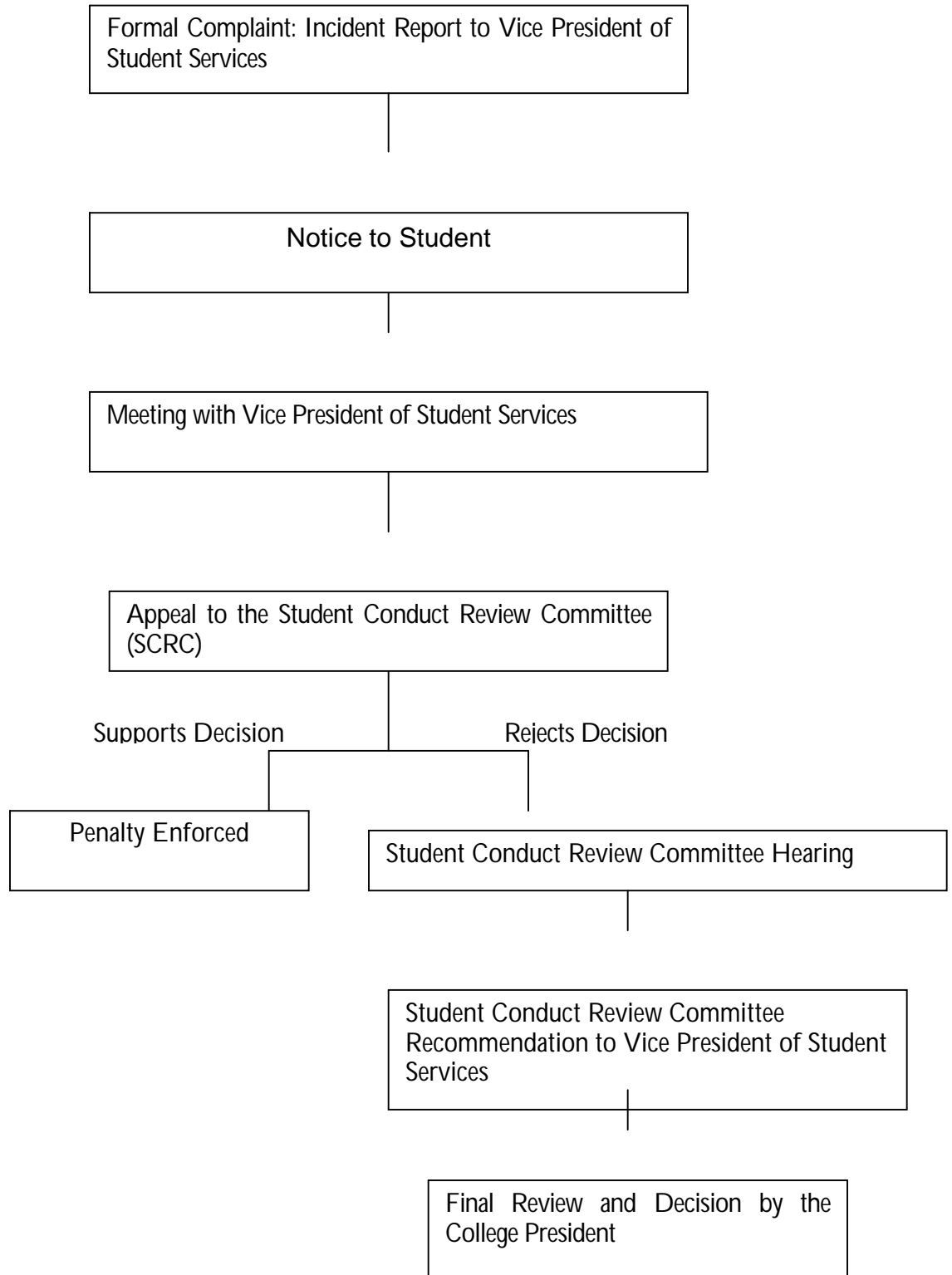
Sincerely,

Angie Listo  
Vice President of Student Services

cc: President, Vice President of Student Services, Vice Presidents of Education, Institutional Research and Development, Administrative Services and Facilities, Director of Admissions and Records.

Appendix D  
TOHONO O'ODHAM COMMUNITY COLLEGE

Student Code of Conduct  
Complaint Procedure



**Appendix E**

**TOHONO O'ODHAM COMMUNITY COLLEGE  
CONFIDENTIAL**

**Notice of Immediate Suspension or Exclusion**

(Sample)

Date: _____ Day Telephone No. _____
Name: _____
Address: _____
Student ID No. _____

You are hereby advised that you have been charged with a violation of the Student Code of Conduct.

The specific violation/s:

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_

Please be advised that your privilege to attend Tohono O'odham Community College has been suspended and that you are forbidden to enter College property until the Complaint Procedures of the Student Code of Conduct are followed.

To enter College property for any reason other than to meet with me or to attend a Student Conduct Review Committee Hearing without written permission from the Vice President of Student Services, will result in your being arrested for criminal trespass.

Should you desire to remove any of your belongings from Tohono O'odham Community College, please contact the Vice President of Student Services office to arrange for a police escort while on College property.

If you have any questions, please call me at (520) 383-8401.

Sincerely,

**Angie Listo**

Vice President of Student Services

cc: President, Vice President of Student Services, Vice Presidents of Education, Institutional Research and Development, Administrative Services and Facilities, Director of Admissions and Records.

Appendix F  
TOHONO O'ODHAM COMMUNITY COLLEGE

Student Code of Conduct  
Complaint Procedure

Instructor Submits Formal Complaint and Meeting Request to Vice President of Education within Five (5) Working Days After Meeting with Student

Mediation Hearing Committee Meeting Within Ten (10) Working Days of Vice President's Receipt of Formal Complaint

Mediation Hearing Committee Meeting – Copy of Decision Sent to Vice President of Education Within Five (5) Working Days of Mediation Hearing Date. If No Appeal, Proposed Action by Committee Implemented

Appeal to the Vice President of Education Within Five (5) Working Days of Receipt of Mediation Committee Chair Decision by Student or Instructor, Vice President Meets with Student and Instructor, Separately or Together, Within Ten (10) Working Days of Receipt of Appeal by Vice President

Written Decision by Vice President of Education Issued Within (5) Working Days after Meeting with Student and Instructor

## **Appendix G**

### **Affirmative Action/Equal Opportunity**

Tohono O'odham Community College reaffirms its commitment to affirmative action and equal employment opportunity but respects and follows the laws of Indian Preference which are set forth by the following Civil Rights Acts and Laws of the United States of America:

**SECTION 703(i) OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED:** Which permits employers on or near Indian Reservations to give publicly announced employment preference to Indians living on or near Reservations.

**PUBLIC LAW 93-638 (as Revised) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT, SECTION 7(b):** Which requires any contract, subcontract, grant or sub-grant authorizing Federal contracts with or grants to Indian organizations or for the benefit of Indians, shall to the greatest extent feasible-preferences and opportunities for training and employment in connection with the administration of such grants or contracts shall be given to Indians; preferences in the award of subcontracts sub-grants in connection with the administration of such contracts and grants shall be given to Indian organizations and to Indian-owned economic enterprises.

**EXECUTIVE ORDER 11246:** Which prohibits discrimination in Federal employment and in employment by Federal contractors because of race, color, religion, sex, or national origin.