



## **POLICY TITLE**

*Due Process and the Code of Student Conduct*

## **POLICY NUMBER**

*1-5541*

<b>Responsible Office:</b> <i>Office of Workforce and Student Development</i>	<b>Effective Date:</b> <i>10/01/2014</i>
<b>Responsible Official:</b> <i>Provost and Vice Chancellor for Workforce and Student Development</i>	<b>Last Reviewed Date:</b> <i>01/01/2025</i>
<b>Policy Classification:</b> <i>Student Development</i>	<b>Origination Date:</b> <i>09/18/2017</i>

### **I. POLICY STATEMENT**

Baton Rouge Community College (BRCC or the College), in accordance with House Bill 364/Act 464 of the 2022 Regular Session of the Louisiana Legislature, codified at R.S. 17:3394 (“Louisiana Student Due Process and Protection Act”) and Act 416 of the 2024 Regular Session of the Louisiana Legislature, is committed to providing all students and student organizations a fair and equal disciplinary hearing process without regard to race, color, sex, age, religion, disability, national origin, marital status, veteran status, political affiliation, sexual orientation, or other non-merit factors. It is the policy of BRCC to provide fair and orderly procedures to resolve non-academic offenses and related matters. BRCC is also committed to student due process and protection, relative to disciplinary proceedings, right to counsel for students and student organizations, and appeals.

### **II. POLICY RATIONALE AND SCOPE**

The College has adopted the following policy to:

1. Practice administrative procedures whereby students’ (or student organizations) rights as well as responsibilities, including the right to private legal action for violations of due process rights are acknowledged;
2. Provide for due process which includes notice of any and all violations of BRCC’s non-academic rules or policies and the disciplinary proceedings or charges that will occur as a result. This notice shall include but need not be limited to each and every section of BRCC’s rules or policies that the student (or student organization) is alleged to have violated and any evidence the institution used and collected in making the charge. Due

process also includes an opportunity to be heard in disciplinary matters, including the right to appeal; and

3. Provide for appeal of BRCC's decision in disciplinary matters to the Louisiana Community and Technical College System (LCTCS) Office after all due process procedures at the college-level are exhausted, in accordance with the procedures within this policy.

### **III. POLICY AUDIENCE**

This policy applies to all students enrolled at Baton Rouge Community College (BRCC) alleged to have violated the Code of Student Conduct and Adjudication Handbook ("The Code"). The Code governs the conduct of students and registered student organizations both on and off campus, ensuring compliance with BRCC's non-academic rules and policies. These rules address behavioral expectations, campus resource use, safety, and other standards essential to maintaining a respectful and secure college community.

#### **Scope of Application:**

##### **On-Campus Conduct:**

The Code applies to all conduct occurring on BRCC premises, including within facilities, during college-sponsored activities, and when using college-provided resources, such as computing or network systems.

##### **Off-Campus Conduct:**

The Code may also govern conduct occurring off campus in the following circumstances:

1. Participation in academic course requirements or credit-bearing experiences, such as internships, field trips, study abroad, educational practicums, or clinical experiences.
2. Engagement in activities supporting the pursuit of a degree or certification, including research at other institutions or professional practice assignments.
3. Involvement in activities causing significant destruction of property belonging to the College or its community members, or activities that pose or threaten serious harm to the safety and security of the College community.
4. Any situation in which a police report has been filed, a summons or indictment issued, or an arrest made for a crime of violence.
5. Alleged behaviors indicating physical and/or emotional conditions that hinder effective resolution through the conduct process. Such cases will be referred to the Behavioral Intervention Team for appropriate assessment and action.

#### **Applicability to Non-Academic Rules:**

This policy extends to violations of BRCC's non-academic rules or policies, including but not limited to:

1. Behavioral standards such as harassment prevention, anti-discrimination measures, and expectations of civility.
2. Compliance with campus safety regulations, including prohibitions on weapons, drugs, or alcohol.
3. Appropriate use of college resources, such as computing systems and physical facilities.

4. Conduct expectations for registered student athletes and organizations during both on- and off-campus activities.
5. Off-campus behaviors that affect the reputation or well-being of the College community.

#### **IV. POLICY COMPLIANCE**

Students and/or student organizations found in violation of this policy must be referred to the Office of the Dean of Students.

#### **V. POLICY DEFINITIONS**

Clear and convincing evidence: an intermediate standard between preponderance of the evidence and proof beyond a reasonable doubt. To prove a fact by clear and convincing means to demonstrate that the existence of that fact is much more probably than its non-existence.

Non-violent conduct violations: taunting or abusive language directed at players, coaches, referees, game management personnel and/or spectators and the following: use of tobacco or alcohol during official events; profanity; vulgar gestures; escalation of situations; and entering the spectator areas to engage in verbal or physical conflict.

Sportsmanship: is respect for fellow participants, coaches, officials, and spectators.

Student Leader(s): student athletes, student government officials, student organization leaders, honor society leaders, and other official student leadership roles recognized by BRCC.

For the purposes of this policy, additional definitions of key terms and other mandatory provisions such as state statutes will remain consistent with those in The Code. BRCC will amend this policy to reflect any subsequent changes to state statutes. In cases of any inconsistency, the statutory provisions shall supersede any such inconsistent provision in this policy. The statutory provisions and LCTCS' Policy shall supersede any inconsistent provision in BRCC's Policy.

#### **VI. POLICY IMPLEMENTATION PROCEDURES**

##### **Reporting Procedures**

All alleged violations of community standards are to be filed with the Dean of Students via the College's reporting system immediately following the discovery of the alleged violation. When the first point of contact for an alleged violation is the Office of Public Safety, a written report via the College's reporting system is still required. Any BRCC faculty, staff, or student may assist the reporting party with composing and submitting a written complaint. Written complaints should be filed within (3) business days after the alleged violation or following the discovery of the alleged violation. In extraordinary circumstances, the Office of the Dean of Students may waive this timeline.

##### **Disciplinary Proceedings**

Any student enrolled at BRCC who is accused of a violation of the disciplinary or conduct rules that carries a potential penalty of suspension of ten or more days, deferred suspension, or expulsion has the right to be represented, at the student's expense, by an attorney or a non-attorney advocate

who may “fully participate” (make opening and closing statements, examine and cross-examine witnesses, and provide the alleged victim or accused with support, guidance, and advice) during any disciplinary proceeding or during any other procedure adopted and used by BRCC to address an alleged violation of the College’s non-academic rules or policies. This right applies to both the student who has been accused of the violation and to the student who is the alleged victim, if applicable. Prior to scheduling a disciplinary proceeding, BRCC must inform the student(s) in writing of their rights. These rights extend to any student organization officially recognized by BRCC and the alleged victim, if applicable.

The disciplinary procedures outlined in The Code must include the following provisions:

1. **Presumption of Innocence:** The accused student or organization is presumed innocent until proven guilty. No student or organization may be deemed guilty of violations until either they formally accept responsibility or a hearing determines guilt based on clear and convincing evidence.
2. **Standard of Evidence:** The standard of establishing guilt through clear and convincing evidence shall not alter the burden of proof in hearings held pursuant to Title IX of the Education Amendments of 1972 or R.S. 17:3399.11 et seq.
3. **Access to Case Files:** The accused must have access to the complete administrative case file, including all documents and evidence relevant to the alleged violation and the investigation.
4. **Continuing Access:** The accused must have ongoing access to the administrative file, redacted as required by law, and be allowed to make copies of all evidence at least seven (7) business days before the hearing or sooner if required by law.
5. **Freedom from Conflicts of Interest:** All individuals involved in the adjudicative process must be free from conflicts of interest.
6. **Separation of Roles:** No individual in the adjudicative process may hold more than one of the following roles:
  - Victim counselor or victim advocate
  - Investigator
  - Institutional prosecutor
  - Adjudicator
  - Appellate adjudicator

A designee will be assigned if a duplication of roles arises, and the LCTCS Board Office reserves the right to transfer cases to the System office to avoid role conflicts.

7. **Right to Appeal:** Both parties may submit an appeal within ten (10) days of receiving BRCC’s final decision.
8. **Appeal Grounds:** Appeals are limited to the presentation of new evidence, contradictory evidence, or evidence demonstrating that due process was not provided.
9. **Right to Advocacy:** Both attorney and non-attorney advocacy rights extend to the appeal process.
10. **Reimbursement:** In the event of a decision reversal or reduced sanction, BRCC must reimburse the student for any tuition and fees paid during the period of suspension or expulsion that were not previously refunded.

11. Equitable Treatment: Accused students and alleged victims will receive equitable treatment, including simultaneous notifications throughout the disciplinary process.

### **Interim Measures**

BRCC will take reasonable interim measures necessary to ensure the physical safety of the campus community during a timely investigation and adjudication of a student disciplinary issue. Reasonable interim measures must require the following:

1. Providing written notice to the accused student within seventy-two (72) hours of any interim action explaining the reasons for the measures;
2. Conducting an Interim Measures hearing within seven (7) business days of the written notice unless otherwise waived by the accused student to determine whether substantial evidence supports the interim measures.
3. Developing processes for coursework completion during interim suspensions, with notice that completed coursework may be revoked pending the outcome of the disciplinary hearing.

At the hearing, both the accused student and the alleged victim have the right to representation. Waiving the right to an interim measures hearing does not imply guilt or the forfeiture of any additional rights.

### **Student Leaders**

BRCC is committed to upholding and instilling in all students the highest standards of academic, personal, professional, and social integrity. However, student leaders, by virtue of their post, are considered to be role models within the BRCC campus community and must therefore at all times exhibit behavior, on and off campus, that aligns with BRCC's mission and its Student Code of Conduct.

1. Student leaders charged with a felony offense or serious misdemeanor must self-report the charge within forty-eight (48) hours to their staff advisor, who will inform BRCC leadership. Failure to self-report may result in additional disciplinary action. This policy also applies if BRCC leadership becomes aware of such charges independently.
2. A student leader charged with a felony offense or serious misdemeanor may be temporarily removed from their position pending the final legal disposition of the matter. While charges do not constitute guilt, such allegations could negatively impact BRCC's reputation or disrupt the campus learning environment.
3. The decision to remove a student leader will be made by the BRCC Chancellor in consultation with the Chief Student and Academic Affairs Officer or their designee. The following factors will be considered:
  - a. The potential impact of the student leader's continued presence in their role on the BRCC campus community.
  - b. Whether the felony or serious misdemeanor offense involved other members of the BRCC community or property of the College.
  - c. The student leader's ability to effectively fulfill their leadership responsibilities while under investigation.

Once the legal process is concluded, the Chancellor, in consultation with the Chief Student and Academic Affairs Officer or their designee, will determine whether to:

- Reinstatement the student leader;
- Extend the removal period;
- Modify the leadership status; or
- Permanently remove the student from their position.

Student leaders must review and acknowledge this policy upon assuming their positions to ensure compliance and understanding of their responsibilities.

### **Student Athletes**

The student athlete is not only representing the community and BRCC but ultimately themselves. BRCC's Department of Athletics will encourage each student athlete to act as a responsible adult in their pursuit of becoming a successful college graduate.

Student athletes are subject to additional National Junior College Athletic Association (NJCAA), pertinent Regional, BRCC, BRCC Department of Athletics and team policies during their tenure as a student athlete with BRCC. Student athletes are responsible to acquaint themselves with the rules and regulations of each unit and when concerns or questions arise to take the initiative and get answers.

Obligations as a Student athlete at BRCC include:

1. Display good sportsmanship on and off the playing field;
2. Follow all BRCC, Regional, and NJCAA guidelines and regulations;
3. Protect one's health and obey team rules and policies;
4. Inform instructors of expected absences due to athletic competition;
5. Attend study hall, as required;
6. Maintain requirements for academic eligibility and progress toward a degree;
7. Respect the rights of other BRCC community members;
8. Obey all laws; and
9. Participate in civic and community building activities

### **Student Athlete Code of Conduct**

Every student athlete has the responsibility to demonstrate professional, mature behavior while on campus and within the BRCC campus community. Participation in athletics is a privilege. With this privilege comes the responsibility to maintain character, integrity, and honor. BRCC and the BRCC Department of Athletics will uphold and maintain high standards regarding student athlete behaviors.

Sportsmanship is required, and violent behavior is prohibited and must result in contest ejections and/or suspensions, pursuant to the level of offense.

### **Violent Unsportsmanlike Behavior**

There will be contest suspension(s) for violent unsportsmanlike behavior. The number of contest suspensions will depend on the nature of the behavior, pursuant to NJCAA, BRCC, and/or team rules and regulations. There must be penalties for failure to comply with required ejections or suspensions.

Non-violent conduct violations will also be addressed pursuant to this policy. Consequences for non-violent conduct violations may include:

1. Verbal and/or written warnings and participation in educational sessions;
2. Suspension from the team;
3. Loss of eligibility and dismissal from the team;
4. Loss of athletically related scholarship aid;
5. Dismissal from the College;
6. Game suspension(s)

### **Prior Criminal History**

BRCC and BRCC Department of Athletics maintain the right to deny prospective or current student athletes the privilege of participating with an athletic team due to prior criminal history.

### **Off-Campus Activities**

Student athletes are expected to adhere to all community and state laws. Any student athlete arrested for felonies and crimes of moral turpitude may be suspended from the team pending resolution of the criminal matter. If a student athlete is arrested, the Director of Athletics and head coach will consider the nature of the offense, the available evidence pertaining to the alleged offense, the impact on other players and students, and the impact on the athletics program. Violations of the Student Athlete Code of Conduct include, but are not limited to:

1. Harassment/Stalking;
2. Hazing;
3. Lewd/Obscene behavior;
4. Possession of illegal drugs and/or alcohol (including related paraphernalia);
5. Assault;
6. Fighting;
7. Theft/burglary;
8. Gambling/bribery; or any other conduct.

All athletes must also comply with BRCC's Code of Student Conduct, which can be found on BRCC's website.

Additional procedures, timelines, and processes for appeal relative to the adjudication process and student due process are detailed in The Code and must be adhered to unless waived by the Office of the Dean of Students. Procedures for an appeal to the LCTCS after satisfying BRCC appeal processes and procedures are outlined in The Code Conduct and available on the BRCC website.

## **VII. POLICY RELATED INFORMATION**

Student Privacy

Student Organizations - Official Registration

BRCC Student Conduct Referral

Louisiana Community and Technical College System Interim Policy

Authority of BRCC Police

BRCC Student Code of Conduct

Record Retention Policy

## **VIII. POLICY EXCEPTION**

There are no exceptions to this policy.

## **IX. POLICY HISTORY AND REVIEW CYCLE**

This new policy replaces and incorporates content from Student Affairs Policy 5-541. This policy is to be reviewed and revised, as needed, within three years of the effective date (below, when signed by BRCC's Chancellor).

## **X. POLICY URL**

This policy may be accessed on the [College's website](#)

## **XI. POLICY APPROVAL - SIGNATURE, NAME, TITLE, AND DATE OF OFFICIAL**

*Willie E. Smith*  
Willie E. Smith (Jan 23, 2025 18:10 EST)

Willie E. Smith, Sr.  
Chancellor

Jan 23, 2025

Date











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