

TALLAHASSEE COMMUNITY COLLEGE ADMINISTRATIVE PROCEDURES

TITLE: Prior Violations Review for Admission to TCC	NUMBER: 10-15AP
AUTHORITY: Florida Statute: 222.17, 1000.21, 1001.64, 1001.65 Florida Administrative Code:	SEE ALSO: <ul style="list-style-type: none"> • Board Policy 10-15: Prior Violations Review for Admission to TCC • Board Policy 10-12 and Administrative Procedure 10-12: Student Code of Conduct • Student Prior Violations Disclosure Form
UPDATED: 02/21/14	

Tallahassee Community College (hereafter TCC or the College) is committed to promoting equality and diversity in student access to educational opportunities, while also fostering a commitment to protect the health, safety, and welfare of the College community and its visitors. Hence, TCC reserves the right to review any applicant for admission with a criminal violation of the law or disciplinary action at an educational institution to make a decision as to whether the admission of this applicant will be in the best interest of the applicant and the safety, health, and welfare of the College community.

Having a criminal violation of law or disciplinary action at an educational institution will not necessarily prevent a student from gaining admission or re-admission to TCC.

The following procedures describe the process used in reviewing and screening applications for admission to TCC where a criminal violation of law or disciplinary action at an educational institution has been indicated on the application, and assigns responsibility for the review of these applications.

A. Authority

TCC has an obligation and duty of care to its community and visitors to review all applications disclosing information regarding any criminal violation of law or disciplinary action at an

educational institution, and to make a decision whether the admission of an applicant will be in the best interest of the College community.

Pursuant to Florida Statutes, the Board of Trustees, the President of TCC has the ultimate responsibility for ensuring the appropriate review and implementation of TCC policies and procedures. The President has delegated oversight and responsibility to the Vice President for Student Affairs for the development of enrollment and student services policies.

Admissions decisions involving applicants with prior criminal violations of law or disciplinary action at an education institution are determined by the Student Judicial Advisor and the Student Threat Assessment Team (STAT). The Student Threat Assessment Team is comprised of a representative from campus police, mental health services and disability support services and the Student Judicial Advisor and Director of Admissions and Enrollment Services.

Appeals of the Student Threat Assessment Team shall be addressed by the Student Success Committee, which is appointed and chaired by the Vice President for Students Affairs.

B. Applicants Requiring Review

All applicants applying or re-applying to enroll in a TCC credit-bearing course or certificate program, or the GED program, and who have had a prior criminal violation of law or disciplinary action at an educational institution are required to indicate this information on the application for admission.

C. Failure to Disclose Prior Violations

Failure to indicate criminal violations of law or disciplinary actions at an educational institution on an application for admission, and such fact is subsequently discovered by the College, may result in a denial of admission, revocation of admission or other disciplinary action up to and including expulsion. This includes the discovery of prior criminal violations of law or disciplinary actions at an educational institution which occurred prior to admission or that occur after admission or during enrollment at TCC.

D. Required Documentation

Applicants are required to provide a written statement and additional supporting documents to the Admissions and Enrollment Services office to ensure a fair, effective, and efficient process in reviewing applications disclosing a criminal violation of law of disciplinary action at an educational institution.

Applicants, whose records have been expunged pursuant to applicable law, are not required to indicate a violation of law. If unsure, the applicant should indicate any criminal violations of law or disciplinary action at an educational institution.

Applicants that have a prior criminal violation of the law, but are not currently on probation or incarcerated for a violation of law and/or not on suspension, dismissal, or expulsion from an educational institution must provide the following information to the Admissions and Enrollment Services or Student Conduct and Community Standards offices:

- A detailed statement which fully discloses and addresses all relevant facts related to the violation. The statement must also include a list of any disciplinary violation(s) at other educational institutions and/or violation(s) of law, including date(s) of occurrence(s).
- Applicants currently on probation, house arrest, or incarcerated for a prior violation of law and/or are on suspension, dismissal, or expulsion from an educational institution are required to provide the following applicable information to the Admissions and Enrollment Services or Student Conduct and Community Standards Office:
 - A detailed statement which fully discloses and addresses all relevant facts related to the violation and/or conviction, including a list of any disciplinary violation(s) at other educational institutions and/or violation(s) of law, arrest charge, criminal charges, and court convictions.
 - The statement must include the current status, dates, length, conditions/provisions of the current probation, house arrest, incarceration, suspension, dismissal, or expulsion period, wherever applicable.
 - Appropriate court documents and/or a letter of recommendation or progress status report from a supervising probation, court, or correctional officer.

E. Review and Screening Process

Upon receipt of an application where the student has indicated a prior violation, Admissions and Enrollment Services will refer the student's statement(s) and supporting documents to the Student Conduct and Community Standards Office for review.

Admissions and Enrollment Services will place a prior violations hold on the application pending review of the violation indicated on the admissions application. The prior violations hold indicator will be designated as the "RW" hold.

Admissions and Enrollment Services will send the applicant a provisional letter if specific documents are required for admission to TCC. The applicant must provide a disclosure statement and/or supporting documents to the Admissions and Enrollment Services or Student Conduct and Community Standards office as outlined in *Section 6* of this policy.

If a violation occurs after submission of an application and the applicant has not been admitted to TCC, the applicant must submit this information immediately to Admissions and Enrollment Services. Students who have been admitted to TCC are not required to disclose violations that occur after admission to TCC.

All violations are reviewed on a case by case basis with screening procedures developed to foster a reasonable balance between the College's obligation to provide equality and access to education and its duty of care to the College community. Therefore, when reviewing applicants with a prior violation, decisions are made with an emphasis on protecting the health, safety, and welfare of the College community.

A Student Conduct and Community Standards Office representative may:

- 1) Contact the applicant if additional information is required or if the information provided is unclear or insufficient.
- 2) Consult with TCC Campus Police to investigate the applicant's criminal history and solicit the appropriate criminal background documents, if necessary.
- 3) Contact the applicant's supervising probation or correctional officer in cases where the applicant is currently on court-ordered probation, house arrest, or incarcerated to obtain information related to the applicant's risk level to the health, safety, and welfare of the College community.
- 4) Contact the discipline officer at a past educational institution in cases where the applicant has been previously or currently on suspension, dismissal, or expulsion to obtain information related to the applicant's risk level to the health, safety and welfare of the College community.

If the Student Conduct and Community Standards Office determines an applicant may pose an imminent or significant risk to the health, safety, or welfare of the College community, a written recommendation including a rationale and all supporting documents will be forwarded to the chair of the Student Threat Assessment Team specifying whether to admit the applicant with conditions/provisions or recommend denial of admission. The Student Threat Assessment Team will make the decision on an applicant's admission to TCC.

The Student Threat Assessment Team may consult with the appropriate academic, administrative, judicial, or law enforcement personnel in making a decision regarding an applicant's admission status.

F. Appeals

If denied admission, the applicant has a right to a review of his or her denial of admission by the Vice President for Student Affairs. Appeals will be granted only on the basis of the following criteria:

- New or additional information not provided or available at the time of submission of the application for admission which may affect the outcome of the decision to deny admission.
- Inaccurate or erroneous information was used in the decision to deny admission to the College.
- Procedures were not followed as outlined herein.

If the applicant meets any of the criteria for appeal, a written letter must be submitted to the co-chair of the Student Threat Assessment Team. The letter of appeal must include:

- Each criterion (*Sections 8.1 – 8.3*) used as the basis for the appeal.
- A clear description and detailed statement that supports the grounds for the appeal.
- Any facts and/or new or corrected documentation which reflect the grounds for appeal. The support documentation should include information with a direct impact on the committee's decision in determining the applicant's final admission status.

After a review of the appeal, the Vice President for Student Affairs has the authority to take one of the following actions.

- Uphold the decision of the Student Threat Assessment Team. The Vice President for Student Affairs shall send a letter to the applicant indicating the appeal was granted and reviewed, and the decision to uphold the original decision to deny admission to TCC. The letter shall also indicate the decision of the Vice President is final agency action on behalf of the College. A copy of the letter shall be forwarded to the Student Conduct and Community Standards office.
- Modify the decision of the Student Threat Assessment Team by admitting the student with specific conditions and provisions as a part of the student's enrollment at TCC. The Vice President for Student Affairs shall send a letter to the applicant indicating the appeal was granted and the decision to admit the student with specific conditions or provisions. The specific conditions and provisions shall be included in the letter. A copy of the letter shall be forwarded to the Director of Admissions and Enrollment Services and Student Conduct and Community Standards office. The admissions hold shall be removed.
- Rescind the decision of the Student Threat Assessment Team and fully admit the student to TCC without provisions. The Vice President for Student Affairs shall send a letter to the applicant indicating the appeal was granted and the decision to fully admit the student to TCC. A copy of the letter shall be forwarded to the Director of Admissions and Enrollment Services and Student Conduct and Community Standards office. The admissions hold shall be removed.

G. Conditions for Reapplying for Admission

If an applicant is denied admission to TCC, the student may apply for a review of the final decision to deny admission one (1) full academic year following the semester of the original admissions application given appropriate court, legal, or release documentation is provided which indicates the applicant is no longer incarcerated, on probation, house arrest or under suspension, dismissal, or expulsion from an educational institution.

The appropriate documentation must be submitted to the Student Conduct and Community Standards office and must include a statement specifying the applicant is reapplying for a review of a prior denial of admission to TCC due to a criminal violation of law or disciplinary action at an educational institution.

The Student Threat Assessment Team has the right to maintain admission denial. There is no appeal of this decision.

The prior violations of law hold will be cleared in cases where the applicant has been released from jail, court ordered sanctions or has successfully completed the court probationary term for a violation of law or terms of his or her suspension, dismissal, or expulsion, except in cases where a court, corrections, or probation officer indicates, in writing, the applicant's admission to the TCC would pose an imminent threat or risk to the health, safety, or welfare of the College community.

After one (1) full academic year following submission of an application to TCC, the applicant has the right to apply for admission to TCC. The student will be required to complete a new application and follow the general admission process. Information will be reviewed as a new applicant to TCC.

H. Applicant's Record Maintenance and Confidentiality

Confidentiality

Although criminal convictions are part of the public record, information provided by the applicant will only be used for purposes as outlined in these procedures. All information, documentation and records are maintained in accordance with the Federal Educational Rights and Privacy Act (FERPA) and will be reviewed by appropriate College officials with a direct need-to-know.

Record Maintenance

Upon disciplinary clearance of an applicant to the institution, all official records related to criminal violations of law or disciplinary action from another educational institution shall be maintained in the Student Conduct and Community Standards office, and will be the official agency on record to keep and maintain these files.

The Student Conduct and Community Standards office will maintain all records related to criminal violations of law or disciplinary action from another educational institution for one (1) calendar year after the student has been admitted to TCC and then the record shall be purged from the student's file. Any information maintained in the Student Conduct and Community Standards Office shall only be used for research, statistical and reporting purposes and shall not contain personally identifiable information in any report.

Records for student denied admission to TCC shall be destroyed after one (1) calendar year after the date of admission denial.