DISCIPLINARY HEARINGS

I. PURPOSE

Describes the conduct of disciplinary hearings, both those convened to render disciplinary decisions or initiate disciplinary action and those convened to hear appeals of disciplinary actions or decisions.

II. LEGAL REFERENCE


III. POLICY

A. The college shall establish a clear process by which allegations of misconduct by students are investigated and appropriate discipline administered when such violations have been established.

B. The college shall establish a College Hearing Board to conduct two types of disciplinary proceedings:

   1. Proceedings to investigate allegations of misconduct, to rule on a student's guilt or innocence, and to determine which, if any, penalties should be administered.

   2. Proceedings to hear appeals from students against whom disciplinary action has been taken and who contest the disciplinary action based on the four criteria listed in College Regulation 664, Appeal of Student Disciplinary Action. In such cases, the procedures detailed in College Regulation 664 must be followed.

C. The conduct of disciplinary proceedings and the proceedings of the College Hearing Board shall be clearly spelled out in written form and made available to students.

D. All students who are disciplined have a right to consideration by the College Hearing Board but may waive that right.

E. The establishment of a College Hearing Board to fulfill the function listed in B.1 does not prevent the Vice President of Student Services, the Vice President of Instruction or the President of the College from taking immediate disciplinary action without first referring the matter to the College Hearing Board, as allowed in College Regulation 592, Student Disciplinary Action.

(POLICY APPROVAL: 4-19-95, Board of Trustees, amended 2-19-08, amended 6-24-14)

IV. PROCEDURES

A. Accused students who do not dispute the facts upon which disciplinary charges are based and/or the disciplinary action or penalties imposed may waive their right to consideration by the College Hearing Board by either of the following means:
1. by executing a written waiver of the procedure, or
2. by failing to submit a written request for consideration within 15 calendar days of the original disciplinary action.

B. In cases where a student has waived his or her rights, the Vice President of Student Services (VPSS) assesses a penalty appropriate to the charges and informs the student of such action in writing. The student may appeal the decision of the VPSS according to procedures outlined in Regulation 664, Appeal of Student Disciplinary Action.

C. Appeals from accused students who dispute the facts upon which the charges are based and/or the disciplinary action of penalties imposed as a consequence of such charges are heard by the College Hearing Board, the composition of which is described in Reg 664.

D. In response to a student's request to be heard by the College Hearing Board, the VPSS notifies the student by letter of the date, time, and place for the proceeding, which takes place no later than twenty (20) calendar days from the date the student's written request was received by the VPSS.

1. If the student has been suspended, the hearing can take place inside the twenty day period.
2. The Vice-President of Instruction (VPI) may alter the deadline for the hearing by mutual written agreement with the student and the VPSS.

E. The notice of hearing sent by the VPSS to the student does the following:
1. Directs the student to appear on the date and at the time and place specified, and provides a description of the charges.
2. Advises the student of his or her rights to:
   a. a private proceeding;
   b. appear in person and with an advisor at the hearing, if the student chooses;
   c. know the identity of each witness who may testify against the student;
   d. call witnesses, ask for copies of evidence in the college's possession, and offer evidence and argue in his or her own behalf;
   e. cross-examine each witness who testifies against the student;
   f. appeal.
3. Lists the names of witnesses who may testify against the student.
4. Notifies the student that the VPSS may cross-examine the student if he or she chooses to testify and any witnesses testifying on the student's behalf.
5. Explains that tape recordings will be made, and that the student is entitled to a copy of the tape recording.
6. Includes a copy of this regulation, Reg 664, and Reg 592.

F. The VPSS may, but is not required to, suspend or impose other appropriate penalty upon a student who
fails without good cause to comply with a letter of notice; or, the VPSS may proceed with the hearing in the absence of the student.

G. Hearings are held in accordance with the following:

1. The VPI or designee serves as chair of the hearing committee.

2. Hearings are closed and are limited to the principals in the case (claimants and respondents), participating members of the board, witnesses (who may be excluded from the hearing room during the conduct of the proceeding), personal advisors to the principals, and the chair (except during voting, when the chair may not be present).

3. Hearings are not subject to strict rules of evidence, but the chair may exclude testimony that is irrelevant, repetitive, immaterial, or hearsay.

H. Hearings proceed as follows:

1. The chair convenes the meeting, introduces all participants, and explains voting privileges.

2. The chair describes the nature of the case at hand and explains the hearing board's procedures.

3. The chair informs the student of his or her rights.

4. If the purpose of the hearing is to investigate allegations of student misconduct and/or to take disciplinary action for such misconduct:
   a. The VPSS first presents the charges against the student. The VPSS has a maximum of 15 minutes for this presentation.
   b. The student then presents his or her defense. He or she has a maximum of 15 minutes for this presentation.

5. If the purpose of the hearing is to hear an appeal by the student of disciplinary action already imposed, the procedures detailed in College Regulation 664, Appeal of Student Disciplinary Action will be used.

6. The board may then ask questions and engage in discussion with the principals, during which time any party wishing to call a witness may do so.

7. Following this period of questioning, discussion, and testimony, the chair asks both parties to the case if they wish to make any further statements. If so, each is given a maximum of five minutes to speak.

8. If the board has no further questions for the principals, their witnesses, and their advisors at the end of the closing statements, these persons are excused.

9. The board discusses the case until it reaches a point in its deliberation when the members are ready to take a vote. (If necessary, the hearing board may take the matter under advisement for 72 hours before rendering a decision.) At this point, the chair designates one board member to coordinate the voting. The chair then leaves the room.

10. The board votes (by secret ballot), recalls the chair, and informs him or her of the decision of the board and provides for the record the decision. All decisions are reached by majority vote. In the event of deadlock, the chair breaks the tie by casting the deciding vote. Otherwise, the chair is not permitted a vote.
11. Both principals in the case are then recalled, and informed of the board's decision. Within three calendar days, the chair also provides both parties with written notification of the decision. (If the principals are not available to be recalled in person, they are notified in writing only.)

12. If the hearing board finds the student guilty of a disciplinary infraction, the VPSS and the student may present evidence and arguments concerning an appropriate penalty. The principals are then dismissed, and the board makes a decision on the penalty. This penalty is included in the written notification of the decision that is sent to both parties.

13. If the student is not found guilty by a majority of the board, the charges are dismissed; and no further action is taken against the student.

I. Evidence during hearings is handled as outlined in Section G above and as follows:

1. The College is responsible for proving by a preponderance of the evidence that the evidence supports the charges.

2. A student may not be compelled to testify.

3. The hearing board decides the issue of guilt or innocence and an appropriate penalty solely on the basis of evidence and information before it.

J. Disciplinary records and proceedings must be kept separate from the student's academic records, and are treated as confidential to the extent permitted by law. These records will be maintained in the Office of Student Services.

K. The hearing board may impose one or more penalties as defined in Regulation 592, Student Disciplinary Action.

L. A decision of the College Hearing Board may be appealed by either party in a case by following the procedures described in Section IV of Regulation 664, Appeal of Student Disciplinary Action.