

APPEAL PROCEDURE

Misconduct Warranting a Sanction Less than Suspension or Expulsion

Judicial Council

If the judicial officer or designee determines that a student has committed misconduct that warrants a sanction other than suspension or expulsion from the college, the student may appeal the decision to the Judicial Council. If the student chooses to appeal he/she must notify the vice president of student services (VPSS) in writing or email within two class days from the date of notification. This appeal will be based on written documentation only. No hearing will be held, and no further appeal is available. Depending upon the severity of the misconduct and whether or not the College believes there is a danger to other students, the accused student may be required to leave student housing while the appeal is heard.

The Judicial Council shall be convened in cases when the judicial officer's ruling will **not** result in suspension or expulsion from the college and the student wishes to appeal the decision. These appeals will be based on written documentation only. The VPSS or designee will notify the Judicial Council of the appeal and will provide all appropriate documentation. The council chairperson will notify the student of their decision. The council may decide to uphold the original sanction, apply no sanction at all, or may choose to render its own sanction. The decision of the Judicial Council is final and no further appeal is available.

The Judicial Council consists of two faculty or professional staff and one student.

Misconduct Warranting Suspension or Expulsion

Disciplinary Committee

If the judicial officer or designee determines that the student committed misconduct that warrants suspension or expulsion from the college, the student may appeal the decision to the Disciplinary Committee. If the student chooses to appeal, he/she must notify the VPSS in writing within five class days. Depending upon the severity of the misconduct and whether or not the College believes there is a danger to other students, the accused student may be required to leave student housing while the appeal is heard.

The Disciplinary Committee shall be convened in cases where the judicial officer's ruling results in suspension or expulsion from the college and the student wishes to appeal the decision. The VPSS will notify the Disciplinary Committee of the appeal and will provide all appropriate documentation and evidence. The Disciplinary Committee's decision is final except in cases when the student believes he/she was not afforded due process. In these cases, the student can make one final appeal to the College president who will review the case to ensure due process was given. The committee may decide to uphold the original sanction, apply no sanction at all, or may choose to render its own sanction.

Disciplinary Committee Hearing Notice

The judicial officer or designee shall notify the student by written letter of the date, time and place for the hearing. Unless the student and the judicial officer or designee otherwise

agree, the hearing shall take place within a reasonable time period, not to exceed 10 College business days after the date of the student's request for the hearing or the judicial officer or designee's determination that the student should be suspended.

If a student fails to appear for the hearing without good cause, the disciplinary committee may impose appropriate punishment upon the student. For purposes of assessing punishment, the committee may proceed with the hearing in the student's absence.

The hearing shall proceed as follows:

1. The chairperson shall read the description of the misconduct.
2. The chairperson shall inform the student of his or her rights.
3. The designated official or representative shall present the College's case.
4. The student or representative shall present the student's defense.
5. The designated College official or representative shall present rebuttal evidence.
6. Witnesses testifying on behalf of the student or the college may present information. The committee members may ask questions of witnesses testifying on behalf of the student or the College. The committee may summon students, faculty, staff, or others as deemed necessary.
7. The designated official or representative shall summarize and argue the College's case.
8. The student or representative shall summarize and argue his or her case.
9. The designated official or representative shall have an opportunity for rebuttal argument.
10. The committee members may set reasonable time limits for any part of the hearing.
11. The committee members shall deliberate in closed session. The committee members shall vote on the issue of whether or not the student violated College policies and procedures, including the rules for student conduct. The decision must be by a majority vote.
12. If the committee finds the student did commit misconduct, the committee shall determine whether the penalty assessed, or proposed by the judicial officer or designee is appropriate and, if necessary, shall assess a different or additional penalty.
13. The committee chairperson shall communicate the decision and any findings of facts in support of the committee's decision to the judicial officer and the student in writing within 10 College business days of the hearing. The Disciplinary Committee's decision is final except in cases when the student believes he/she was not provided due process. In these cases, the student can appeal to the College president and the president will review to determine if due process was afforded the student.

All hearings shall be recorded by the College.

Appeal to the College President

The Disciplinary Committee's decision is final except in cases when the student believes he/she was not afforded due process. In these cases, the student may make one final appeal to the College president who will review the case to ensure due process was

given. If the president determines due process was given, the decision of the Disciplinary Committee will stand. If the president determines due process was not provided, the president will return the case to the appropriate step in the proceedings.