

Polk State College Procedure

Subject	Reference	Date	Number
Student Appeals Hearing Protocol	Board Rule 4.01	1/24/12	5025

Purpose:

The purpose of this procedure is to establish guidelines for the process of hearing appeals before the Academic Hearing Committee or the Student Services Discipline Committee. Both Committees derive their membership from the Student Services Quality Council as listed in Procedure 6002.

Process:

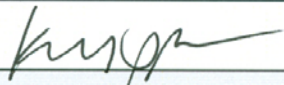
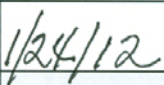
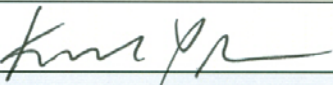
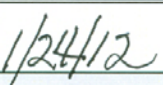
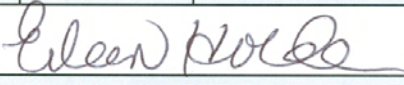
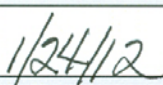
- 1) The following procedural guidelines shall be applicable in hearings before the Academic Hearing Committee or the Student Services Discipline Committee:
 - a. Hearings will be closed to the public. Students, faculty members, or representatives of the College participating in any disciplinary proceedings may be accompanied by one (1) representative, who may be an attorney. Parties who wish to be represented by an attorney must so inform the Dean of Student Services or designee in writing at least two (2) school days prior to the scheduled date of the proceedings. Representatives may not appear in lieu of the student. The student and/or faculty member are responsible for presenting his or her own case and, therefore, persons in attendance in an advisory capacity to the student or faculty, staff, or administration of the College are not permitted to speak or to participate directly in any hearing. In complex cases, the presiding officer may request the President to provide legal assistance to the hearing committee.
 - b. The Vice President for Academic and Student Services or designee acts as Committee Chair and Hearing Officer. Members of the Academic Hearing Committee or Student Services Discipline Committee who have participated or will participate as a witness in the case under review will be excused. Other members may be challenged as set forth in VII.1.h. A quorum will consist of a simple majority of the committee membership not counting the Chair. If an adequate number is not available to ensure a quorum during the hearing process, the Vice President for Academic and Student Services or designee will appoint alternate members from a pool of faculty, staff, and students.
 - c. When directed to do so by the Hearing Officer, college students and employees are expected to comply with requests to appear as witnesses unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal college activities.

- d. In hearings involving more than one accused student, the Hearing Officer, in his or her discretion, may permit the hearings concerning each student to be held separately.
- e. No student will be found in violation of the Student Code of Conduct solely based upon not appearing for a hearing. In all cases, the evidence in support of the charges shall be presented and considered. However, if a student has been charged with failing to obey the summons of the Academic Hearing Committee, the Student Services Discipline Committee, or a Polk State College official and the student fails to attend the hearing, then he/she will be found in violation of the Student Code of Conduct.
- f. The Hearing Officer shall exercise control over the hearing to avoid needless consumption of time and to prevent harassment or intimidation of witnesses.
- g. All proceedings that come before the hearing committees will be recorded and are the property of Polk State College.
- h. Any party may challenge a hearing committee member on the grounds of personal bias. Committee members may be disqualified upon majority vote of the remaining members. Balloting will be secret.
- i. Witnesses may be asked to affirm that their testimony is truthful.
- j. The faculty member, staff, or administrator; the student; and the hearing committee shall have the privilege of presenting witnesses, subject to the right of cross-examination by the hearing committee.
- k. The student must notify the Hearing Officer of any witnesses and/or evidence they wish to present at least two (2) school days prior to the hearing.
- l. Prospective witnesses, other than the student and faculty member, may be excluded from the hearing during the testimony of other witnesses. All parties and the witness shall be excluded during Committee deliberation.
- m. The burden of proof shall be upon the faculty member, staff, or administrator, who must establish the guilt of the student by a preponderance of evidence.
- n. Formal rules of evidence shall not be applicable in disciplinary proceedings conducted pursuant to this procedure. The Hearing Officer shall give effect to the rules of confidentiality and privilege, but shall otherwise admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.
- o. The student and faculty member, staff, or administrator shall be accorded an opportunity to question those witnesses who testify at the hearing. At the discretion of the Hearing Officer, the accused may have the privilege of facing his/her accuser.

- p. Affidavits shall not be admitted into evidence unless signed by the affiant and notarized.
- q. All procedural questions are subject to the final decision of the Hearing Officer.
- r. Final decisions of the Committee shall be by majority vote of the members present and voting. A tie vote will result in a recommended acquittal in an original proceeding. The Chair/Hearing Officer does not vote. All decisions of the committee are final.
- s. Final decisions of the Committee shall be communicated in writing to the student by the Hearing Officer immediately following the hearing.
- t. In cases before the Student Services Discipline Committee, a determination of violation of the Student Code of Conduct shall be followed by a supplemental proceeding at which the respondent or designated representative and the Dean of Student Services or designee may submit evidence or make statements concerning the appropriate sanction to be imposed. Among the factors to be considered in mitigation are the respondent's present demeanor and past disciplinary record, and the nature and extent of any injury to the victim. The past disciplinary record of the respondent shall be supplied to the Student Services Discipline Committee at the discretion of the Dean of Student Services or designee prior to the supplemental proceeding.

History: Adopted: August 28, 2007
 Revised: January 24, 2012

Distribution: All Holders of Polk State College Procedure Manual

			
Executive Responsible for Procedure	Date	President's Staff/Member's Approval	Date
			
President's Approval			Date