

## **DUE PROCESS HEARING PROCEDURES – EXHIBIT C**

1. The Director of Behavioral Intervention shall be responsible for explaining the procedure to the student and scheduling necessary meetings.
  - a. At the time the appeal is filed, the Director of Behavioral Intervention will review the time limitations for each step and outline time deadlines for the Due Process Hearing.
  - b. If requested by the student and feasible, the Director of Behavioral Intervention will assign an advisor or other college staff member to assist the student with the appeal process.
2. The time limitations for any step in the process may be modified and/or extended by mutual consent of the parties involved. College work days are defined as Monday through Friday when the College is in session. The time deadlines for each step of the process shall be 4:30 p.m. of the last day in which to process the request.
3. The Judicial Board of the College will be convened within five (5) College work days following the request for the hearing when possible. The Board shall hear cases referred to it by the Director of Behavioral Intervention (or designee).
4. The Judicial Board of the College shall consist of:
  - a. The Director of Behavioral Intervention (or designee) as facilitator (non-voting).
  - b. One student randomly selected by the Director of Behavioral Intervention (or designee). Every attempt shall be made to select students from the class or a similar class when the incident is class related.
  - c. In appeals from dismissals or suspension, the student member shall be replaced by the Director of Human Resources and Labor Relations (or designee).
  - d. If the complaint is related to discipline by an instructor/faculty member, one faculty member from outside of that division will be appointed by the MAHE Association.
  - e. If the complaint is related to discipline by staff, Director of Behavioral Intervention (or designee) will designate or select a faculty or staff member.
5. If a Judicial Board is convened, the following shall apply:
  - a. Procedure for the Judicial Board Hearing:
    1. The Director of Behavioral Intervention (or designee) will convene the Judicial Board Committee, serve as the chairperson, review the written appeal and related material, describe the function and procedures of the Judicial Board Committee and preside over the hearing.
    2. The hearing will be closed to all but the parties concerned; however, the Judicial Board (as well as the student and staff members involved) may request individuals to testify as to the specifics of the alleged violation/complaint. Such witnesses shall be limited to persons with actual knowledge of the specific incident under dispute. Also, the student and/or the staff member may request an additional person (legal counsel/attorney not allowed) to be present at the hearing for the purpose of advice and support. Such support persons shall not participate in the proceedings, but are available only for consultation with the party they are supporting.

- b. Conduct of the meeting:
  3. Meeting: Once convened, the Judicial Board shall consider the facts and circumstances of the violation(s) and discipline. Witnesses providing validation of the specifics of the appeal will only be present during their own period of testimony.
  4. Student's Case: The student shall present his/her case without interruption, including the presentation of factual evidence and the calling of persons providing validation of the specifics of the incident, violation and appeal.
  5. Faculty/Staff Member's Case: The faculty/staff member shall present his/her case without interruption, including the presentation of factual evidence and the calling of persons providing validation of the specifics of the incident, violation and appeal.
  6. Questioning: The questioning phase is to facilitate the understanding of the complaint, discipline, and appeal. After both parties have presented their case, the student has the right to question the faculty staff member and/or his/her witnesses. Following this, the faculty/staff member shall have the right to question the student and/or his/her witnesses.
  7. Judicial Board Questioning: Following this questioning period, members of the Judicial Board shall have the right to direct questions to either party or their witnesses or to request additional information.
  8. Modifications to the hearing process may be requested by the Judicial Board and must be approved by the Director of Behavioral Intervention.
- c. When testimony is completed, the members of the Judicial Board, exclusive of the Director of Behavioral Intervention (or designee) shall enter into deliberations which will be conducted in private and shall remain confidential.
  1. The Judicial Board shall consider only evidence presented during the hearing when making its decision or additional evidence requested by them.
  2. The Judicial Board shall then reach a decision on the merits of the student's due process appeal of charges and discipline within five (5) College work days of the conclusion of the hearing.
  3. The Judicial Board's decision shall be to support or change the existing discipline and to support or refute the charges. The Judicial Board may provide any recommendation as needed to either the faculty/staff member and/or the student.
  4. The decision of the Judicial Board must be unanimous; failing a unanimous decision, no action shall be taken and the disciplinary action and charges stand. The votes on these decisions shall be by secret ballot.
  5. Students may appeal to the President of the College in cases where they have been permanently dismissed/expelled from the College.
  6. Judicial Board decisions are final; however the President of the College may review cases and alter decisions.
- d. The Judicial Board shall provide the Director of Behavioral Intervention (or designee) with a written decision concerning the changes and discipline. The Director of Behavioral Intervention (or designee)

shall provide a letter relating the Judicial Board's decision to all parties concerned within five (5) College work days of the conclusion of the hearing.

- e. The decision of the Judicial Board shall be implemented within five (5) College days of the conclusion of the hearing.

When a student is banned from campus, notification to faculty/staff is noted in the student information system. Campus Patrol and the faculty currently teaching the student are notified immediately upon the final decision.

**PLEASE NOTE: Failure of the complainant to respond within the time guidelines noted above shall be deemed to be incontestable evidence that the alleged violation/complaint has been settled satisfactorily; lack of response within the time limits provided shall concede the alleged violation/complaint.**