

STUDENT DISCIPLINE AND PENALTIES:
DISCIPLINE HEARINGS PROCEDURE

FMA
(LOCAL)

HEARING
COMMITTEE

In cases where the student is appealing a disciplinary decision or in cases in which the accused student disputes the facts upon which the charges are based as outlined in FM, such charges shall be heard by a hearing committee, which will normally be the Student Affairs Committee.

The hearing committee shall be impartial and shall be designated by the College President or selected according to procedures approved by the College President.

The hearing committee shall preside over a fair hearing for the student and the District's administration. Although student discipline is an educational process, the parties involved (the student and the District) may be advised by legal counsel.

NOTICE

The Vice President of Student Services (herein referred to as the "Vice President") shall notify the accused student by letter or e-mail of the date, time, and place for the hearing. Unless the student and the hearing committee otherwise agree, the hearing shall take place within ten working days of the date of the letter. If the student has been suspended, the hearing shall take place as soon as possible.

CONTENTS OF
NOTICE

The notice shall:

1. Direct the student to appear on the date and at the time and place specified.
2. Contain a statement of the charges or a copy or description of the complaint in sufficient detail to enable the student to prepare his or her defense against the charges. The student shall also be advised that he/she may request copies of any additional evidence in the District's possession relevant to charges or complaint.
3. Contain the names of witnesses who may testify against the student and a description of documentary and other evidence that will be offered against the student.
4. Advise the student of his or her rights:
 - a. To be accompanied by an advisor of his/her choice or advised by counsel at the hearing. (Note: The Student Discipline process is an educational process,

not a court of law; however, if the student elects to be advised by legal counsel, legal counsel may be present to advise the individual.)

- b. To be informed of the nature of the allegation, charges, or reports brought against him/her.
- c. To not be required to testify against himself/herself.
- d. To ask questions of each witness who testifies against the student.
- e. To present testimony, witnesses, and/or evidence with respect to the complaint.
- f. To be notified of decisions reached regarding his/her case.
- g. To appeal the decision in accordance with College policy.

5. State the proposed punishment or range of punishments that may be imposed.

FAILURE TO APPEAR FOR HEARING

The hearing committee may impose appropriate punishment upon a student who fails without good cause to appear for the hearing. The hearing committee may proceed with the hearing and render a decision in the student's absence.

HEARING PROCEDURE

The hearing shall proceed as follows:

1. The hearing chairperson of the Student Affairs Committee shall read the complaint.
2. The designated official shall present the District's case.
3. The student shall present his or her defense.
4. The designated official shall present rebuttal evidence.
5. The designated official shall summarize and argue the District's case.
6. The student shall summarize and argue his or her case.
7. The designated official shall have an opportunity for rebuttal argument.
8. The hearing committee, by majority vote, shall decide the issue of guilt or innocence and an appropriate penalty on the basis of the evidence presented at the hearing. The hearing committee may take the matter under advisement for up to three business days before rendering a decision.

9. The decision shall be communicated to the student in writing within 10 working days of the hearing.

10. A recording of the hearing shall be made. The student may request a copy of the recording. A stenographic digest of the recording shall only be made, if needed for an appeal, and, on request, a student defendant shall be given a copy of the digest. A student defendant shall along with his/her advisor may listen to the tape recording and compare it to the digest. A student defendant may at his or her own expense have a stenographer present at the hearing to make a stenographic transcript of the hearing.

EVIDENCE

Evidence shall be handled according to the following:

Legal rules of evidence do not apply; the hearing committee chairperson may admit evidence and/or testimony that is commonly accepted by reasonable persons in the conduct of their affairs. The hearing chairperson may exclude irrelevant, immaterial, and unduly repetitious evidence.

DECISION

The hearing committee shall render a written decision as to the accused student's guilt or innocence of the charges. If it finds the student guilty, it shall set forth findings of facts in support of its decision. The penalty shall also be stated in the decision. The Vice President shall administer the penalty, if any.

HEARING RECORDS

The disciplinary records and proceedings shall be kept confidential and separate from the student's academic record.

TYPES OF PENALTIES

The hearing committee may impose one or more of the following penalties:

1. Reprimand - A verbal or written warning to the student following a rule violation. Repetition of such misconduct may result in more severe disciplinary action.
2. Specific Restrictions - The committee assign specific academic, social, or behavioral restrictions without placing the student on Disciplinary Probation.
3. Assessment of Fines or Restitution - The committee may assess a specific monetary fine or require restitution without placing the student on Disciplinary Probation.
4. Community Service - The Committee may assign the student specific work hours or community service without placing the student on Disciplinary Probation.

5. Disciplinary Probation - The placing of a student on notice that any future infraction of the College's Code of Student Conduct, any future violation of the College's rules, regulations, or procedures, or violation of the conditions of probation may result in suspension or expulsion from the College. Disciplinary probation may include social and behavioral restrictions, a fine, restitution for harm caused by misconduct of student, or specified community service. This probation may be for a specified length of time or for an indefinite period according to the relative severity of the infraction or misconduct. Failure to fulfill the terms of the probation may lead to immediate suspension or expulsion.
6. Suspension - Forced withdrawal from the College for either a definite period of time or until stated conditions have been met. Normally, suspension shall extend through a minimum of one regular long semester (with summer sessions not counting in the one semester minimum time lapse). However, suspension may exceed the one semester minimum.
7. Expulsion - Permanent forced withdrawal from the College. A student receiving disciplinary expulsion shall have the action noted in his/her permanent record.

APPEAL

If the outcome of the hearing before the Student Affairs Committee is not to the student's satisfaction, the student may, within 10 working days of receiving notice of the hearing officer's or committee's decision, submit to the College President an appeal of the Committee's decision. The appeal at a minimum must include a written reason for the appeal or a statement of the problem and/or complaint, and the expected resolution. The President may, in his/her sole discretion, choose to allow oral arguments on the petition. The President may act to affirm, modify, remand, or reverse the decision. If no action is taken within 60 days, the hearing officer's or committee's decision will thereby be affirmed.

If the outcome of the appeal to the President is not to the student's satisfaction, the student may submit to the College President a written request to place the matter on the agenda of the Galveston College Board of Regents.

The College President or designee shall inform the student of the date, time, and place of the meeting. (The posting of the Board's agenda shall be considered adequate notice to the student.) The Board of Regents may, in its sole discretion, choose to allow oral arguments on the petition. If the Board elects to hear oral arguments, the Board Chairperson shall establish a reasonable time limit for oral arguments. The Board may affirm, modify, remand, or

reverse the previous decisions. If the Board takes no action within 60 days, the decision of the President will thereby be affirmed.

The Board's consideration shall be based on the complaint records developed at the administrative reviews and no new evidence shall be received by the Board. If the Board elects to allow oral arguments, each side shall be entitled to make oral arguments based on the complaint record within the time restrictions established by the Board.
