

Independence Community College Judicial Committee By-Laws

Mission: Develop, conduct, and oversee judicial processes relating to student behavior, including academic integrity.

Responsibilities:

1. Formulate recommendations for College policies regarding student conduct.
2. Formulate recommendations for revisions to College judicial processes.
3. Consult on select disciplinary hearings.
4. Hear student appeals.
5. Prepare a one-page summary of the effectiveness of its work for the Council of Chairs.

Conflict of Interest

In the event that a conflict of interest exists with regards to the persons involved in the disciplinary process, the committee member will be excluded from the process and the designated substitute will perform the duties of that individual.

Student Appeals

An appeal does not provide a second hearing of the case. The review of the appeal will be based on the existing record, new information provided, as well as, information provided by the conduct officer regarding the rationale for the decision. Deviation from the procedures in this code will not invalidate a proceeding or decision or be a basis for appeal except where such deviation has clearly resulted in significant prejudice to an accused student.

A. Grounds of Appeal

- The established procedures were not followed in a significant way and as a result, the factual findings, the sanction, or both, were not correct.
- The severity of the sanction imposed was not appropriate based on the nature of the violation or the circumstances. In cases in which an accused student has accepted responsibility, such appeals are limited to having the severity of the sanction reviewed.

There is new information that would have been material to the outcome, had the information been presented at the conference or hearing. The new information must be included with the student's request for appeal. Also, the student must show that the new information was not known to the person appealing at the time of the original hearing.

B. Process

A student will file the appeal by delivering it to the Office of VPSA (in cases involving student and/or residence life conduct) or the Office of VPAA (in cases involving academic integrity). In general, the filing of the appeal will result in a stay of the sanctions imposed on the appealing

student, unless the welfare of an individual or the community is threatened. Students are encouraged to consult with all resources available to them prior to submitting the request for an appeal. The link to submit an appeal electronically is included in the decision letter, additionally a paper copy of the appeal form may be obtained from the Director of Student life.

If a student files an appeal, she/he will be informed of the outcome when the appeal process has been completed. Students must file their appeals within (4) four working days from the time they receive their decision or sanction letter or the opportunity to appeal is considered waived. (unless there is a special circumstance that would prevent this). An appeal will only be considered if it includes both the student's criteria and rationale for the appeal and an attached copy of the decision letter. It is the student's obligation to provide any and all materials she/he wishes to have considered at the time of appeal submission. Subsequent information and/or revisions to the appeal will not be accepted.

The Student Conduct Committee (subcommittee of Judicial Committee) will convene to resolve cases that meet criteria for an appeal. Appeals of decisions by the committee regarding suspension or expulsion will be heard by the VPSA (in cases involving student and/or residence life conduct) and the VPAA (in cases involving academic integrity). Such appeals from a student must be made in writing within four (4) working days of receipt of the Judicial Committee decision

The VPSA's and/or VPAA's decision will be considered final.

Order of Business for Disciplinary Hearing Appeals

Unless otherwise determined by the Chairperson of the Committee, the hearing will generally follow the order described below.

- A. Members of the Committee introduce themselves and ask all present to do the same.
- B. The Chairperson briefly reviews the hearing procedures as outlined here.
- C. The charges are read by the Committee Chairperson.
- D. The Complainant(s) will be the first to present testimony. At the conclusion of the Complainant(s)' testimony, the Complainant(s)' incident witnesses will each present testimony, with the Committee and Respondent(s) being permitted to ask questions.
- E. After the Complainant(s) have presented evidence to the Committee, the Respondent(s) will be given the opportunity to present personal testimony and the testimony of any incident witnesses as described above. Following this testimony, the Committee and the Complainant(s) will be permitted to question the Respondent(s) and any incident witnesses appearing on behalf of Respondent(s).
- F. Character witnesses are not permitted at any disciplinary hearing.
- G. When all parties have presented their evidence, the Committee may ask further questions of any party and/or recall witnesses for further questioning. The Committee may call brief recesses at any time to discuss the proceedings and may ask further questions upon return from any such recesses.
- H. The Chairperson may also call witnesses, including expert witnesses from the College staff, to aid the Committee in its consideration of the case.

- I. When the Committee's questions have concluded, the Chairperson should inform the Complainant(s) and Respondent(s) that a written decision will be provided to them. The hearing will then be adjourned. The members of the Committee will meet in executive session to deliberate and render a decision.

Basis for Findings: Standard of Evidence

The standard or basis for findings refers to the criterion or measure of proof that is used to assess if a student is responsible for violating College policy.

The basis for findings used during any College judicial proceeding is a preponderance of the evidence. A finding, by a preponderance of the evidence, that a student violated College policy means that the Committee found that the evidence presented led to more than a 50% likelihood that a student is in violation of a regulation or standard. An easier way to think about this may be to consider the question, "Is it more likely than not that, based on the evidence and testimony presented to the Committee, the student violated the regulation or standard?" If the answer is "Yes," the Committee has achieved a preponderance of evidence.

The College uses a preponderance of the evidence as a standard of evidence for student disciplinary hearings because it is the basis for findings that is the most conducive to the academic setting and the educational process found in disciplinary hearings.

Committee Education

To ensure the college does not violate students' rights during the student conduct investigative and hearing process committee members will be required to undergo at least annual training related to their role as student conduct adjudicators. Such trainings will be provided by associations such as Association for Student Conduct Administration, National Association of Student Personnel Administrators, and other industry standard organizations offering conferences and webinars.

Revised April 2021