Investigation and Hearing Board

Purpose and Jurisdiction:

The Investigation and Hearing Board provides a structured, educational environment for problem resolution and disciplinary actions involving the college community. The Board protects an individual's rights to due process. In investigations and hearings before the Board, specific rights are assured in the process. These rights include notification of charges, time and date of hearing or appeal, an opportunity to present evidence before impartial board members, examination and rebuttal of all evidence and testimony used to make a decision, and written notice of the Board's decision. Proceedings of the Investigation and Hearing Board are protected by FERPA and the Buckley Amendment of 1974.

The jurisdiction of the Investigation and Hearing Board includes group and individual cases involving alleged violations of the student code of conduct for students. The jurisdiction includes group and individual cases involving sex discrimination, sexual harassment, and discrimination or harassment allegations based on a disability for employees. This board will hear and determine requests for student re-admission from expulsion due to non-academic reasons.

Composition:

Membership on the Investigation and Hearing Board consists of Co-chairs, the Director of Student Conduct and the Employee Relations Manager, and a minimum of sixteen (16) other faculty/staff members, and four (4) students. The chairpersons will serve as non-voting members. If the complaint is against a student or student group the Director of Student Conduct (or designee) will serve as the Chair for a case. If the complaint is against an employee the Employee Relations Manager (or designee) will serve as the Chair. The Chairs will designate appropriate personnel from the pool of Investigation and Hearing Board members for each investigation and hearing. Investigation teams will consist of two (2) to three (3) members. At least three (3) members must be present to complete a hearing. Students will be empaneled only in cases in which students are involved.

Selection of Board Members:

Employee members of the Board will be selected from a broad representation of the college. The Title IX and ADA Compliance officer and Board Chairs will initiate the selection process, providing candidates to the division Vice Presidents for feedback and final approval. The four students will be selected by the Chief Learner Services officer.

Terms:

Board member terms are one year, July 1 through June 30. Members may be selected for multiple terms.

Submission of Student Conduct Cases to the Board:

Student conduct complaints will be received by the Director of Student Conduct or designee and submitted to the Board.

Submission of Employee Sex or Disability Discrimination Cases:

These cases will be submitted to the Investigation and Hearing Board through the Title IX and ADA Compliance Officers.

Submission of Appeals:

Appeals will be submitted to the Board after they have been granted by the Title IX and ADA Compliance Officer or the Chief Learner Services Officer.

Investigation and Hearing Board Due Process:

The Investigation and Hearing Board proceedings facilitate opportunities for learning and behavior change while adhering to basic fundamentals of due process. The following procedural guidelines are established for conducting hearings:

- An allegation or appeal must contain sufficient information to justify the allegation or appeal.
- The person against whom the allegation has been filed or who is filing an appeal (herein called the "Respondent") is notified by the Chair of the Investigation and Hearing Board that an allegation has been filed, or that an appeal has been received.
- In addition to gathering information from the Complainant, investigations will include getting feedback from any pertinent witnesses and the Respondent.
- If a hearing will take place, the Respondent and the Complainant (the person who reported the complaint) will be invited to a pre-hearing meeting with the Investigation and Hearing Board Chair. The purpose of this meeting is to ensure that the participants understand the hearing process. These meetings will be held separately for the Respondent and Complainant.
- Hearing dates with the Investigation and Hearing Board will be scheduled in a timely manner. Notice of the hearing date and time is given to all affected parties.
- When a hearing occurs, the Respondent and the Complainant will be asked to appear in person and present their respective cases to the Investigation and Hearing Board. Witnesses may be called.

- The Investigation and Hearing Board is not a court of law, but rather an educational board discussing internal college issues.

However, the Respondent or Complainant is entitled to be accompanied by counsel during Investigation and Hearing Board hearings. Choice of counsel is left to the individual's discretion, and may be a fellow student, an attorney, faculty, staff member, spouse or family member. If a counsel will be attending the hearing, five (5) business days advance notice must be given to the Chair of the Investigation and Hearing Board. Counsel acts solely as an advisor and/or supporter. As such, counsel may not question the Complainant, Respondent, witnesses or members of the Investigation and Hearing Board. Participants shall be entitled to refuse to answer questions in exercise of their Fifth Amendment rights.

- The Respondent and Complainant shall be entitled to a written decision of the case from the Investigation and Hearing Board Chair or the Title IX and ADA Compliance Officer within ten (10) business days following an investigation or hearing or as soon thereafter as possible.
- Upon evaluation of the evidence and information presented before the Investigation and Hearing Board, decisions are rendered upon whether (a) a conduct violation occurred, and, (b) disciplinary action is to be taken.