

**Miles College**  
**Student Disciplinary Action**  
**2008-2009**



**MILES**  
**COLLEGE**

**AN ACADEMY**  
**FOR THE**  
**21ST CENTURY**

## **Procedures for Administration of Disciplinary Action**

**Complaint:** All acts of misconduct on the part of students shall be reported in writing to the Dean of Students, who is designated the principal administrator to enforce college disciplinary measure as they pertain to student misconduct. Each complaint shall contain a statement or facts outlining each alleged act of misconduct, each regulation which the student is alleged to have violated.

**Investigation or Review:** The Dean of Students shall cause to be reviewed or investigated alleged acts of student misconduct reported to him or her. He or she may appoint a staff member(s) to conduct an inquiry into alleged misconduct act(s), and the appointed member(s) shall recommend to the Dean of Students what further action is indicated. The Dean of Students may dismiss the allegation. The Dean of Students may host an informal hearing and summon the student(s) to appear before imposing disciplinary action. After a decision is made, the Dean of Students shall notify the accused student(s) in writing.

**Notification:** When written notification is made by the Dean of Students to the student(s) for alleged violation of misconduct, it shall contain a statement of the nature of the alleged or suspected misconduct, and state the section(s) of the conduct code the student(s) is/are alleged to have violated. Rights and procedures for appeal are explained.

**Student Reply:** Any student(s) accused of an act of misconduct that results in suspension or expulsion is encouraged to notify his/her parents or guardian of the charges. Parents or guardian will be granted, if requested in writing, a conference with the Dean of Students prior to a hearing of the Judicial Council. The student(s) must admit or deny the alleged violations in writing. Cases of misconduct that result in suspension or expulsion must be appealed by the following:

1. The student(s) must submit in writing a request to review the case with the name, address, telephone number(s) and student identification number on the top of the letter.
2. The student must state the date of the disciplinary action and by whom he or she was disciplined in the letter.
3. The student must state the nature and charges of the disciplinary action in the letter and the circumstances which merit review.
4. The letter requesting a review must be signed and dated.
5. The written request for review must be made within seven (7) class days from the date on which the disciplinary action was taken against the student. In the event the disciplinary action was taken at the end of the semester, the student(s) has seven days from the beginning of the next semester to submit the request.

***The student(s) waive/forfeit a hearing of the Judicial Council by failure to respond according to the procedure listed above.***

**Dean of Students Reply:** Upon receipt of the written letter requesting a review of the case that involves the recommendation of suspension or expulsion, the imposition of any penalty is suspended until the appeal is finally decided. The Dean of Students notifies the Chairman of the Judicial Council that a student(s) has requested a review of his or her case. The following will then occur:

1. The date, place and time for the committee review will be set
2. The student will be notified in writing within seven (7) class days after receipt of the student's request for a review of the meeting of the Judicial Council.
3. During the time after the submission of a letter of appeal, the student is responsible for preparing an adequate defense for his/her upcoming review of the Judicial Council.
4. The Judicial Council shall meet within five (5) class days after the student has been notified of the review.
5. The student who fails, without just cause, to appear in person for his appeal as notified forfeits his right to appeal.

**Interim Action:** If necessary, interim action may be taken while a student(s) is awaiting a review of his or her case. The President or any member of the administrative cabinet may take immediate interim disciplinary action when in the opinion of such official, the interest and safety of the college would best be served by such action. This interim action must be documented and can include suspension of the rights of the student(s) to be on campus and to attend classes.

## **The Miles College Judicial Council**

The Miles College Judicial Council is composed of five students (members of the Judicial Branch of the Student Government Association) and five faculty and staff members plus one faculty or staff member who serves as the chairman. The Dean of Students shall be an ex-officio member of the council.

The five student members of the Judicial Council are elected by the Student Government Association Senate and consist of one Senate member from each class and headed by a second Senator from the Senior Class.

The faculty and staff members of the Judicial Council are appointed by the Dean of Students.

The Chairman must be approved by the President.

The right of grievants to appeal grievance decisions to higher levels of decision making authority is one of the basic components of an equitable grievance procedure. It assures that all grievance decisions (except those made at the final level of appeal) are subject to review and modification, and thus protects grievants from bias which may occur in any single grievance decision.

The Council will hear cases brought to its attention by the Dean of Student Affairs. The Council has no jurisdiction over cases decided by the President of the College, nor shall it be interpreted to exclude an encroachment upon any authority or any Office of the Miles College Administration.

The Chairperson shall vote in cases where the Committee has a tie, and all votes shall be made by secret ballot.

## Hearing Procedures

- The Judicial Council or Dean of Students may request, but not demand, that an accused student submit briefs or other documentation to the Judicial Council before a hearing; either party may file a brief voluntarily.
- Live character testimony is not permitted, although a charged student may submit written character references to the Judicial Council before the hearing.
- The student may present names of witnesses, affidavits or any documents desired prior to the hearing to insure adequacy for the presentation of his or her defense.
- If the student(s) fails to appear when the case is called for a hearing, without just cause he or she forfeits his right to appeal. The hearing may proceed in the student's absence if he/she failed to respond.
- Any member of the hearing body shall disqualify himself if the personal involvement in the hearing is of such a nature as to prejudice the case.
- Hearing body deliberations are closed to all but the hearing body members.
- Members of the Miles College Campus Police may be requested to be present at hearings when the case warrants it.
- The student may appear at the hearing with legal counsel of his or her choice.
- The student has the right to remain silent with no inference of guilt drawn there from. The student cannot be compelled to testify against him/herself.
- The names of all witnesses shall be made known to the student during the hearing.
- The student and his/her counsel if present shall be entitled to inspect any affidavits or other evidence used against him/her during the hearing.
- The student may cross-examine any witnesses or the accuser during the hearing to insure there is a thorough examination of the facts.
- The hearing body shall make a tape recording and/or maintain minutes of the proceedings. Judicial Council proceedings that are tape recorded are used for appeals only. Students who legitimately appeal the decision of the Judicial Council may request to listen to the recording of the hearing in the Office of Student Affairs. Tapes are not to be removed from the Office of Student Affairs.
- Minutes of the proceedings will be maintained in the Office of Student Affairs and can be made available to the student.
- The hearing body shall provide recommendations for appropriate disciplinary actions to the Dean of Students.
- The Dean of Students will review the case and recommendations and implement disciplinary action based on the decision of the Judicial Council.
- The decision reached at the hearing shall be communicated in writing to the student.
- The decision of the Judicial Council shall be filed after the completion of a hearing.
- All records of the case will be confidential.
- The recommendation of the Judicial Council in cases of student discipline is final unless the student appeals to the President. The decision of the President is final.
- The final responsibility for all disciplinary decisions is vested in the President of the College under the Constitution and By-laws of the College (Article II, Section IV).

## **Judicial Council Hearing Meeting**

1. All members sign in stating their presence on the date of the hearing.
2. The council members determine who will take minutes of the proceedings.
3. If a tape recorder is being used, all members are made aware that the proceedings are being recorded.
4. Presentation of Evidence
  - a. Complainant's opening statement or reading of charges against student if complainant is not present
  - b. The Accused's opening statement
  - c. Complainant's testimony if present and presentation of witnesses or other evidence
  - d. The Accused's right to question complainant's testimony and other witnesses or review any documentation present
  - e. The Accused's testimony and presentation of other evidence or witnesses
  - f. Complainant's right to question the Accused and witnesses if present
  - g. The Complainant's rebuttal if present
  - h. The Accused's rebuttal
  - i. Complainant's closing statement if present
  - j. The Accused's closing argument, including any statement as to mitigating circumstances.
5. After the presentation of evidence, the accused and complainant (and any other witnesses) are dismissed and the Judicial Council discusses the case.
6. The Council votes by secret ballot.
7. Once the decision is made, the accused is returned to the room to receive the recommendation of the Judicial Council.

## **Appeal of the Decision of the Judicial Council**

A student who has received a recommendation from the Judicial Council of suspension or expulsion can request a review of their case by the Office of the President based on at least one of the following grounds *only*:

1. procedural irregularity
2. undue severity of the disciplinary action
3. hearing officer bias
4. extreme mitigating circumstances
5. evidence of a capricious or arbitrary decision

The student must describe in detail their argument that one of the above grounds is present and warrants a review. The appeal must be submitted within seventy-two hours of receipt of the decision and must contain the following information:

1. a clear explanation of the applicable grounds for appeal
2. the date of the incident and the original violation or infraction
3. the date of the Judicial Council hearing

The President can uphold the decision of the Judicial Council or ask for another review for alternative disciplinary action.

If a student fails to file a written appeal statement to the Office of the President by the due date specified waives his or her right to an appeal.