

**A. Hearing Committee**

1. The Disciplinary Hearing Committee shall have original jurisdiction for hearing all disciplinary cases in which the sanction should be disciplinary suspension or disciplinary dismissal from John A. Logan College. This committee will also hear all appeals involving other sanctions except temporary class suspension and interim suspension from the College. The committee shall have five members to be appointed annually by the president of John A. Logan College.
2. The vice-president for student affairs and community education shall establish such administrative procedures as will enable the committee to carry out its duties.

**B. Appeals**

1. Right to Appeal. Students and student organizations have the right to appeal decisions in all disciplinary cases. The appeal must be made in writing within five (5) calendar days. A hearing must be held within ten (10) calendar days of receipt of the notice of appeal. While an appeal is pending, all sanctions imposed, unless a temporary class suspension from the College has been ordered, shall be held in abeyance, and the student's status on campus shall in no way be affected.

As previously stated, all sanctions involving expulsion or suspension are automatically heard by the Disciplinary Hearing Committee. Other sanctions may be appealed to the Disciplinary Hearing Committee on written request to the vice-president for student affairs and community education. Final written appeal for the sanctions of expulsion or suspension may be made within five (5) calendar days to the president of John A. Logan College and the Board of Trustees. The president must respond to the appeal within ten (10) calendar days. The Board of Trustees may or may not respond within 30 calendar days.

**C. Judicial Procedures Involving Student Conduct Matters**

1. General. The following is the format of rights and responsibilities to be utilized during judicial proceedings unrelated to academic conduct. Any exclusions, modification and or deletion of the following must be requested from, and approved by, the president of John A. Logan College.
2. Prior to Hearing. A student charged in violation of the student conduct code is entitled to:
  - a. A notice of charges.
  - b. An appraisal of all relevant evidence.
  - c. A choice between open or closed hearing.
  - d. A notice of time, place, and format of the hearing:

- (1) The hearing will be held no sooner than five (5) school days after notification of the charges.
- (2) Under exceptional circumstances, changes in the hearing date may be granted by petitioning the vice-president for student affairs and community education.

Any student charged with a violation of the student code of conduct is expected to participate fully in the established judicial program. Prompt response to all delivered correspondence is necessary in order to expedite judicial matters and result in the most efficient application of the adjudication process. In correspondence to the student charged, s/he will be asked to provide the following information to the vice-president for student affairs and community education prior to the hearing:

- a. will the student charged be attending the hearing;
- b. will the student charged be accompanied by an advisor, and, if so, is the advisor a lawyer;
- c. will the student charged be presenting any witnesses, and if so, provide their names and their relationship to the charged student; and
- d. does the student charged wish to have an open or closed hearing.

*Notice of charges will be considered to have been delivered if the notice has been sent to the current local address of the charged as provided to the admissions and records office of the College by the student. Thus, failure to notify the College of change of address could result in a hearing being held in absentia.*

Failure to respond to delivered correspondence regarding the hearing option will result in referral of the charges to the Disciplinary Hearing Committee. The Disciplinary Hearing Committee may hear such cases in absentia. The hearing shall be closed, an official record kept, and may be tape recorded.

3. During a Hearing. The charged is entitled to:
  - a. Advisory assistance. The advisor may be an individual of the student's choice. The role is advisory in nature, and the advisor may not directly participate in the proceedings as a principal. The College reserves the right to have an advisor of equal peer to that of the student or organization.
  - b. Present witnesses and any information relevant to the case.
  - c. Present written statements or depositions which may be taken from person(s) who are unable to attend hearings.
  - d. Hear and question all witnesses and have access to all relevant information and evidence.
  - e. Have the option to have the hearing tape recorded in all cases of initial jurisdiction. However, official records will be made of all hearings. All appellate cases and open hearings shall be tape recorded.

- f. Challenge hearing committee members for cause. The removal of a hearing committee member will be at the discretion of the remaining panel members.
- g. Remain silent.

The College is entitled to challenge hearing committee members for cause. The removal of a panel member will be at the discretion of the remaining panel members.

It is the policy of all hearing agents that statements, evidence, or comments given during hearings will be held in strictest confidence by members of the hearing committee and its advisor(s), the president or any other individuals involved in a hearing or hearing appeal. No statements will be made to the general public by the members of the hearing committee before or during the hearing, or before, during or after deliberation. In all hearings at all levels, no individual will be required to offer evidence which may be self-incriminating.

- 4. Waiving Right to a Hearing. A student may waive a right to a hearing through failure to appeal an imposed sanction within the designated time limits.
- 5. After the Hearing. The charged is entitled to a written statement, within a reasonable time, of the decision of the hearing body, and all judicial actions will be specified. Such notice shall include the options and procedures for making an appeal.
  - a. If the hearing was closed, the decision of the hearing committee and any recommended sanctions will be available only to the student or organization involved and the appropriate College officials.
  - b. If the hearing was open, the decision of the hearing committee and any recommended sanctions will be available to interested individuals for a reasonable time after the hearing.
- 6. Appeal of Decision and/or Sanction. Any decision or sanction may be appealed to the next higher level of the judicial structure. However, the right to appeal does not entitle a student to a full rehearing of his case. Rather, the appeal individual or board should limit its review of the hearing board's record to four issues:
  - a. Were the judicial procedures correctly followed?
  - b. Did the accused have an adequate opportunity to prepare and present a defense?
  - c. Did the evidence presented at the hearing justify a decision against the student?
  - d. Was the sanction imposed in keeping with the gravity of the violation?

An appeal may be denied for insufficient grounds to request an appeal. However, if the appeal is granted, the appeal agent may:

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- a. Accept the report and decision of the hearing agent.
- b. Reverse the hearing agent’s decision and dismiss the case or remand the case for receipt of additional evidence or allow an opportunity for the student to prepare and present a defense.
- c. Accept the decision of the hearing board but reduce the sanction imposed.

The appeal agent may not increase the sanction.

(Original signed by President Mike Dreith)

PRESIDENT

June 25, 2014

DATE

ADOPTED: JUNE 25, 2014  
AMENDED:  
CROSS REF.: BOARD POLICIES 8310, 8315