

# DISCIPLINARY APPEALS

## STUDENT ORIENTATION



GOODWILL  
TECHNICAL  
COLLEGE

### Disciplinary Appeal Procedures

After an original decision is rendered, the student shall be given a letter stating the charge(s), sanction(s), and the procedure if the student chooses to appeal. If the sanctioned student wishes to appeal against the decision, the appeal must be received in writing to the Chief Academic Officer no later than 4:00 p.m. within three business days.

The Chief Academic Officer will determine if the appeal letter has merit. The student will be notified within five (5) business days whether their appeal has been granted or denied. If the appeal is granted, the Chief Academic Officer will convene the Disciplinary Committee, facilitate the hearing, and prepare all supporting information for the appeal. Failure to comply with the applied sanctions pending the outcome of the disciplinary appeal may result in further sanctions.

These appeal procedures serve to provide due process in principle and fact. In practice, the procedures are not viewed or intended to be courts; rather, they are procedures with hearings to air differences and seek solutions within the expectations of the academic community.

Considering these principles, individuals may have witnesses for the Disciplinary Committee to interview. In addition, if Goodwill Technical College utilizes an attorney to present the case, the student shall have similar right to utilize an attorney. Representation by legal counsel is not required but may be permitted. If counsel is requested, the attorney's purpose is to serve as an Advisor to the student. Should the student plan to have an attorney present, the institution must be informed in writing no less than 48 hours prior to the appeal hearing.

Only the student, legal counsel (if approved for student advising only) and a representative of the college may be present during the appeal hearing. Any witness testifying will appear before the committee only while testifying. The committee will render a final recommendation to the Chief Academic Officer that:

1. The original decision be upheld; or
2. The original decision be reversed; or
3. The severity of the decision or sanction may be modified (increased or decreased).

At the conclusion of the hearing, a letter will be given to the student within five business days and should state the decision of the committee, and the stipulations, such as a timeframe for vacating the campus, and/or instructions for processing the proper withdrawal papers, length of time for any probation, and any restrictions.

The decision of the Disciplinary Committee to grant or not grant an appeal is final and cannot be appealed further at the college level. Listed below are additional guidelines for the appeal process.

1. An opportunity will be provided for the accused to present his/her own case and to present other evidence in support of the case.
2. The right to hear evidence and to ask questions of witnesses, through Goodwill Technical College staff, must be allowed.

3. Goodwill Technical College has the burden of proving its case by preponderance of evidence. The preponderance of evidence means proof that leads a reasonable person to find the facts at issue are more likely to have occurred than not.
4. A determination of the facts will be based only on the evidence presented.
5. A student may not be compelled to testify on his/her own behalf if the student chooses not to testify. If the student does testify, he/she may be fully, indirectly, cross-examined.
6. After hearing all the evidence, the committee shall determine by a majority vote, or if a hearing officer is used in lieu of a committee (as with the sanction of probation), the hearing officer shall determine if the student violated the policy. The committee by majority vote shall recommend or assess the appropriate penalty.

In addition to the statements from the appeals board, the right to make a record of the hearing at an individual's own expense should be preserved. Goodwill Technical College will provide a recording of the proceedings by electronic means, or by notes or minutes taken by an impartial recording secretary. The records will be retained by the institution for a period of three years. Notification to administrators, staff and instructors may be distributed to indicate that the student has been removed from classes if the student's suspension is upheld by the appeal process.

The above constitutes the minimum constitutionally mandated due process. In addition to these guaranteed rights, the following will be Goodwill Technical College's practice to ensure fairness in serious disciplinary offenses:

1. The right to appeal to a higher authority within the institution.
2. The right to cross-examine witnesses, not directly, but through the appeal committee chair.
3. The right to have counsel at a hearing, not to participate, but to advise.