

Rights of the Accused Student

The accused student has the right to notification regarding the alleged offense and a Procedural Interview to respond to the charges. The notification will be hand or post delivered to the last address on file with the Registrar or delivered to the accused student. The notification will include a copy of the referral notice with facts pertinent to the violation. The date, time, and location of the Procedural Interview will be included, as well.

The purpose of the Procedural Interview is to provide the accused student the opportunity to discuss the facts and circumstances that led to the referral. The Director of Student Conduct (DSC) (or designee) will clarify the rights and options of the accused and describe a potential sanction for the violation.

The accused student must attend the Procedural Interview. If an accused student fails to appear at the scheduled Procedural Interview, a decision may be made in their absence. Procedural Interviews may be rescheduled due to mitigating circumstances. Such a request must be made to the DSC within 24 hours of the scheduled meeting. Failure to contact the DSC (or designee) within 24 hours will result in a determination and the accused being informed of any related sanctions.

At the Judicial Hearing level, accused students are required to attend the scheduled Hearing. Having received notification and failing to appear will result in the Hearing Board proceeding without the accused in attendance.

Procedural Interviews and Judicial Hearings may be rescheduled at the discretion of the DSC (or designee).

Any time before or during a hearing a student may ask for the removal of any member of the Hearing Board, by presenting evidence of bias on the part of the member. The DSC (or designee) may excuse the Hearing Board member or permit the hearing to continue with no modification.

A charge of bias against the DSC must be submitted to the Vice President of Academic and Student Affairs. Upon determining the validity of the claim, the Vice President may excuse the DSC or permit the hearing to continue with no modification.

All Procedural Interviews and Hearings will be closed to the public to protect the student's right of confidentiality.

Accused students have the right to be accompanied by a member of the college or another person of your choice to serve as an advisor. The advisor may be present during the hearing or interview, but are not permitted to speak on behalf of the student. It is not the role of the advisor to "win" the case for the student. Rather, the advisor may assist the student in preparing for the hearing/interview, attending the hearing/interview, and, if necessary, assisting the student with an appeal. It is the responsibility of the student to initiate contact with an advisor. It is also the students responsibly to confirm the advisor's availability for the hearing/interview. Accused students have the right to request and are provided accommodation in the event of a disability. Assistance can be obtained through the 504 Compliance Officer

With the exception of college expulsion, suspension, and academic holds pending a judicial hearing, disciplinary sanctions shall not be made part of the student's academic transcript. All other interactions of the Student Code of Conduct will be recorded and maintained by the DSC.

When a student withdraws from Hocking College after engaging in conduct that may violate the Code of Conduct but before the alleged violation can be adjudicated, a hold will be placed on the student's record. This hold will prevent the student from re-enrolling until the violations have been resolved.

Admission/Denial of Violation

At the Procedural Interview, the accused student may admit to the alleged violations and have the DSC (or designee) impose sanctions or the student may deny the alleged violations.

Admission to a violation is an admission to a violation of the Student Code of Conduct. Denial of a violation is a rejection of the allegations of a violation of the Student Code of Conduct and at this point the DSC (or designee) will consider the nature of the alleged offense, the severity of the probable sanction(s) and/or the accused person's pattern of behavior. A determination at the Procedural Interview may occur or the referral may proceed to a Judicial Hearing.

Appeal Guidelines

Any appeal of the decision by any college hearing body specified in this document must be made by the students found in violation within seven (7) calendar days of the date of notice of the decision.

Appeals may be arranged for the following reasons:

- *Substantial Procedural Error*: The specified error must have substantially altered the hearing in such a way that the accused student was denied a fair hearing or prevented the hearing officer from making a fair decision
- *Inequitable Finding and/or Sanctioning*: The evidence presented in the hearing did not justify the resulting finding or sanction it that the resulting sanction would be considered disproportionately severe to the level or nature of the violation or based on the student's prior record.
- *Presence of New Information*: New information has come to light that was not present or available at the time of the hearing. This information must be substantive enough in nature to alter the resulting finding/sanction

Appeal forms are available from the Associate Vice President of Student Affairs (AVPSA) in JL 165 (or designee). The completed form should be returned to the same office (or designee) within seven (7) calendar days from the notification of the original hearing outcome. The AVPSA (or designee) will do one of the following:

- Affirm the previous finding(s) and sanction(s) issued by the hearing officer/board
- Affirm the previous finding(s) and alter the sanction(s) issued by the previous hearing officer/board
- Overturn the finding(s) of the previous hearing officer/board and retract previous sanction(s)

In considering the original evidence present at the Judicial Hearing, in light of alleged new evidence, the AVPSA (or designee) will order a new hearing only if the new evidence is of such a nature to change the outcome of the original hearing. Students will be notified within ten (10) working days of the appeal decision.

Student Signature

Date

Hearing Officer Signature

Date