

Procedure 3.2403

Student Incident Appeal Procedure

A student who has received discipline from the vice president of student services or been banned from campus by the BCCC campus police department may appeal their discipline or banning by following the guidelines below:

- A. A student may appeal his/her withdrawal, suspension/banning, or dismissal to the vice president of student services.
 1. A notice of appeal must be made in writing to the vice president of student services. The written appeal must be delivered within five (5) working days of the incident. If the student wishes to appeal discipline rendered by the vice president of student services, the vice president of student services will recuse him/herself from the proceedings and turn them over to the vice president of academics for disposal.
 2. The vice president of student services or vice president of academics will notify the Student Appeal Committee and convene members of the committee to hear the student appeal. The hearing shall be held within three (3) college working days following receipt of the appeal from the student except in unusual circumstances or with the consent of the student. The Student Appeal Committee members hearing the appeal shall not have initiated or been involved in the action(s) leading to the disciplinary action taken against the student or any administrative appeals by the student. The purpose of the Student Appeal Committee is to hear the appeals of disciplinary actions or banning and to uphold, modify, or reverse a disciplinary action against a BCCC student.
- B. The vice president of student services or vice president of academics shall distribute copies of the appeal or complaint to the Student Appeal Committee members. For an appeal, the vice president of student services will attempt to notify the college official who made the decision to implement the disciplinary action that a letter of appeal has been received. A copy of the incident report and documented investigative reports relevant to the case will be made available to committee members. The vice president of student services will hand deliver or mail a copy of the complaint to the accused student. The vice president of student services will request a written response to those charges to be submitted a minimum of three (3) days prior to the scheduled hearing.
- C. The vice president of student services or his/her designee will notify the Student Appeal Committee members, the student making the appeal, or the complainant and the accused of the hearing date and time. No more than three (3) college working days will elapse between the receipt of the complaint and the hearing except in unusual circumstances or with the consent of the student. The vice president of

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student services must be notified, in advance, if any party is unable to appear at the scheduled meeting for a valid reason. If this occurs, the hearing will be re-scheduled.

- D. If any party fails to appear at the scheduled hearing without a valid reason, the committee may make its decision based upon any information received from parties of witnesses appearing at the hearing and/or the written documentation submitted prior to the hearing.
- E. No member of the committee who has an interest in the case shall sit in judgment. A temporary replacement shall be appointed by the vice president of student services or his/her designee except in the event of replacing the Student Government Association representative, whose replacement shall be another officer of the SGA.
- F. All members of the committee, the student and all other stakeholders will be given the hearing packet within 24 hours of the hearing, The hearing packet will contain the formal complaint and all documentation from each opposing viewpoint.
- G. The Student Appeal Committee Moderator shall preside over the hearing and follow established procedures for the hearing including:
 - 1. Allowing the student to appear and be represented by counsel. The student may introduce evidence and the testimony of witnesses, may present arguments, and may cross examine witnesses. The student's counsel will only be able to address the student an offer advice or suggestions.
 - 2. Allowing any officer or employee of BCCC whose action or determination is being appealed, to appear and be represented by counsel, with the right to introduce evidence and the testimony of witnesses, to present arguments and to cross examine witnesses;
 - 3. Establishing the order in which the sides shall present their information and establishing time frames;
 - 4. Report the committee's decision; and
 - 5. Making a record of the hearing, either tape or stenographic (other than the deliberation of the committee which shall be in private).
- H. Copies of the committee's case summary shall be kept permanently in the vice president of student services' office. A copy shall be mailed by certified mail to the student or hand delivered to the student with a staff member witnessing the act.
- I. An appeal of a decision by the Student Appeal Committee may be made to the Senior Staff by writing the vice president of student services or vice president of academics within three (3) college working days after the student has received notice of the decision of the committee.

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1. A Notice of Appeal to the Senior Staff shall identify the student appealing, the decision being appealed, and the reason the student feels the decision of the Student Appeal Committee is wrong.
2. Upon timely receipt of such appeal, the vice president of student services or his/her designee will immediately notify the president of such appeal and provide a transcript of the former hearing to the president together with any material introduced into evidence at the hearing.
3. Within five (5) business days after the president has received the notice of appeal and transcript, the Senior Staff shall meet and consider whether to hear the appeal.
4. If the Senior Staff decides to entertain the student's appeal from the Student Appeal Committee, it will set a time, date, and place for such hearing within five (5) business days. The president shall immediately notify the student and all other parties named in the Notice of Appeal.
 - a. The student can have counsel representation in the appeal hearing. In which case, the counsel can ask questions on behalf of the student,
 - b. An appeal entertained by the Senior Staff shall be decided by majority vote (after private deliberation) of the members of the Senior Staff present at the hearing.
 - c. The decision of the Senior Staff shall be made within two (2) business days after the hearing, and the president will immediately provide the student with a summary of such decision.
5. If the Senior Staff decides not to entertain the appeal, it shall so notify the vice president of student services or vice president of academics who shall immediately notify the student.
 - a. The student may, within five (5) business days after receipt of such notification, request the Educational Committee of the Board of Trustees of the College, by letter to the president, to entertain such appeal.
 - b. The president will immediately transmit such letter, together with the notice of appeal and transcript of the former hearing to the chairperson of the Educational Committee of the Board of Trustees of the College.
 - c. The Educational Committee of the Board of Trustees shall decide whether to entertain such appeal within twenty (20) business days after receipt of the student's letter requesting Board review by the president.
 - d. If the Educational Committee of the Board of Trustees declines to hear such appeal, the president will immediately notify the student that the student's

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extrajudicial remedies shall have been exhausted.

- J. Appeals from decisions of the Senior Staff are made to the Educational Committee of the Board of Trustees. This is the third and final level of appeal.
1. The student shall file a notice of appeal to the Educational Committee of the Board of Trustees by giving a "Notice of Appeal" to the president within five (5) business days after notice of the decision of the Senior Staff.
 2. A "Notice of Appeal" to the Educational Committee of the Board of Trustees shall identify the student appealing, the decision being appealed, and the reasons the student feels the decision of the Senior Staff is wrong.
 3. Upon timely receipt of such appeal to the Educational Committee of the Board of Trustees, the vice president of student services will immediately notify the president of such appeal and provide a transcript of the former hearing to the president, together with any material introduced and received into evidence at the former hearing.
 4. Within ten (10) business days after the president has received the Notice of Appeal and transcript, the Educational Committee of the Board of Trustees shall meet and consider whether to hear the appeal.
 5. If the Educational Programs Committee of the Board of Trustees decides to hear such appeal, it will set a time, date, and place for such hearing (which shall be within the next twenty (20) business days), and the president will immediately so notify the student and all other parties named in the Notice of Appeal.
 - a. An appeal entertained by the Educational Programs Committee of the Board of Trustees shall be decided by simple majority vote (after private deliberation) of the members of the Educational Committee of the Board of Trustees present at the hearing.
 - b. The decision of the Educational Programs Committee of the Board of Trustees shall be made within two (2) business days after the hearing, and the president will immediately provide the student with a summary of such decision.
 - c. Once the Educational Programs Committee of the Board of Trustees' decision is made on the appeal, the student's extrajudicial remedies shall have been exhausted.
 - d. Only the Educational Programs Committee may refer the appeal to the full Board of Trustees for rendering a final decision.
 6. If the Educational Programs Committee of the Board of Trustees declines to hear such appeal, the president will immediately notify the student that the student's

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extrajudicial remedies shall have been exhausted.

K. Any hearing of an appeal before the Senior Staff or the Educational Programs Committee of the Board of Trustees shall be upon the record of the former hearing(s) only. The student and BCCC or its appropriate employees or officers may be present and represented by counsel and may address arguments to the hearing body. No party to the appeal at such hearing may then introduce evidence or testimony unless the presiding member of the hearing body determines that such evidence or testimony was previously unavailable or could not have reasonably been produced at the hearing before Student Appeal Committee. In the event such evidence or testimony is admitted, the parties or their counsel shall have the right to examine and cross-examine witnesses only with regard to such new evidence or testimony and shall state the student's desire to so appeal.

L. Definitions

1. "Transcript" is a written summarization of all evidence and testimony presented upon hearing. Arguments of parties or their counsel shall not be a part of the "transcript" unless they are submitted to the hearing body appealed from in writing.
2. "Business day" is any weekday, exclusive of legal holidays and days during which BCCC is not open for business, without regard to whether classes are actually in session. All notices herein provided to be given shall be in writing and are deemed to be given if delivered to the person entitled to notice personally, or mailed to the address as reflected in the records of BCCC.

M. Terminology

1. A "Notice of Appeal" shall contain a concise statement of the action or determination to be appealed and the reasons the student feels such action or determination was wrongful. It shall name all persons known to the student who participated in such action or determination and shall state the student's desire to appeal.
2. A "Notice of Appeal" from decisions of the Student Appeal Committee or Senior Staff shall identify the student appealing, the decision being appealed, and shall state the student's desire to so appeal.
3. "Transcript" is a written summarization of all evidence and testimony presented in hearing. Arguments of parties or their counsel shall not be a part of the "transcript" unless they are submitted to the hearing body appealed to in writing.
4. A "business day" is any weekday, exclusive of legal holidays and days during which BCCC is not open for business, without regard to whether classes are actually in session. All notices herein provided to be given shall be in writing and

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5. Moderator is chosen by the student appeals committee.

M. Student Appeal Committee shall be comprised of:

1. Vice president of SGA or designee appointed by position Representative of Student Services appointed by vice president of student services
2. Faculty appointed by president of Faculty Senate
3. Staff Association appointed by president of Staff Association
4. Students appointed by vice president of student services

In an effort to achieve fairness and diversity, the Committee members for hearings shall be chosen from a pool of faculty, staff and students.

***Members of the Student Appeal Committee may not serve more than two consecutive years.

Individuals having questions may contact the vice president of student services at 252-940-6417.

References

Legal References: *Enter legal references here*

Cross References:

- [Student Rights and Due Process Policy](#)
- [Grievance Procedures for Students with Disabilities Procedure](#)
- [Grade Appeal Procedure](#)
- [Student Incident Procedure](#)
- [Student Complaints About Accreditation Procedure](#)
- [Student Complaints Concerning the College Procedure](#)
- [Ban Procedure](#)
- [Distance Education / Online Student Complaint Procedure](#)

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History

Senior Staff Review/Approval Dates: 7/1/2015

Board of Trustees Review/Approval Dates: *Enter date(s) here*

Implementation Dates: *Enter date(s) here*

