

CAROLINAS COLLEGE OF HEALTH SCIENCES POLICY AND PROCEDURE

ACADEMIC

SUBJECT: CONDUCTING APG HEARINGS

REVIEWER(S): Dean of Student Affairs and Enrollment Management*
Chair, APG Committee

POLICY

The College is committed to providing all students accused of an offense of any sort with full, fair, and systematic adjudication. The Academic, Progression and Graduation Committee (APG) is charged with hearing cases involving academic integrity, administrative dismissal, and sexual misconduct along with other cases involving student disciplinary issues. In all cases, the APG committee follows the procedures outlined in this policy unless otherwise noted in the related policies. All hearings are conducted by voting members of the APG committee. The hearing is intended to be a non-adversarial proceeding designed to determine – as best as possible – what happened. Following the hearing, the committee deliberates and reaches a majority-endorsed decision as to how to proceed.

PROCEDURE

A. Before the Hearing

1. The APG chair sets a date for the hearing. The hearing is held as soon as reasonable, generally within 10 business days of notification by the provost, dean of student affairs and enrollment management, Title IX coordinator, or other college administrator. At least 50% of the non-student, voting members of APG must be available in order for the hearing to be held. The APG chair may count toward that requirement. "Members of the committee" for purposes of reaching 50%, includes all voting members of the committee less student members (if unavailable) and less any members excused due to partiality. (Student members are expected to participate, but in the event they are inactive on the committee or are not available, their absence will not negatively affect the calculation of a majority for purposes of holding the hearing.)
2. Committee members closely involved in the situation who have a real or perceived conflict of interest will be excused by the chair and are discounted from the committee membership for purposes of reaching the required 50% participation. If the chairperson feels the need to replace an excused member, all effort will be to invite someone who has previously served on the APG committee. Should the chairperson have a conflict of interest, the chair will recuse themselves from participation and a voting member of the committee will serve as acting chair for the hearing.
3. The APG chair notifies voting members, the program representative, and the accused of the date and time of the hearing. The program representative decides who will represent the charges against the student. If the student is enrolled in a healthcare program but the alleged violation occurred in a general studies class, the two involved chairs determine who represents the college in the hearing.
4. Neither side is represented by legal counsel at the hearing. If desired, the student may be accompanied by a staff or faculty member who provides non-participative support. Other representatives may be approved at the discretion of the provost or the chair.
5. Either side may request to introduce documents, witnesses, or written statements. The chair may disallow any document, item, witness, or testimony deemed irrelevant.
6. If requested, the dean of student affairs or a designee from another department may assist the student in acquiring copies of relevant policies, procedures, course syllabi, etc.
7. The committee chair arranges for the hearing to be recorded (video or audio) and is available for copying, taking minutes, etc.
8. The committee convenes in closed session for a brief information session immediately prior to the hearing. The chair assures the minimum 50% representation restriction is met, reviews all relevant policies and guidelines, confirms no conflict of interest exists, and answers any procedural questions.
9. The committee is reminded of the importance of:
 - Confidentiality.

- An open-minded and impartial search for the truth and for a fair and just outcome.
- The preponderance of the evidence standard.
- Non-judgmental respect toward all parties throughout the hearing.
- Focusing only on the facts immediately surrounding the charge.

B. Conduct of the Hearing

1. Introduction - The chair invites the program representative (or the party representing the charge) and the accused into the hearing and introduces the members of the committee, including titles and roles within the college.
2. The chair reminds all present that:
 - All proceedings are strictly confidential.
 - Only issues applicable to the alleged offense will be discussed.
 - The purpose of the hearing is to determine if the accused student violated policy and, if so, an appropriate response.
 - The hearing will maintain a focus on facts and observations, keeping subjective statements to a minimum.
 - The decision of the majority of the committee will be rendered to both parties by the appropriate college administrator as soon as reasonable after the hearing.
3. If any presenter strays from the fact-finding purpose of the hearing, interrupts, speaks out-of-turn, or otherwise disrupts the proceedings, the chair stops and redirects them. The chair has latitude to refocus presentations to assure a crisp proceeding. Neither presenting party shall be harangued, lectured, or subjected to insinuations of ethical or moral inferiority, or subjective or judgmental statements. Generally, presenters do not directly address one another, though the chair has latitude to facilitate a more open exchange if appropriate.
4. The order of events is as follows:
 - Invite the program representative to present the charge, rationale, and evidence.
 - Upon completion, ask if the committee has any questions of the program representative.
 - Invite the accused student to present.
 - Upon completion, ask if the committee has any questions for the accused student.
 - Offer the program representative, and then the accused student, the opportunity to present additional facts or to clarify or rebut information presented.
 - Verify, for the record, that both parties feel they received a full and complete hearing.
5. When both parties are satisfied, they have been given adequate opportunity to present, and members have no more questions, the chair suggests a break. Presenters are dismissed after assuring a current contact number is on file. Committee members are admonished to avoid discussion of the issues and asked to return in a designated amount of time.
6. If issues were introduced that render a committee member no longer free from inappropriate bias, he/she meets privately with the chair during recess. The chair may agree to excuse a committee member after reminding him/her of the confidentiality of all proceedings. If this leaves the panel at less than 50% of the non-student, voting membership of the APG committee, the chair may determine whether the hearing proceeds. The hearing is terminated if fewer than five members (including the chair) are present. If the proceeding does not continue, the chair makes arrangements for a new hearing and notifies all parties.

C. Deliberations

1. No recording is made of the deliberations. The committee support person takes notes.
2. The committee has the authority to:
 - Determine that there is not adequate evidence to find against the student.
 - Determine that an offense has occurred and select a recommended sanction for the offense. In addition to recommending an appropriate sanction, the committee has the authority to recommend that an administratively dismissed student may or may not be eligible for readmission to the program or college.

3. Following appropriate discussion, the chair may ask for a motion advancing one of the options outlined above. Motions being voted upon are to be clear and complete. For instance, a motion to dismiss must stipulate whether the dismissal is from a class, a program, or from the college. The chair requests a signal for those in favor and those opposed. Members may not abstain from voting. The chair votes in the case of a tie, or if the chair's presence was necessary in order for the hearing to be held (i.e., to reach the 50% attendance requirement). A motion passes by a majority vote (51% or more) of those present.
4. Lacking a majority, the chair asks for a motion advancing one of the remaining options above. The process continues until one of the two options has a majority vote.

D. Decisions

1. If the committee determines there is not adequate evidence to find against the student, the charges are dropped. No admonitions, warnings, or subjective assessments are made. If the committee determines that an offense occurred, the decision log will indicate the outcome and selected consequence.
2. The APG chair notifies the dean of student affairs and provost of the outcome. The dean and provost query the chair to assure that due process and accepted standards of students' rights were followed, and that the proposed outcome is feasible. If the dean and/or provost believe the proceeding or the outcome to be in violation of student's rights or accepted standards of practice, the committee reconvenes and revisits the facts, the deliberations, and the decision. If the committee recommit to its initial decision, their decision stands.

E. After the Hearing

1. The chair collects all documentation, assuring that copies are shredded. Originals are delivered to the president's administrative assistant, along with the recordings and minutes of the proceedings for filing with other grievance, hearing, and appeal records.
2. The appropriate administrator notifies the program representative and accused student generally within 24 hours verbally (if parties are available) and in writing (electronic notification with return receipt is acceptable) within three business days. Notification will be made simultaneously to both parties. A copy is provided to the APG chair. The academic program administrator will notify all directly involved faculty. A copy is placed in the student's academic record. In all cases, both the complainant and the accused student are notified regarding the option of appealing any decision following the college's Complaints and Appeals Policy (Sec. II).
3. In the case of dismissal, the director of student records and information management proceeds with standard withdrawal paperwork for administrative dismissal. Unless the committee specifically restricts readmission as part of a finding against the student, a dismissed student may apply for readmission provided he/she is otherwise eligible readmission.
4. Originals will be filed electronically under password protection.
5. Meeting recordings will also be filed electronically under password protection and saved with the minutes of the meeting. Members of the academic support team may assist in saving meeting recordings, as needed.
6. Records should be retained for eight (8) years from the date of the incident.

F. Process

APG committee members are provided annual training on the adjudication and conduct of hearings, particularly those involving sexual misconduct.

G. The Conducting APG Hearings policy and procedure is reviewed bi-annually.

REFERENCES

Related Policies to Consult

CCHS:

ACADEMIC - Academic Integrity; Dismissal

STUDENT AFFAIRS - Complaints and Academic Appeals