

7.12.2 Student Disciplinary Appeals Process

Last Revised: November 2022

Policy: Piedmont Community College values the principles of personal ethics, civic responsibility, and accountability and has adopted basic rules of student conduct. Due process is provided for students to address discipline that is imposed as a result of a violation of the Code of Student Conduct.

Purpose/Definitions:

Purpose

The purpose of this policy is to provide a process for a student to appeal disciplinary action that they believe has been imposed unfairly.

Definitions

Complaint—a document that outlines the stated reason for which the student is requesting action.

Days (Business)—except as otherwise noted, days will mean business days during which the college administrative offices are open. In computing any period of time, the day on which notice is received will not be counted. Saturdays, Sundays and scheduled College holidays will not be included in the computation. All processes involving Federal, State, or other statutes must be completed in the time frame set forth in the appropriate statute or law.

Disciplinary Appeal—request for reconsideration of a suspension, expulsion, probation, or any other action taken by the College administration against a student as a result of a violation of the Code of Student Conduct. A disciplinary appeal must specify the action from which appeal is taken and must state the reason for the disciplinary action.

Approval Authority/Monitoring Authority: Piedmont Community College's Board of Trustees has approval authority for this policy. The Vice President, Instruction; and the Vice President, Student Development have monitoring authority.

Procedure:

Section 1: Disciplinary Appeal

- 1.1. A student may appeal a disciplinary action to the Vice President, Instruction if they believe it has been imposed unfairly by the Vice President, Student Development.
 - 1.1.1. Upon receipt of a request for appeal, the Vice President, Instruction activates a Review Committee, the first of a two-level, local appeal process.
 - 1.1.1.1. Level 1 – Review Committee
 - 1.1.1.2. Level 2 – President
- 1.2. The appeal must be filed with the Office of the Vice President, Instruction within 10 days after the student receives the decision of the Vice President, Student Development regarding the violation of the Code of Student Conduct.
 - 1.2.1. In the appeal document, the student must include:
 - 1.2.1.1. the full name, address, and telephone number of the complainant
 - 1.2.1.2. the action or failure of action complained of
 - 1.2.1.3. the remedy sought

Section 2: Level 1 – Review Committee Composition and Responsibilities

- 2.1. The Review Committee will have an odd number of members, with a minimum of two faculty members, one staff member, one student, and the Vice President, Instruction who will serve as chairperson.
- 2.2. The chairperson will have the following duties and powers:
 - 2.2.1. to select the other members of the committee, except the one (1) student, who will be approved by the Student Government Association President
 - 2.2.2. to schedule and notify all parties of the date, time, and place of the hearing
 - 2.2.3. to assure the presence of a full committee at the hearing
 - 2.2.4. to be available before the hearing to answer any questions from the parties or their representatives about the nature and conduct of the hearing

- 2.2.5. to have full charge of the hearing, to have the authority to direct its proceedings and control the conduct of all persons present, subject to the general directions contained in this procedure
- 2.2.6. to write, on behalf of the committee, the findings of fact and recommendations for disposition of the complaint, which responsibility may be delegated by the chairperson to another member of the committee

Section 3: Review Committee Hearing Procedures

- 3.1. The Vice President, Instruction will provide the Review Committee members with all pertinent information.
- 3.2. No one who is directly involved in the circumstances surrounding the complaint or who may give testimony to the Review Committee may serve on the committee.
- 3.3. Within 10 days after receiving the appeal, the chairperson will schedule a meeting of the Review Committee, giving at least a three (3) day notice of the date, place, and time to the student.
- 3.4. The Review Committee will comply with the following procedure in the hearing of the complaint.
 - 3.4.1. The hearing will begin with a statement by the student of the essential facts of the complaint and the remedy sought.
 - 3.4.2. The student may then present evidence or call witnesses to support the complaint.
 - 3.4.2.1. All witnesses are subject to cross examination by the chairperson and the members of the Review Committee.
 - 3.4.3. The Vice President, Student Development may then present any evidence to explain their decision or to refute any evidence presented by the student.
 - 3.4.3.1. Any witnesses presented are likewise subject to cross-examination by the student and the Committee members.
 - 3.4.4. If the Review Committee desires additional witnesses, it may call them on its own authority.
 - 3.4.5. Witnesses will testify in person when possible.

- 3.4.5.1. If a necessary witness is not available, a written statement signed by them may be substituted.
- 3.4.5.2. The Review Committee will consider only such evidence as it deems to be fair and reliable.
- 3.4.6. The hearing will be private and may be attended only by members of the Review Committee, the Vice President, Student Development, and the student and their representative.
 - 3.4.6.1. Witnesses who are not a party to the complaint may be present only when they are giving information to the Review Committee.
 - 3.4.6.2. The student may be accompanied by another person at the hearing.
 - 3.4.6.2.1. If the student is to be represented by legal counsel, the student will notify the chairperson.
 - 3.4.6.2.1.1. Such representation will be at the expense of the student.
 - 3.4.6.2.1.2. The person accompanying the student may present witnesses, question witnesses, make a statement concerning the complaint, and otherwise assist the student.
- 3.4.7. The Review Committee will record the essential aspects of any evidence presented orally at the hearing.
 - 3.4.7.1. The chairperson will maintain responsibility for securing written matter presented at the hearing.
- 3.4.8. The recommendation of the Review Committee will be by majority vote and will rest solely upon the evidence properly presented at the hearing.
 - 3.4.8.1. The Committee will have the power
 - 3.4.8.1.1. to adopt, reject, or modify the decision from which review is requested
 - 3.4.8.1.2. to decide what, if any, remedies are necessary and proper
 - 3.4.8.1.3. to order those remedies implemented

3.4.8.2. Within three (3) days after the hearing, the committee will summarize the evidence, make findings of fact based thereon, and set forth its recommendations in a written report.

3.4.8.2.1. The chairperson or designee will write the report, and a copy will be delivered to the student.

3.4.8.2.2. Within five (5) days after receiving the decision of the Review Committee, the student may request that the decision be reviewed by the President, thus activating the second level of the appeal process.

Section 4: Level 2 - President

4.1. The request for review of the Level 1 decision must be in writing and delivered to the Office of the President within five (5) days of receipt of the Review Committee decision.

4.1.1. The request must include the

4.1.1.1. essential facts of the complaint

4.1.1.2. reasons for appeal

4.1.1.3. remedy sought

4.2. Within three (3) days after the Office of the President receives the request to review the decision of the Review Committee, the chairperson of the Review Committee will deliver to the President all prior decisions, the record of the Review Committee, and all other written materials relating to the complaint.

4.3. Within 10 days after receiving a request for review, the President will review the request, the prior decision, the record of the Review Committee, and all other written materials relating to the complaint.

4.3.1. No additional evidence or argument will be presented to the President, and their review will be limited to one or more of the following grounds:

4.3.1.1. the decision was arbitrary or capricious

4.3.1.2. the decision was not supported by substantial evidence

4.3.1.3. a fair hearing was not afforded to the student

- 4.4. On the basis of this review, the President may affirm, modify, or reverse the decision from which review is requested and require such remedial action as they deem necessary.

- 4.4.1. The decision of the President will be final at the local level.

Section 5: Limitations and/or Extenuating Circumstances

- 5.1. In the event the student fails to meet any of the time requirements set forth above, the complaint will be terminated.
- 5.2. If any representative of the College fails to meet any of the time requirements set forth above, the student may proceed to the next level in the procedure.
- 5.3. If illness, absence from the community, or other good cause makes observing the time limitations impossible, an extension of time may be permitted.
 - 5.3.1. To be effective, the extension must be mutually agreed upon, stated in writing, and signed by both parties.
 - 5.3.2. The party requesting additional time will have the burden of justifying and obtaining the extension.

Section 6: State-level Appeal Option

- 6.1. After a student has exhausted the College's complaint or grievance procedures, if a matter remains unresolved, a formal complaint may be filed with the online Student Complaint Portal.
- 6.2. The Portal is hosted by the Licensure Division of the University of North Carolina System Office.
 - 6.2.1. The Portal can be found online at: <https://studentcomplaints.northcarolina.edu>.
 - 6.2.2. A student can also complete and submit a [Student Complaint Form \(PDF\)](#).
 - 6.2.3. For more information, send an email to: studentcomplaint@northcarolina.edu.

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