

Hearing Procedures

Each party to a disciplinary hearing shall be given prior written notice by the Chairperson of the Disciplinary Committee of the date, time, and place of the hearing. Whenever feasible, this notice shall be at least 72 hours in advance. The notice will be delivered in person or sent by email and certified mail. If the Committee determines that a party is intentionally avoiding service, the Committee may elect to hold the hearing in the absence of such party upon a majority vote of the Committee members.

Attendance at Hearing

1. Disciplinary Committee hearings shall be private and confidential and will be limited to persons officially involved. Persons present shall include Disciplinary Committee members, the Vice President of Student Services or his/her designee, the student who is the subject of the hearing and his/her advisor, appropriate staff members, a recorder, and witnesses for both parties. Non-party witnesses will be present only when giving testimony. The Vice President of Student Services, or his/her designee, shall be responsible for preparing and presenting the College's case. NOTE: All references in these hearing procedures to the "Vice President of Student Services" shall also apply to any designee of the Vice President.
2. The student shall have the right to have one advisor, who may be, but does not have to be, an attorney, present during the hearing. The advisor may not address the hearing committee to give evidence or argument on behalf of the student or ask questions of the committee or witnesses. In answering or asking questions, the student may seek advice from the advisor before proceeding.
3. In the event that a disciplinary hearing is scheduled for a student, and the student has been made aware of the date, time, and place, but fails to appear at the hearing, the hearing may be conducted in the student's absence.
4. The hearing will be audio and video recorded. The record of the hearing, including a copy of all evidence offered, whether admitted or not, will be filed in the office of the Vice President of Student Services and will be kept confidential.

Order of Hearing

1. Opening remarks by the Chairperson of the Disciplinary Committee.
2. Review of charges and any action previously taken in the case by the Vice President of Student Services.
3. Opening statement by Vice President or his/her designee (not more than ten minutes).
4. Opening statement by the accused student (not more than ten minutes).
5. Presentations of evidence by the parties, including testimony and questioning of witnesses. Witnesses for the College will present testimony first. Following the testimony of all College witnesses, the student may call his/her witnesses. Both parties to the action and the members of the Disciplinary Committee have the right to question all witnesses. The Committee shall not have the authority to compel an accused student to testify against himself/herself, but the Committee may take into account the failure of the student to testify when deliberating the evidence.
6. Closing statement (not to exceed 20 minutes) by the student.
7. Closing statement (not to exceed 20 minutes) by the Vice President of Student Services.
8. Deliberation by the Disciplinary Committee.
9. Report of Committee Findings.

The Disciplinary Committee will conduct its deliberation in closed and confidential session and, after reaching its decision, will orally inform the parties of the decision. Each party will subsequently be provided a written rendition of the findings of the Committee.

Prior to beginning any hearing, the Disciplinary Committee shall make an assessment as to what would be a reasonable amount of time to be allotted for a hearing and may limit the time for any or all aspects of the hearing so as to conform to the allotted time.

Rules of Evidence

The evidentiary standard to be used by the Committee shall be the "Preponderance of Evidence" standard, rather than the "Beyond a Reasonable Doubt" standard. That is to say that the Committee shall determine, strictly upon the evidence presented, whether it was more likely than not that the allegation(s) made against the accused student was (were) true in terms of which of the evidence was more credible and convincing to the reasonable mind.

The Committee shall inform the parties that the rules relating to the admissibility of evidence shall be similar to, but less stringent than, those which apply to civil trials in the courts of Alabama. Generally speaking, irrelevant or immaterial evidence and privileged information (such as personal medical information or attorney-client communications) shall be excluded. However, hearsay evidence and unauthenticated documentary evidence may be admitted if the hearing chairperson determines that the evidence offered is of the type and nature commonly relied upon or taken into consideration by a responsible, prudent person in conducting his/her affairs.

In the event of an objection by any party to any testimony or other evidence offered at the hearing, the chairperson shall have the authority to rule on the admissibility of the evidence, and this ruling shall be final and binding.