

# Student Conduct, Grievance and Due Process

## Student Conduct and Due Process Policy

Colleges will be guided by pertinent provisions of the California Education Code as to admission, probation, suspension, and dismissal of students in cases where disciplinary action is indicated. Except for short-term suspensions initiated by instructors and as provided for in the Education Code, Section 489001/76030, only the college President or Vice-President of Student Services has the authority to suspend or dismiss a student for disciplinary reasons.

A student excluded for disciplinary reasons from one college in the district may be denied admission to other colleges in the district. The President of a college may also deny admission to a student suspended or excluded for disciplinary reasons from other colleges or universities.

## Rules for Student Conduct

Students are responsible for complying with all college regulations and for maintaining appropriate course requirements as established by the instructors.

- A. Disciplinary action may be imposed on a student for violation of college rules and regulations, the California Education Code, California Penal Code, and the California Administrative Code. Student misconduct may result in disciplinary action by the college or prosecution by civil authorities. Misconduct that may result in disciplinary action includes, but is not limited to, the following violations:
1. Violation of District policies or regulations including parking and traffic regulations (subject to Educ. Code Section 76036), policies regulating student organizations, and time, place and manner in regard to public expression.
  2. Obstruction or disruption of teaching, research, administrative procedures or other college activities, e.g., including but not limited to the use of cell phones and other electronic devices in classrooms or the library.
  3. Physical or verbal abuse, or threat of such abuse, of any person on college-owned or controlled property or college sponsored or supervised functions; or conduct which threatens or endangers the health or safety of such person.

4. Theft of, damage to, or threat of damage to property of the college.
  5. Unauthorized entry to or use of college facilities.
  6. Dishonesty; i.e., cheating, plagiarism or furnishing false information to the college, forgery, alteration or misuse of college documents, records, or identification documents, etc.
  7. Manufacture, sale, use, possession, distribution of alcoholic beverages or narcotic or hallucinogenic drugs on college property.
  8. Disorderly conduct or lewd, indecent, or obscene behavior.
  9. Insulting or abusing college employees in the performance of their duty on or near the school premises or public sidewalks adjacent to school premises.
  10. Refusal to comply with directions of District or College employees acting in the performance of their duties.
  11. Willful misconduct which results in injury or death to a student or college personnel.
  12. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the governing board.
  13. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- B. Students facing disciplinary action for violations of college rules and regulations consistent with the Education Code are subject to any of the following actions:
1. Warning: An oral or written reprimand.
  2. Temporary exclusion: Removal for the duration of the class period or activity.
  3. Suspension: Exclusion from classes, privileges or activities for a specified period of time as set forth in the notice of suspension as provided in the Education Code, Section 66017.
  4. Expulsion: Termination of student status as set forth in the notice of expulsion.

- C. Disciplinary action may be imposed on a student by:
1. A college certificated employee who may place a student on probation or temporarily exclude the student from class and/or a college activity for the remainder of that class/activity period.
  2. The President or Vice President of Student Services who may summarily suspend a student when deemed necessary for the welfare and safety of the college community.
  3. The President may recommend "expulsion" to the Board of Trustees.
  4. The Board of Trustees may terminate a student's privilege to attend any college of the District.
- D. Students who believe that they have been improperly subjected to any of the disciplinary measures stated in this policy may file a Student Grievance with the Vice President of Student Services in accordance with Board Policy 4.43.

## Student Computer Use Policy

### Internet Policy

Student, faculty, and staff Internet access is provided for educational and work-related purposes only. Violations of Internet use include, but are not limited to, the following:

Logging onto chat rooms and/or participating in online chat; exceptions are educational and/or classroom-mandated chat rooms;

Visiting pornographic, racist, or hate sites and/or downloading and viewing pornographic pictures;

Sending harassing, intimidating, racist, hate and/or threatening messages; and unauthorized downloading and installation of programs.

### Policy Violations

Conduct which is considered violation of campus and district policy with respect to computing facilities includes, but is not limited to, the following:

Sending racist, hate, harassing, intimidating and/or threatening messages through electronic mail or other means;

Downloading, storing or displaying obscene or pornographic materials;

Using computing facilities in a manner that violates copyrights, patent protections or license agreements, including using pirated or unlicensed software;

Installing personal software and downloading software from the Internet onto desktop computers or network servers in any instructional lab;

Attempting to circumvent data protection schemes, uncover security loopholes, or gain unauthorized access to any information or files;

Sending mass advertisements, solicitations or political mass mailings as defined by the Fair Political Practice Commission;

Using computing facilities for commercial or personal financial gain (including, but not limited to, online gambling and online auctions);

Taking computer hardware or software from district or college facilities for any purpose without prior written approval; and

Using computing facilities in a manner that violates existing state and federal law or district rules and regulations.

### Consequences of Policy Violations

Misuse of computing facilities may result in the loss of computing privileges. Additionally, misuse may require financial restitution to the college for funds expended and could result in disciplinary, civil, or criminal action.

Users may be held accountable for their conduct. Violations of these policies will be enforced. Disciplinary review includes the full range of sanctions, up to and including, but not limited to student expulsion, and / or legal action. Misuse can also be prosecuted as a criminal offense under applicable statutes, which identifies certain crimes associated with the use of computer systems.

Infractions such as harassment, or repeated minor infractions as described in, but not limited to, the Computer Use Policy may result in the temporary loss of access privileges, notification to the Vice President of Student Services.

More serious infractions, such as unauthorized use, attempts to steal passwords or data, unauthorized use or copying of licensed software, violations of college policies, or repeated violations of minor infractions may result in the permanent loss of access privileges. In all cases, the offenders will be notified of the infraction and the case will be referred to the Vice President of Student Services for disciplinary action in accordance with the official disciplinary procedures.

## Procedures For Policy Violations

### Student Users

First infraction, a verbal warning from the instructor of record, if present, otherwise from the lab administrator with notice to the instructor of record;

Second infraction, the user's access to his or her account should be restricted to student's assigned lab and limited to lab hours only. A verbal report and/or e-mail should be made to appropriate division dean and instructor followed by a meeting between the user and the division dean;

Third infraction, the temporary disabling of the user account followed by a meeting with the Vice President of Student Services explaining the termination of their login account and disciplinary action.

## Students' Rights and Due Process

When a charge is brought against a student by a representative of the college, or by another student, the procedures outlined below shall be utilized to guarantee fair and reasonable treatment to all concerned. The community college is bound by the California Penal Code, the California Administrative Code, and the policies and procedures of the Peralta Community College District.

### Due Process

#### 1. Notice of Charges

The Vice President of Student Services, within five (5) school days, must inform a student in writing (by certified mail, return-receipt requested) of the specific charge(s) against him/her and of the need to schedule an appointment with the Vice President. This appointment must be scheduled within three (3) days after receipt of the Vice President's written notice. The appointment may be made by contacting the Vice President of Student Services.

#### 2. Follow up

A student charged with misconduct must meet with the Vice President of Student Services for a conference regarding the basis of the charge and the possible disciplinary action that may arise as a consequence. If the student fails to respond within three school days after receipt of the certified notification, the Vice President may proceed on the assumption that the charge(s) is (are) valid.

The conference with the Vice President will be for the purpose of:

- (a) Reviewing the written statement of the charge(s) as presented to the student;
- (b) Providing a reasonable opportunity at the meeting for the student to answer the charge(s) personally;

- (c) Informing the student, in writing, of possible disciplinary action that might be taken; and
- (d) Presenting to the student the College Due Process Procedures.

#### 3. One of the following alternatives will occur:

- (a) The matter is dismissed, in which case no public record of this incident shall be retained; however, an annual confidential report is required to be submitted to the Peralta Board of Trustees;
- (b) The student accepts the disciplinary action; or
- (c) The student does not accept the disciplinary action, and within three school days of the conference with the Vice President, the student's written notice of intent to appeal to the Student Due Process Committee is to be filed at the Office of the Vice President of Student Services.

## Appeal Process

### Step 1: Appeal to the Due Process Committee

1. Within two (2) school days of presenting written notice of intent to appeal, the student shall file a specific, written response to each of the charges. Any charges to which the student does not respond shall be deemed valid.
2. The charges, the response, and the appeal will be referred to the Student Due Process Committee. The committee shall consist of a college administrator selected by the President of the college other than the Vice President of Student Services or the Vice President's management staff; a student selected by the President of the Associated Students; a faculty member selected by the President of the Faculty Senate; and a classified employee selected by the President of the Classified Council.
3. The committee shall convene within five (5) school days of the written notice of appeal to the Student Due Process Committee. The committee will conclude its hearing within three (3) school days and will then present a recommendation to the Vice President of Student Services, who is charged with carrying out the decision and will send the student written notification (certified mail, return receipt requested).

### Step 2: Appeal beyond the Student Due Process Committee

1. A student may within three (3) school days of the decision of the Student Due Process Committee appeal the decision in writing through the Vice President of Student Services to the President of the college.
2. The President or his/her designee will review all previously submitted documents and the decision of the Student Due Process Committee.
3. The President or his/her designee within three (3) school days of the appeal will render his/her decision.
4. The student will be notified of the President's decision within three (3) school days.
5. A student may, within three (3) school days of the decision of the President, appeal the decision in writing to the Chancellor.
6. The Chancellor, or his designee, shall issue a written decision to the parties and the representatives by certified mail, return receipt requested within ten (10) school days of the receipt of the decision.
7. The Chancellor's, or his designee's, decision may be appealed to the Board of Trustees within ten (10) school days of the receipt of the decision.

### Step 3: Appeal to the Board of Trustees for Review

1. The Board of Trustees may accept a final appeal from the student.
2. The Trustees will review all previously submitted documents and the decision of the President and the Chancellor.
3. The Trustees will render their decision at the next scheduled Executive Session of the Board of Trustees' Meeting.
4. The Trustees will notify the student of their decision not later than three (3) school days following their review of the case.
5. The decision of the Peralta Board of Trustees concludes the District's Due Process Procedure.

## Student Grievance and Due Process Policy

The Peralta Community College District (PCCD) has developed the following policies and procedures to address student grievances and to assure due process.

A grievance is any complaint of a student involving the interpretation, application or alleged violation of District policies and procedures. A grievance may be initiated by a student against another student, an instructor, an administrator, or a member of the classified staff.

The following allegations are grounds for filing a grievance:

- Violation of rights which a student is entitled to by law or District policy, including rules for student conduct, admission, probation, suspension or dismissal policies.
- Act or threat of physical aggression.
- Act or threat of intimidation or harassment.

Board Policy 4.43A, the Student Academic Grievance Procedure should be followed for a complaint alleging mistake, fraud, bad faith or incompetence in the academic evaluation of student performance.

Any student or employee who feels he/she has been or is presently an alleged victim of sexual harassment, may first contact any college administrator to file a complaint verbally or in writing, or may contact directly the District's Affirmative Action Officer at 333 East Eighth Street, Oakland, CA 94606, (510) 466-7220. At the time a complaint is made known, a copy of the complaint procedures and a complaint form shall be made available to the complainant.

For information regarding the reporting of incidents of discrimination, sexual harassment, or sexual assault, please refer to pages 9-19.

## Procedure

### Step 1: Informal Resolution

A student who has a complaint may, within thirty (30) school days of the allegation, request a meeting to resolve the complaint informally with (a) the person against whom he/she has the grievance; (b) the supervisor of the person against whom he/she has a grievance; or (c) the Vice President of Student Services or his/her designee. Regardless of whether a student has attempted informal resolution, he/she may proceed to Step Two by filing a formal complaint.

### Step 2: The Formal Complaint Procedure Formal Complaint

1. A formal complaint must be filed by a student within ninety (90) school days of the alleged violation or of the time when he/she knew or should have known of the alleged violation. Failure to file a formal complaint within such a ninety (90) school day period constitutes waiver of the student's right to appeal.

2. A complaint must be filed on an approved complaint form (available from the Office of the Vice President of Student Services) and must include the following:
  - (a) The exact nature of the complaint (grounds).
  - (b) The specific details of the complaint (e.g., chronology of the event and an explicit description of the alleged).
  - (c) A description of the informal meeting and attempted resolution, if any.
  - (d) The specific resolution/remedy sought.
3. The complaint form should be filed with the Vice President of Student Services or his/her designee.
4. The Vice President of Student Services or his designee shall provide the person against whom the grievance has been filed with a copy of the grievance and a copy of the procedure.
5. The Vice President of Student Services or his/her designee will provide the grievant with a written copy of the policy and procedures and answer all questions regarding the policy including the student's rights, and responsibilities in the process of filing a grievance.
6. The Vice President of Student Services or his designee shall make a request for records and documents from the student filing the complaint and the party against whom the complaint has been filed, and forward copies of all documents pertinent to the alleged violation to the College Grievance Committee and the parties. Documents or accusations not specifically related to the alleged violations shall not be forwarded to the committee or the parties.
7. The following College Grievance Committee members shall be appointed for a term of one year as follows:
  - (a) The Vice President of Instruction, who shall chair the committee;
  - (b) One faculty member, and one alternate, jointly appointed by the PFT and the Academic Senate;
  - (c) One classified employee, and one alternate, jointly appointed by Local 790 and the Classified Senate;
  - (d) One administrator, and one alternate, appointed by the college President;
  - (e) One student, and one alternate, appointed by the Associated Student President.

### Hearing

Four-fifths of the members of the committee shall be present in order for the committee to act. Committee members shall be given five (5) school days notice of the hearing. In the event a member of the committee cannot attend, or is disqualified because of conflict of interest, the alternate shall serve. The votes of the majority of the members present (at least three (3) votes) are necessary in order for the committee to make a recommendation to the Vice President of Students.

The College Grievance Committee shall conduct its proceedings as follows:

1. The Vice President of Student Services shall supply a summary record of the evidence to the committee.
2. The committee shall discuss issues, hear testimony, and consider all available evidence pertaining to the charge.
3. The committee shall judge the relevancy and weight of testimony and evidence and make its findings of facts, limiting its investigation to the formal charge, and the committee shall make recommendations for the disposition of the charge to the Vice President of Students.
4. The chairperson of the committee shall notify the Vice President of Student Services of the committee's recommendation within three (3) school days. The Vice President of Student Services shall, within five (5) school days, notify by certified mail the parties of the committee's recommendation and the appeal procedure.
5. A summary record of the proceedings held in a closed session shall be kept in a confidential file by the Vice President of Student Services and shall be available at all times to the accused person. The Vice President of Student Services has the responsibility to ensure that a proper record is maintained and available at all times.

*Any decision to reject findings of the committee must be supported by a summary findings of fact.*

### Final Action

The committee shall conduct the hearing and recommend decisions on the student's grievance, and base its recommendations to the Vice President of Student Services or his/her designee solely on the evidence submitted before the hearing and on the evidence and the testimony presented to the committee during the hearing. The Vice President of Student Services or his/her designee may accept the recommendation, return it to the committee for further review, or reject it. The Vice President of Student Services or his/her designee shall, within ten (10) school days, render his/her decision in writing to the grieved faculty, student and the committee.

## Appeal Process

1. Either party (grieved or grievant) may submit a written appeal to the college President within ten (10) school days for review of the matter.
2. The College President shall issue a written decision to the parties and their representatives by certified mail within ten (10) school days of receipt of the appeal.
3. The College President's decision may be appealed to the Chancellor within ten (10) school days of the receipt of the decision.
4. The Chancellor, or his designee, shall issue a written decision to the parties and the representatives by certified mail within ten (10) school days of the receipt of the decision.
5. The Chancellor's, or his designee's, decision may be appealed to the Board of Trustees within ten (10) school days of the receipt of the decision.
6. The Board will review the documentation of the prior steps of the case and determine whether to confirm the Chancellor's decision or hear the appeal. If the Board confirms the Chancellor's decision, the appellant has exhausted his or her remedies. If the Board decides to consider the appeal it will do so in closed session subject to Ed. Code 72122, and will issue a final decision within forty-five (45) school days after receipt of the decision.
7. All recommendations, resolutions, and actions taken by the PCCD shall be consistent with the State and Federal law, the PCCD Policies and Procedures, and the PCCD-PFT, and Local 790 Collective Bargaining Agreements.

*(In the event of a conflict between the Collective Bargaining Agreement and the PCCD Policies and Procedures, the Collective Bargaining Agreement shall govern.)*

## Rights

1. At all steps of the process, both the student filing and the other party have the right to be accompanied, advised and represented by a person or counsel of their own choosing.
2. Written notice, including the date, time and place of the hearing shall be delivered to both parties at least ten (10) school days prior to the hearing. The notice shall be hand delivered or sent by certified mail and shall include a copy of the complaint.
3. In so far as is consistent with privacy laws, both parties (and their representatives) shall receive copies of all documents developed or utilized during the review by the committee of the complaint. This shall include documents added to the file.
4. The Vice President of Instruction will ensure that all relevant documentation, including the defendant's response to the student's allegations, is mailed certified to both parties. Both parties shall be given adequate time (at least five (5) school days) to read and review all documents. This right may be waived by the respondent.
5. Both parties shall be informed that all relevant evidence presented to the hearing committee, whether written or oral, may be used against them in this or any other proceeding unless otherwise prohibited by law. The written notice shall inform the parties of this fact. The chairperson of the committee shall inform both parties orally of this fact at the commencement of the hearing.
6. The chairperson of the committee shall provide the involved complainant with a written summary of rights he/she may be entitled to by law or contract at least five (5) school days before the hearing.
7. In accordance with Educ. Code Section 76234, the results of any disciplinary action or appeal in connection with any alleged sexual assault, physical abuse or threat of the same shall be made available within three (3) school days of the results, to the alleged victim, who shall keep such information confidential.

## Guidelines

1. Evidence: The hearing shall be conducted so as to bring all of the relevant information and evidence to the members of the committee in an orderly and intelligible form. The strict rules of evidence shall not apply. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Accusations not specifically related to the alleged violation shall not be considered relevant. The rules of privilege shall apply to the same extent that they are recognized in civil actions.
2. If the respondent or his/her representative, or both, are absent from all or a part of the hearing, the committee shall make its recommendations on the basis of whatever evidence is submitted before the hearing and on whatever evidence and testimony is presented to the committee during the hearing.
3. The chairperson of the committee shall conduct the hearing. The chairperson may do whatever is necessary, so long as it is legally permissible, to ensure that the hearing is conducted in a fair, dignified and orderly manner.
4. The hearing shall be open only to persons directly involved in the matters to be heard. The bargaining agent representing the respondent may send an observer to any hearing.
5. Both parties (and their representatives) shall receive copies of all documents developed or utilized during the review of the complaint. This shall include documents added to the file.

6. All information derived from the complaint is confidential. Information may not be made public nor discussed with anyone except those with a legitimate need to know.
7. The chairperson of the committee may exclude a witness from the hearing when the witness is not giving testimony.
8. Anyone who disrupts the proceeding or interferes shall be excluded from the proceeding.
9. Any member of the committee may ask questions of any witness.
10. The committee may call in "expert witnesses" if the subject of the grievance is beyond their expertise.
11. The committee shall inform the witnesses (other than the accused) in writing that they are sought for interview purposes and their participation in the process is requested by the committee. Witnesses shall also be informed as to the purpose of the interview, the general subject of the interview, and their right to request representation by anyone of their choosing prior to and during said interview.
12. The grievance committee shall make all evidence, written and oral, part of the record.
13. The hearing date may be postponed or continued at the discretion of the chairperson of the committee. Both parties shall be given notice of the new or continued hearing date.
14. A committee member shall withdraw from participation in the hearing if a conflict of interest is anticipated; in which case the alternate member shall serve.

## Student Academic Grievance Hearing Procedure

The Peralta Community College District (PCCD) has developed the following policies and procedures to address student grievances alleging mistake, fraud, bad faith or incompetence in the academic evaluations of student performance. In the absence of mistake, fraud, bad faith or incompetence, the grade determined by the instructor shall be final. (Ed. Code Section 76224)

## Procedure

### Step 1: Informal Resolution

1. A student who has an academic complaint may, within thirty (30) school days of the allegation, make an appointment with the faculty against whom he/she has a grievance during his/her posted office hours or at a mutually agreed upon time, in order to discuss the student's complaint.
2. Should the faculty against whom he/she has an academic complaint fail to meet with the student in a timely manner, the student may meet with the Dean of Instruction of the faculty member or file a formal complaint.
3. Should the informal meeting fail to resolve the complaint to the student's satisfaction, the student may meet with the Dean of Instruction of the discipline or file a formal complaint.
4. Should the student choose to bypass Step One (Informal Resolution), he/she may initiate a formal complaint.

### Step 2: The Formal Complaint Procedure

1. A formal complaint must be filed by a student within 90 school days of the alleged violation or of the time when he/she knew or should have known of the alleged violation. Failure to file a formal complaint within such ninety (90) school day period constitutes waiver of the students' right to appeal.
2. The complaint must be filed on an approved complaint form (available from the Office of Student Services) which shall include the following:
  - (a) The exact nature of the complaint (grounds);
  - (b) The specific details of the complaint (e.g., a chronology of the event and an explicit description of the alleged violation);
  - (c) A description of the informal meeting and attempted resolution, if any;
  - (d) The specific resolution/remedy sought.
3. The complaint form should be filed with the Vice President of Student Services or his/her designee.
4. The Vice President of Student Services or his/her designee shall inform the student that a decision to recommend a grade change may only be made where there is a finding of fraud, mistake, bad faith or incompetency.
5. The Vice President of Student Services or his/her designee shall make a request for records and documents, and shall forward copies of all documents pertinent to the alleged violation to the College Grievance Committee and the parties. Documents or accusations not specifically related to the alleged violations shall not be forwarded to the committee or the parties.

6. The College Grievance Committee shall be appointed for a term of one academic year as follows:
  - (a) The Vice President of Instruction who shall chair the committee;
  - (b) Two faculty members, and one alternate, jointly appointed by the PFT and the Academic Senate;
  - (c) One student, and one alternate, appointed by the Associated Students President;
  - (d) One administrator, and one alternate, appointed by the college President.

### Hearing

Four-fifths of the members of the committee shall be present in order for the committee to act. Committee members shall be given five (5) school days notice of the hearing. In the event a member of the committee cannot attend, or is disqualified because of conflict of interest, the alternate shall serve. The vote of the majority of the members present (at least three (3) votes) are necessary in order for the committee to make a recommendation to the Vice President of Student Services or his/her designee.

### Final Action

The committee shall conduct the hearing and recommend decisions on the student's grievance, and base its recommendations to the Vice President of Student Services or his/her designee solely on the evidence submitted before the hearing and on the evidence and the testimony presented to the committee during the hearing. The Vice President of Student Services or his/her designee may accept the recommendation, return it to the committee for further review, or reject it. The Vice President of Student Services or his/her designee shall, within ten (10) school days, render his/her decision in writing to the grieved faculty, student and the committee. The decision to recommend a grade change must be supported by a summary finding of fact, establishing mistake, fraud, bad faith or incompetence.

### The Appeal Process

1. The faculty member or the student may submit a written appeal to the college President within ten (10) school days for review of the matter.
2. The college President shall issue a written decision to the parties and their representatives by certified mail within ten (10) school days of receipt of the appeal. A decision to change a grade must be supported by a summary finding of fact, establishing mistake, fraud, bad faith or incompetence.
3. The college President's decision may be appealed to the Chancellor within ten (10) school days of the receipt of the decision.
4. The Chancellor, or his designee, shall issue a written decision to the parties and the representatives by certified mail within ten (10) school days of receipt of the appeal. A decision to change a grade must be supported by a summary finding of fact, establishing mistake, fraud, bad faith or incompetence.
5. The Chancellor's, or his designee's, decision may be appealed to the Board of Trustees within ten (10) school days of the receipt of the decision.
6. The Board may consider the appeal in closed session subject to Ed. Code 72122, and will issue a final decision within forty-five (45) school days after receipt of the decision. A decision to change a grade must be supported by a summary finding of fact, establishing mistake, fraud, bad faith or incompetence.
7. Implementation of any grade change shall be held in abeyance until the internal appeal process has been exhausted.
8. All recommendations, resolutions, and actions taken by the PCCD shall be consistent with the State and Federal law, the PCCD Policies and Procedures, and the PCCD Collective Bargaining Agreement.

*(In the event of a conflict between the Collective Bargaining Agreement and the PCCD Policies and Procedures, the Collective Bargaining Agreement shall govern.)*



## Rights

1. At all steps of the process, both the student and faculty member have the right to be accompanied, advised and represented by a person or counsel of their own choosing.
2. Written notice, including the date, time and place of the hearing shall be delivered to both parties at least ten (10) school days prior to the hearing. The notice shall be hand delivered or sent by certified mail and shall include a copy of the complaint.
3. Insofar as consistent is with privacy laws, both parties (and their representatives) shall receive copies of all documents developed or utilized during the review of the complaint. This shall include documents added to the file.
4. Both parties shall be given adequate time (at least 5 school days) to read and review all documents. This right may be waived by the respondent.
5. Both parties shall be informed that all relevant evidence presented to the hearing committee, whether written or oral, may be used against them in this or any other proceeding unless otherwise prohibited by law. The written notice shall inform the parties of this fact. The chairperson of the committee shall inform both parties orally of this fact at the commencement of the hearing.
6. The chairperson of the committee shall provide the involved faculty member with a written summary of rights they may be entitled to by law or contract at least five (5) school days before the hearing.

## Guidelines

1. Evidence: The hearing shall be conducted so as to bring all of the relevant information and evidence to the members of the committee in an orderly and intelligible form. The strict rules of evidence shall not apply. Any relevant evidence shall be admitted, if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Accusations not specifically related to the alleged violation shall not be considered relevant. The rules of privilege shall apply to the same extent that they are recognized in civil actions.
2. If the respondent or his/her representative, or both, are absent from all or a part of the hearing, the committee shall make its recommendations on the basis of whatever evidence is submitted before the hearing and on whatever evidence and testimony is presented to the committee during the hearing.
3. The chairperson of the committee shall conduct the hearing. The chairperson may do whatever is necessary, so long as it is legally permissible, to ensure that the hearing is conducted in a fair, dignified and orderly manner.

4. The hearing shall be open only to persons directly involved in the matters to be heard. The bargaining agent representing the respondent (PFT) may send an observer to any hearing.
5. Both parties (and their representatives) shall receive copies of all documents developed or utilized during the review of the complaint. This shall include documents added to the file.
6. All information derived from the complaint is confidential. Information may not be made public nor discussed with anyone except those with a legitimate need to know.
7. The chairperson of the committee may exclude a witness from the hearing when the witness is not giving testimony.
8. Anyone who disrupts the proceeding or interferes shall be excluded from the proceeding.
9. Any member of the committee may ask questions of any witness.
10. The committee may call in "expert witnesses" if the subject of the grievance is beyond their expertise.
11. The committee shall inform the witnesses (other than the accused) in writing that they are sought for interview purposes and their participation in the process is requested, by the committee. Witnesses shall also be informed as to the purpose of the interview, the general subject of the interview, and their right to request representation by anyone of their choosing prior to and during said interview.
12. The grievance committee shall make all evidence, written or oral, part of the record.
13. The hearing date may be postponed or continued at the discretion of the chairperson of the committee. Both parties shall be given written notice of the new or continued hearing date.

A committee member shall withdraw from participation in the hearing if a conflict of interest is anticipated; in which case the alternate committee member shall serve.