

BP 177

Academic Due Process (81-8903)

The Governing Board endorses the principles of academic due process. The principle embodied in the legal concept of confrontation of witnesses and examination of evidence should govern academic due process. Each individual must be informed of all the charges and all the evidence against him/her; he/she must be given full opportunity to deny, refute, and rebut. It is a fundamental principle of fairness that charges against a person are to be made the basis of action only when proven, and that the burden of proof rests upon those who bring the charges. Claims of discrimination on the basis of sex, race, or handicap are grievable.

To ensure implementation of academic due process in the disposition of any personnel issue on campus, the College adopts the following principles:

- A. All issues will be processed in the sequence of preliminary action, informal conciliation, formal hearing and final action within a reasonable time schedule. In the case of extenuating circumstances or pressing vacation problems AND with the mutual consent of both parties, the time limits indicated in the Guidelines and Procedures may be extended.
- B. Informal conciliation shall be conducted by an ombudsperson, a person dispassionate to the issues of the dispute and acceptable to both parties in accordance with the following principles:
 1. Charges or complaints will be presented in writing to the ombudsperson, who will provide copies to the other party.
 2. Only parties to the dispute and the ombudsperson shall be present at the conciliatory conference. No tape or other recording of these informal proceedings shall be made.
 3. The person making the charge shall assume the burden of proof.
 4. The ombudsperson will keep all proceedings at this stage confidential.
- C. The committee responsible for the formal hearing on the issues shall conduct its proceedings according to the following guidelines:
 1. The committee shall receive a signed, written charge specifying the time, place, and nature of the charge and transmit a copy to each party with due notification of rights and responsibilities in the procedure for disposing of the charge.
 2. The committee shall discuss the charge, examine witnesses and receive all available evidence pertaining to the charge.
 3. Both parties shall have the right to present statements, testimony, evidence, and witnesses. Each party shall have the right to be represented by counsel and to question witnesses.
 4. The accused person may be present at the hearing and be represented by a person of his/her choice.
 5. The person making the charge shall assume the burden of proof.
 6. The hearing shall be closed to the public unless the accused person desires a public hearing. Privileged information will not be disclosed or discussed outside the hearing except at the express request of the accused.
 7. The committee shall judge the relevance and weight of testimony and evidence. It shall make its findings of fact, limiting its investigation to the formal charge. It shall make recommendations for disposition of the charges.
 8. A transcript of the proceedings shall be kept in a confidential file and shall be available at all times to the accused person.
- D. It is desired and anticipated that the Superintendent/President of the College, or designee, and the Governing Board shall be governed by the recommendation of the hearing committee. GB 4-13-82