

Chapter 16: Appealing the District Dean of Students or Designee's Administrative Decision

To view the Board policies associated with this chapter, go to <https://pol.tasb.org/PolicyOnline/PolicyDetails?key=304&code=FMA>.

Procedures to Submit an Appeal

A student who is issued a disciplinary penalty or penalties has the right to appeal the district dean of students or designee's administrative decision, as outlined in [Chapter 13: Student Disciplinary Procedures, Administrative Decision, Formal Administrative Decision and Misconduct Warranting a Disciplinary Penalty](#) in this *Student Code of Conduct*. To initiate the disciplinary appeals process, the student must submit the *Disciplinary Appeal Request Form* contained in the administrative decision documents on or before the tenth College District business day following the administrative decision.

Concerns or complaints that are more appropriately addressed through another Collin College grievance process or policy (e.g., academic suspension appeals, complaints under instructional programs or core performance standards, financial aid appeals, grade appeals, *Title IX* complaints) will not be addressed through the disciplinary appeals process.

Disciplinary Appeals Committee (DAC)

The Disciplinary Appeals Committee (DAC) will be convened at the request of a student appealing the formal administrative decision and/or disciplinary penalty or penalties imposed by the district dean of students or designee. The student's request must be submitted in writing within 10 College District business days of the date of the district dean of students or designee's written administrative decision. For more information, see the [Procedures to Submit an Appeal](#) section above.

DAC's Determination to Proceed with Appeal Hearing

Upon receipt of the student's request for a disciplinary appeal hearing and under reasons designated by the DAC, the DAC may recommend that the matter return to an Informal Resolution by the district dean of students or designee prior to the scheduling of the DAC appeal hearing.

The DAC chair or associate chair assigned to oversee the disciplinary appeal hearing will review the student's request for an appeal and determine whether the matter should be returned to the district dean of students or designee to be addressed through Informal Resolution. Administrative decisions in which the district dean of students or designee imposed one (1) or more of the following penalties may not be returned to an Informal Resolution and must proceed through the disciplinary appeals process:

1. Restitution,
2. Suspension for any length of time, and/or
3. Recommendation for Expulsion.

For more information regarding Informal Resolution, see [Chapter 13: Student Disciplinary Procedures, Administrative Decision, Informal Resolution](#) in this *Student Code of Conduct*.

Composition

The DAC will be composed of at least three (3) Collin College employees and a minimum of one (1) current Collin College student, when appropriate. To hold an appeal hearing, a quorum of three (3) DAC members must be met. The members of the DAC and the committee chairperson will be designated according to procedures developed by the designated Leadership Team member. All members chosen to serve on the DAC appeal hearing panel will be eligible to vote on the issue of whether or not the student violated Collin College policies and procedures, including the rules for student conduct, and whether the student should receive an appropriate disciplinary penalty or penalties.

DAC Appeal Hearing Notice

The district dean of students or designee will notify the student by letter of the date, time, and place for the DAC appeal hearing. Unless the student and the district dean of students or designee otherwise agree or unless there are unforeseeable circumstances beyond Collin College's control, the DAC appeal hearing will take place within a reasonable time period, not to exceed 10 College District business days after the date of the student's request for the appeal hearing. The district dean of students or designee may extend Collin College's 10-day timelines within this policy by sending written notice to the parties of the extension.

Contents of Notice

The notice will:

1. Direct the student to appear on the date and at the time and place specified.
2. Advise the student of their rights to:
 - a. Have a private appeal hearing;
 - b. Be assisted by an advisor or legal counsel at the appeal hearing;
 - c. Call witnesses, request copies of evidence in Collin College's possession, and offer evidence and agreement on their own behalf;
 - d. Make an audio recording of the proceedings, after first notifying the district dean of students or designee in advance of the appeal hearing, or, at the student's own expense, to have a stenographer present at the appeal hearing to make a stenographic transcript of the appeal hearing; and
 - e. Ask questions of each witness who testifies against the student.
3. Contain the names of witnesses who will testify against the student and a description of documentary and other evidence that will be offered against the student.
4. Contain a description of the allegation(s) of misconduct in sufficient detail to enable the student to prepare their defense against the charges.
5. State the proposed disciplinary penalty or range of disciplinary penalties that may be imposed.

The student will provide to the district dean of students or designee any documentation, a list of potential witnesses, and other relevant evidence to support their appeal by the specified deadline. All documentation from the district dean of students or designee and the student will be forwarded to the DAC members assigned to the case for review prior to the hearing.

The DAC chairperson or associate chairperson will have the authority to postpone the appeal hearing for good cause as long as all parties involved are notified by the district dean of students or designee of the new appeal hearing date, time, and place.

Failure to Appear for the DAC Appeal Hearing

The DAC may impose an appropriate disciplinary penalty or penalties upon a student who fails without good cause to appear for the appeal hearing. For purposes of assessing an appropriate disciplinary penalty or penalties, the DAC may proceed with the appeal hearing in the student's absence.

DAC Appeal Hearing Procedures

The DAC chairperson or an associate chairperson will be assigned to oversee each appeal hearing. DAC members assigned to each appeal hearing will review the documentation and other evidence provided by the district dean of students or designee and the student prior to the appeal hearing.

DAC members will determine by vote whether or not a student has violated the *Student Code of Conduct*, Board policies, laws, and/or Collin College procedures. All DAC members assigned to a given case will be eligible to vote during the appeal hearing. DAC decisions require a majority vote.

If the DAC finds the student has violated the *Student Code of Conduct*, Board policies, laws, and/or Collin College procedures, the DAC will determine whether the appropriate disciplinary penalty or penalties were imposed by the district dean of students or designee and may adjust the disciplinary penalty or penalties, if warranted.

All DAC appeal hearings will be recorded by Collin College. The DAC appeal hearing will proceed as follows:

1. The chairperson or associate chairperson will read the description of the alleged misconduct.
2. The chairperson or associate chairperson will inform the student of their rights.
3. The district dean of students or designee will present Collin College's case.
4. The student or representative will present the student's defense.
5. The district dean of students or designee will present rebuttal evidence.
6. The DAC members may ask questions of witnesses testifying on behalf of the student or Collin College.
7. The district dean of students or designee will summarize and argue Collin College's case.
8. The student or representative will summarize and argue their case.
9. The district dean of students or designee will have an opportunity for rebuttal argument.
10. The DAC members will deliberate in closed session. The DAC members will vote on the issue of whether or not the student violated Collin College policies and procedures, including the rules for student conduct, and whether the student should receive an appropriate disciplinary penalty or penalties.
11. If the DAC finds the student committed misconduct, the DAC members will determine whether the disciplinary penalty assessed, or proposed in the case of recommendation for Expulsion, by the district dean of students or designee is appropriate and, if necessary, will assess a different or additional penalty.
12. The DAC chairperson or associate chairperson will communicate the decision and any findings of facts in support of the DAC's decision to the district dean of students or designee in writing within 10 College District business days of the appeal hearing. The district dean of students or designee will notify the student in writing within 10 College District business days of the appeal hearing of the DAC's decision and the disciplinary penalty or penalties imposed, if any. The notice will include procedures for accepting the DAC's decision or appealing to the designated Leadership Team member.

Evidence

Evidence will be handled in accordance with the following:

1. Legal rules of evidence do not apply unless otherwise required by applicable *Title IX* regulations. The DAC chairperson or associate chairperson may admit evidence or exclude evidence considered to be irrelevant, immaterial, and unduly repetitious.
2. At the appeal hearing, Collin College will be required to prove by a preponderance of the evidence (i.e., more likely than not to have occurred) that the charges are true.
3. A student may not be compelled to testify.
4. The DAC will determine if a violation has occurred and assess an appropriate disciplinary penalty or penalties based solely on the evidence presented at the appeal hearing.

After the Appeal Hearing

The district dean of students or designee will notify the student in writing within 10 College District business days of the appeal hearing of the DAC's decision and the disciplinary penalty or penalties imposed, if any. The notice will include procedures for accepting the DAC's decision or appealing to the designated Leadership Team member.