

Judicial Process

Any student charged with a violation of the Student Code of Conduct has a right to request a hearing with a Judicial Board.

1. The request is made in writing and submitted to the Vice President for Student Services or the Vice President for Instruction, depending on the context of the violation.
2. The request for the hearing must be made within ten (10) business days following the written notification of charges to the student.

The Judicial Board is convened by a vice president who will serve as chair and select Board members according to the case being heard—Board members will include three KCC staff members and two currently enrolled students. No person who is personally involved in a particular case will be a member of the Judicial Board to hear that case.

1. The Judicial Board hearing will be held on the Battle Creek campus and scheduled at the convenience of the Board members; however, all efforts will be made to schedule the hearing within fifteen (15) business days of the student's request for a hearing.
2. The student will have the right to be assisted at the hearing by an advisor of his/her choice.
3. Both parties will be given the opportunity to testify and to present evidence and witnesses who have first-hand knowledge of the events in the case.
4. Both parties must advise the Vice President's office of any individual(s) attending the hearing with them.
5. Should either party elect to or fail to appear before the Judicial Board, the hearing may proceed as scheduled.
6. The hearing is closed to spectators.
7. The decision of the Judicial Board will be based upon a preponderance of the evidence introduced in the hearing.
8. The student will not be required to testify against himself or herself.
9. The Judicial Board hearing will be digitally recorded. This recording represents the sole official verbatim record of the hearing and is the sole property of Kellogg Community College.

After the hearing the Judicial Board will prepare a written finding and decision. The vice president chairing the Judicial Board will notify the student of the decision of the Judicial Board within ten (10) working days after the completion of the hearing.

The decision of the Judicial Board will be final, subject only to the student's right to appeal.

Appeal Process

A complainant or student cited may appeal the decision of the Judicial Board to the President of the College. The request for appeal must be in writing and must be forwarded to the appropriate Vice President within ten (10) business days of the decision rendered. Failure to file an appeal will render the decision final and conclusive.

The basis for an appeal must be one of the following:

- The student's right of due process under the Student Code of Conduct was violated.
- The decision reached regarding the student charged with a violation was based on insufficient evidence.
- The sanction imposed was substantially disproportionate to the severity of the violation.
- There was new information that was unavailable at the time of the hearing that would have resulted in a different outcome.

Appeals Decision

In deciding on an appeal, the President may:

- Affirm the finding and the sanction imposed by the Judicial Board.
- Affirm the finding and reduce, but not eliminate, the sanction. Sanctions may only be reduced if found to be grossly disproportionate to the offense.
- Remand (order back) the case to the original Judicial Board. Cases may be remanded if specified procedural errors or errors in interpretation of college regulations or policy were so substantial as to effectively deny a fair hearing, or if new and significant evidence became available which could not have been discovered before or during the original hearing.
- Cases may be dismissed if the finding is held to be arbitrary and capricious.

The decision of the President shall be final and conclusive.