

The Catamount School Policy 4370

Student Discipline Hearing Procedures

Last Revised – February 9, 2023

STUDENT DISCIPLINE HEARING PROCEDURES

Policy Code:

4370

A. ADMINISTRATIVE HEARINGS

The rules set out below will govern hearings initiated by the Superintendent or designee in assessing misbehavior and appropriate consequences. The purpose of the hearing will be to determine the facts relevant to the alleged misbehavior and the credibility of witnesses, based on the evidence presented at the hearing.

1. The hearing will be informal and conducted in private.
2. Prior to the hearing, the student and his or her parents and representative will have an opportunity to review any audio or video recordings of the incident and, consistent with federal and state student records laws and regulations, the information that may be presented as evidence against the student, including statements made by witnesses whose names are withheld in accordance with number 5, below.
3. The Superintendent or designee shall provide for making a record of the hearing, including any findings or conclusions made by the hearing board. The student will have the right to make his or her own audio recording of the hearing.
4. The hearing must be attended by the Convenor of the Disciplinary Hearing Panel; the principal and/or assistant administrators (“school representatives”); and any person(s) the Convenor deems necessary. The student has the right to be present at the hearing, to be accompanied by his or her parents and to be represented by an attorney or non-attorney advocate. Witnesses should be present only when providing information.
5. The school representatives have the burden of proving the misbehavior; the violation of board policy, the Code of Student Conduct, school standards or school rules; and the appropriateness of the recommended consequence for the violation.
6. The school representatives will present the witnesses and documentary evidence against the student first. School officials may withhold witness names or other identifying information if identification of a witness could threaten the witness’s safety.

After the school representatives have presented their evidence, the student or his or her

representative may present evidence relating to the alleged disciplinary infraction, the student's intent at the time of the incident, any mitigating or aggravating factors involved, the disciplinary and academic history of the student and the potential benefits to the student of alternatives to suspension. Such evidence may include oral testimony by the student or witnesses, written statements and other document

7. Both the school representatives and the student or his or her parent or representative may examine the witnesses presented by the other side. The convener has the authority to limit questioning by any person if the questioning is unproductive, unnecessarily lengthy, repetitive or irrelevant.
8. In reaching a determination in the matter, the Disciplinary Hearing Panel, under the leadership of the Convenor, shall consider the documents produced in the hearing, the testimony of the witnesses and other evidence presented at the hearing. If the Disciplinary Hearing Panel, as presented by the Convenor, determines that a violation occurred, the Disciplinary Hearing Panel also shall determine the appropriateness of the recommended consequences for the violation. Formal rules of evidence do not apply, and the Disciplinary Hearing Panel may rely on evidence that a reasonably prudent person would consider in the conduct of serious affairs.
9. Immediately following the hearing, the Convenor provides a written recommendation from the Disciplinary Hearing Panel to the Superintendent and the principal regarding the outcome of the hearing
10. Following the hearing, the Superintendent shall render a written decision based on substantial evidence presented at the hearing and shall notify the student and parent of that decision in accordance with the requirements of the Catamount School Policy 4353, Long- Term Suspension, 365-Day Suspension, Expulsion.

B. CHANCELLOR/DESIGNEE HEARINGS

1. Appeal of a Long-Term or 365-Day Suspension

The Chancellor or designee will provide the opportunity for a hearing that follows the procedures established for administrative hearings, except that (1) the Superintendent or designee will represent the Catamount School and the Chancellor or designee will be the decision maker, and (2) unless the Chancellor or designee requests otherwise or doing so would create a substantial threat of unfairness, the Chancellor or designee will limit presentations of testimony to the student, the student's parent and representative, and the school system's representative and will limit documentation to the records and evidence presented at the administrative hearing. The Chancellor or designee, at their discretion, may request additional information or evidence.

The Chancellor or designee will review any records created by the superintendent's decision and the record created by the Disciplinary Hearing Panel. The Chancellor or designee will review the Superintendent's decision to be sure that: (1) there was a reasonable basis for determining that the student engaged in the specified

misbehavior; (2) a Catamount School policy, the Code of Student Conduct, a school standard or a school rule was violated; (3) the consequence for the violation was reasonable; and (4) procedures established by the Catamount School policy were followed.

2. Board Decision on Expulsion

The Chancellor or designee will provide an opportunity for a hearing to review the Superintendent's recommendation for expulsion. The rules established for administrative hearings will be followed, except that the Superintendent or designee will represent the Catamount School and the Chancellor or designee will be the decision maker. The Chancellor or designee may request additional records or witnesses. A decision will be made on the Superintendent's recommendation following the standards for expulsion established in the Catamount School Policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion.

Legal References: G.S. 115C-45, -47, -276, -288, -390.1, -390.2, -390.7, -390.8

Cross References: Long-Term Suspension, 365-Day Suspension, Expulsion (The Catamount School Policy 4353)

Adopted: February 09, 2023