



Drexel University, Steinbright Career Development Center Hearing and Appeal Procedures, including Summary

1. Scope:
 - (a) These Hearing and Appeal Procedures (“Procedures”) shall apply in all cases arising from the policies, rules or procedures of the Steinbright Career Development Center (“Center”). These cases include, but are not limited to:
 - (1) Contesting a decision made by a member of the staff of the Center
 - (2) Requesting relief from a policy, the application of which would result in serious hardship to a student
 - (A) These procedures shall not be construed so as to deny the staff the authority to make minor exceptions to policies that, in his/her sound professional judgment, are in the best interest of the affected students and/or the University
 - (B) No appeal may be filed under this subsection until the affected student has discussed the policy in question with his/her assigned coordinator
 - (3) Disciplinary action taken by the Center against any student
 - (b) No appeal shall be considered unless it is filed and prosecuted in accordance with these procedures

2. Definitions: As used in these Procedures, the following words and phrases shall be defined as indicated
 - (a) Co-op: pertaining to the cooperative education program of Drexel University
 - (b) Staff: any member of the professional staff of the Center
 - (c) Executive Director: the chief executive officer of the Center, regardless of the actual title of that individual
 - (d) Student: any current student, former student, or alumnus of Drexel University or any other educational institution who uses or attempts to use any service, course, program or resource of the Center
 - (e) Hearing Officer: the individual designated by the Executive Director to preside over and adjudicate hearings conducted pursuant to these Procedures. The hearing officer should be an individual who is familiar with the policies and procedures of the Center, including these appeal procedures, and who has not been involved previously with the specific case that is the subject of the appeal
 - (f) Business Day: any day, regardless of whether classes are in session, when the administrative offices of Drexel University are open for the normal transaction of business
 - (g) Director: the individual who is second in the administrative hierarchy of the Center, regardless of the actual title of that individual
 - (h) Next-term co-op: a cooperative education placement that is scheduled to occur in the academic term immediately following the term in which a certain action or event occurs

- (i) Computation of Time: any time period stated in these procedures is to be counted beginning on the business day following the day on which an action or event occurs
- (j) Witness: any person with knowledge relevant to a particular situation who is called to testify at a hearing

3. Informal Resolution:

- (a) Except as provided in Section 3(a)(4), before filing an appeal contesting a staff member's decision, a student must first attempt to resolve the matter informally with the staff member who rendered the decision which the student wishes to contest
 - (1) Informal resolution may take any form the student and staff member find mutually agreeable
 - (2) Either the student or staff member may request the involvement of the staff member's immediate supervisor, if they believe that such involvement would be conducive to the resolution of the matter
 - (3) If the student and staff member are able to reach a mutually acceptable solution to the matter in question, the staff member shall prepare a writing memorializing the understanding of the parties. This writing should contain, at a minimum, the following:
 - (A) The names of the student and staff member
 - (B) A brief statement of the matter in dispute
 - (C) Any relevant facts
 - (D) The agreed-upon resolution of the matter
 - (E) If applicable, the timeframe within which the matter will be resolved
 - (F) The signatures of the student, staff member and the staff member's immediate supervisor
 - (4) Informal resolution is not available in the following situations:
 - (A) Matters of student conduct, including conduct while participating in a co-op placement
 - (B) Matters of academic integrity
 - (C) Matters which in the judgment of the staff member are likely to significantly impact the student's academic progress, graduation or future access to the programs and services of the Center

4. Filing of Appeal:

- (a) Except as provided in Section 4(j), relating to expedited appeals in cases affecting next-term co-op placements, no appeal shall be considered unless it is properly filed within ten (10) business days of the rendering of the decision from which the student is appealing, or in the case of an appeal filed under Section 1(a)(2), within thirty (30) days from the date the student knew, or should have known of the policy's adverse impact on the student
- (b) All appeals must be typed and contain the following information:
 - (1) The student's name, address, telephone number, e-mail address and Drexel identification number,

- (2) A brief statement of the decision or policy which is the subject of the appeal,
 - (3) The name of the staff member who rendered the decision, if applicable,
 - (4) The relief requested,
 - (5) A narrative setting forth the relevant facts of the case, the student's reason for appealing and the student's arguments in favor of his or her position,
 - (6) Any other information that the student deems relevant, and
 - (7) The student's signature
- (c) The appeal must be mailed or hand-delivered to the Steinbright Career Development Center, 3201 Arch Street, Suite 250, Philadelphia, PA 19104. Appeals may not be submitted via electronic mail, facsimile or any other means.
 - (d) The Center shall date stamp the appeal and provide the student with a photocopy
 - (e) In the case of an appeal filed via U.S. mail, the filing date shall be the postmark date
 - (f) In the case of an appeal filed in person, the filing date shall be the date of receipt by the Center, as determined by the date stamp
 - (g) In extraordinary circumstances, the hearing officer may extend the filing deadlines set forth in Section 4(a)
 - (1) For purposes of this subsection, "extraordinary circumstances" means those circumstances which a reasonably prudent and diligent student would not have been able to avoid
 - (h) Copies of the appeal shall be provided to:
 - (1) The hearing officer,
 - (2) The staff member named in the appeal, and
 - (3) The immediate supervisor of the staff member named in the appeal
 - (i) Upon receipt of an appeal, the named staff member should respond in writing within ten (10) business days. The staff member's response may include any information the staff member deems relevant. Copies of the staff member's response shall be provided to:
 - (1) The hearing officer,
 - (2) The student who filed the appeal, and
 - (3) The immediate supervisor of the staff member named in the appeal
 - (j) Expedited Appeals:
 - (1) This expedited appeal process shall only be used in cases where the existence of a next-term co-op does not allow sufficient time for the completion of the standard appeal process. To the extent that the procedures set forth in this subsection differ from those set forth elsewhere in these procedures, this subsection shall be controlling. In all other instances, the standard appeal procedures remain in effect
 - (A) Form of notice: any notice or filing required under this subsection shall be made via electronic mail to the student's official Drexel University address, plus any other addresses of which the Center is aware; or in the case of a notice or filing tendered to the Center, to SCDC@drexel.edu with the word "Appeal" in the subject line. Original paper copies of all notices and filings must be hand-delivered or sent via overnight delivery
 - (B) Notice by the Center: upon becoming aware of a situation that is likely to substantially affect a student's eligibility to participate in

a next-term co-op, the Center shall, in accordance with subsection A, provide notice to the student within one (1) business day. This notice shall include:

- (i) A statement of the situation that gave rise to the notice,
 - (ii) The action or action(s) the Center plans to take in response to the situation,
 - (iii) The likely effect such action would have upon the student, and
 - (iv) A copy of these procedures, along with a summary of the student's rights and responsibilities, including instructions on how to appeal the Center's proposed action
- (C) Response by student: any appeal of the Center's proposed action must be filed within two (2) business days of receipt of the Center's notice
 - (D) Hearing: any hearing deemed necessary by the hearing officer shall be held as soon as is practicable, and in no event later than two (2) business days following receipt of the student's response
 - (E) Decision: except in extraordinary circumstances, the hearing officer shall render a decision at the conclusion of the hearing; or when no hearing is held, as soon as possible following receipt of the student's response
 - (F) Appeal: any appeal to the Executive Director must be filed within one (1) business day of the hearing officer's decision. The Executive Director shall consider the appeal and render a final decision as soon as possible

5. Hearing:

- (a) Except as provided in Section 5(f), relating to waiver of hearing in cases where no factual dispute exists, following the receipt of the staff member's response, or at the end of ten (10) days during which the staff member has failed to respond, the hearing officer shall schedule a hearing and notify all affected parties. Unless otherwise indicated by the hearing officer, hearings shall be held in the Conference Room of the Steinbright Career Development Center, 3201 Arch Street, Suite 250, Philadelphia, PA 19104
 - (1) A maximum of one (1) continuance may be granted upon the request of either the student or the staff member. Continuances may only be granted for good cause shown
 - (2) The purpose of the hearing is to provide a neutral forum to address and resolve the student's appeal, policy disagreement or disciplinary matter, as the case may be. The following rules shall govern the conduct of the hearing:
 - (A) Either party may make an opening and or closing statement to summarize his/her case and/or argue in favor of a particular decision
 - (B) The party that bears the burden of proof as set forth in Section 5(b) shall present his/her case first
 - (C) Either party may call witnesses, introduce documentary evidence and cross-examine adverse witnesses

- (D) Hearsay evidence is admissible, so long as the hearing officer determines the evidence to be relevant and credible
 - (E) Hearings are private. Only the student, staff member, hearing officer and witnesses may be present in the hearing room. Neither the student nor the Center may be represented or accompanied by a third party. This provision shall not be construed to preclude the presence of other staff members whose attendance at the hearing is justified by his/her duties as employees of the Center.
- (b) In cases where the student is appealing from a staff member's decision pursuant to Section 1(a)(1), the student shall have the burden of proving, by a preponderance of the evidence, that the staff member's decision was arbitrary, capricious or an abuse of discretion
 - (1) Any decision which is compelled by the correct application of an established policy of the Center is not arbitrary, capricious or an abuse of discretion
 - (2) Students may challenge both a staff member's decision and any underlying policy in the same appeal. The initial filing should clearly state all bases for the appeal
 - (c) In cases where the student is requesting relief from a policy pursuant to Section 1(a)(2), the student shall have the burden of showing by clear and convincing evidence that the policy, as applied to them, causes serious and unavoidable hardship through no fault of the student, is impractical or unworkable, or is illegal or in direct conflict with another policy of Drexel University that is promulgated by the Provost, President or Board of Trustees
 - (d) In cases involving disciplinary action taken by the Center against a student pursuant to Section 1(a)(3), the Center bears the burden of demonstrating, by clear and convincing evidence, that:
 - (1) The student violated a policy, rule or procedure of the Center,
 - (2) The student knew, or should have known, of the policy, rule or procedure, or, in cases involving the appeal of a sanction, that
 - (3) The sanction imposed is reasonable, given the totality of the circumstances
 - (e) Proof by the Center that a policy, rule or procedure is in writing and was provided to students as part of Co-op 101 or some other required program or course shall be deemed prima facie evidence that the Center has met its Section 5(d)(2) burden. Students are under a continuing duty to familiarize themselves with changes in Center policy. The Center shall promptly post relevant policy changes on its website and update printed materials as necessary
 - (f) Notwithstanding any other provision in these procedures, the hearing officer may waive the hearing and issue a decision based on the written appeal and the staff member's response in cases where no relevant factual matter is in dispute.

6. Decision:

- (a) Following the hearing, the hearing officer shall render a written decision and transmit this decision to:
 - (1) The student,

- (2) The staff member,
 - (3) The staff member's immediate supervisor,
 - (4) The Director, and
 - (5) The Executive Director
- (b) The decision shall include:
- (1) The date of the decision,
 - (2) The names of all parties involved,
 - (3) Copies of all filings and documentary evidence,
 - (4) A discussion of the policy or policies involved,
 - (5) The hearing officer's decision,
 - (6) The rationale for the decision,
 - (7) Notification of appeal rights, if applicable, and
 - (8) Any other information which the hearing officer deems relevant

7. Appeal:

- (a) No more than ten (10) business days from the date of the hearing officer's decision, the non-prevailing party may appeal in writing to the Executive Director. The appeal shall contain:
 - (1) The names of all parties involved,
 - (2) A concise statement of why the appellant believes the hearing officer's decision to be incorrect, and
 - (3) A detailed rationale for the appellant's position
- (b) Additional evidence may be introduced as part of the appeal subject to the following conditions:
 - (1) The evidence was not available through the use of ordinary diligence at the time of the hearing, and
 - (2) The Executive Director approves the submission of the additional evidence
- (c) Copies of the appeal shall be provided to:
 - (1) The student,
 - (2) The staff member,
 - (3) The staff member's immediate supervisor,
 - (4) The Director, and
 - (5) The hearing officer
- (d) The Executive Director shall consider the appeal and render a decision. This decision shall be in writing and shall be transmitted to the individuals listed in Section 7(c)
- (e) The decision of the Executive Director is final

SUMMARY OF HEARING AND APPEAL PROCEDURES

(Note: this summary is provided as a convenience to the reader. It is not a statement of the Center's policy and in no way alters the meaning of the official procedures delineated above. Interested parties are urged to read the Procedures in their entirety and to seek clarification of any provision of which they are uncertain.)

1. What is the purpose of these Procedures?

The Procedures explain the methods that the Center and its students must use to address and fairly resolve disagreements and disciplinary issues. Section 1(a).

2. I disagree with a staff member's decision about my job search journal/Co-op 101 assignment/etc. What can I do?

The first thing you should do is talk with the staff member. He or she can explain the reason for the decision and answer any questions you have. The staff member will normally consult with his/her supervisor in an attempt to resolve the disagreement. If you still disagree with the decision, you may file an appeal. Sections 3(a), 4.

3. How do I file an appeal?

You must carefully follow all the steps listed in Section 4(a, b and c). Please feel welcome to call the Center with any questions.

4. How long do I have to file an appeal?

It depends. The deadlines are summarized below. However, there are exceptions and you should carefully review Sections 4(a), 4(j)(1)(C and F), and 7(a) to determine the filing deadline that applies to your situation.

- Appeal a staff member's decision: 10 business days
- Request relief from a policy: 30 business days
- Expedited appeal: 2 business days
- Appeal hearing officer's decision to Executive Director: 10 business days
- Appeal hearing officer's decision (expedited appeal): 1 business day

5. What happens after I file an appeal?

The staff member will have a chance to respond to your appeal in writing. You will receive a copy of the response. After the staff has been given the opportunity to respond, the hearing officer will either schedule a hearing or decide the appeal based on the written submissions. Sections 5(a), (f).

6. What happens if there is a hearing?

You and the staff member will have an opportunity to make an opening statement where you summarize your point of view and ask for a particular outcome. After that, each side may call witnesses, introduce evidence and cross-examine opposing witnesses. The hearing officer might also question you, the staff member, and/or any witnesses. Section 5.

7. *What do I have to do at the hearing to prevail?*

It depends on the type of appeal that has been filed. If you are challenging a staff member's decision, you must show that it is more likely than not that the staff member's decision is contrary to established policy, unsupported by credible evidence or that he/she was motivated by improper factors. *Please be aware that it is not enough to show that the decision results in hardship or inconvenience to you. This is especially true when you could have avoided any adverse consequence(s) by acting differently.* Section 5(b).

If you are requesting an exception to an established policy and have not been able to resolve the matter informally, you must show by "clear and convincing evidence" that the policy, as it is being applied in your case, falls into one of the four categories described in Section 5(c). "Clear and convincing" is a higher standard of proof than the "more likely than not" standard used in other appeals. You must show that it is very likely, but not certain, that the policy falls into one of the four categories listed in Section 5(c).

If the purpose of the hearing is to resolve a disciplinary matter, the Center, not the student, bears the burden of proving, by clear and convincing evidence, that the student violated a policy, rule or procedure and that the student knew or should have known about the policy. Section 5(d).

8. *May my friend, parent(s) or attorney attend the hearing?*

No. All hearings are private. Attendance is limited to the student, staff member, hearing officer and other staff who have a legitimate professional reason to attend. Section 5(a)(2)(E).

9. *After the hearing, how long will it take to receive a decision?*

It depends. Sometimes, the hearing officer will be able to render a decision immediately. In other cases, it may take several days. You will be notified as soon as a decision is reached. Section 6.

10. *Is there always a hearing?*

No. If you and the staff member agree that there is no factual dispute, or if the hearing officer believes that a hearing is not necessary, the hearing could be skipped. In that case, the hearing officer could issue a decision based on the written submissions. Section 5(f).

11. *Who may testify at the hearing?*

Any person with knowledge that is relevant to the issue in dispute may testify. Please note, however, that the matter testified to must be relevant. For example, if you are appealing a failed

work term as a result of being terminated from your co-op position for excess tardiness, a character witness would not be relevant. On the other hand, character evidence might be relevant if your termination was for dishonesty. The hearing officer decides whether proposed witness testimony is relevant.

12. *May I appeal the hearing officer's decision? How?*

Yes. You may appeal in writing to the Executive Director. The Executive Director's decision is final. Section 7.

13. *I just found out that I failed Co-op 101. My Co-op job starts in two weeks and my Coordinator says I can't participate because I failed the course. What can I do?*

There is a special expedited appeal process that can be used in cases like yours. The process is designed so that it can be completed in one week or less. The Center will notify you if failing the class is likely to affect your Co-op placement. If you believe there is a chance that your performance in Co-op 101 will result in not being eligible for your placement, you should remain in contact with your coordinator and check your official Drexel email account regularly. Section 4(j).

14. *I know that I didn't attend the required number of Co-op 101 classes and/or complete my assignments in time, but it doesn't seem fair to make me retake the whole class or cancel my placement.*

The requirements for passing Co-op 101 are clearly set forth in the course syllabus and in class. You were aware of the consequences of not taking the course seriously and chose to disregard those consequences. The Center sincerely hopes that you learn from this mistake and that you pass Co-op 101 when you retake the course. In the meantime, you are not eligible to participate in Drexel's co-op program.