

## HARTNELL COMMUNITY COLLEGE DISTRICT

### AP 5520 Student Discipline

**References:** Education Code Sections 66017, 66300, 66301, 72122, 76030 et seq., 76220, 76233, and 76234, Penal Code Sections 626.2 and 626.4

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

~~These~~ **This** Administrative Procedures ~~are~~ **is** specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

For discipline resulting from a complaint of sex discrimination including sex-based harassment under Title IX, the procedure in AP 3434: Responding to Sex Discrimination under Title IX, must be used.

The Vice President of Student Affairs or designee shall be responsible for enforcing rules and regulations and administering the disciplinary functions for all activities of student at times and places when students are under the District's jurisdiction.

Each student is responsible to know, observe, abide by, and adhere to the College's Student Code of Conduct policies, rules and regulations. Upon enrolling in the College, students are automatically placed under the guidelines, rules and regulations established by the College. Consistent with the Colleges mission and culture of respect, the purpose of this Code is to establish standards of personal conduct for all students which provide for the advancement of knowledge and the development of ethically sensible and responsible persons and recognize that students are adults, and, as such, their relationships with the College community should reflect adult behavior.

For alleged violations of the Standards of Student Conduct, complete the *Student Incident Report Form* (located at the end of this document).

#### I. DEFINITIONS

**District** – The Hartnell Community College District

**Student** – Any person currently enrolled as a student at any college or in any program offered by the District **who was enrolled at the time of the alleged violation of the Standards of Student Conduct.**

**Instructor (Faculty/Staff)** – Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the

student, or other academic employee who has responsibility for the student's educational program.

**Advisor** – An advisor can be present during the disciplinary conference meeting to offer support and guidance, but the advisor cannot actively argue the case or speak on behalf of the student or represent the student during the meeting.

**Day** – Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays, and Holidays.

**Time Limits** – A period of time within which an action or procedure must be done or completed. Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties, and confirmed in writing. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within **ten (10) days**.

For a violation of the Standards of Student Conduct pertaining to sexual assault and sexual exploitation, students may be disciplined (including removal, suspension, or expulsion) regardless of the victim's affiliation with the District and regardless of whether the offense is or is not related to a district activity or attendance and even if the conduct does not take place on district property.

**Short-term Suspension** – Exclusion of the student by the **Vice President of Student Affairs or designee** for good cause from one or more classes for a period of up to ten consecutive days of instruction.

**Long-term Suspension** – Exclusion of the student by the **Superintendent/President** for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

**Expulsion** – Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms.

**Removal from class** – Exclusion of the student by an instructor for the day of the removal and the next class meeting.

**Written or verbal reprimand** – An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

**Withdrawal of Consent to Remain on Campus** – Withdrawal of consent by the **Vice President of Student Affairs or designee** for any person to remain on campus in accordance with California Penal Code Section 626.4 where the **Vice President of Student Affairs or designee**

has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

~~Day – Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays.~~

## **II. REPORTING OF INCIDENTS OF ALLEGED VIOLATIONS OF THE STUDENT CODE OF CONDUCT**

- Incidents should be reported within **five (5) days** of occurrence to the Office of the Vice President of Student Affairs or designee.
- Any member of the college community may make a complaint against a student with allegations of misconduct.
- Acts of sexual harassment shall be addressed by the District Vice President of Human Resources **and/or designee (Title IX Officer)**. All other misconduct shall be reported to the Vice President of Student Affairs or designee.
- Incidents can be reported by either of the following methods:
  - a. Submit the Student Incident Report Form (attached at the end of the document).
  - b. Submit an incident report online through the “Report a Concern” link on the College’s website.

Misconduct in the instructional setting may be addressed and resolved by the instructor. The instructor shall privately inform the student of the misconduct, either face to face or by email, with a warning and statement of expected behavior in an effort to redirect the student. If the misconduct is severe, or continues after warning, a report shall be sent to the Office of the Vice President of Student Affairs or designee.

Any misconduct that is deemed dangerous or criminal shall be reported to campus safety **and/or call 9-1-1 (if the threat/act of violence is imminent and serious)** immediately and then to the Office of the Vice President of Student Affairs or designee.

## **~~H. SHORT-TERM SUSPENSIONS, LONG-TERM SUSPENSIONS, AND EXPULSIONS~~**

### **III. Administrative Due Process**

Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

- Notice – The **Vice President of Student Affairs or designee** will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
  - The specific section of the Standards of Student Conduct that the student is accused of violating.
  - A short statement of the facts supporting the accusation.

- The right of the student to meet with the **Vice President of Student Affairs or designee** to discuss the accusation, or to respond in writing.
- The nature of the discipline that is being considered.
  - The right of the student to have an Advisor present during the meeting
  - Time, date, and place of the disciplinary conference meeting
- Time limits – The notice must be provided to the student within **fourteen (14) days** of the date on which the conduct took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within **ten (10) days** of the date on which conduct occurred which led to the decision to take disciplinary action.
- The opportunity to request a reschedule of the disciplinary conference meeting date up to **one (1) day** prior to the disciplinary conference meeting, due to academic or other reasonable conflicts. Requests may be granted at the discretion of the Vice President of Student Affairs or designee.
- Meeting – If the student chooses to meet with the **Vice President of Student Affairs or designee**, the meeting ~~must occur no sooner than **three (3) days** after the notice is provided~~ **no later than fifteen (15) days after the notice is provided**. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.
- Disciplinary Conference Meeting
  - At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.
  - If the student declines to meet with the Vice President of Student Affairs or designee, or fails to schedule an appointment within the timeframe provided, or fails to attend the scheduled disciplinary conference, the proposed disciplinary action will be imposed and the disciplinary action decision will be final.
  - The student shall represent themselves at the disciplinary conduct meeting, and may, but need not, bring a non-attorney advisor they choose. The student will be offered the opportunity to bring an advisor. Failure by the advisor to comply with their role will result in removal from the meeting.

#### **IV. Determination and Notice of Administrative Decision**

- The Vice President of Student Affairs or designee shall issue a written notice of the decision to the student, within **fifteen (15) days** of the date on which either the conduct occurred which led to the decision to take disciplinary, or within **ten (10) days** of completion of an administrative determination based on the investigation.
- If the student declines to meet with the Vice President of Student Affairs or designee, the proposed disciplinary action will be imposed. The Vice President of Student Affairs or designee's disciplinary action decision will be final. Written notice of the decision shall be provided to the student, within the **fifteen (15) days** after initial notice was provided. The notice shall include the reported facts of the allegations that support the disciplinary action, and the fact that the allegations were uncontradicted by the student

by declining a meeting, or failing to respond to the Vice President of Student Affairs or designee.

- The Vice President of Student Affairs or designee, may impose reasonable conditions for student's continued enrollment and/or re-enrollment. Conditions may include required participation in District student support services.
- If a short-term suspension sanction is imposed by the Vice President of Student Affairs or designee within **ten (10) days** after the disciplinary conduct meeting, written notice of the short-term suspension decision shall be provided to the student. Short-term suspension shall be final.
- If a long-term suspension or expulsion is recommended by the Vice President of Student Affairs or designee, within **ten (10) days** after the disciplinary conduct meeting, written notice of the decision shall be provided to the student. The notice shall include the right of the student to request a formal appeal hearing and a copy of the policy describing the procedures for a hearing.

## V. Disciplinary Sanctions

If a student violates the Standards of Student Conduct, the District may initiate the disciplinary sanctions listed below. These disciplinary sanctions are not listed in order of severity and are not sequential steps which must be followed in the discipline process. The student conduct officer will determine which disciplinary sanction is appropriate in each case based upon the severity of the student misconduct and the prior discipline record of the student.

**Warning** – Notice to the student(s) that continuation or repetition of specified conduct may be cause for further disciplinary action. A warning will not become a part of a student's record; however, it may be retained by the Office of the Vice President of Student Affairs or designee for purposes of disciplinary tracking.

**Written or Verbal Reprimand** – A reprimand records that a student's conduct in a specific instance does not meet the District's standards. An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands shall become part of a student's permanent record at the District for disciplinary reporting purposes.

**Disciplinary Probation** – Disciplinary probation shall be a trial period during which time the District will impose disciplinary conditions upon the student. At the completion of the specific period of time, the District shall determine whether the student has satisfied, return the student to good standing, or impose additional disciplinary measures. Disciplinary probation may consist of restriction from contact with a specified individual, removal from all District organization offices, services, or designated areas, denial of privileges of participating in all District or student sponsored activities including public performances, or both, and may be imposed for a specific period of time. If a student is found to have committed a subsequent violation of the Standards of Student Conduct while on probationary status, the student's disciplinary probation status shall be considered in the determination of the penalty imposed

for the subsequent violation. Disciplinary probation shall become part of a student's permanent record at the District for disciplinary reporting purposes.

**Withdrawal of Consent to Remain on Campus** – The Vice President of Student Affairs or designee may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, they must promptly leave or be escorted off campus by Campus Security. Any person as to whom consent to remain on campus has been withdrawn who knowingly re-enters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code § 626.4).

**Removal from Class (Education Code § 76032)** - An instructor may order a student removed from their class, for the day of the removal and the next class meeting. The instructor shall promptly report the removal to the Vice President of Student Affairs or designee and to the appropriate Dean. The Dean of Instruction shall arrange for a conference between the Dean of Instruction, student and the instructor regarding the removal. The student shall not be returned to the class during the period of the removal. Nothing herein will prevent the Vice President of Student Affairs or designee from recommending disciplinary action in accordance with these procedures based on the facts which led to the removal. Records of the removal by the instructor will be retained by the Office of the Vice President of Student Affairs or designee.

**Removal from Facility/College District Entity** – Any administrator or designee may remove a student from an activity, office, department, or other educational forum for the day of the incident and one additional instructional day. The administrator or designee shall immediately report the removal of the student to the Vice President of Student Affairs or designee.

**Removal from an Academic and/or Support Program** – Temporary or permanent exclusion from a specified academic and/or support program at the college.

**Immediate Interim Suspension (Education Code § 66017)** – The Vice President of Student Affairs or designee may order immediate suspension of a student where they conclude that immediate suspension is required to protect lives or property or to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply. A disciplinary conference meeting with the Vice President of Student Affairs or designee will be afforded to the student within **ten (10) days**. Immediate interim suspension shall become part of a student's permanent record at the District for disciplinary reporting purposes.

**Disciplinary Suspension** – A penalty for repeated, continuous, or serious violations of the Standards of Student Conduct. Exclusion of the student by the Superintendent/President or designee for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms which duration shall be specified in the suspension order. A suspended student may be prohibited from occupying any portion of the campus and be denied participation in any or all district activities. In every case of

disciplinary suspension, the Vice President of Student Affairs or designee shall contact the student's instructors and Campus Safety. Disciplinary suspension shall be initiated by the Vice President of Student Affairs or designee and are subject to the Due Process Hearing and Appeal Procedures. Disciplinary suspension shall become part of a student's permanent record at the District for disciplinary reporting purposes.

**Expulsion** – Permanent and unconditional removal of a student from the District for good cause when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. An order of expulsion may also provide a date for when the student may apply for re-enrollment. The Board of Trustees may also impose a suspended expulsion, on such terms as the Board of Trustees may determine appropriate. A student may be expelled only by the Board of Trustees upon recommendation of the Superintendent/President. The expulsion of a student is initiated by the Vice President of Student Affairs or designee, and is determined according to the Due Process Hearing and Appeal Procedures. The expulsion shall become part of a student's permanent record.

**Non-students** – Admission or re-admission may be denied to any person who, while not enrolled as a student, commits acts which would, were as if they were enrolled as a student, be the basis for student discipline. The offending individual who is denied admission or re-admission shall be afforded the opportunity to meet with the Vice President of Student Affairs or designee to demonstrate why they should be admitted or re-admitted.

~~**Short-term Suspension** – Within *ten (10) days* after the meeting described above, the Superintendent/President shall, pursuant to a recommendation from the Vice President of Student Affairs or designee, decide whether to impose a short term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the Superintendent/President's decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The Superintendent/President's decision on a short-term suspension shall be final.~~

~~**Long-term Suspension** – Within *ten (10) days* after the meeting described above, the Superintendent/President shall, pursuant to a recommendation from the Vice President of Student Affairs or designee, decide whether to impose a long term suspension. Written notice of the Superintendent/President's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this administrative procedure describing the procedures for a hearing.~~

~~**Expulsion** – Within *seven (7) days* after the meeting described above, the Superintendent/President shall, pursuant to a recommendation from the Vice President of Student Affairs or designee, decide whether to recommend expulsion to the Board of Trustees. Written notice of the Superintendent/President's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this administrative procedure describing the procedures for a hearing.~~

## ##VI. HEARING APPEAL PROCEDURES

The following disciplinary sanctions are not appealable: warning, written or verbal reprimand, disciplinary probation, removal from class, removal from an academic and/or support program, restitution, short-term and immediate interim suspension, and withdrawal of consent to remain on campus.

### A. Request for an Appeal Hearing.

Within **five (5) days** after receipt of the **Superintendent/President's** decision regarding a ~~long-term~~ **disciplinary** suspension or expulsion, the student may request a formal **appeal** hearing. The request must be made in writing to the **Superintendent/President Vice President of Student Affairs** or designee.

The grounds for an appeal are limited to errors in statement of fact or violations of a student's due process rights, along with a response to each of the charges. Any charges to which the student(s) does not respond in the appeal request shall be deemed to be true.

- a. Errors in statement of fact. Factual evidence or information that is inaccurate, misleading or interpreted.
- b. Due Process – Specific instances or conduct that the accused student claims resulted in a disciplinary process that was not conducted fairly in light of the allegations and information presented and/or that the student was denied a reasonable opportunity to prepare and to present a response to the allegation(s).

An appeal can be denied if grounds above have not been met.

### B. Scheduling of Appeal Hearing

~~Schedule of Hearing – The formal hearing shall be held within **five (5) days** after a formal request for hearing is received.~~

1. The formal appeal hearing shall be held within **twenty (20) days** after a formal request for appeal hearing is received.
2. Written notice to the student will include: Time, date, and place of the appeal hearing. Students who fail to appear for the appeal hearing at the designated time and place shall be deemed to have waived their right to an appeal hearing and the discipline sanctions included in the Statement of Charges shall be imposed and final.

### C. Appeal Hearing Panel

Hearing Panel – The hearing panel for any disciplinary action shall be composed of **one administrator, one faculty member, and one student**.

The **Superintendent/President**, the president of the Academic Senate, and the Director of Student Affairs (Student Life) shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearing panels. Those appointed to the panels will continue serve until such time that new panels are established.

The **Superintendent/President** shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

**Hearing Panel Chair** – The **Superintendent/President** shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

B: **D. Conduct of the Hearing**

1. **Appeal Hearing shall be closed and confidential. The hearing before the Appeal Committee is not a judicial proceeding.**
2. The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.
3. **The student shall represent themselves, and may, but need not, bring a non-attorney advisor if they choose. The advisor may advise the student, but may not participate. Failure by the advisor to comply with this requirement will result in removal from the hearing.**
4. The facts supporting the accusation shall be presented by a college representative who shall be the **Vice President of Student Affairs or designee.**
5. **The hearing shall be recorded by the District. The official recording shall be the only recording made. Anyone who refuses to be recorded may not be permitted to participate in the hearing. In the event the recording is by audio recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name. The recording shall remain in the custody of the district at all times.**

~~The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.~~

~~Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.~~

~~Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.~~

~~The student may represent himself/herself, and may also have the right to be represented by a person of his/her choice **except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved.**~~

~~*If the student wishes to be represented by an attorney, a request must be presented not less than five (5) days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.*~~

Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than **five (5) days** prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.

The hearing shall be recorded by the District either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded is not unavailable.

Within **ten (10) days** following the close of the hearing, the hearing panel shall prepare and send to the ~~Superintendent/President~~ a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

## **VII. DETERMINATION AND NOTICE OF APPEAL HEARING ADMINISTRATIVE DECISION**

Within **fifteen (15) days** following the close of the hearing, the hearing panel shall prepare and send to the Vice President of Student Affairs or designee, a written recommended decision. The recommended decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct was violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matters outside of that record. The record consists of the original

accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing. The Hearing Panel can recommend any of the following actions:

- Agree with current charges and sanctions, recommended suspension as determined by the Vice President of Student Affairs;
- Disagree with current charges and sanction, recommend higher or lesser sanction than originally determined by the Vice President of Student Affairs or designee;
- Disagree with current charges and sanction, exonerate the student and recommend the student be reinstated.
- If the Appeal Panel disagrees with the recommendation of the Vice President of Student Affairs or designee, the Panel Chair will meet with the Vice President of Student Affairs or designee to discuss the reasoning. If an agreement is not met, the Vice President of Student Affairs will present recommendations to the Superintendent/President for final decision.

#### A. Long-term Suspension

- Written notice of the Vice President of Student Affairs or designee's decision shall be provided to the student within **fifteen (15) days** following the Appeal Hearing. The notice shall include:
  - a. The reported facts of the allegations that support the disciplinary action;
  - b. The length of time of the suspension;
  - c. Student code of conduct violations;
  - d. Any specific requirements or conditions for reinstatement
- Where the Vice President of Student Affairs or designee determines that immediate notification of their decision is appropriate, the notice may be delivered as a confidential email attachment. In all cases, the District will send notice to the student by certified mail to the last address the student has on file with the District.
- The student has no further appeal of a long-term suspension, as the decision is final.
- When the final decision is to suspend or the expulsion of a student, the Vice President of Student Affairs shall place an administrative hold on the student's record, notify Admissions and Records, and registration to administratively withdraw the student and remove outstanding enrollment charges, and notify the Financial Aid Office to cancel remaining financial aid.

#### B. Recommended Expulsion

If the Superintendent/President or designee supports the expulsion recommendation, the Board of Trustees shall hear the matter at the next regularly scheduled Board meeting or within **forty-five (45) days** of presentation to the Superintendent/President, whichever is sooner. Until the matter is heard by the Board of Trustees, the student will continue to be placed on suspension status pending expulsion.

Written notice of the Vice President of Student Affairs or designee's decision shall be provided to the student within **fifteen (15) days** following the Appeal Hearing. The

notice shall include:

- a. The reported facts of the allegations that support the disciplinary action;
- b. Student Code of Conduct violations;
- c. Date of scheduled Board of Trustees meeting when the matter will be presented;
- d. Option to have the case heard as a public meeting and must inform the Vice President of Student Affairs within **forty-eight (48) hours** after receipt of the notice.

The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures (Education Code § 72122).

Unless the student requests, within **forty-eight (48) hours** after receipt of the notice, that the hearing of the Board of Trustees be held as a public meeting, the hearing to consider the matter shall be conducted by the Board in closed session. If a written request by the student is submitted, the meeting shall be public except that any discussion at the meeting that might be in conflict with the right to privacy of any student other than the student requesting the public meeting shall be in closed session. (Ed. Code § 72122).

The final action of the Board on the expulsion shall be taken at a public meeting and the result of the action shall be a public record of the District (action item by the Board of Trustees). (Ed. Code § 72122)

### **C. The Decision of the Board of Trustees**

The student shall be expelled if a majority of the members of the Board of Trustees present at the hearing vote to expel the student. If a majority of the members of the Board of Trustees do not vote to expel the student, they may, by majority vote of the members:

- a. Impose some lesser discipline;
- b. Decide that no discipline should be imposed; or
- c. Remand the matter to the Vice President of Student Affairs or designee to further develop the factual record or impose a reduced disciplinary sanction.
- d. The decision of the Board of Trustees is final
- e. The Vice President of Student Affairs or designee shall notify the student of the decision of the Board of Trustees within **fifteen (15) days** following the Board of Trustees meeting.

### **No Disciplinary Action Against Complainants or Witnesses in Sexual Assault Investigations**

An individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk

or involves plagiarism, cheating, or academic dishonesty.

~~C. Superintendent/President's Decision~~

~~Long-term suspension—Within **ten (10) days** following receipt of the hearing panel's recommended decision, the **Superintendent/President** shall render a final written decision. The **Superintendent/President** may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the **Superintendent/President** modifies or rejects the hearing panel's decision, the **Superintendent/President** shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the **Superintendent/President** shall be final.~~

~~Expulsion—Within **ten (10) days** following receipt of the hearing panel's recommended decision, the **Superintendent/President** shall render a written recommended decision to the Board of Trustees. The **Superintendent/President** may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the **Superintendent/President** modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The **Superintendent/President** decision shall be forwarded to the Board of Trustees.~~

~~D. Board of Trustees Decision~~

~~The Board of Trustees shall consider any recommendation from the **Superintendent/President** for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.~~

~~The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures.~~

~~The student shall be notified in writing, by registered or certified mail or by personal service, at least **three (3) days** prior to the meeting, of the date, time, and place of the Board's meeting.~~

~~The student may, within **forty-eight (48) hours** after receipt of the notice, request that the hearing be held as a public meeting.~~

~~Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session. (Ed. Code § 72122)~~

~~The Board may accept, modify or reject the findings, decisions and recommendations of the **Superintendent/President** and/or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written~~

decision which contains specific factual findings and conclusions. The decision of the Board shall be final.

The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District. (Ed. Code § 72122)

#### **IV. OTHER AVAILABLE SANCTIONS**

##### **A. Immediate Interim Suspension**

The **Superintendent/President** may order immediate suspension of a student where he/she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within **ten (10) days**. (Ed. Code § 66017)

##### **B. Removal from Class**

Any instructor may order a student removed from his/her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the **Dean, Campus Safety** and the **Vice President of Student Affairs or designee**. The **Vice President of Student Affairs or designee** shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the **Vice President of Student Affairs or designee** shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the **Vice President of Student Affairs or designee** from recommending further disciplinary procedures in accordance with these procedures based on the facts, which led to the removal. (Ed. Code § 76032)

##### **C. Withdrawal of Consent to Remain on Campus**

The **Vice President of Student Affairs or designee** may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she must promptly leave or be escorted off campus by Campus Security. If consent is withdrawn by the **Vice President of Student Affairs or designee** a written report must be promptly made to the **Superintendent/President**.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than **seven (7) days** from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions:

In no case shall consent be withdrawn for longer than **five (5) days** from the date upon which consent was initially withdrawn.

Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code § 626.4).

#### ~~D. Official Reprimands~~

~~The **Superintendent/President**, the **Vice President of Student Affairs or designee**, or an instructor may issue a written or verbal reprimand to a student upon a determination that the student's conduct has violated the Standards of Student Conduct. Any written reprimand issued by an instructor shall be referred to the **Vice President of Student Affairs or designee** to determine whether the written reprimand may become part of a student's permanent record. A record of the fact that a verbal reprimand has been given may become part of a student's record for a period of up to one year. (Ed. Code § 76031.)~~

#### ~~E. Social Probation~~

~~A student may be excluded from participation in specified or all extra-curricular District activities. Extra-curricular District activities may include any college-related activity for which the student receives no academic credit. Any exclusion must be made in writing, and such writing shall set forth the reason or reasons for the imposition of the disciplinary action, the activities to which the exclusion applies, and the length of time for which it is to be imposed. A copy of the written notice of social probation shall be served to the student and shall be placed in the student's record. (Ed. Code § 76031.)~~

#### ~~F. Disciplinary Probation~~

~~A student may be required to adhere to specific written terms and conditions defined by the **Vice President of Student Affairs or designee, and/or the Superintendent/President**. The terms of probation shall bear a reasonable relationship to the violation committed by the student. The sanction may include, but is not limited to, ineligibility to participate in District or student-sponsored activities, including public performances, and may be imposed upon an individual student or group(s) of students. Disciplinary probation may be imposed for a period not to exceed one year. The terms of the probation shall be issued in writing, including any sanctions, the reasons for the imposition of the disciplinary action, and the length of time for which it is imposed.~~

~~Should the student violate one or more of the terms of the probation during the probationary period, the **Vice President of Student Affairs or designee** may impose a more stringent disciplinary action, such as suspension. The student will be notified of any violations and more stringent discipline in writing. The **Vice President of Student Affairs or designee** shall immediately notify the **Superintendent/President**. (Ed. Code § 76031.)~~

#### **V. TIME LIMITS**

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

#### **VI. ACADEMIC DISHONESTY**

In addition to disciplinary action in accordance with the procedures set forth above, academic sanctions may be imposed by an instructor in cases of academic dishonesty. Academic sanctions may include, but are not limited to, a written warning, a failing grade on a test, paper, or examination, or a lowered course grade.

~~Incidents of academic dishonesty and sanctions should be promptly reported in writing to the Vice President of Student Affairs or designee with a copy to the student. The Vice President of Student Affairs or designee will determine whether to initiate disciplinary action. (Ed. Code § 76037.)~~

#### **VIII. STUDENT RECORD OF DISCIPLINE**

~~Record of any disciplinary action taken by the District against a student shall be included in that student's record. The student shall have the right to submit a written statement of his/her objections to the decision. This statement shall be included in the student's record. (Ed. Code § 76233.)~~

~~If the record concerns disciplinary action in connection with alleged sexual assault or physical abuse, or any conduct that threatens the health and safety of the alleged victim, the alleged victim of that sexual assault or physical abuse shall be informed within three (3) days of the result of any disciplinary action by the community college and the results of any appeal. The victim shall keep the results of that disciplinary action confidential. (Ed. Code § 76234.) (See also AP 3515-Reporting of Crimes, Section I. Reporting of a Crime, for permissible disclosure of disciplinary proceedings.)~~

See Board Policy 5500 and Administrative Procedure 5500

Approved by Superintendent/President: 2-25-2014

Rev: 3/29/2016; 1/23/2025 (position title only);