

**AR 5520 Disciplinary Procedures for Violations of Standards of Student Conduct
(New AR#)**

Removed sections of AR 4410 renumbered to AR 5500/5520

NOTE: *This procedure is **legally required**, except as specifically noted. Local practice may be inserted below, but it must comply with the standards of due process reflected in this example.*

Below taken from AR 4410 Student Conduct (starting from page 5, ending on page 12)

These procedures provide a prompt, fair and equitable means to address violations of the Standards of Student Conduct (AR 5500) and Standards of Academic Conduct (AR 5501), which guarantees to the student(s) a right to due process.

This regulation is 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 discrimination and harassment refer to AR 3435 Discrimination and Harassment Complaints and Investigations. For sexual harassment, refer to AR 3434 Prohibition of Sexual Harassment Under Title IX.

Violations to the Standards of Student Conduct may result in the following disciplinary sanctions or consequences:

- no discipline;
- verbal and/or written warning;
- written reprimand;
- suspension or
- expulsion.

These consequences are not intended to substitute for criminal or civil proceedings that may be initiated by the College or other agencies.

Definitions

Day – any day during which the College is in session and regular classes are held, excluding Saturdays and Sundays.

Student – Any person currently admitted or enrolled as a student or in any program offered by the College at the time of the alleged violation.

Define type of Discipline?

Sanctions

Disciplinary sanctions include, but are not limited to, verbal or written reprimand, disciplinary probation, removal from class, ineligibility to participate in extracurricular activities, temporary disciplinary holds, suspension, and expulsion. Repeated and/or multiple infractions may lead to a greater disciplinary sanction.

Subsequent to investigation of allegations made against a student, the College Conduct Administrator ~~Disciplinarian~~ is authorized to impose the sanctions listed **above** for good cause as set forth in ~~Section 1 of~~ this administrative regulation.

Disciplinary Procedures

Except in cases where immediate discipline pending a hearing is authorized, the following procedures will apply before disciplinary action.

Any district employee or student may file a written complaint with the Chief Conduct Officer against any student for violating the Standards of Student Conduct. It is encouraged but not required that all parties use the district's Report a Concern form, located on the college's website homepage. Before any formal disciplinary proceeding is commenced, the complaining party and student alleged to have violated the Standards of Student Conduct are encouraged to try to informally resolve the complaint. The Chief Conduct Officer is available to assist the parties in mediating this informal process.

Notice and Opportunity to Respond

In response to a referral for an alleged violation, the following procedures may be taken.

- 1. Notice of Alleged Conduct** – The College Conduct Administrator will provide the student with written notice of the conduct warranting the discipline along with a copy of this administrative regulation.

The written and email notice will include the following:

- Summary of the alleged violation.
- Identification of the specific section of the Standards of Student Conduct that the student is alleged to have violated.
- Advise to schedule a meeting with the College Conduct Administrator or designee to discuss the allegation and to bring a written response.
-

Where a student who is the subject of a disciplinary proceeding is a minor, notices and disciplinary decisions served upon the student can also be sent to the parents or guardian of the student.

Begin Next session

Disciplinary Action

The college conduct administrator shall make a determination on the appropriate disciplinary action based on the investigation and review of the evidence.

If a student violates the Standards of Student Conduct, the District may initiate the disciplinary actions listed below. These disciplinary actions are listed in order of severity but

are not sequential steps which must be followed in the discipline process. The District will determine which disciplinary action is appropriate in each case based upon the severity of the student misconduct and the prior discipline record of the student.

Disciplinary Sanctions to Enforce Adequate Standards of Student Conduct [E.C. §§76030, 76031, 76032]

A. Warning

A warning is a verbal or written notice to the student that continuing or repeating the student's misconduct may be cause for more severe disciplinary action. A faculty member or administrator shall issue such a warning. A student has no right to appeal or to a due process hearing (Education Code Section 76031).

B. Removal by Instructor

A faculty member may remove a student from class when the student's conduct interferes with the instructional process on the day the interference occurs and, at the option of the faculty member, for the next class meeting. The faculty member shall immediately report the removal in writing to the Chief Conduct Officer by completing the Report a Concern form. Records of the removal shall be retained in the office of the Chief Conduct Officer. A student who has been removed has no right to appeal or to a due process hearing (Education Code Section 76032). The student is responsible for any assignments or academic work missed as a result of the removal.

C. Official Reprimand

D. Written Reprimand:

A notice to the student to cease and desist from conduct determined to violate the Standards of Student Conduct.

- (1) A written reprimand, issued by the College Conduct Administrator Disciplinarian, serves to place in a student's disciplinary records (not the academic records) a statement that he/she has not met the standards of conduct as set forth in Section 1 of this administrative regulation.
- (2) A student receiving a written reprimand shall be notified that:
 - a. the reprimand serves only as a warning that continued conduct of the type described in the written reprimand may result in further disciplinary action against the student;
 - b. such records are not part of a student's academic record at the college and that the disciplinary records will be destroyed three years after the date of the reprimand;
 - c. the student has an opportunity to write a response to the reprimand and that the response shall be placed on record with the reprimand; and
 - d. with respect to reprimands, there shall be no hearing or appeal to the Student Conduct Appeals Committee.

Written or verbal reprimand – A notice 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.

An official reprimand is a record that a student violated the Standards of Student Conduct. The reprimanded student shall be notified in writing that a further violation of the Standards of Student Conduct may result in additional disciplinary action. The Chief Conduct Officer shall issue the official reprimand. Records of official reprimands shall be retained in the office of the Chief Conduct Officer and in the student's file. A student who has been issued an official reprimand has no right to appeal or to a due process hearing (Education Code Section 76031).

D. Hold on Record

G. Temporary Disciplinary Holds (???)

A disciplinary hold prevents a student from conducting any transactions with the college, such as future? enrollment and fee payment, use of library privileges or any other college business.

The College Conduct Administrator Disciplinarian may place a temporary disciplinary hold on a student's college record to:

- (1) Enforce a suspension or expulsion after the appeal process has been exhausted and the suspension or expulsion becomes final. The College Conduct Administrator Disciplinarian may remove a temporary disciplinary hold after a student has served a suspension provided that the Student Conduct Appeals Committee reviews and approves the student's petition to be readmitted.
- (2) Enable the College Conduct Administrator Disciplinarian to conduct a thorough investigation of an alleged violation of the Student Conduct Code. In such cases, the College Conduct Administrator Disciplinarian shall remove the temporary disciplinary hold
 - a. as soon as the investigation is complete, and the student completes any assignments or stipulations outlined during the student's hearing, examples include completing required assignments, meeting with a case manager, restitution, etc. and the student in question is exonerated, or
 - b. when the student enters the appeal process. In such cases the College Conduct Administrator Disciplinarian may opt to lift temporarily the disciplinary hold to enable the student to conduct a specific transaction with the college, while the appeal process is underway.

The Chief Conduct Officer may place a hold on all student records. Such holds are removed once the Preliminary Meeting is held (see Section E.2).

E. Disciplinary Probation

E. Disciplinary *Probation* (another word?)

- (1) A student who fails to meet the standards of conduct as set forth in Section 1 of this administrative regulation may be placed on disciplinary *probation* by the College ~~Conduct Administrator~~Disciplinarian. The student shall be notified in writing that continued conduct of the type described in a "notice of *probation*" will result in a greater sanction. The notice of disciplinary *probation* must include:
 - a. the sanction that will be imposed if the conduct described in the notice of *probation* continues. The sanction must be authorized by this administrative regulation.
 - b. the period of time the student is to be on *probation*. This period may not exceed one year.

- (2) A student placed on disciplinary *probation* shall be notified that:
 - a. the imposition of disciplinary *probation* serves as notice that continued conduct of the type described in the notice of *probation* will result in the imposition of sanction;
 - b. the disciplinary *probation* is not part of a student's academic record at the college and that the disciplinary records will be destroyed three years after the *probation* ends;
 - c. the student has an opportunity to write a response to the notice of disciplinary *probation* and that the response shall be placed on record with the notice of disciplinary *probation*; and
 - d. with respect to disciplinary *probation*, there shall be no hearing or appeal to the Student Conduct Appeals Committee. However, before the sanction set forth in the notice of *probation* is imposed, the student shall be given notice and an opportunity to appeal to the Student Conduct Appeals Committee.

Disciplinary probation may consist of removal from all college clubs and organizations and denial of privileges of participating in all district or student-sponsored activities including public performances. Disciplinary probation may be imposed for a period not to exceed one year and can be rendered by an administrator. Notification of disciplinary probation actions shall be immediately reported in writing to the Chief Conduct Officer. A student placed on disciplinary probation may appeal to the Chief Conduct Officer. Records of disciplinary probation actions shall be retained in the office of the Chief Conduct Officer and in the student's file. A student has no right to appeal or to a due process hearing (Education Code Section 76031).

G. Administrative Withdrawal from a Course

- (1) Removal from Class [E.C. §76032]

- a. An instructor is authorized to remove a student from class for cause for the day of the incident and the next class meeting. The instructor shall immediately report the removal to the College Conduct Administrator~~Disciplinarian~~. During the period of removal, a student shall not be returned to the class without the concurrence of the instructor.
- b. ~~If the student requests, t~~The College Conduct Administrator~~Disciplinarian~~ shall hold a conference with the student and other appropriate personnel regarding the removal from class.
- c. If the student removed is a dependent minor for federal income tax purposes, the parent or guardian shall be notified in writing by the College Conduct Administrator ~~Disciplinarian~~.
- d. With respect to removal from class, there shall be no hearing or appeal to the Student Conduct Appeals Committee.

Removal from class (Education Code Section 76032)

Exclusion of the student by an instructor for the day of the removal and the next class meeting.

Any instructor may order a student removed from their class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the [**CEO**] and the College Conduct Administrator. The College Conduct Administrator shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the College Conduct Administrator 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 College Conduct Administrator from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

Administrative Withdrawal from a course is a penalty for repeated, continued, or serious violations of the Standards of Student Conduct that have negatively impacted the learning and teaching environment within a specific course. Additionally, this penalty is utilized for students who have been subject to Summary Suspension. A "W" grade symbol will be reflected on the student's academic record. The student shall not be eligible for a refund.

F. Removal from Campus Activities

(2) Removal from Extra-Curricular Activities [E.C. §76030]

- a. The College Conduct Administrator~~Disciplinarian~~ may remove a student from extracurricular activities for a period not to exceed one (1) year. One or more of the following may be imposed for good cause as set forth in Section 1 of this administrative regulation:
 1. Removal from all college organization offices;

- a. Ineligibility to participate in or attend all college-sponsored activities, including public performances; Nothing in this administrative regulation shall restrict the College Disciplinarian from imposing lesser sanctions than those described.
- b. Before removal from the above-mentioned activities is imposed, the student shall have a right to pursue the Hearing and Appeal Process as set forth in Section 2,F of this administrative regulation. Removal from activities imposed pursuant to interim/immediate suspension as described in Section H(4) of this administrative regulation shall be governed by the appeal rights afforded in cases of interim/immediate suspension.

F. Summary Suspension (what is the difference with Disciplinary Suspension)?

Short-term Suspension

Exclusion of the student by the College Conduct Administrator for good cause from one or more classes for a period of up to ten consecutive days of instruction.

If the [**CEO**] imposes a short-term suspension, or some lesser disciplinary action, written notice of the [**CEO'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 [**CEO's**] decision shall be final.

Long-term Suspension

Exclusion of the student by the College Conduct Administrator 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.

Long-term Suspension or Expulsion

If the [**CEO**] imposes a long-term suspension or recommends expulsion, the following procedures shall be provided to the student:

- Written notice of the [**CEO**] decision shall be provided to the student.
- The notice shall identify the imposed discipline as either a long-term suspension or a recommendation to the Board of Trustees for expulsion.
- The notice shall inform the student of the right to request a formal hearing before a long-term suspension or expulsion is imposed.
- The notice shall include a copy of AP 5520 Student Discipline Procedures describing the procedures for a hearing.

Immediate Interim Suspension (Education Code Section 66017): The College Conduct Administrator may order immediate suspension of a student where they conclude 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.

Where an immediate suspension is required in order to protect lives or property and to ensure the maintenance of order, the Chief Conduct Officer may summarily suspend a student. The notice must be provided to the student within ten (10) days of the date the conduct took place; in continuous, repeated, or ongoing conduct, the notice must be provided within the (10) days of the date on which conduct occurred which led to the decision to take disciplinary action. A preliminary meeting shall be conducted within ten (10) days from the date the student is suspended utilizing the procedures set forth in Section E.2, Preliminary Meeting. At the preliminary meeting, if the District determines to reverse the summary suspension, the student will be allowed to make up any coursework missed during the summary suspension. If the District determines to uphold the summary suspension, the District may also decide to impose additional discipline. Records of the interim suspension shall be retained in the office of the Chief Conduct Officer and in the student's file (Education Code Section 66017).

H. Disciplinary Suspension

Disciplinary suspension is a penalty for repeated, continued, or serious violations of the Standards of Student Conduct. A student may be suspended from one or more classes for a period of up to ten (10) days of instruction; from one or more classes for the remainder of the term; or from all classes and activities of the District for one or more terms. A suspended student may also be prohibited from occupying any portion of the campus and be denied participation in any or all college activities. Disciplinary suspensions shall be initiated by the Chief Conduct Officer and are subject to the Due Process Hearing and Appeal Procedures set forth in Section E. Records of disciplinary suspensions shall be retained in the office of the Chief Conduct Officer and in the student's file (Education Code Sections 66017, 76030, and 76031).

H. Suspension [E.C. §§76031, 66017]

- (1) The College Conduct Administrator Disciplinarian is authorized to suspend a student for good cause as set forth in AR 5500 Section 1 of this administrative regulation.
- (2) The period of suspension may be:
 - a. For a period of up to ten (10) days of instruction from one or more classes.
 - b. For the remainder of the school term from one or more classes.
 - c. For one (1) or more terms from all classes and activities of the college.
- (3) Whenever the student suspended is a dependent minor for federal income tax purposes, the parent or guardian shall be notified in writing by the College Conduct Administrator Disciplinarian.

- (4) Before a suspension becomes effective, the student shall have the right to pursue the Hearing and Appeal Process as set forth in Section 3 of this administrative regulation, except that an interim suspension may be imposed by the College Conduct Administrator ~~Disciplinarian~~ where an immediate suspension is required in order to protect the safety or welfare of persons or property pending a hearing. As soon as practical, the College Conduct Administrator ~~Disciplinarian~~ shall hold a formal conference with the student to give the student an opportunity to respond to the charges against him or her.
- (5) The College Conduct Administrator ~~Disciplinarian~~ shall, upon the suspension of any student, notify the appropriate law enforcement authorities of any acts of the student which may be in violation of Penal Code Section 245 (assault with a deadly weapon or instrument). [E.C. §76035]

I. Expulsion [E.C. §76030]

A student may be expelled by the Board of Trustees for good cause as set forth in Section 1 of these rules. Expulsion is authorized when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the safety of the student or others.

Expulsion – Exclusion of the student by the Board of Trustees from the College for one or more terms.

Long-term Suspension or Expulsion

If the [**CEO**] imposes a long-term suspension or recommends expulsion, the following procedures shall be provided to the student:

- Written notice of the [**CEO**] decision shall be provided to the student.
- The notice shall identify the imposed discipline as either a long-term suspension or a recommendation to the Board of Trustees for expulsion.
- The notice shall inform the student of the right to request a formal hearing before a long-term suspension or expulsion is imposed.
- The notice shall include a copy of AP 5520 Student Discipline Procedures describing the procedures for a hearing.

Expulsion – Within [**number of days**] days after the meeting described above, the [**CEO**] shall decide whether to recommend expulsion to the Board of Trustees. The [**CEO**] will provide written notice of this decision 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 AP 5520 Student Discipline Procedures describing the procedures for a hearing.

I. Expulsion

Expulsion is the permanent and unconditional removal of a student from the District. 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 Chief Conduct Officer and is determined according to the Due Process Hearing and Appeal Procedures set forth in Sections E and F (Education Code Section 76030).

Withdrawal of Consent to Remain on Campus

Withdrawal of consent by the for any person to remain on campus in accordance with California Penal Code Section 626.4 where the College Conduct Administrator has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

The College Conduct Administrator 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. If consent is withdrawn by the College Conduct Administrator 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 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 [**number of days, no more than 14 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 Section 626.4).

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

3. Due Process Hearing and Appeal Process (Procedures) (after disciplinary action?)

A student may only be suspended (other than a summary suspension) or expelled if the District substantially complies with the following due process hearing and appeal procedures. The District will have substantially complied with these procedures unless the student who was alleged to have violated the Standards of Student Conduct can prove that any variance from these procedures resulted in being suspended or expelled based upon unfair or mistaken findings of misconduct (Goss v. Lopez, 419 U.S. 565, 581-82 (1975); In re James F., 42 Cal.4th 901, 905 (2008)).

Initiating a Charge of Misconduct

The representative of the District or other person having knowledge of the violation of the Standards of Student Conduct shall submit a written account to the Chief Conduct Officer detailing the alleged violation. The written account should, to the extent possible, include a specific description of the alleged misconduct, the dates and times when the alleged

misconduct occurred, the names and contact information of any witnesses, and any documentary or other evidence relevant to the alleged violation.

A. Notice ~~Notifying the Student of the Misconduct Charge: Preliminary Meeting~~

- (1) The student shall be given written notice of the disciplinary action to be taken, if any. Such notice shall include:
 - a. a statement of the specific facts and charges upon which the disciplinary action is based;
 - b. a copy of the disciplinary rules of the District which relate to the alleged violation; and
 - c. a statement that the student has the right to file with the office of the College Conduct Administrator ~~Disciplinarian~~ a *Notice of Intention to Appeal* the decision to the Student Conduct Appeals Committee and that such notice must be filed within two (2) school days ??? following receipt of the notice of disciplinary action.
- (2) Prior to giving notice, the College Conduct Administrator ~~Disciplinarian~~ may schedule a formal conference regarding the basis for possible disciplinary action.
- (3) The student shall be deemed to have accepted the disciplinary action, unless within two (2) school days ??? following written notice of the specific facts and charges, the student files with the College Conduct Administrator ~~Disciplinarian~~ written *Notice of Intention to Appeal*.
- (4) Within five (5) school days after filing a *Notice of Intention to Appeal*, the student shall file with the College Conduct Administrator ~~Disciplinarian~~ a written response to the charges. Only charges to which the student responds may be reviewed by the Appeals Committee.

A student charged with violations of the Standards of Student Conduct shall be notified that they are required to meet with the Chief Conduct Officer to discuss such alleged violations and any disciplinary action that may or will result if such charges are found to be true. The notice to attend the Preliminary Meeting may be verbal or written and it may be hand-delivered, emailed to the student's district-assigned email, or mailed to the student's address on file in the Admissions and Records Office. At the Preliminary Meeting with the Chief Conduct Officer, the student shall be given a copy of the Standards of Student Conduct and a written statement of the alleged violation(s). The student will be given a reasonable opportunity to answer each alleged violation(s) and to present evidence demonstrating that the student did not commit those violations. The student will be informed of any possible disciplinary action(s) that may or will be taken. The student will be provided notice of further meetings if the Chief Conduct Officer deems such further meeting(s) necessary. Students will be provided with written notice of their rights to a hearing before the Student Disciplinary Committee or External Adjudicator on the matter before a suspension or expulsion is imposed.

Notice and Opportunity to Respond

2. **Notice** – The College Conduct Administrator 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 College Conduct Administrator or designee to discuss the accusation, or to respond in writing.
 - the nature of the discipline that is being considered.
3. **Time limits** – The notice must be provided to the student within [**number of 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 [**number of days**] of the date on which conduct occurred which led to the decision to take disciplinary action.
4. **Meeting** – If the student chooses to meet with the College Conduct Administrator, the meeting must occur no sooner than [**number of 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.

B. Student Conduct Appeals Committee and Procedures (Formal Hearing Procedures – Request for Hearing)

NOTE: *Timelines may be locally determined. Five days is usually the minimum notice time accepted by courts.*

Within [**number**] days after receipt of the [**CEO's**] decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the [**CEO**] or designee.

Imposition of Discipline by the Chief Conduct Officer

If, after reviewing the situation with the student, the Chief Conduct Officer concludes that disciplinary action is appropriate, the Chief Conduct Officer shall send a letter to the student, in the manner required by section A.2.e of these procedures. The Chief Conduct Officer may recommend that a student be suspended or expelled but may not impose that discipline. The Chief Conduct Officer may impose the foregoing discipline or may recommend expulsion even if the student does not participate in a meeting with the Chief Conduct Officer per section A.2.a of these procedures. In a case where the Chief Conduct Officer decides to impose any discipline other than (1) suspension or (2) to recommend expulsion, the decision of the Chief Conduct Officer shall be final. In a case where the Chief Conduct Officer decides to impose a suspension or to recommend expulsion, the student shall have the right to request a hearing before the Student Disciplinary Committee or External Adjudicator. That request must be made in writing and sent to the Chief Conduct Officer postmarked within fifteen (15) days of notice of the decision of the Chief Conduct Officer, or emailed by the student or designee and received and receipted by the Chief Conduct Officer within fifteen (15) days from the date of notification to the student of the Chief Conduct Officer's decision. If a student does not request a hearing, the imposition of a suspension by the Chief Conduct Officer shall be final. If the recommended discipline is that of expulsion, this recommendation shall be forwarded to the Superintendent/President without any

intermediate review by the Student Disciplinary Committee pursuant to section F.i) of these procedures.

Notice of and Right to Appear at a Disciplinary Hearing in Cases of Suspension or Expulsion

If the student has requested a hearing to challenge the imposition of a suspension or a recommendation of expulsion, the Chief Conduct Officer shall prepare a detailed Statement of Charges specifying the (a) alleged misconduct, (b) evidence in support of the charges, and (c) proposed discipline the District intends to take against the student. The Chief Conduct Officer may redact the names of any witnesses from the Statement of Charges if the Chief Conduct Officer determines that disclosure of the identity of the witness would subject the witness to an unreasonable risk of psychological or physical harm. In addition to the above statement of charges, the Chief Conduct Officer shall serve the student with a Notice of Intended Discipline, which will include (a) a copy of this Administrative Procedure, (b) notice of the date, time and place of the disciplinary hearing, (c) composition of the Student Disciplinary Committee/name of External Adjudicator, and (d) notice that the student may be accompanied at the hearing by legal counsel, if so desired. If the student is to be represented by legal counsel, the student must notify the Chief Conduct Officer of that fact at least five (5) days prior to the date of the scheduled hearing. The disciplinary hearing will be held within ten (10) days after the date the Statement of Charges and Notice of Intended Discipline are served upon the student if it is served by email or personal service, or within thirteen (13) days if it is served by mail. This deadline may be extended under extenuating circumstances as determined on the initiative and at the sole discretion of the Chief Conduct Officer. Absent extenuating circumstances, requests to reschedule submitted by students must be submitted to the Chief Conduct Officer with an explanation for their requests at least five (5) days prior to the hearing. If the student does not appear at the disciplinary hearing, no hearing need take place and (a) in cases where the Chief Conduct Officer has imposed a suspension, the suspension shall be final; (b) in cases where the Chief Conduct Officer has recommended expulsion, that recommendation shall be forwarded to the Superintendent/President without any intermediate review by the Student Disciplinary Committee/External Adjudicator pursuant to section F.1 of these procedures.

Disciplinary Hearing

In cases where the student has requested and appears at the disciplinary hearing, the hearing shall be conducted in the following manner.

a. Composition of the Student Disciplinary Committee/External Adjudicator

At the beginning of each fall term, the Chief Conduct Officer will ensure the Student Disciplinary Committee/External Adjudicator is appointed for the year. The Student Disciplinary Committee shall meet for training and review of the hearing process. In addition, members of the committee shall complete the Sexual Harassment: Policy & Prevention training and other mandated topics as specified in sub-section "iv" below.

The Chief Conduct Officer shall convene the Student Disciplinary Committee/External Adjudicator to hear the charges and recommend disciplinary action. The Student Disciplinary Committee shall be comprised as follows:

i. Two full-time faculty (voting) appointed for one academic year by the president of the Academic Senate. If either or both of these faculty appointees are a direct party to a particular disciplinary case, the Academic Senate president will appoint a substitute for that situation only.

ii. Chief Conduct Officer (non-voting).

iii. Administrator (voting) appointed for one academic year by the Superintendent/President. If this administrator appointee is a direct party to a particular disciplinary case, the Superintendent/President will appoint a substitute for that situation only.

iv. Two students (voting) appointed for one academic year by the president of the Associated Student Government (ASG). If either or both of these student appointees are a direct party to a particular disciplinary case, the ASG president will appoint a substitute for that situation only.

The administrator shall be the chairperson of the Student Disciplinary Committee.

At the discretion of the Chief Conduct Officer, the District may engage an External Adjudicator to serve as a member of the Student Disciplinary Committee or in lieu of the Student Disciplinary Committee whenever, in the exercise of judgment, doing so will best serve the fair and equitable resolution of the misconduct charge. In making the determination to select an External Adjudicator, the Chief Conduct Officer will consider, among other factors, the nature of the allegations, the legal complexity of the case, whether there is any issue of conflict of interest, expertise required, whether the District is in session or on break, and any other relevant factors.

The Chief Conduct Officer will provide all members of the Student Disciplinary Committee and/or External Adjudicator with the Statement of Charges and Notice of Intended Discipline.

All members of the Student Disciplinary Committee and External Adjudicators who are selected to decide cases involving allegations of sexual assault, dating violence, domestic violence, and stalking must participate in annual training on non-discrimination; the dynamics of sexual harassment, sexual violence and intimate partner violence; the factors relevant to a determination of credibility; the appropriate manner in which to receive and evaluate sensitive information; the manner of deliberation; evaluation of consent and incapacitation; the application of the preponderance of the evidence standard; sanctioning; and the District's policies and procedures. The training will be coordinated by the Title IX Coordinator in conjunction with district and external partners.

Challenges to the Composition of the Student Disciplinary Committee or External Adjudicator

The complaining party and the student alleged to have violated the Standards of Student Conduct may submit a written request to the Chief Conduct Officer that a member of the Student Disciplinary Committee or External Adjudicator be removed. The request must clearly state the grounds to support a claim of bias, conflict of interest, or an inability to be fair and impartial. This challenge must be raised in writing with the Chief Conduct Officer within five (5) days of receipt of the Notice of Intended Discipline. All objections must be raised prior to the commencement of the hearing in alignment with the deadline noted. Failure to object prior to the hearing will forfeit one's ability to appeal the outcome based on perceived or actual bias.

Schedule of Hearing

The formal hearing shall be held within [**number**] days after a formal request for hearing is received.

(1) Statement of Purpose

- a. The committee is established to hear appeals of students regarding decisions made by the College Conduct Administrator Disciplinarian.
- b. Specifically, the committee will hear appeals concerning disciplinary action involving removal from extra-curricular activities, suspensions, and expulsions.

(2) Selection

At the beginning of each academic year or as needed, the Superintendent/President or designee shall establish a standing panel from which members of individual Student Conduct Appeals Committee panels may be constituted.

(3) Standing (**Hearing**) Panel

Hearing Panel

The hearing panel for any disciplinary action shall be composed of [**insert composition, such as one administrator, one faculty member and one student.**]

The [**CEO**], the president of the Academic Senate, and the Associated Students president 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.

The standing (**hearing**) panel of the Student Conduct Appeals Committee shall consist of:

- a. At least five (5) students appointed by the Associated Students President;
- b. At least five (5) faculty members appointed by the Academic Senate President;
- c. At least five (5) classified employees appointed by the CSEA President; and
- d. At least five (5) academic managers appointed by the Superintendent/President one of whom will chair the committee and will only vote in the case of a tie.

(4) Individual Hearing Panel

The [**CEO**] 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 [**CEO**] 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.

Each individual panel will be drawn from the standing panel by the Superintendent/President or designee. To hear each appeal, the Superintendent/President or designee will appoint a hearing committee consisting of **two** (2) students, **two** (2) faculty members, **two** (2) classified employees, and one (1) manager. To conduct business, the panel must have a quorum of at least one member from each of the four constituent groups. Decisions of the committee shall be made by simple majority vote.

(5) Time Frame

- a. The committee shall convene for an appeal hearing prior to the sanction taking effect and not more than thirty (30) school days after receipt of the notice of intent to appeal.
- b. In cases where suspension is immediately effective, the committee shall convene for an appeal hearing not more than ten (10) school days after receiving the notice of intent to appeal.
- c. The student shall be given written notice of the time and place of the hearing. If the student fails to appear for the hearing, the decision of the College Conduct Administrator ~~Disciplinarian~~ shall stand. The Committee shall allow a 15 minute grace period before the adjournment of the hearing.

(6) Hearing Order **Disciplinary Action/Sanction define & use**

Conduct of the Hearing

NOTE: *The hearing must comply with principles of due process, including the right to confront and cross examine witnesses. The following language is **legally advised**.*

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.

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 recorded is not unavailable.

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

- a. At the beginning of the hearing, the designated college academic management member, or attorney or college representative, shall present the college case, first with an initial summary that includes the evidence to be presented, followed by a detailed presentation of the findings, including presentation of evidence and witnesses. Thereafter The student and/or attorney or representative may cross-examine the college's witnesses, and examine the evidence.

The facts supporting the accusation shall be presented by a college representative who shall be the [**designate position**].

- b. Next, the student or theirhis/her attorney or representative shall present theirhis/her case, including any **rebuttal** evidence or witnesses. The college's representative may cross-examine the student's witnesses, and examine the evidence.
- c. Examination and cross-examination must be limited to issues and matters relevant to the case.
The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
- d. The designated college management member, attorney or representative may present a closing argument summarizing the college's findings.
- e. The student or theirhis/her attorney or representative may present closing argument, summarizing theirhis/her case.
- f. The committee may question witnesses but should limit its inquiries to eliminating confusion, uncertainty or lack of clarity in the witness' statements.
- g. All hearings shall be recorded, except for closed deliberations.
- h. All hearings shall be closed to the public.
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 [**number of 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, digital, electronic, or stenographic recording. The official recording 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. The 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 recording.

Conduct of the Disciplinary Hearing

The complainant and respondent to the case shall have the right to be present during the hearing proceedings. The student's parent or guardian may also attend the hearing if the student is a minor. Witnesses may be excluded until it is their turn to testify. All hearing proceedings will be recorded. If there is a failure of the recording equipment, the portion of the hearing not recorded shall be re-conducted and recorded to capture any portion not recorded, unless the District and the student (s) agree that a re-hearing is unnecessary and agree to a joint statement of factual findings.

The District and the student(s) may each be represented by legal counsel. If a student is to be represented by legal counsel, the student must notify the Chief Conduct Officer of that fact at least five (5) days prior to the date of the scheduled hearing. If the student is 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. If the student is not represented by legal counsel, the student may be accompanied by another person at the hearing provided that person does not participate in any way except to offer counsel to the student. The District and the student shall have the right to call, examine, and cross-examine witnesses at the hearing. d. Decision of the Student D

(7) Evidence

The committee may review any relevant evidence presented during the hearing. The committee is not required to give validity to any written testimony/evidence if the witness or writer of the evidence does not personally appear at the hearing. Hearsay evidence is admissible but no decision may be made based solely on hearsay.

General Evidentiary Rules

The decision shall not be based solely upon hearsay evidence.

Evidence of Student's Pattern of Conduct

Where there is evidence of a pattern of conduct similar in nature to the conduct described in the allegations, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the Student Disciplinary Committee's/External Adjudicator's determination of responsibility and/or assigning of a disciplinary sanction. The determination of relevance will be based on an assessment by the Student Disciplinary Committee/External Adjudicator of whether the previous and/or subsequent incident was substantially similar to the conduct cited in the Statement of Charges and indicates a pattern of behavior and substantial conformity with that pattern by the student. Where there is a prior finding of responsibility for a similar act of sexual misconduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and/or assigning of a sanction.

(8) Rights of the Committee

The basic rights of the committee shall include, but not be limited to the following:

- a. The committee has the right to decide:
 1. Relevance
 2. Materiality
 3. Competency
 4. Number of witnesses
 5. Time allocation
- b. The committee has the right to:
 1. Instruct the witness
 2. Question the witness
 3. Examine the evidence

On failure of the witness to follow directions, the committee may dismiss the witness.

(9) Rights of the Student

- a. The student may, with the permission of the hearing committee, have a translator or qualified interpreter if the student's command of the English language prevents ~~him/her~~ them from being able to fully participate in the proceedings. **(What about others DSPS?)**
- b. The student may **represent themselves or be represented by a person of their choice** or have legal counsel or representation, but must notify the College Conduct Administrator ~~Disciplinarian~~ at least two (2) school days prior to the hearing.

B. Right to Inspect

If a written report is placed in the student's disciplinary file, the student shall have the right to inspect and appeal the information as specified in Education Code Section 76232.

(10) Standard of Proof

The District will instruct the Committee that the District bears the burden of proof by a preponderance of the evidence and that preponderance of the evidence means "more likely to be true than not true."

The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.

- (11) Decisions
- a. The Student Conduct Appeals Committee shall have the power to accept, reject or modify the decision of the College Conduct Administrator ~~Disciplinarian~~, but in no case shall impose a more stringent sanction.
 - b. Decisions should include:
 1. Findings of facts (what the student did);
 2. Conclusions (with relation to the rules of conduct); and
 3. A decision (disciplinary action affirmed, rejected, or modified)
- (12) In the hearing, the committee should decide the following issues:
- a. Does the alleged act constitute a violation of the Student Conduct Code?
 - b. Did the student involved commit the act with which he/she is charged?
 - c. If the acts are found to have been committed by the student, and are also found to constitute a violation of the Student Conduct Code, were there any “attendant circumstances” shown in mitigation and/or in aggregation?
 - d. The facts in each individual case shall be considered when making a determination on the appropriateness of the sanction imposed.
- (13) The decision of the Student Conduct Appeals Committee shall be sent to the student ~~and the Superintendent/President~~ in writing within six (6) school days of the hearing. This decision shall include the findings and conclusions of the Student Conduct Appeals Committee.

Within [**number**] days following the close of the hearing, the hearing panel shall prepare and send to the [**CEO**] 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.

Decision of the Student Disciplinary Committee or External Adjudicator

The members of the Student Disciplinary Committee shall consider and reach a decision by a simple majority vote on each of the charges against the student. If the matter is being heard solely by the External Adjudicator, the External Adjudicator shall render the decision. The Student Disciplinary Committee or the External Adjudicator shall apply the preponderance of the evidence standard of proof in determining whether the student is found to be in violation of the Standards of Student Conduct

The Decision

The decision of the Student Disciplinary Committee or the External Adjudicator shall be one of four options: (1) recommend expulsion; (2) impose a suspension; (3) impose a lesser disciplinary action; (4) find that the charges against the student alleged to have violated the Standards of Student Conduct have not been proven and no discipline should be imposed.

Within ten (10) days after conducting the hearing, the Student Disciplinary Committee or External Adjudicator shall render a decision, prepare written findings and conclusions, and serve them upon the student alleged to have violated the Standards of Student Conduct with a copy sent to the Chief Conduct Officer. With the exception of a recommendation of expulsion, the Chief Conduct Officer will implement the decision of the Student Disciplinary Committee or the External Adjudicator. If the Student Disciplinary Committee or the External Adjudicator recommends that the student be expelled, the Chief Conduct Officer shall forward the findings to the Superintendent/President for further action pursuant to Section F.

Superintendent/President's Decision

C. Readmission of Suspended Students

- (1) Any student who has served a suspension for a period of at least one (1) full term, shall submit a petition for readmission to the Office of the College Conduct Administrator Disciplinarian. The petition for readmission shall document the steps that the student has taken since the suspension to eliminate the behavior that caused the suspension. The student shall meet with the College Conduct Administrator prior to the scheduling of a readmission hearing. Said petition shall be completely separate, apart and in addition to any procedures required by the Admissions and Records Office.
- (2) Within ten (10) school days of the petition for readmission submittal, the Student Conduct Appeals Committee panel shall review the petition for readmission to determine whether the student has made reasonable adjustment in the behavior or that the student has received the appropriate guidance, counseling and/or attention necessary to avoid the behavior that brought about the suspension. The Student Conduct Appeals Committee panel may delegate the decision to the College Conduct Administrator Disciplinarian or may conduct its review by email or teleconference.
- (3) The Student Conduct Appeals Committee panel may request a hearing with the student to ascertain whether the student's claim regarding the behavioral adjustment is accurate. The student shall be notified of the date, time and place of the hearing within ten (10) school days of the petition for readmission submittal. The student may present further evidence or documentation in support of their/his/her claim. The College Conduct Administrator Disciplinarian shall notify the student within sixfive (65) school days of the committee's decision. The Student Conduct Appeals Committee panel may:

- a. Approve the student's request to be readmitted with a statement to include conditions of re-admission, if any.
- b. Deny the student's request to be readmitted due to lack of supporting evidence and/or documentation indicating that a behavioral adjustment has occurred.

D. Appeal of Committee Decision (Individual Panel Decision)

Within two (2) school days after receiving the written decision of the Student Conduct Appeals Committee, the student may request a review of the decision by the Superintendent/President. A copy of said request shall be sent to the College Conduct Administrator Disciplinarian. The student shall state in writing the grounds for review, basing the request upon one or more of the following provisions:

- (1) The required procedures have not been followed and that the student has been demonstrably damaged; and/or
- (2) There is insufficient evidence to support the committee decision; and/or
- (3) The penalty imposed is inappropriate.

E. Superintendent/President Review

- (1) In cases of suspension and/or lesser sanction:

Within thirty (30) school days of receipt of the request for review, the Superintendent/President shall review the decision of the Student Conduct Appeals Committee, the basis upon which it was made, and the student's appeal based on D.(1), (2) and/or (3). The Superintendent/President has the sole authority to:

- a. Adopt the recommended discipline of the Student Conduct Appeals Committee;
- b. Modify or reduce the discipline recommended by the Student Conduct Appeals Committee; or
- c. Reverse the discipline recommended by the Student Conduct Appeals Committee.

The decision of the Superintendent/President shall be communicated to the student in writing, and a copy sent to the College Conduct Administrator Disciplinarian. In cases of suspension and/or lesser sanction, the decision of the Superintendent/President is final.

Long-term suspension – Within [**number of days**] following receipt of the hearing panel's recommended decision, the [**CEO**] shall render a final written decision. The [**CEO**] may accept, modify, or reject the findings, decisions and recommendations of the hearing panel. If the [**CEO**] modifies, or rejects the hearing panel's decision, the [**CEO**] 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 [**CEO**] shall be final.

(2) In cases where expulsion has been recommended:

- a. The recommendation of the Student Conduct Appeals Committee shall be forwarded to the Superintendent/ President or designee for review and decision.
- b. The Superintendent/President's decision shall be based upon evidence presented at the expulsion hearing or the facts of the case as presented by the College Conduct Administrator ~~Disciplinarian~~.
- c. The Superintendent/President or designee may accept the recommendation of the Student Conduct Appeals Committee and recommend to the Board of Trustees that the student be expelled, or impose a lesser sanction. The Superintendent/President or designee shall render a decision within ten (10) business days of receipt of the recommendation of the Student Conduct Appeals Committee. Notice of the Superintendent/President or designee's recommendation shall be mailed to the student, and, in cases where expulsion is recommended, forwarded to the Board of Trustees for final action.
- d. The Board of Trustees' decision to expel a student shall be based upon evidence presented at the expulsion hearing or the facts of the case as presented by the College Conduct Administrator ~~Disciplinarian~~.
- e. The Superintendent/President or designee shall, upon the expulsion of any student, notify the appropriate law enforcement authorities of any acts of the student which may be in violation of Penal Code Section 245 (assault with a deadly weapon or instrument) [E.C. §76035] and additional code sections.
- f. Whenever the student expelled is a dependent minor for federal income tax purposes, the parent or guardian shall be notified in writing by the College Conduct Administrator ~~Disciplinarian~~ within five (5) school days.

Expulsion – Within [**number of days**] following receipt of the hearing panel's recommended decision, the [**CEO**] shall render a written recommended decision to the Board of Trustees. The [**CEO**] may accept, modify, or reject the findings, decisions and recommendations of the hearing panel. If the [**CEO**] modifies, or rejects the hearing panel's decision, he/she/they shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The [**CEO's**] decision shall be forwarded to the Board of Trustees.

Board of Trustees Decision

The Board of Trustees shall consider any recommendation from the [**CEO**] 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. (Education Code Section 72122.)

The student shall be notified in writing, by registered or certified mail to the address last on file with the District, or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within 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.

The Board may accept, modify, or reject the findings, decisions and recommendations of the [**CEO**] 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.

Rules Pertaining To Expulsion Recommendations

a) Review by the Superintendent/President Within five (5) days of receiving the findings and conclusions of the Student Disciplinary Committee or the External Adjudicator recommending that the student be expelled, the Superintendent/President shall review the findings and conclusions, and shall prepare a discipline decision (1) recommending that the student be expelled; (2) imposing some lesser discipline; (3) deciding that no discipline should be imposed; or (4) remanding the matter back to the Student Disciplinary Committee or the External Adjudicator for a further hearing to more fully develop the factual record or to take any other actions directed by the Superintendent/President. If the Superintendent/President concurs with the expulsion recommendation, the Superintendent/President shall also prepare an Expulsion Hearing Notice stating:

i) the date, time, and place of the meeting of the Board of Trustees at which the matter of expulsion shall be considered;

ii) notice that the student may be accompanied at the hearing by legal counsel, if so desired; and

iii) that the student may submit a written request, within two (2) days after receipt of the written notification, that the hearing of the Board be held as a public meeting rather than in closed session.

The Superintendent/President's discipline decision and the Expulsion Hearing Notice (if applicable) shall be served upon the student, and a copy sent to the Chief Conduct Officer. If the Superintendent/President concurs with the expulsion recommendation, the discipline decision and Expulsion Hearing Notice shall also be sent to the Board of Trustees.

Review by the Board of Trustees

i) The Expulsion Hearing Date

The hearing before the Board of Trustees shall be held within ten (10) days after the date the Superintendent/President's discipline determination and the expulsion hearing notice is served upon the student if the student is served by email or personal service, or within three (3) days if served by registered or certified mail to the address last on file with the District. This deadline may be extended under extenuating circumstances as determined by the Board President on their own initiative and in their sole discretion. Absent extenuating circumstances, requests to reschedule submitted by the complaining party or student alleged to have violated the Standards of Student Conduct must be submitted to the Board with an explanation for the request at least five (5) days prior to the hearing.

ii) Conduct of the Hearing by the Board of Trustees

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.

The student, student's counsel, Chief Conduct Officer, chairperson of the Student Disciplinary Committee or the External Adjudicator if the matter was decided solely by the External Adjudicator, Superintendent/President, and the District's legal counsel may attend the hearing before the Board of Trustees. Whether the hearing is conducted before the public or in closed session, the Board shall confer in private as necessary with its designated legal counsel and Superintendent/President to consider the evidence presented and reach its determination in the matter. When these deliberations are completed, the final action of the Board shall be taken at a public meeting and the result of that action shall be made a part of the public record of the District (Education Code Section 72122).

iii) 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:

1. impose some lesser discipline;
2. decide that no discipline should be imposed; or
3. remand the matter to the Student Disciplinary Committee or the External Adjudicator for a further hearing to more fully develop the factual record or to take any other actions directed by the Board of Trustees. The decision of the Board shall be final.

iv) If the majority of the members of the Board of Trustees present at the hearing cannot reach a decision to expel the student or to take some other action, the matter shall be remanded to the Superintendent/President who shall suspend or impose some lesser discipline on the student.

The decision of the Board of Trustees or the Superintendent/President shall be implemented immediately, and within five (5) days of making that decision, the decision shall be served upon the student and sent to the Chief Conduct Officer.

NOTE: *The following paragraph is optional.*

Student Discipline Data Reporting

The [**CEO**] shall develop and provide to the Board for review [**specify annual or other interval**] report of the number of students who were disciplined pursuant to this procedure. This report must disaggregate the students by race, age, gender, or any other characteristic identified by the Board.

The Superintendent/President shall develop and provide to the Board upon request for review annually report of the number of students who were disciplined pursuant to this procedure. This report must disaggregate the students by race, age, gender, income, or any other characteristic identified by the Board.

Also see BP/AR 5500 Standards of Student Conduct, AR 5501 Standards of Academic Conduct, BP/AR 3430 Prohibition of Harassment, AR Prohibition of Sexual Harassment Under Title IX and AR 3435 Discrimination and Harassment Complaints

References:

Education Code Sections 66017, 66300-66303, 72122, 76030 and 76030 et seq.;
Penal Code Section 626.4

Revised 12/11/01, 8/8/11, 6/15, 10/20, 7/11/16, 11/6/24

Determination of Discipline (review of complaint)

Within [**number of days**] after the meeting described above, the [**CEO**] shall, pursuant to a recommendation from the College Conduct Administrator, decide whether to impose discipline or whether to end the matter. Discipline may be:

- No discipline or a verbal and/or written warning
- Written or verbal reprimand;
- Short-term suspension;
- Long-term suspension; or
- Recommendation to the Board of Trustees for expulsion

Below taken from AR 4410 Student Conduct

Disciplinary Sanctions to Enforce Adequate Standards of Student Conduct [E.C. §§76030, 76031, 76032]

A. Sanctions

Disciplinary sanctions include, but are not limited to, verbal or written reprimand, disciplinary probation, removal from class, ineligibility to participate in extracurricular activities, temporary disciplinary holds, suspension, and expulsion. Repeated and/or multiple infractions may lead to a greater disciplinary sanction.

Subsequent to investigation of allegations made against a student, the College Conduct Administrator Disciplinarian is authorized to impose the sanctions listed above for good cause as set forth in Section 1 of this administrative regulation.

B. Right to Inspect

If a written report is placed in the student's disciplinary file, the student shall have the right to inspect and appeal the information as specified in Education Code Section 76232.

C. Definitions

When the term "College Conduct Administrator Disciplinarian" is used, it shall refer to the designee of the Superintendent/President.

The term "school day" is used in this Administrative Regulation for the purpose of calculating deadlines and shall mean any day that classes are in session except Saturdays and Sundays.

A copy of this administrative regulation shall be made available to students upon request.

D. Written Reprimand

(1) A written reprimand, issued by the College Conduct Administrator Disciplinarian, serves to place in a student's disciplinary records (not the academic records) a statement that he/she has not met the standards of conduct as set forth in Section 1 of this administrative regulation.

(2) A student receiving a written reprimand shall be notified that:
a. the reprimand serves only as a warning that continued conduct of the type described in the written reprimand may result in further disciplinary action against the student;

- b. such records are not part of a student's academic record at the college and that the disciplinary records will be destroyed three years after the date of the reprimand;
- c. the student has an opportunity to write a response to the reprimand and that the response shall be placed on record with the reprimand; and
- d. with respect to reprimands, there shall be no hearing or appeal to the Student Conduct Appeals Committee.

G. Disciplinary Probation

- (1) A student who fails to meet the standards of conduct as set forth in Section 1 of this administrative regulation may be placed on disciplinary probation by the College ~~Conduct Administrator~~Disciplinarian. The student shall be notified in writing that continued conduct of the type described in a "notice of probation" will result in a greater sanction. The notice of disciplinary probation must include:
 - a. the sanction that will be imposed if the conduct described in the notice of probation continues. The sanction must be authorized by this administrative regulation.
 - b. the period of time the student is to be on probation. This period may not exceed one year.
- (2) A student placed on disciplinary probation shall be notified that:
 - a. the imposition of disciplinary probation serves as notice that continued conduct of the type described in the notice of probation will result in the imposition of sanction;
 - b. the disciplinary probation is not part of a student's academic record at the college and that the disciplinary records will be destroyed three years after the probation ends;
 - c. the student has an opportunity to write a response to the notice of disciplinary probation and that the response shall be placed on record with the notice of disciplinary probation; and
 - d. with respect to disciplinary probation, there shall be no hearing or appeal to the Student Conduct Appeals Committee. However, before the sanction set forth in the notice of probation is imposed, the student shall be given notice and an opportunity to appeal to the Student Conduct Appeals Committee.

H. Removal from Campus Activities

(3) Removal from Class [E.C. §76032]

- a. An instructor is authorized to remove a student from class for cause for the day of the incident and the next class meeting. The instructor shall immediately report the removal to the College ~~Conduct Administrator~~Disciplinarian. During the period of removal, a student shall not be returned to the class without the concurrence of the instructor.
- b. ~~If the student requests, the~~ College ~~Conduct Administrator~~Disciplinarian shall hold a conference with the student and other appropriate personnel regarding the removal from class.
- c. If the student removed is a dependent minor for federal income tax purposes, the parent or guardian shall be notified in writing by the College ~~Conduct Administrator~~Disciplinarian.
- d. With respect to removal from class, there shall be no hearing or appeal to the Student Conduct Appeals Committee.

(4) Removal from Extra-Curricular Activities [E.C. §76030]

- a. The College ~~Conduct Administrator~~Disciplinarian may remove a student from extracurricular activities for a period not to exceed one (1) year. One or more of the following may be imposed for good cause as set forth in Section 1 of this administrative regulation:
 1. Removal from all college organization offices;
 - c. Ineligibility to participate in or attend all college-sponsored activities, including public performances; Nothing in this administrative regulation shall restrict the College ~~Disciplinarian~~Disciplinarian from imposing lesser sanctions than those described.
 - d. Before removal from the above-mentioned activities is imposed, the student shall have a right to pursue the Hearing and Appeal Process as set forth in Section 2~~F~~F of this administrative regulation. Removal from activities imposed pursuant to interim/immediate suspension as described in Section H(4) of this administrative regulation shall be governed by the appeal rights afforded in cases of interim/immediate suspension.

G. Temporary Disciplinary Holds

A disciplinary hold prevents a student from conducting any transactions with the college, such as enrollment ~~and fee payment~~, use of library privileges or any other college business.

The College ~~Conduct Administrator~~ ~~Disciplinarian~~ may place a temporary disciplinary hold on a student's college record to:

- (3) Enforce a suspension or expulsion after the appeal process has been exhausted and the suspension or expulsion becomes final. The College ~~Conduct Administrator~~ ~~Disciplinarian~~ may remove a temporary disciplinary hold after a student has served a suspension provided that the Student Conduct Appeals Committee reviews and approves the student's petition to be readmitted.
- (4) Enable the College ~~Conduct Administrator~~ ~~Disciplinarian~~ to conduct a thorough investigation of an alleged violation of the Student Conduct Code. In such cases, the College ~~Conduct Administrator~~ ~~Disciplinarian~~ shall remove the temporary disciplinary hold
 - a. as soon as the investigation is complete, and the student completes any assignments or stipulations outlined during the student's hearing, examples include completing required assignments, meeting with a case manager, restitution, etc, and the student in question is exonerated, or
 - b. when the student enters the appeal process. In such cases the College ~~Conduct Administrator~~ ~~Disciplinarian~~ may opt to lift temporarily the disciplinary hold to enable the student to conduct a specific transaction with the college, while the appeal process is underway.

H. Suspension [E.C. §§76031, 66017]

- (2) The College ~~Conduct Administrator~~ ~~Disciplinarian~~ is authorized to suspend a student for good cause as set forth in Section 1 of this administrative regulation.
- (2) The period of suspension may be:
 - d. For a period of up to ten (10) days of instruction from one or more classes.

- e. For the remainder of the school term from one or more classes.
 - f. For one (1) or more terms from all classes and activities of the college.
- (3) Whenever the student suspended is a dependent minor for federal income tax purposes, the parent or guardian shall be notified in writing by the College ~~Conduct Administrator~~ ~~Disciplinarian~~.
 - (4) Before a suspension becomes effective, the student shall have the right to pursue the Hearing and Appeal Process as set forth in Section 3 of this administrative regulation, except that an interim suspension may be imposed by the College ~~Conduct Administrator~~ ~~Disciplinarian~~ where an immediate suspension is required in order to protect the safety or welfare of persons or property pending a hearing. As soon as practical, the College ~~Conduct Administrator~~ ~~Disciplinarian~~ shall hold a formal conference with the student to give the student an opportunity to respond to the charges against him or her.
 - (5) The College ~~Conduct Administrator~~ ~~Disciplinarian~~ shall, upon the suspension of any student, notify the appropriate law enforcement authorities of any acts of the student which may be in violation of Penal Code Section 245 (assault with a deadly weapon or instrument). [E.C. §76035]

II. Expulsion [E.C. §76030]

A student may be expelled by the Board of Trustees for good cause as set forth in Section 1 of these rules. Expulsion is authorized when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the safety of the student or others.

4. Hearing and Appeal Process

A. Notice

- (1) The student shall be given written notice of the disciplinary action to be taken, if any. Such notice shall include:
 - a. a statement of the specific facts and charges upon which the disciplinary action is based;
 - b. a copy of the disciplinary rules of the District which relate to the alleged violation; and
 - c. a statement that the student has the right to file with the office of the College ~~Conduct Administrator~~ ~~Disciplinarian~~ a *Notice of*

Intention to Appeal the decision to the Student Conduct Appeals Committee and that such notice must be filed within two (2) school days following receipt of the notice of disciplinary action.

- (2) Prior to giving notice, the College Conduct Administrator Disciplinary may schedule a formal conference regarding the basis for possible disciplinary action.
- (3) The student shall be deemed to have accepted the disciplinary action, unless within two (2) school days following written notice of the specific facts and charges, the student files with the College Conduct Administrator Disciplinary written *Notice of Intention to Appeal*.
- (4) Within five (5) school days after filing a *Notice of Intention to Appeal*, the student shall file with the College Conduct Administrator Disciplinary a written response to the charges. Only charges to which the student responds may be reviewed by the Appeals Committee.

B. Student Conduct Appeals Committee and Procedures

(14) Statement of Purpose

- c. The committee is established to hear appeals of students regarding decisions made by the College Conduct Administrator Disciplinary.
- d. Specifically, the committee will hear appeals concerning disciplinary action involving removal from extra-curricular activities, suspensions, and expulsions.

(15) Selection

At the beginning of each academic year or as needed, the Superintendent/President or designee shall establish a standing panel from which members of individual Student Conduct Appeals Committee panels may be constituted.

(16) Standing Panel

The standing panel of the Student Conduct Appeals Committee shall consist of:

- e. At least five (5) students appointed by the Associated Students President;
- f. At least five (5) faculty members appointed by the Academic Senate President;
- g. At least five (5) classified employees appointed by the CSEA President; and

- h. At least five (5) academic managers appointed by the Superintendent/President one of whom will chair the committee and will only vote in the case of a tie.

(17) Individual Hearing Panel

Each individual panel will be drawn from the standing panel by the Superintendent/President or designee.

To hear each appeal, the Superintendent/President or designee will appoint a hearing committee consisting of **two** (2) students, **two** (2) faculty members, **two** (2) classified employees, and one (1) manager. To conduct business, the panel must have a quorum of at least one member from each of the four constituent groups.

Decisions of the committee shall be made by simple majority vote.

(18) Time Frame

- a. The committee shall convene for an appeal hearing prior to the sanction taking effect and not more than thirty (30) school days after receipt of the notice of intent to appeal.
- b. In cases where suspension is immediately effective, the committee shall convene for an appeal hearing not more than ten (10) school days after receiving the notice of intent to appeal.
- c. The student shall be given written notice of the time and place of the hearing. If the student fails to appear for the hearing, the decision of the College ~~Conduct Administrator~~ ~~Disciplinarian~~ shall stand. The Committee shall allow a 15 minute grace period before the adjournment of the hearing.

(19) Hearing Order

- i. At the beginning of the hearing, the designated college academic management member, or attorney or college representative, shall present the college case, first with an initial summary that includes the evidence to be presented, followed by a detailed presentation of the findings, including presentation of evidence and witnesses. The student and/or attorney or representative may cross-examine the college's witnesses, and examine the evidence.
- j. Next, the student or ~~their~~his/her attorney or representative shall present ~~their~~his/her case, including any evidence or witnesses. The college's representative may cross-examine the student's witnesses, and examine the evidence.
- k. Examination and cross-examination must be limited to issues and matters relevant to the case.

- l. The designated college management member, attorney or representative may present a closing argument summarizing the college's findings.
- m. The student or ~~their~~his/her attorney or representative may present closing argument, summarizing ~~their~~his/her case.
- n. The committee may question witnesses but should limit its inquiries to eliminating confusion, uncertainty or lack of clarity in the witness' statements.
- o. All hearings shall be recorded, except for closed deliberations.
- p. All hearings shall be closed to the public.

(20) Evidence

The committee may review any relevant evidence presented during the hearing. The committee is not required to give validity to any written testimony/evidence if the witness or writer of the evidence does not personally appear at the hearing. Hearsay evidence is admissible but no decision may be made based solely on hearsay.

(21) Rights of the Committee

The basic rights of the committee shall include, but not be limited to the following:

- c. The committee has the right to decide:
 6. Relevance
 7. Materiality
 8. Competency
 9. Number of witnesses
 10. Time allocation
- d. The committee has the right to:
 4. Instruct the witness
 5. Question the witness
 6. Examine the evidence

On failure of the witness to follow directions, the committee may dismiss the witness.

(22) Rights of the Student

- a. The student may, with the permission of the hearing committee, have a translator or qualified interpreter if the student's

command of the English language prevents him/her from being able to fully participate in the proceedings.

- b. The student may have legal counsel or representation, but must notify the College Conduct Administrator ~~Disciplinarian~~ at least two (2) school days prior to the hearing.

(23) Standard of Proof

The District will instruct the Committee that the District bears the burden of proof by a preponderance of the evidence and that preponderance of the evidence means “more likely to be true than not true.”

(24) Decisions

- c. The Student Conduct Appeals Committee shall have the power to accept, reject or modify the decision of the College Conduct Administrator ~~Disciplinarian~~, but in no case shall impose a more stringent sanction.

d. Decisions should include:

- 4. Findings of facts (what the student did);
- 5. Conclusions (with relation to the rules of conduct); and
- 6. A decision (disciplinary action affirmed, rejected, or modified)

(25) In the hearing, the committee should decide the following issues:

- c. Does the alleged act constitute a violation of the Student Conduct Code?
- d. Did the student involved commit the act with which he/she is charged?
- c. If the acts are found to have been committed by the student, and are also found to constitute a violation of the Student Conduct Code, were there any “attendant circumstances” shown in mitigation and/or in aggregation?
- d. The facts in each individual case shall be considered when making a determination on the appropriateness of the sanction imposed.

(26) The decision of the Student Conduct Appeals Committee shall be sent to the student ~~and the Superintendent/President~~ in writing within six (6) school days of the hearing. This decision shall include the findings and conclusions of the Student Conduct Appeals Committee.

C. Readmission of Suspended Students

- (4) Any student who has served a suspension for a period of at least one (1) full term, shall submit a petition for readmission to the Office of the College Conduct Administrator ~~Disciplinarian~~. The petition for readmission shall document the steps that the student has taken since the suspension to eliminate the behavior that caused the suspension. The student shall meet with the College Conduct Administrator prior to the scheduling of a readmission hearing. Said petition shall be completely separate, apart and in addition to any procedures required by the Admissions and Records Office.
- (5) Within ten (10) school days of the petition for readmission submittal, the Student Conduct Appeals Committee panel shall review the petition for readmission to determine whether the student has made reasonable adjustment in the behavior or that the student has received the appropriate guidance, counseling and/or attention necessary to avoid the behavior that brought about the suspension. The Student Conduct Appeals Committee panel may delegate the decision to the College Conduct Administrator ~~Disciplinarian~~ or may conduct its review by email or teleconference.
- (6) The Student Conduct Appeals Committee panel may request a hearing with the student to ascertain whether the student's claim regarding the behavioral adjustment is accurate. The student shall be notified of the date, time and place of the hearing within ten (10) school days of the petition for readmission submittal. The student may present further evidence or documentation in support of their/his/her claim. The College Conduct Administrator ~~Disciplinarian~~ shall notify the student within sixfive (65) school days of the committee's decision. The Student Conduct Appeals Committee panel may:
 - c. Approve the student's request to be readmitted with a statement to include conditions of re-admission, if any.
 - d. Deny the student's request to be readmitted due to lack of supporting evidence and/or documentation indicating that a behavioral adjustment has occurred.

D. Appeal of Committee Decision

Within two (2) school days after receiving the written decision of the Student Conduct Appeals Committee, the student may request a review of the decision by the Superintendent/President. A copy of said request shall be sent to the College Conduct Administrator ~~Disciplinarian~~. The student shall state in writing the grounds for review, basing the request upon one or more of the following provisions:

- (4) The required procedures have not been followed and that the student has been demonstrably damaged; and/or
- (5) There is insufficient evidence to support the committee decision; and/or
- (6) The penalty imposed is inappropriate.

F. Superintendent/President Review

In cases of suspension and/or lesser sanction:

Within thirty (30) school days of receipt of the request for review, the Superintendent/President shall review the decision of the Student Conduct Appeals Committee, the basis upon which it was made, and the student's appeal based on D.(1), (2) and/or (3). The Superintendent/President has the sole authority to:

- d. Adopt the recommended discipline of the Student Conduct Appeals Committee;
- e. Modify or reduce the discipline recommended by the Student Conduct Appeals Committee; or
- f. Reverse the discipline recommended by the Student Conduct Appeals Committee.

The decision of the Superintendent/President shall be communicated to the student in writing, and a copy sent to the College Conduct Administrator Disciplinarian. In cases of suspension and/or lesser sanction, the decision of the Superintendent/President is final.

(1) In cases where expulsion has been recommended:

- g. The recommendation of the Student Conduct Appeals Committee shall be forwarded to the Superintendent/ President or designee for review and decision.
- h. The Superintendent/President's decision shall be based upon evidence presented at the expulsion hearing or the facts of the case as presented by the College Conduct Administrator Disciplinarian.
- i. The Superintendent/President or designee may accept the recommendation of the Student Conduct Appeals Committee and recommend to the Board of Trustees that the student be expelled, or impose a lesser sanction. The Superintendent/President or designee shall render a decision within ten (10) business days of receipt of the recommendation of the Student Conduct Appeals Committee. Notice of the Superintendent/President or designee's recommendation shall be

mailed to the student, and, in cases where expulsion is recommended, forwarded to the Board of Trustees for final action.

- j. The Board of Trustees' decision to expel a student shall be based upon evidence presented at the expulsion hearing or the facts of the case as presented by the College Conduct Administrator ~~Disciplinarian~~.
- k. The Superintendent/President or designee shall, upon the expulsion of any student, notify the appropriate law enforcement authorities of any acts of the student which may be in violation of Penal Code Section 245 (assault with a deadly weapon or instrument) [E.C. §76035] and additional code sections.
- l. Whenever the student expelled is a dependent minor for federal income tax purposes, the parent or guardian shall be notified in writing by the College Conduct Administrator ~~Disciplinarian~~ within five (5) school days.

AP 5520 Student Discipline Procedures

References:

Education Code Sections 66017, 66300, 72122, 76030, and 76030 et seq.;
Penal Code Section 626.4

NOTE: *This procedure is legally required, except as specifically noted. Local practice may be inserted below, but it must comply with the standards of due process reflected in this example.*

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.

This administrative procedure 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 sexual harassment complaint under Title IX, the procedure in AP 3434 Responding to Harassment Based on Sex under Title IX, must be used.

Definitions

District – The [insert name of district].

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

Instructor – 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.

Short-term Suspension – Exclusion of the student by the [**CEO**] 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 [**CEO**] 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 [**designate authority**] for any person to remain on campus in accordance with California Penal Code Section 626.4 where the [**designate authority**] 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.

Disciplinary Procedures

Except in cases where immediate discipline pending a hearing is authorized, the following procedures will apply before disciplinary action is taken to suspend to expel a student:

Notice and Opportunity to Respond

5. **Notice** – The [**designated position**] 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 [**designated position**] or designee to discuss the accusation, or to respond in writing.
 - the nature of the discipline that is being considered.

6. **Time limits** – The notice must be provided to the student within [**number of 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 [**number of days**] of the date on which conduct occurred which led to the decision to take disciplinary action.
7. **Meeting** – If the student chooses to meet with the [**designate position**], the meeting must occur no sooner than [**number of 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.

Determination of Discipline

Within [**number of days**] after the meeting described above, the [**CEO**] shall, pursuant to a recommendation from the [**designate position**], decide whether to impose discipline or whether to end the matter. Discipline may be:

- No discipline;
- Written or verbal reprimand;
- Short-term suspension;
- Long-term suspension; or
- Recommendation to the Board of Trustees for expulsion

Short-term Suspension

If the [**CEO**] imposes a short-term suspension, or some lesser disciplinary action, written notice of the [**CEO'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 [**CEO's**] decision shall be final.

Long-term Suspension or Expulsion

If the [**CEO**] imposes a long-term suspension or recommends expulsion, the following procedures shall be provided to the student:

- Written notice of the [**CEO**] decision shall be provided to the student.
- The notice shall identify the imposed discipline as either a long-term suspension or a recommendation to the Board of Trustees for expulsion.
- The notice shall inform the student of the right to request a formal hearing before a long-term suspension or expulsion is imposed.
- The notice shall include a copy of AP 5520 Student Discipline Procedures describing the procedures for a hearing.

Expulsion – Within [**number of days**] days after the meeting described above, the [**CEO**] shall decide whether to recommend expulsion to the Board of Trustees. The [**CEO's**] will provide written notice of this decision 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 AP 5520 Student Discipline Procedures describing the procedures for a hearing.

Hearing Procedures – Request for Hearing.

NOTE: *Timelines may be locally determined. Five days is usually the minimum notice time accepted by courts.*

Within [**number**] days after receipt of the [**CEO's**] decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the [**CEO**] or designee.

Schedule of Hearing – The formal hearing shall be held within [**number**] days after a formal request for hearing is received.

NOTE: *The Board of Trustees may hear these matters itself, or it may use the services of a hearing officer or a panel. If the hearing panel format is adopted, the following is suggested.*

Hearing Panel – The hearing panel for any disciplinary action shall be composed of [**insert composition, such as one administrator, one faculty member and one student.**]

The [**CEO**], the president of the Academic Senate, and the Associated Students president 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. The [**CEO**] 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 [**CEO**] 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.

Conduct of the Hearing

NOTE: *The hearing must comply with principles of due process, including the right to confront and cross examine witnesses. The following language is **legally advised**.*

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.

The facts supporting the accusation shall be presented by a college representative who shall be the [**designate position**].

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/her/their 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/themself, and may also have the right to be represented by a person of his/her/their choice. **[Suggested language: 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, the student must submit a request to the Panel Chair not less than five 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 **[number of 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, digital, electronic, or stenographic recording. The official recording 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. The 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 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 recorded is not unavailable.

Within **[number]** days following the close of the hearing, the hearing panel shall prepare and send to the **[CEO]** 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.

[CEO's] Decision:

Long-term suspension – Within **[number of days]** following receipt of the hearing panel's recommended decision, the **[CEO]** shall render a final written decision. The **[CEO]** may accept, modify, or reject the findings, decisions and recommendations of the hearing panel. If the **[CEO]** modifies, or rejects the hearing panel's decision, the **[CEO]** 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 **[CEO]** shall be final.

Expulsion – Within [**number of days**] following receipt of the hearing panel's recommended decision, the [**CEO**] shall render a written recommended decision to the Board of Trustees. The [**CEO**] may accept, modify, or reject the findings, decisions and recommendations of the hearing panel. If the [**CEO**] modifies, or rejects the hearing panel's decision, he/she/they shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The [**CEO's**] decision shall be forwarded to the Board of Trustees.

Board of Trustees Decision: The Board of Trustees shall consider any recommendation from the [**CEO**] 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. (Education Code Section 72122.)

The student shall be notified in writing, by registered or certified mail to the address last on file with the District, or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within 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.

The Board may accept, modify, or reject the findings, decisions and recommendations of the [**CEO**] 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.

Immediate Interim Suspension (Education Code Section 66017): The [**CEO**] may order immediate suspension of a student where he/she/they 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.

Removal from Class (Education Code Section 76032): Any instructor may order a student removed from his/her/their class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the [**CEO**] and the [**designated position**]. The [**designate position**] shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the [**designated position**] 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 [**designated**

position] from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

Withdrawal of Consent to Remain on Campus: The [**designate position**] 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/they must promptly leave or be escorted off campus. If consent is withdrawn by the [**designate position**] a written report must be promptly made to the [**CEO**].

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 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 [**number of days, no more than 14 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 Section 626.4).

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

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.

NOTE: *The following paragraph is optional.*

Student Discipline Data Reporting

The [**CEO**] shall develop and provide to the Board for review [**specify annual or other interval**] report of the number of students who were disciplined pursuant to this procedure. This report must disaggregate the students by race, age, gender, or any other characteristic identified by the Board.

Revised 6/13, 4/14, 4/15, 10/15, 10/20, 4/21, 4/22, 4/24

Education Code 66300-66303
[66300](#).

The Regents of the University of California, the Trustees of the California State University, and the governing board of every community college district, shall adopt or provide for the adoption of **specific rules and regulations governing student behavior along with applicable penalties for violation of the rules**

and regulations. The institutions shall adopt procedures by which all students are informed of such rules and regulations, with applicable penalties, and any revisions thereof.

66301.

(a) Neither the Regents of the University of California, the Trustees of the California State University, the governing board of a community college district, nor an administrator of any campus of those institutions, shall make or enforce a rule subjecting a student to disciplinary sanction solely on the basis of conduct that is speech or other communication that, when engaged in outside a campus of those institutions, is protected from governmental restriction by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution.

(b) A student enrolled in an institution, as specified in subdivision (a), at the time that the institution has made or enforced a rule in violation of subdivision (a) may commence a civil action to obtain appropriate injunctive and declaratory relief as determined by the court. Upon a motion, a court may award attorney's fees to a prevailing plaintiff in a civil action pursuant to this section.

(c) This section does not authorize a prior restraint of student speech or the student press.

(d) This section does not prohibit the imposition of discipline for harassment, threats, or intimidation, unless constitutionally protected.

(e) This section does not prohibit an institution from adopting rules and regulations that are designed to prevent hate violence, as defined in subdivision (a) of Section 4 of Chapter 1363 of the Statutes of 1992, from being directed at students in a manner that denies them their full participation in the educational process, if the rules and regulations conform to standards established by the First Amendment to the United States Constitution and Section 2 of Article I of the California Constitution for citizens generally.

(f) An employee shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in conduct authorized under this section, or refusing to infringe upon conduct that is protected by this section, the First Amendment to the United States Constitution, or Section 2 of Article I of the California Constitution.

66302.

The Trustees of the California State University, the Regents of the University of California, and the governing board of each community college district are requested to adopt and publish policies on harassment, intimidation, and bullying to be included within the rules and regulations governing student behavior within their respective segments of public postsecondary education. It is the intent of the Legislature that rules and regulations governing student conduct be published, at a minimum, on the Internet Web site of each public postsecondary educational campus and as part of any printed material covering those rules and regulations within the respective public postsecondary education system.

66302.5.

The Trustees of the California State University shall provide, and the Regents of the University of California are requested to provide, as a part of established campus orientations, educational and preventive information about cyberbullying to students at all campuses of their respective segments.!!!!!!!

66303.

For purposes of promoting peaceful campus demonstrations, the Trustees of the California State University shall require each campus of the California State University to designate an individual to serve as a liaison between campus law enforcement agencies and students exercising rights guaranteed by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution, or both. The Regents of the University of California are requested to designate an individual at each campus of the University of California to serve as a liaison between campus law enforcement

agencies and students exercising rights guaranteed by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution, or both.

66017.

The respective governing boards of the California Community Colleges, the California State University, or the University of California shall adopt appropriate procedures and designate appropriate persons to take disciplinary action against any student, member of the faculty, member of the support staff, or member of the administration of the community college, state college, or state university who, after a prompt hearing by a campus body, has been found to have willfully disrupted the orderly operation of the campus. Nothing in this section shall be construed to prohibit, where an immediate suspension is required in order to protect lives or property and to ensure the maintenance of order, interim suspension pending a hearing; provided that a reasonable opportunity be afforded the suspended person for a hearing within 10 days. The disciplinary action may include, but need not be limited to, suspension, dismissal, or expulsion. Sections 89538 to 89540, inclusive, shall be applicable to any state university or college employee dismissed pursuant to this section. SEE THIS

76020.

- (a) The governing body of any community college district may exclude students of filthy or vicious habits, or students suffering from contagious or infectious diseases.
- (b) The governing board of the community college may exclude from attendance on regular classes any student whose physical or mental disability is such as to cause his or her attendance to be inimical to the welfare of other students.

76030

- (a) Consistent with requirements of due process of law, with this article, and with the rules of student conduct adopted by the governing board under Section 66300, the governing board, the president of a community college or the president's designee, or an instructor shall suspend a student for good cause. In addition, the governing board is authorized to expel a student 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. The suspension or expulsion of a student shall be accompanied by a hearing conducted pursuant to the requirements of Section 66017.
- (b) (1) Notwithstanding any other law, if an order requested by a community college district to protect a campus of a community college district or any person regularly present on a campus of that district is issued upon a finding of good cause by a court against a student of that community college district, and the order prevents that student from attending classes and maintaining his or her academic standing, the community college district may require the student to apply for reinstatement after the expiration of that order. If the district requires the student to apply for reinstatement, it shall do so before the expiration of the protective order. If a student applies for reinstatement under this paragraph, a review with respect to the application shall be conducted. This review, at a minimum, shall include consideration of all of the following issues:
- (A) The gravity of the offense.
 - (B) Evidence of subsequent offenses, if any.
 - (C) The likelihood that the student would cause substantial disruption if he or she is reinstated.
- (2) The governing board of the community college district, or the person to whom authority is delegated pursuant to subdivision (f) of Section 76038, shall take one of the following actions after conducting a review under paragraph (1):
- (A) Deny reinstatement.

(B) Permit reinstatement.

(C) Permit conditional reinstatement and specify the conditions under which reinstatement will be permitted.

76033.

As used in this article, “good cause” includes, but is not limited to, the following offenses, occurring while enrolled as a student:

- (a) Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
- (b) Assault, battery, or any threat of force or violence upon a student or college personnel.
- (c) Willful misconduct which results in injury or death to a student or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the district.
- (d) The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code.
- (e) Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the governing board.
- (f) Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- (g) Sexual assault, defined as actual or attempted sexual contact with another person without that person’s consent, regardless of the victim’s affiliation with the community college, including, but not limited to, any of the following:
 - (1) Intentional touching of another person’s intimate parts without that person’s consent or other intentional sexual contact with another person without that person’s consent.
 - (2) Coercing, forcing, or attempting to coerce or force a person to touch another person’s intimate parts without that person’s consent.
 - (3) Rape, which includes penetration, no matter how slight, without the person’s consent, of either of the following:
 - (A) The vagina or anus of a person by any body part of another person or by an object.
 - (B) The mouth of a person by a sex organ of another person.
- (h) Sexual exploitation, defined as a person taking sexual advantage of another person for the benefit of anyone other than that person without that person’s consent, regardless of the victim’s affiliation with the community college, including, but not limited to, any of the following:
 - (1) Prostituting another person.
 - (2) Recording images, including video or photograph, or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent.
 - (3) Distributing images, including video or photograph, or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure and objected to the disclosure.
 - (4) Viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent, and for the purpose of arousing or gratifying sexual desire.

76034.

(a) Except in response to conduct specified in subdivisions (g) and (h) of Section 76033, no student shall be removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or college attendance.

(b) This section is not intended to limit provisions of federal law, or limit the ability of community college districts to take appropriate action under federal law.

76038.

(a) If the governing board of a community college district receives an application for admission from an individual who has been expelled from another district pursuant to this article within the preceding five years, or who is undergoing expulsion procedures in another district, for any of the offenses listed in subdivision (b), before taking action to deny enrollment or permit conditional enrollment as authorized by subdivision (e), the governing board or delegate pursuant to subdivision (f) shall hold a hearing, conducted in accordance with this section and the applicable rules and regulations governing enrollment hearings authorized by this section and adopted in accordance with Section 66300, to determine whether that individual poses a continuing danger to the physical safety of the students and employees of the district.

(b) For purposes of this section, "offense" means one of the following:

(1) Committed or attempted to commit murder.

(2) Caused, attempted to cause serious, or threatened to cause physical injury to another person, including assault or battery as defined in Section 240 or 242 of the Penal Code, except in self-defense.

(3) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 287, 288, or 289 of, or former Section 288a of, the Penal Code or committed sexual battery as defined in Section 243.4 of the Penal Code.

(4) Committed or attempted to commit kidnapping, or seized, confined, inveigled, enticed, decoyed, abducted, concealed, kidnapped, or carried away another person by any means with the intent to hold or detain that person for ransom or reward.

(5) Committed or attempted to commit robbery or extortion.

(6) Committed stalking as defined in Section 646.9 of the Penal Code.

(7) Unlawfully possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object.

(c) A community college district may request information, and respond to a request for information, from another community college district to determine whether an applicant continues to pose a danger to the physical safety of others.

(d) A community college district may require a student seeking admission who has been previously expelled from a community college in the state for any of the actions listed in subdivision (b) to inform the district of his or her prior expulsion. Failure to do so may be considered by the district in determining whether to grant admission, and a written record of the fact may be maintained by the district with the applicant's file.

(e) The governing board of a community college district, upon making a determination pursuant to subdivision (a), shall take into consideration evidence of subsequent offenses and rehabilitative efforts since the offense and may take any of the following actions:

- (1) Deny enrollment.
- (2) Permit enrollment.
- (3) Permit conditional enrollment.

(f) The governing board of a community college district may delegate any authority under this section to the superintendent or president of a community college district, or his or her designee, or a threat assessment crisis response team pursuant to rules and regulations adopted pursuant to Section 66300.

(g) Before the governing board of a community college district takes action as authorized under this section, the governing board shall establish a formal appeals process for students denied enrollment to appeal the decision to the governing board. A student who is denied enrollment under subdivision (e) may appeal the decision to deny enrollment to the governing board of the community college district.

(h) This section shall not be construed to impose any duty on a community college district to review applicants for admission or review previously enrolled students, whether returning or continuing, or to conduct a hearing in response to the receipt of any information regarding a potential, former, or existing student.

(i) In accordance with Sections 815.2 and 820.2 of the Government Code, a community college district, a member of the governing board of a community college district, an officer or employee of a community college district, including a superintendent of a community college district, a president of a community college district, and the designee of a president or a superintendent, shall not be liable for an injury resulting from an exercise of discretion pursuant to this section, including, but not limited to, an exercise of discretion not to conduct a hearing when a hearing is not required.

(j) This section shall not apply to the admission of students for whom a community college district has discretion to admit pursuant to Section 76000.

76224.

(a) When grades are given for any course of instruction taught in a community college district, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final.

(b) No grade of a student participating in a physical education class, however, may be adversely affected due to the fact that the student does not wear standardized physical education apparel where the failure to wear such apparel arises from circumstances beyond the control of the student.

76120.

The governing board of a community college district shall adopt rules and regulations relating to the exercise of free expression by students upon the premises of each community college maintained by the district, which shall include reasonable provisions for the time, place, and manner of conducting such activities.

Such rules and regulations shall not prohibit the right of students to exercise free expression including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges, or other insignia, except that expression which is obscene, libelous or slanderous according to current legal standards, or which so incites students as to create a clear and present danger of the commission of unlawful acts on community college premises, or the violation of lawful community college regulations, or the substantial disruption of the orderly operation of the community college, shall be prohibited.

76121.

The governing board of each community college district shall require each community college maintained by the district, in administering any test or examination, to permit any student who is eligible to undergo the test or examination to do so, without penalty, at a time when that activity would not violate the student's religious creed. This requirement shall not apply in the event that administering the test or examination at an alternate time would impose an undue hardship which could not reasonably have been avoided. In any court proceeding in which the existence of an undue hardship which could not reasonably have been avoided is an issue, the burden of proof shall be upon the institution.

California Code, Penal Code - PEN § 626.4

Current as of January 01, 2023

(a) The chief administrative officer of a campus or other facility of a community college, a state university, the university, an independent institution of higher education, or a school, or an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, may notify a person that consent to remain on the campus or other facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility.

(b) Whenever consent is withdrawn by any authorized officer or employee, other than the chief administrative officer, the officer or employee shall as soon as is reasonably possible submit a written report to the chief administrative officer or designee. The report shall contain all of the following:

(1) The description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number.

(2) A statement of the facts giving rise to the withdrawal of consent.

If the chief administrative officer or, in the chief administrative officer's absence, a person designated by the chief administrative officer for this purpose, upon reviewing the report, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, the chief administrative officer may enter written confirmation upon the report of the action taken by the officer or employee. If the chief administrative officer or, in the chief administrative officer's absence, the person designated by the chief administrative officer, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

(c) Consent shall be reinstated by the chief administrative officer whenever they have reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility. In no case shall consent be withdrawn for longer than **14 days** from the date upon which consent was initially withdrawn. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the two-week period. The written request shall state the address to which notice of hearing is to be sent. The chief administrative officer shall grant such a hearing not later than seven days from the date of receipt of the request and shall immediately mail a written notice of the time, place, and date of such hearing to such person.

(d) Any person who has been notified by the chief administrative officer of a campus or other facility of a community college, a state university, the university, an independent institution of higher education, or a school, or by an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to

subdivision (a); who has not had such consent reinstated; and who willfully and knowingly enters or remains upon such campus or facility during the period for which consent has been withdrawn is guilty of a misdemeanor. This subdivision does not apply to any person who enters or remains on such campus or facility for the sole purpose of applying to the chief administrative officer for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

(e) This section shall not affect the power of the duly constituted authorities of a community college, a state university, an independent institution of higher education, the university, or a school, to suspend, dismiss, or expel any student or employee at the college, state university, university, an independent institution of higher education, or school.

(f) Any person convicted under this section shall be punished by a fine not exceeding five hundred dollars (\$500), by imprisonment in a county jail for a period of not more than six months, or by both that fine and imprisonment.

(g) This section shall not affect the rights of representatives of employee organizations to enter, or remain upon, school grounds while actually engaged in activities related to representation, as provided for in Chapter 10.7 (commencing with [Section 3540](#)) of [Division 4 of Title 1 of the Government Code](#).

(a) If a person who is not a student, officer, or employee of a college, or university, or an independent institution of higher education, and who is not required by their employment to be on the campus or any other facility owned, operated, or controlled by the governing board of that college, university, or an independent institution of higher education enters a campus or facility, and it reasonably appears to the chief administrative officer of the campus or facility, or to an officer or employee designated by the chief administrative officer to maintain order on the campus or facility, that the person is committing any act likely to interfere with the peaceful conduct of the activities of the campus or facility, or has entered the campus or facility for the purpose of committing any such act, the chief administrative officer or their designee may direct the person to leave the campus or facility. If that person fails to do so or if the person willfully and knowingly reenters upon the campus or facility within **seven days** after being directed to leave, the person is guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500), by imprisonment in a county jail for a period of not more than six months, or by both that fine and imprisonment.

(b) The provisions of this section shall not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

(c) When a person is directed to leave pursuant to subdivision (a), the individual directing the person to leave shall inform the person that if the person reenters the campus or facility within seven days the person will be guilty of a crime.

(e) This section shall not affect the power of the duly constituted authorities of a community college, a state university, an independent institution of higher education, the university, or a school, to suspend, dismiss, or expel any student or employee at the college, state university, university, an independent institution of higher education, or school.

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