

AP 5520 STUDENT DISCIPLINE PROCEDURES

References:

Education Code Sections 66017, 66300, 72122, 76030 and 76032

I. General Provisions

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

These Administrative Procedures are 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.

II. Definitions

District -- The Riverside Community College District

Student -- Any person currently enrolled as a student at any college or in any program offered by the District.

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 Vice President of Student Services or designee for good cause from one or more classes for a period of up to ten consecutive days of instruction.

Long-term Suspension -- Exclusion of the student by the Vice President of Student Services or designee for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

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.

Loss of privileges – Loss of Privileges denies, for a designated period of time, a student's attendance on District property to specified activities (library privileges, football game, club activities, or other non-instructional activities) and will be delineated in a written notification to the student.

Restitution: This is financial reimbursement to the District for damage or misappropriation of property. Reimbursement may also take the form of appropriate service to repair or otherwise compensate for damage.

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 District. A record of the fact that a verbal reprimand has been given may become part of a student's record at the District for a period of up to one year.

Withdrawal of Consent to Remain on Campus -- Withdrawal of consent by the President or designee for any person to remain on campus in accordance with California Penal Code Section 626.4 where the President or designee has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

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

III. Academic Dishonesty

In cases of academic dishonesty by a student, a faculty member may take any one of the following actions:

1. The faculty member may:
 - a. reduce the score on test(s) or assignment(s) according to the weight of the test or assignment;
 - b. reduce the grade in the course if the weight of the test or assignment warrants grade reduction; or,
 - c. fail the student in the course if the weight of the test or assignment warrants course failure.

The faculty member may recommend to a College Dean of Instruction that the student be suspended from the course. If the course suspension is recommended, the Dean of Instruction will review the information

regarding the charge of academic dishonesty, notify the student, consult with the faculty member regarding the recommendation for suspension and turn the matter over to the Vice President of Student Services who will take appropriate action.

2. If the suspension is upheld, the College Vice President of Student Services will make note of the offense in the student's educational records. A second instance of academic dishonesty may result in expulsion proceedings. Enrollment, tuition, and other applicable fees will not be refunded as a result of disciplinary action for academic dishonesty.

IV. Actions That May Be Taken Prior to Suspension or Expulsion

The following actions may be taken by appropriate personnel prior to considering suspension or expulsion:

- A. Removal from Class (Education Code Section 76032) -- Any instructor may order a student removed from his or her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the appropriate Department Chair person and/or the Dean of Instruction, who will in turn notify the Dean of Student Services or designee. The Dean of Student Services or designee shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests it, the Dean of Student Services or designee shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the Dean of Student Services or designee from recommending further disciplinary action in accordance with these procedures based on the facts which led to the removal.
- B. Immediate Interim Suspension (Education Code Section 66017) -- The President or designee may order immediate suspension of a student where he or she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.
- C. Withdrawal of Consent to Remain on Campus -- The President or designee may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If consent is withdrawn by the President or designee, a written report must be promptly made to the Chancellor.

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

In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn.

Any person for 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)

V. Process Preceding Suspensions or Expulsions

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

- A. Notice -- The Vice President of Student Services or designee will provide the student with notice of the conduct warranting the discipline.
- B. Time limits -- The notice must be provided to the student within five (5) days of the date on which the conduct becomes known to the Vice President of Student Services or designee; in the case of continuous, repeated or ongoing conduct, the notice must be provided within five (5) days on which the conduct becomes known to the Vice President of Student Services or designee.
- C. Meeting -- Unless otherwise agreed upon, the student must meet with the Vice President of Student Services or designee within five (5) days after the notice is provided. During the meeting, the student will be given the following:
 - o the facts leading to, and in support of, the accusation
 - o the specific section of the Standards of Student Conduct that the student is accused of violating
 - o the nature of the discipline that is being considered
 - o an opportunity to respond verbally or in writing to the accusation
- D. Potential Disciplinary Actions
 1. Short-term Suspension -- Within five (5) days after the meeting described above, the Vice President of Student Services or designee shall decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the Vice President's or designee'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 Vice President's or designee's decision on a short-term suspension shall be final.

2. Long-term Suspension -- Within five (5) days after the meeting described above, the Vice President of Student Services or designee shall decide whether to impose a long-term suspension. Written notice of the Vice President's or designee's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.
3. Expulsion -- Within five (5) days after the meeting described above, the Vice President of Student Services or designee shall decide whether to recommend expulsion to the Chancellor. Written notice of the Vice President's or designee's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.

VI. Hearing Procedures

- A. Request for Hearing -- Within five (5) days after receipt of the President's or designee's decision regarding a long-term suspension, the student may request a formal hearing. The request must be made in writing to the President's or designee's.
- B. Schedule of Hearing -- The formal hearing shall be held within ten (10) days (excluding weekends and holidays) after a formal request for hearing is received.
- C. Hearing Panel -- The hearing panel for any disciplinary action shall be composed of one administrator, one faculty member and one student.

The President of the Academic Senate shall, at the beginning of the academic year, establish a list of at least five faculty who will serve on student disciplinary hearing panels. At the time that a hearing is requested, the President will notify the Associated Students President who will provide the name of a student to serve on the panel. This name shall be provided within 48 hours. The President or designee 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.

- D. Hearing Panel Chair -- The President or designee 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.

- E. Conduct of the Hearing -- The hearing will comply with principles of due process, including the right to confront and cross examine witnesses. The following procedure will be followed:
1. 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.
 2. The facts supporting the accusation shall be presented by the administrator who issued the disciplinary action.
 3. The administrator and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
 4. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.
 5. Unless the hearing panel determines to proceed otherwise, the administrator and student shall each be permitted to make an opening statement. Thereafter, the administrator shall make the first presentation, followed by the student. The administrator may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the administrator to prove by a preponderance of the evidence that the facts alleged are true.
 6. The student may represent himself or herself, and may also have the right to be represented by a person of his or her choice, except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. In that case, and if the student wishes to be represented by an attorney, a request must be presented not less than five (5) days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the administrator 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.
 7. Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than five (5) days prior to the date of the hearing.
 8. 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.

9. The hearing shall be electronically recorded by the District, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.
10. All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded is not unavailable.
11. Within five (5) days following the close of the hearing, the hearing panel shall prepare and send to the President, a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

VII. President's Decision

Upon receipt of the Hearing Panel's decision, the President of the College will consider the decision of the Panel.

- A. Long-term suspension -- Within five (5) days following receipt of the hearing panel's recommended decision, the President shall render a final written decision. The President may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the President modifies or rejects the hearing panel's decision, the President shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the President shall be final.
- B. Expulsion - Within five (5) days following receipt of the hearing panel's recommended decision, the President shall render a written decision. The President may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the President modifies or rejects the hearing panel's decision, the President shall review the record

of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The President will forward his or her decision to the Chancellor with a copy to the hearing panel.

VIII. Chancellor's Decision

The Chancellor will review any recommended expulsions. Within five (5) days following receipt of the President's recommended decision, the Chancellor shall render a written recommendation decision to the Board of Trustees. The Chancellor may accept, modify or reject the findings, decisions and recommendations of the President. If the Chancellor modifies or rejects the President's decision, he or she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The Chancellor's decision shall be forwarded to the Board of Trustees, with a copy to the President.

IX. Board of Trustees Decision

The Board of Trustees shall consider any recommendation from the Chancellor for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

The Board of Trustees 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 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 two (2) days after receipt of the notice, request that the hearing be held as a public meeting.

Even if a student has requested that the Board of Trustees consider an expulsion recommendation in a public meeting, the Board of Trustees 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 of Trustees may accept, modify or reject the findings, decisions and recommendations of the Chancellor and/or the hearing panel. If the Board of Trustees 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 of Trustees shall be final.

The final action of the Board of Trustees on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.

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

Office of Primary Responsibility: Vice Chancellor, Educational Services

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