

HARTNELL COMMUNITY COLLEGE DISTRICT

AP 5520 Student Discipline

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

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

These 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.

I. DEFINITIONS

District – The Hartnell Community College District

Student – Any person currently enrolled as a student at any college or in anp.eNBT1 0 0 3tn[)]T#Tp1336.07

Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the *Director of Student Affairs* for any person to remain on campus in accordance with California Penal Code Section 626.4 where the Director of Student Affairs has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Day –

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

III. HEARING PROCEDURES

A. Request for Hearing.

Within *five (5) days* after receipt of the *Superintendent/President’s* decision regarding a long-

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.

C. Superintendent/President's Decision

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

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

D. Board of Trustees Decision

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

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

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

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

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

The Board may accept, modify or reject the findings, decisions and recommendations of the

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

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

IV. OTHER AVAILABLE SANCTIONS

A. Immediate Interim Suspension

The *Superintendent/President* may order immediate suspension of a student where he/she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-

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

D. Official Reprimands

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

E. Social Probation

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

F. Disciplinary Probation

A student may be required to adhere to specific written terms and conditions defined by the *Director of Student Affairs* and/or the Superintendent/President. The terms of

VI. ACADEMIC DISHONESTY

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

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

VII. STUDENT RECORD OF DISCIPLINE

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

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

See Board Policy 5500 and Administrative Procedure 5500

Approved by Superintendent/President: February 25, 2014; Revised_____