

## ACADEMIC SENATE EDUCATIONAL POLICIES COMMITTEE AGENDA

Tuesday, September 12, 2017 -- 1:00-1:50 Library Room 202

### Fall Meetings on 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays from 1-1:50 pm

Sept. 12 – Library Room 202

Sept. 26 – Library Room 154

Oct. 10 – Library Room 202

Oct. 24 – Library Room 202

Nov. 14 – DE Room / Library 166

Nov. 28 – DE Room / Library 166

Dec. 12 (tentative) – Library Room 202

### Members:

Darcie Descalzo (NS); Christina Gold (Chair, BSS); Vanessa Hayes (CEC); Chris Jeffries (ECCFT); Gary Medina (LLR); Karl Striepe (BSS); Lori Suekawa (CSS); Deans Rep: Linda Ternes (Math)

### I) To Do List Review

### II) Minimum Qualifications

- Update on Minimum Qualifications/FSA Task Force progress
- Changes/Updates on Disciplines

### III) AP 5520 Student Discipline Procedures - Discussion

- EPC was directed by the senate to review the procedure to determine whether the consequences for cheating are stringent enough.

### EPC Packet

1. To Do List
2. Local Minimum Qualifications changes resulting from 2016 changes to the state list.
3. AP 5520 Student Discipline Procedure (ECC, 12/14/15)
4. AP 5520 CCLC Template
5. Ed Code 66300, 72122, 76030

**EDUCATIONAL POLICIES COMMITTEE – 2017/18 TO DO LIST  
(September 2017)**

<b>BP/AP</b>	<b>Notes</b>	<b>Consultation</b>
<p><b><u>3050 AP Institutional Code of Ethics</u></b> new, legally required</p>	<p>Leads: Jean Shankweiler and committee</p> <ul style="list-style-type: none"> <li>Jean has created a cross campus committee to move forward and will bring the results of its work to the EPC and AS for consultation. Chris Jeffries sits on the committee.</li> <li>March 2017 – reviewed by Deans Council. After a few edits, will go back to Deans Council for a second time.</li> </ul>	<p><b>EPC:</b> 9/13/16 <b>DC:</b> <b>VPAA Meeting:</b> <b>AS:</b> <b>CC:</b> <b>Fed:</b> <b>BoT:</b></p>
<p><b><u>3504 BP Children and Visitors in the Classroom</u></b> new, not legally required</p>	<p>Leads: Rory Natividad, Amy Grant, Elise Geraghty</p> <ul style="list-style-type: none"> <li>March 2017 – Reviewed in Deans Council and sent to EPC. As per Jean – is an information item for EPC and AS.</li> <li>Chris G. consulted with Janet Young re: having young children on campus. Her understanding is that Community Care licensing regulations do not apply to community colleges. She is okay with enrolling K12, saying that we have plenty of safe guards and special approval would be granted. She does like the ASCCC paper and recommendations, including notifying faculty that minors are in their class. Also, it would be good to explain to faculty their responsibilities when there is a minor in the class and their relationship to parents.</li> <li>EPC: reviewed and sent recommendations to VPAA, including changing title to “Minors on Campus.” EPC also recommends a more detailed letter to parents explaining more fully what it means to have a child on an adult campus. Also, we recommend notations on the roster for minors and mandated reporter training. Faculty need to know what it means to have a child in the classroom.</li> </ul>	<p><b>EPC:</b> 9/13/16; 3/28/17 <b>DC:</b> 10/13/16; 3/17 <b>VPAA Meeting:</b> <b>AS:</b> <b>CC:</b> 11/14/16 <b>Fed:</b> <b>BoT:</b></p>
<p><b><u>4020 BP/AP Program, Curriculum &amp; Course Development</u></b> revising 2010 version, legally required.</p>	<ul style="list-style-type: none"> <li>Jean is checking into this.</li> </ul>	<p><b>EPC:</b> <b>DC:</b> <b>VPAA Meeting:</b> <b>AS:</b> <b>CC:</b> <b>Fed:</b> <b>BoT:</b></p>
<p><b><u>4022 AP Course Approval</u></b> new, legally required</p>	<p>Lead: Amy Grant</p> <ul style="list-style-type: none"> <li>Reviewed in Deans Council in March 2017 and will be forwarded to the College Curriculum Committee with questions about unit maximums. Will also get Lori Suekawa’s opinion before sending to</li> </ul>	<p><b>EPC:</b> <b>CCC:</b> <b>DC:</b> March 2017 <b>VPAA Meeting:</b></p>

	<p>EPC.</p> <ul style="list-style-type: none"> <li>Consider question of whether to change CCC consults with VPAA and Board approval</li> </ul>	<p>AS: CC: Fed: BoT:</p>
<p><b><u>4102 AP Career and Technical Training</u></b> new, legally required.</p>	<ul style="list-style-type: none"> <li>Leads: Stephanie Rodriguez and R. Davis</li> </ul>	<p>EPC: DC: VPAA Meeting: AS: CC: Fed: BoT:</p>
<p><b><u>4103 AP Work Experience</u></b> new, legally required</p>	<p>Lead: Virginia Rapp</p>	<p>EPC: DC: VPAA Meeting: AS: CC: Fed: BoT:</p>
<p><b><u>4115 BP Limitation of Remedial Coursework</u></b> revising 2006 version, renumbering, not legally required</p> <p><b><u>4222 AP Remedial Coursework</u></b> new, legally required</p>	<p>-A BP that needs and AP</p> <p>-4115 BP should be renumbered to align with 4222 AP, which is legally required (a correlating BP is not legally required).</p> <p>-Requires process for students to appeal the 30-unit basic skills remedial limitation.</p> <p>-Feb. 2017 Tom Lew has drafts of BP4115 and AP4222. Tom says there are errors in the CCLC template for BP 4115 that he has corrected (I can't find the template). As per Tom, AP 4222 will require development of a waiver form for remedial limitation and criteria and a process.</p> <p>-Tom sent Title 5 changes</p> <p>-Elise Geraghty is forming a task force. RoseAnn Cerofeci agreed to serve as a faculty (Senate?) rep.</p>	<p>EPC: DC: 2/9/17 VPAA Meeting: AS: CC: Fed: BoT:</p>
<p><b><u>4226 BP/AP(?) Multiple and Overlapping Enrollment</u></b> new, legally required</p>	<p>-Discussed in Deans Council. Not yet ready for EPC.</p> <p>-We don't allow overlapping enrollment but Title 5 does. This may be what the Deans were discussing.</p>	<p>EPC: DC: May 2017 VPAA Meeting: AS: CC: Fed: BoT:</p>
<p><b><u>4227 AP Repeatable Courses</u></b> new, legally required</p>	<p>Leads: W. Cox and Rori Natividad</p>	<p>EPC: DC: VPAA Meeting: AS: CC: Fed: BoT:</p>

<p><b><u>4226 BP/AP Multiple and Overlapping Enrollment</u></b></p>	<ul style="list-style-type: none"> <li>We currently don't allow overlapping enrollment, but Deans Council had a long conversation about. Title 5 allows it under specific conditions. Deans will continue to discuss it, then will come to EPC.</li> </ul>	<p><b>EPC:</b>  <b>DC:</b> Spring 2017  <b>VPAA Meeting:</b>  <b>AS:</b>  <b>CC:</b>  <b>Fed:</b>  <b>BoT:</b></p>
<p><b><u>4250 BP/AP Probation, Dismissal and Readmission</u></b>  BP legally required  AP legally required</p>	<p>Lead: Linda Clowers  Last updated in Spring 2016A</p> <p>The following are the numbers and titles for the CCLC templates:  BP 4250 Probation, Dismissal and Readmission  AP 4250 Probation  AP 4255 Dismissal and Readmission  Our AP combines 4250 and 4255.</p>	<p><b>EPC:</b>  <b>DC:</b>  <b>VPAA Meeting:</b>  <b>AS:</b>  <b>CC:</b>  <b>Fed:</b>  <b>BoT:</b></p>
<p><b><u>4300 BP/AP Field Trips and Excursions</u></b>  revising 2009 version, legally required.</p>	<p>Lead: Rory Natividad.  Deans will follow up with Greg Toya.</p> <ul style="list-style-type: none"> <li>[Is there anything here about minors?]</li> </ul>	<p><b>EPC:</b>  <b>DC:</b>  <b>VPAA Meeting:</b>  <b>AS:</b>  <b>CC:</b>  <b>Fed:</b>  <b>BoT:</b></p>
<p><b><u>5010 BP/AP Admissions</u></b>  BP and AP revised (2013) and legally required</p> <p><b><u>5011 AP Concurrent Enrollment</u></b>  Revised (2013) and legally required</p>	<p>Lead: Bill Mulrooney</p> <ul style="list-style-type: none"> <li>Bill Mulrooney emailed that he has prepared drafts of BP 5010 and AP 5011.</li> <li>12/13/16 Dual enrollment meeting. Discussed expansion of DE and CE – i.e. Project Lead the Way</li> <li>In AS exec meeting with VP, Jeanie said would send these to Senate.</li> <li>BP/AP 5010 Bill M. has drafts ready that have gone through Deans Council and are headed to College Council. At the AS exec meeting with Jeanie on 3/17 she said she will send it thru AS</li> <li>Bill will send me a draft.</li> <li>Kristie would like EPC to see it asap in fall because of Bill's retirement.</li> <li>Follow up with Bill</li> </ul>	<p><b>EPC:</b>  <b>DC:</b> 6/22/17 and 7/27/17  <b>VPAA Meeting:</b>  <b>AS:</b>  <b>CC:</b>  <b>Fed:</b>  <b>BoT:</b></p>
<p><b><u>5031 AP Instructional Materials Fees</u></b>  new and legally required</p>	<p>Contacts: Bill Mulrooney, Linda Ternes, Amy Grant</p> <ul style="list-style-type: none"> <li>Bill Mulrooney created a draft to be reviewed in Deans Council in March 2017.</li> <li>Follow up with Bill</li> </ul>	<p><b>EPC:</b>  <b>DC:</b> waiting for review  <b>VPAA Meeting:</b> 10/20/16  <b>AS:</b>  <b>CC:</b>  <b>Fed:</b>  <b>BoT:</b></p>

<p><b><u>5520 AP Student Discipline Procedures</u></b></p>	<ul style="list-style-type: none"> <li>• In the fall, bring to the Senate for an exploratory discussion.</li> <li>• Concerns were raised re: the weak implementation of disciplinary action for cheating.</li> </ul>	<p><b>EPC:</b> <b>DC:</b> <b>VPAA Meeting:</b> <b>AS:</b> <b>CC:</b> <b>Fed:</b> <b>BoT:</b></p>
<p><b><u>5500 AP Standards of Student Conduct</u></b></p> <p><b><u>Recording in the Classroom Syllabus Statement</u></b></p>	<ul style="list-style-type: none"> <li>• 5500 AP edited to include a clearer statement re: student recording in the classroom. Also, updated sections regarding smoking and sexual and gender based misconduct to bring them into alignment with newer BPs/APs. Passed Senate 5/16/17 along with syllabus statement.</li> <li>• Sent to Jean &amp; Jeanie to take to College Council.</li> </ul>	<p><b>EPC:</b> 3/14/17 <b>DC:</b> 4/23/17 <b>VPAA Meeting:</b> <b>AS:</b> discussion 3/9/17; First reading 5/2/17; Second reading and passed 5/16/17 <b>CC:</b> <b>Fed:</b> sent 3/22/17 <b>BoT:</b></p>
<p><b><u>AP 7160 Professional Development</u></b> Last revised 3/17</p>	<ul style="list-style-type: none"> <li>• In discussions about flex activities, the Senate requested that this procedure be reviewed so that it more accurately reflects processes for faculty professional development as distinguished by Title 5.</li> <li>• Work on it over the summer with Kristie and Stacy to separate out the three processes, especially clarifying the faculty processes. Create and appeal for a flex denial.</li> <li>• Work on this – Give models to Kristie and Stacy</li> </ul>	<p><b>EPC:</b> <b>DC:</b> <b>VPAA Meeting:</b> <b>AS:</b> <b>CC:</b> <b>Fed:</b> <b>BoT:</b></p>
<p><b><u>AP 7211 Faculty Service Areas, Minimum Qualifications, and Equivalencies</u></b> New and legally required.</p>	<ul style="list-style-type: none"> <li>• EPC discussed FSAs, Min Quals, and Equivalencies twice in the spring.</li> <li>• A task force is creating a draft based on the existing, unposted, undated policy.</li> </ul>	<p><b>EPC:</b> 4/25/17; 5/9/17 <b>DC:</b> <b>VPAA Meeting:</b> <b>AS:</b> <b>CC:</b> <b>Fed:</b> <b>BoT:</b></p>
<p><b><u>AP 7250 Educational Administrative Retreat Rights</u></b> New, optional procedure</p>	<ul style="list-style-type: none"> <li>• The Senate is requesting consultation as require by Ed Code section 87458</li> <li>• Pertains to whether or not administrators can “retreat” into teaching.</li> <li>• We require 3 years teaching from administrators.</li> <li>• Title 5 requires retreating administrators to meet min quals, but Kristie is also proposing a teaching demonstration.</li> <li>• Ask Kristie re: progress</li> </ul>	<p><b>EPC:</b> <b>DC:</b> <b>VPAA Meeting:</b> <b>AS:</b> <b>CC:</b> 4/17/17; 5/1/17 <b>Fed:</b> <b>BoT:</b></p>
<p><b><u>Advanced Placement</u></b></p>	<p>Lori would like us to review the 15 unit limitation on AP credit to earn an Associate’s degree.. Some students come in with more credit and deserve credit where credit is due.</p>	

	<p>2/15/17 Spoke with Jean. Regarding the 15 unit limitation on applying AP to assoc. degree, Quajuana says it was not established by the Curric Comm during her tenure. Jean will create an AP Task Force with Lori, a Dean and perhaps another faculty member to review the AP limit and make a recommendation. We need to find out how and why the 15 unit limit was decided before we change it.</p> <p>Feb. 2017 Bill Mulrooney, Barb Perez, Janet Young, Ann Collette and Lars Kjeseth don't know where the 15 unit limit came from. But, it may be related to the 15 unit limit for credit by exam.</p> <p>March 2017 - EPC forwarded the discussion of the 15 unit limit to the College Curriculum Committee. Forwarded to Allison K. and Janet Young for consideration.</p> <p>May 2017 – email with new state laws re: AP credit – forward to curriculum? Email Lori S. – should we send this to CCC? Should we notify department faculty of the changes?</p> <p>Fall 2017 – remind Curriculum Committee to review the 12 unit consideration.</p>	
<p><b><u>Minimum Qualifications</u></b></p>	<ul style="list-style-type: none"> <li>• A Min Quals/FSA Task Force has been created to: <ol style="list-style-type: none"> <li>1. Edit and update the local Min Quals list</li> <li>2. Ensure the updated list is posted to VPAA, AS and HR webpages</li> <li>3. Consult on updates to the FSA list in Appendix G of Contract</li> <li>4. Create AP 7211 FSAs, Min Quals and Equivalencies based on an edited version of the existing, unposted policy</li> <li>5. Review, update, and clarify the HR forms used in the equivalency process</li> </ol> </li> <li>• 4/4/17 – Mark F. gave presentation on MQs and equivalencies</li> <li>• Barb Perez is amendable to having EPC start of draft of AP7211 but would like to meet first.</li> <li>• Fall Flex Day – Task Force held a flex workshop on min quals and FSAs</li> <li>• 9/7/17 EPC will review updates to min quals that are responding to 2016 changes in the state list.</li> </ul>	<p><b>EPC:</b> 3/28/17 Task Force: 5/23/17; 9/7/17</p>

AS – Sept. 5	<ul style="list-style-type: none"> <li>• Review To Do List</li> <li>•</li> </ul>
EPC – Sept. 12	<ul style="list-style-type: none"> <li>• Review To Do List</li> <li>• Min Quals – discipline changes</li> <li>• AP 5520 Student Discipline Procedures</li> </ul>
AS – Sept. 19	<ul style="list-style-type: none"> <li>•</li> </ul>

EPC – Sept. 26	•
AS – Oct. 3	•
EPC – Oct. 10	•
AS – Oct. 17	•
EPC – Oct. 24	•
AS – Nov. 7	•
EPC – Nov. 14	•
AS – Nov. 21	•
EPC – Nov. 28	•
AS – Dec. 5	•
EPC/AS – Dec. 12 (tentative)	•

## Local Minimum Qualification Changes

### REMOVE OLD

#### **Developmental Disabilities: Disabled Students Programs and Services**

\*Master's or equivalent foreign degree, in the category of disability, special education, education, psychology, educational psychology, or rehabilitation counseling; AND fifteen semester units of upper division or graduate study in developmental disabilities.

\*This is a paraphrased version of title 5 §53414(d)(1)(2)(B). If there is any conflict between the paraphrased language and the Title 5 language, the Title 5 language shall prevail.

[Consultation: Julie Land – In light of the new min qual, Learning Disabilities Specialist, discipline faculty would like to remove this discipline and only use Learning Disabilities Specialist in order to avoid confusion.]

### ADD NEW

Learning Disabilities Specialist

Master's degree in learning disabilities, special education, education, psychology, speech language pathology, communication disorders, educational or school psychology, counseling, or rehabilitation counseling AND 15 semester units of upper division or graduate study in the area of learning disabilities, to include, but not limited to, adult cognitive and achievement assessment

OR

the equivalent.

[Consultation: Julia Land is the lead and she has the full agreement of discipline faculty. They would like to only use this min qual for hiring.]

### REVISED

~~Counseling: Disabled Students Programs and Services~~ Community College Counselor of Students with Disabilities

~~\*Possession of a Master's degree, or equivalent foreign degree, in rehabilitation counseling,~~

~~OR~~

~~Possession of a Master's degree, or equivalent foreign degree, in special education, and twenty-four or more semester units in upper division or graduate level course work in counseling, guidance, student personnel, psychology, or social work;~~

OR



a Master's degree in counseling, guidance counseling, student personnel, clinical or counseling psychology, education counseling, social work, career development, marriage and family therapy, marriage, family, and child counseling, ~~or social welfare~~ or a Bachelor's degree in marriage and family therapy or in marriage, family, and child counseling and possession of a license as a Marriage and Family Therapist (MFT); and either ~~twelve~~ fifteen or more semester units in upper division or graduate level course work specifically ~~in counseling or rehabilitation or individuals related to people~~ with disabilities, or completion of six semester units, or the equivalent of a graduate-level counseling practicum or counseling field work courses, in a post-secondary Disabled Students Programs and Services program or in a program dealing with people with disabilities, or two years of full-time experience, or the equivalent, in one or more of the following: (A) counseling ~~or guidance~~ for students with disabilities; or (B) counseling ~~and /or guidance~~ in industry, government, public agencies, military or private social welfare organizations in which the responsibilities ~~of the position were predominantly or exclusively~~ are for persons with disabilities, or the equivalent.

\*This is a paraphrased version of Title 5 §53414(a). If there is any conflict between the paraphrased language and the Title 5 language, the Title 5 language shall prevail.

[Consultation: Kate Beley and Christine Pajo are in agreement with the change.]

## **Administrative Procedure 5520**

## **Student Discipline Procedures**

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.

The 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.

### **DEFINITIONS**

1. College District - El Camino Community College District. Student discipline sanctions imposed to students at El Camino College will also apply to all instructional sites in the El Camino Community College District.
2. Student - Any person who has applied for admission or currently enrolled as a student in any program offered by the College District.
3. Instructor - Any academic employee of the College District in whose class a student subject to sanction 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.
4. Complainant - A person who submits a charge alleging that a student has violated the College District's Student Code of Conduct.
5. Accused Student - A student who has been accused of violating the Student Code of Conduct by a College District employee, student, or visitor.
6. Advisor - An advisor is anyone other than the complainant or accused student. An advisor may include, but is not limited to, another student, family member, attorney, College personnel, or community member. The advisor's role is to observe, provide counsel, or support the complainant or accused student.
7. Business Day - Unless otherwise provided, a business day shall mean a day during which the College District is in session and regular classes are held, excluding Saturdays, Sundays, and public holidays.

8. College District Property - Property under the control of the El Camino Community College District or any place that is the site of a College District approved activity or function.

### **JURISDICTION OF THE COLLEGE**

Sanctions for violations of the Student Conduct Code may be imposed for conduct which occurs on the College premises, in or out of the classroom setting, while using College technology, at off-campus instructional sites, during off-campus College-sponsored events and for off-campus conduct which materially and substantially interferes with the College's operational and educational programs.

### **FILING A COMPLAINT**

Any person may allege a violation of the Student Conduct Code by completing a Student Conduct Incident Report Form and submitting it to the Student Development Office. The College reserves the right to initiate a student conduct process based on available information, even if a formal complaint has not been received. The complaint shall describe the conduct in question and, if known, the name of the person or persons alleged to have engaged in that conduct. The filing of a complaint assumes that the complainant desires to initiate the inquiry that may result in official disciplinary action against the alleged violator. The complainant should file a complaint within a reasonable amount of time not to exceed thirty (30) business days from the date of the incident.

### **OVERVIEW OF DISCIPLINE PROCESS**

1. Each student is responsible for reading and complying with the Standards of Student Conduct which is made available on the El Camino College website on the Student Development Office page or from the Student Development Office located in the Activities Center, Room 160 and the College Catalog.
2. Any member of the College community can initiate an accusation of an alleged violation.
3. If a student is accused of an alleged violation, he or she will receive written notice of the conduct warranting discipline via El Camino College issued e-mail account with delivery notification. The notice may include a request for a review meeting and will include:
  - a. The specific code violations
  - b. A short statement of the facts supporting the accusation

- c. The right of the student to meet with the Director of Student Development or designee
  - d. Reference to the Standards of Student Conduct outlining the process and rights of students
  - e. The nature of the sanctions being considered.
4. Time Limits - The notice must be provided to the student within forty (40) business days of the date on which the conduct took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within ten (10) business days of the date on which conduct occurred which led to the decision to take disciplinary action.
5. Meeting - If the student chooses to meet with the Director of Student Development or designee, the meeting must occur no sooner than five (5) business 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.
  - a. Both the complainant and the accused student may be accompanied by an advisor to any meetings, interviews, or hearings. The advisor's role is to observe, provide counsel, or support the complainant or accused student. An advisor may not speak on behalf of the complainant or accused student or speak to the Director of Student Development or designee. Advisors who do not comply with their role may be removed from the meeting, interview, or hearing.
6. Upon completion of the review meeting, the student shall have the right to the following:
  - a. Be provided a written list of findings by the Director of Student Development or designee
  - b. Accept or deny responsibility
  - c. Have sanctions imposed, if found in violation of the Standards of Student Conduct
  - d. Request a hearing of the Disciplinary Hearing Panel should the student disagree with the finding(s) and sanction(s) of the Director of Student Development or designee

- e. Be informed of the appropriate policy and procedure
  - f. Be informed of his/her right to request a copy of their student conduct file.
7. Students should be aware that the student conduct process is different from criminal and civil court proceedings. Procedures and rights in student conduct proceedings are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. The standard used to determine whether a violation of the Standards of Student Conduct has occurred will be a preponderance of evidence (more likely than not). Due process within these procedures, assures timely written notice, a hearing before an objective decision-maker or panel (should one be requested) and a process for appeal.
  8. Students continue to be subject to city, state, and federal laws while at El Camino College and allegations, charges, or violations of those laws may also constitute violations of the Standards of Student Conduct. In such instances, El Camino College may proceed with disciplinary action under the Standards of Student Conduct independently of any criminal proceeding involving the same conduct and may impose sanctions for violation of the Standards of Student Conduct even if such criminal proceeding is not yet resolved or is resolved in the student's favor.
  9. No student will be found in violation of El Camino College Standards of Student Conduct without information showing by preponderance of the evidence that a policy violation has occurred. At El Camino College's sole discretion, sanctions will be proportionate to the severity of the violation(s).
  10. If a student is found responsible for one or more violations of the Standards of Student Conduct, the student's prior conduct record will be taken into consideration and may result in progressive sanctions because of a pattern of behavior.

### **DETERMINATION OF SANCTIONS**

The following factors may be considered in determining what sanctions are appropriate in a particular case. While sanctions are applied equitably and fairly, it is done so with consideration for the uniqueness of each individual case.

1. The nature and/or severity of the violation(s)
2. Prior violations and disciplinary history
3. Mitigating circumstances surrounding the violation
4. The student's motive or purpose for engaging in the behavior
5. Sanctions which have been imposed in similar cases in the past

6. The developmental and educational impact on the student

### **POSSIBLE SANCTIONS**

Multiple sanctions may be imposed including, but not limited to:

1. Sanctions for Academic Dishonesty

Students found to be responsible for academic dishonesty may incur any of the below sanctions:

- a) The instructor may assign a failing grade to the examination or assignment in which the alleged cheating or plagiarism occurred
- b) The instructor may dismiss the student from the class or activity for the present and/or following class session(s)
- c) The instructor or the Division administrator may require a meeting with the instructor and/or the Administrator; and/or
- d) The instructor shall complete a Student Conduct Incident Report and forward a copy to the Division administrator and the Director of Student Development or designee

### **OTHER SANCTIONS**

1. 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 District. A record of the fact that a verbal reprimand has been given may become part of a student's record at the College District.
2. Educational Sanctions - An educational sanction may include additional work assignments, essays, community service, behavioral contract, administrative referral, or other related educational assignment.
3. Probation - A reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be in violation of any Standards of Student Code during the probationary period. It may include restriction from contact with specified individuals, College activities, services, offices, or designated areas. Probation shall not be imposed for a period longer than one (1) academic year.

4. Restitution - A payment to compensate an injured party for financial harm in cases involving misconduct including, but not limited to, theft, destruction of property, or deception.
5. Removal from Class/Facility/College District Entity - Any instructor or Division administrator or designee may remove a student from the class, activity, office, department, or other educational forum for the day of the incident and one additional instructional day. The instructor or Division administrator or designee shall immediately report the removal to the Director of Student Development or designee and his or her Division Dean or Associate Dean. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor.
6. Withdrawal of Consent to Remain On-Campus - The College District's Campus Police Department, 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 a written report must be promptly made to the Superintendent/President or designee.
7. 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 ten (10) business days from the date of the receipt of the request. The hearing will be conducted in accordance with the provisions of this administrative procedure relating to interim suspensions.
8. 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)
9. No Contact Order - An issuance that there should be no personal or interpersonal contact or communication between involved parties. This includes verbal and non-verbal communication.
10. Short-Term Suspension - Exclusion of the student by the Director of Student Development or designee for good cause from one or more classes and/or from all activities of the College District for a period of up to ten (10) consecutive days of instruction.
11. Within five (5) business days after the student meets with the Director of Student Development or designee, the Director of Student Development or designee shall decide whether to impose a short-term suspension, whether to impose some lesser

sanction, or whether to end the matter. Written notice of the Director 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 sanction. The Director of Student Development or designee's decision on a short-term suspension shall be final.

12. Long-Term Suspension - Exclusion of the student by the Director of Student Development or designee for good cause from one or more classes for the remainder of the school term and/or from all classes and activities of the College District for the remainder of the current term with a maximum of two (2) academic years.
13. Within five (5) business days after the student meets with the Superintendent/President or designee, the Director of Student Development or designee shall, pursuant to a recommendation from the Director of Student Development or designee, decide whether to impose a long-term suspension. Written notice of the Superintendent/President 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.
14. Students who receive long-term suspensions are permitted on-campus to conduct student business, but must receive permission from the Director of Student Development or designee prior to coming to campus and must check-in with the College District's Campus Police Department to obtain a police escort while on-campus.

### **IMMEDIATE INTERIM SUSPENSION (Education Code Section 66017)**

The Director of Student Development or designee may order immediate interim suspension of a student where he or she concludes the following:

1. To ensure the safety and well-being of members of the College District community or preservation of College District property
2. To ensure the student's own physical or emotional safety and well-being
3. That the student poses an immediate threat or disruption of or interference with the normal operations of the College District; and/or
4. That the student has been accused of a severe violation and cannot be located and/or does not participate in the conduct process

In cases where an interim suspension has been ordered, the time limits contained in this administrative procedure 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) business days of the decision to impose an interim suspension.

## **EXPULSION**

Expulsion is the permanent separation of a student from El Camino College and El Camino College Compton Center by action of the Board of Trustees for good cause when other means of correction fail to bring about appropriate conduct, or when the presence of the student causes a continuing danger to the safety of others. The student is prohibited from College District property, functions, events, and activities. Permanent notification will appear on student's El Camino College official transcript.

Within ten (10) business days after the student meets with the Director of Student Development or designee, the Director of Student Development or designee shall decide whether to recommend expulsion to the Board of Trustees. Written notice of the Director 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 disciplinary hearing.

## **DISCIPLINARY HEARING PROCEDURES**

### 1. Request for Disciplinary Hearing

Within five (5) business days after the receipt of the Director of Student Development or designee'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 Director of Student Development or designee.

### 2. Schedule of Disciplinary Hearing

- a) The formal hearing shall be held no sooner than ten (10) to twenty (20) business days after a formal request for hearing is received by the Student Development Office.
- b) The Dean of Student Support Services or designee will inform the student of the hearing date and time by certified mail, return receipt requested, e-mail to his or her El Camino College issued e-mail account, with delivery notification and/or in person with signature verification of receipt at least five (5) business days prior to the hearing date. The notice will enclose a description of the procedures to be followed at the hearing.

- c) The student and the College have the right to receive copies of all documents that are to be presented to the Disciplinary Hearing Panel.
- d) The Disciplinary Hearing Chair shall provide the student copies of all documents to be presented to the panel. The Chair shall make such documents available to the student as soon as practical before the hearing but not less than two (2) business days before the hearing.
- e) If the student intends to present any documents to the Disciplinary Hearing Panel he or she shall provide copies of the same to the Disciplinary Hearing Chair no less than two (2) business days prior to the hearing.
- f) If a student who has been given notice does not appear for the hearing, the information in support of the alleged violation(s) will be presented and considered in the student's absence. A student will be considered absent fifteen (15) minutes after the time the hearing was scheduled to convene.

### 3. Disciplinary Hearing Panel

- a) The Hearing Panel shall consist of the Dean of Student Support Services or designee as the Disciplinary Hearing Chair and one representative from each of the following groups: (1) Academic Senate; (2) Classified Employees; (3) Associated Student Organization; and (4) College Management which may include College supervisors.
- b) An affirmative vote of three members of the Disciplinary Hearing Panel shall be required to determine responsibility and sanctions.
- c) The Superintendent/President or designee, the president of the Academic Senate or designee, the president of the Classified Employees bargaining unit or designee, and the president of the Associated Student Organization (ASO) or designee shall each, at the beginning of the academic year, establish a list of at least five (5) persons who will serve on the Student Disciplinary Hearing panels. The Superintendent/President or designee shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member, classified staff 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 Disciplinary Hearing Panel.

#### 4. Disciplinary Hearing Panel Chair

The decision of the Chair of the Disciplinary Hearing Panel shall be final on all matters relating to the conduct of the hearing unless there is a vote by other members of the panel to the contrary.

### **CONDUCT OF THE DISCIPLINARY HEARING**

All hearings shall be held in closed session and are confidential - they are not open to the public.

1. The members of the disciplinary hearing panel shall be provided with a copy of the complaint(s) 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 a College representative who shall be the Director of Student Development or designee.
3. The College representative 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. The standard of proof for Student Disciplinary Hearings will be a preponderance of evidence.
5. Unless the disciplinary hearing panel determines to proceed otherwise, the College representative and the student shall each be permitted to make an opening statement. Thereafter, the College representative shall make the first presentation, followed by the student. The College representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the College representative to prove by preponderance of evidence that the facts alleged are true.
6. The student has the right to be assisted in the hearing by an advisor. The advisor may provide counsel or support to the student, but are not permitted to speak to the panel or participate directly in the hearing. Advisors who do not observe this restriction can be removed from the hearing by the Chair of the Disciplinary Hearing Panel.
7. If the student is a minor, the student's parent(s) or legal guardian must accompany him or her to the disciplinary hearing and may act on his or her behalf.
8. Witnesses shall not be present at the hearing when not testifying.

9. The student and the Dean of Student Support Services or designee may arrange for witnesses to present pertinent information to the Disciplinary Hearing Panel. Witnesses will provide information to and answer questions from the Disciplinary Hearing Panelists. All questions and responses are to be directed to the Panel, preferably the Chair, not between witnesses, complainant, and accused student.
10. If the complainant is unable to attend the hearing, his or her written statement will stand as his or her testimony.
11. The student and his or her advisor, if any, will be allowed to attend the entire portion of the hearing at which information is received, excluding deliberations of responsibility or sanctioning.
12. Should a student have an attorney present to advise him or her, the student must notify the Dean of Student Support Services or designee in writing at least five (5) business days prior to the Disciplinary Hearing of his or her intent to bring an attorney.
  - a) The student discipline process is an administrative process, not a court-like trial or proceeding. Attorneys are allowed to serve as advisors in meetings, interviews, or hearings but may not speak on behalf of the complainant or accused student or speak to the Dean of Student Support Services or designee during the meeting, interview, or hearing. If complainants or accused students bring an attorney to a meeting, interview, or hearing, College personnel may request legal assistance.
13. In hearings involving more than one student in the same situation, the Dean of Student Support Services or designee may permit the hearings concerning each student to be conducted jointly.
14. Supporting documentation, including pertinent records, exhibits and written statements may be accepted as information for consideration at the discretion of the Chair. Prior student conduct violations may be considered in a hearing and for determination of sanctions.
15. Questions of whether potential information will be received will be resolved at the discretion of the Chair. All procedural questions are subject to the final decision of the Chair.
16. The Panel will determine whether the student is responsible for violating each section of the Standards of Student Conduct which the student is accused of violating. The Panel's determination will be made on the basis of whether it is more likely than not (preponderance of evidence) that the student violated the Standards of Student Code.

The Panel will then determine what sanctions they deem appropriate for such violations.

17. Hearings (excluding deliberations) will be audio-recorded and made a part of the student's conduct file.
18. The Chair will prepare a written report detailing the finding, the vote, the information cited by the Panel in support of its findings and any information the Panel excluded and why, concluding with any recommended sanctions. The Chair will forward this document to the Director of Student Development or designee within five (5) business days upon the conclusion of the hearing.

**Additionally:**

1. Complainants are to be notified when written notice of the allegation/hearing is delivered to the accused student.
2. All parties to an allegation have a right not to face questions or discussion of their history or character unless the Hearing Panel Chair determines that such information is highly relevant to determining whether the policy has been violated.
3. Each party has the right to be present for all testimony and questioning. However, if requested, the Hearing Panel must make arrangements so that the complainant and accused are not in the same room at the same time.
4. The College must not require a complainant to be present as a prerequisite for the hearing to proceed or sanctions imposed.
5. Neither party is allowed to cross-examine each other or witnesses. All questions must be submitted to the Hearing Panel Chair.
6. Both parties have the right to appeal the decision of the panel.
7. The hearing shall be recorded by the College District by tape recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the Hearing Panel Chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. The tape recording shall remain in the custody of the College District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

## **SPECIAL PROVISIONS FOR SEXUAL AND GENDER-BASED MISCONDUCT**

Cases of alleged sexual and gender-based misconduct as defined in Board Policy 3540 and Administrative Procedure 3540 will be directed to the Title IX Coordinator for review and investigation. The Title IX Coordinator will work in coordination with the Director of Student Development or designee to address any violations to the Standards of Student Conduct that are in addition to the allegations of sexual and/or gender-based misconduct as outlined below.

Sexual and gender-based misconduct includes, but is not limited to:

1. Bullying
2. Dating Violence
3. Discrimination
4. Domestic Violence
5. Intimidation
6. Retaliation
7. Sexual Assault
  - a. Non-consensual sexual contact
  - b. Non-consensual sexual intercourse
8. Sexual Exploitation
9. Sexual Harassment
  - a. Hostile environment caused by sexual harassment
10. Stalking
11. Threatening or causing abuse including physical and verbal
12. Violence between those in intimate/dating relationships to each other

## **NOTICE OF THE DECISION**

The Dean of Student Support Services or designee shall provide the student written notice of the final resolution of charged violation(s). The written notice shall be sent to the student by certified mail, return receipt requested, or receipted for personal delivery or via El Camino College issued e-mail account with delivery notification, within five (5) business days of the written findings and decision of the Student Disciplinary Hearing Panel. In cases alleging gender-based or sexual misconduct, the complainant will receive

comparable notice of the relevant findings and sanctions from the Title IX Coordinator or designee.

1. The written notice to the student shall include:
  - a) The specific provision of the Standards of Student Conduct that was violated
  - b) The sanction(s) imposed and the date(s) on or periods for which they are in effect
  - c) A statement of the student's right to appeal in writing to the Vice President of Student and Community Advancement
  - d) A statement that the failure to file a request for such an appeal within the time provided shall be deemed a waiver of the right to an appeal.

### **APPEALS TO THE VICE PRESIDENT OF STUDENT AND COMMUNITY ADVANCEMENT**

An appeal to the Vice President of Student and Community Advancement or designee as a result of a Student Disciplinary Hearing Panel may be filed on the following grounds:

1. Proper procedures were not followed
2. There is new relevant evidence not reasonably available at the time of the hearing or the imposition of the sanction(s)
3. The evidence does not clearly support the finding(s)
4. The sanctions are inappropriate relative to the violation
5. Discrimination as defined in Board Policy 3410 and Administrative Procedure 3410

In cases alleging a violation of gender-based or sexual misconduct, both the accused student and the complainant have the right to appeal the findings of responsibility and/or sanctions based on the above criteria.

An appeal must be submitted in writing to the Vice President of Student and Community Advancement or designee within five (5) business days of receiving written notification of the hearing decision. The Vice President or designee will review the appeal and the hearing findings and may make a decision to uphold, reverse, revise, or modify the decision and sanctions imposed on the student.

The Vice President or designee will notify the student in writing by certified mail, with registered receipt, or via El Camino College issued e-mail account with delivery notification within ten (10) business days following receipt of the request for appeal of his or her decision.

The decision of the Vice President of Student and Community Advancement or designee shall be final, except in the case of expulsion.

### **PROCEDURES FOR EXPULSION**

The Board of Trustees 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 others. The notice of expulsion will be sent to the student with copies to the student file, Director of Student Development or designee, Dean of Student Support Services or designee, Director of Admissions & Records or designee, Vice President of Student and Community Advancement or designee, Superintendent/President or designee, and El Camino College Campus Police Department. In the event the Vice President or designee has determined that he or she will seek a student's expulsion, the following procedures will be followed:

1. Recommendation for Expulsion:

- a) If the Vice President of Student and Community Advancement or designee determines that the student should be expelled, he or she shall deliver a written recommendation for the student's expulsion to the Superintendent/President. A copy of the Vice President of Student and Community Advancement or designee's recommendation shall be provided to the student or, if the student is a minor, to his or her parent or guardian. The Vice President or designee's recommendation for expulsion shall contain a statement of the charges against the student that provide the basis for his or her request that the student be expelled, including a factual description of the conduct upon which the charges are based, the action(s) taken by the Student Conduct Administrator and the recommendation of the Student Disciplinary Hearing Panel.
- b) The Board of Trustees shall consider any recommendation from the Superintendent/ President for expulsion at the next regularly scheduled meeting of the Board of Trustees after receipt of the recommended decision. The Board shall consider any 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).



- c) The student shall be notified in writing, by registered or certified mail, by personal service, or via El Camino College issued e-mail account with delivery notification at least five (5) business days prior to the meeting, of the date, time, and place of the Board of Trustees' meeting. The student may, within forty-eight hours (48) 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 a closed session.
- d) The Board may accept, modify, or reject the findings, decisions, and recommendations of the Superintendent/President. 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 College District.
- e) The Vice President of Student and Community Advancement or designee shall notify the student in writing within five (5) business days of the decision made by the Board of Trustees. The decision of the Board of Trustees shall be final.
- f) The final action by the Board of Trustees on the expulsion shall be taken at the public meeting, and the result of the action shall be a public record of the College District.

## **GENERAL PROVISIONS**

### 1. Failure of Student to Participate

Student conduct procedures under this policy may proceed or continue notwithstanding the failure or refusal of a student to respond, attend, or otherwise participate after having been properly notified of the proceeding as provided herein.

### 2. Technical Departures from this Policy

Technical departures from this policy shall not be grounds to void the College District's right to take disciplinary action against a student; unless the technical departure or error prevented a fair determination of the issue.

3. Time Limits

Any times specified in this administrative procedure may be shortened or lengthened if there is mutual concurrence by all parties.

References:

Education Code Sections 66300, 72122, and 76030

(Reviewed and approved by the Academic Senate – October 2015)

Reviewed and accepted by the Board of Trustees: December 14, 2015

# 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, but 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.

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.

## 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.

**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.

**Short-term Suspensions, Long-term Suspensions, and Expulsions:** Before any disciplinary action to suspend, or expel is taken against a student, the following procedures will apply:

- **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.
- **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.
- **Meeting** – If the student chooses to meet with the **[designated 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.

**Short-term Suspension** – Within **[number of days]** after the meeting described above, the **[CEO]** shall, pursuant to a recommendation from the **[ designate position ]**, 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 **[ 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 on a short-term suspension shall be final.

**Long-term Suspension** – Within [**number of days**] after the meeting described above, the [ **CEO** ] shall, pursuant to a recommendation from the [**designated position**], decide whether to impose a long-term suspension. Written notice of the [ **CEO** ] 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.

**Expulsion** – Within [**number of days**] days after the meeting described above, the [ **CEO** ] shall, pursuant to a recommendation from the [**designated position**], decide whether to recommend expulsion to the Board of Trustees. Written notice of the [ **CEO'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.

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

The student may represent himself/herself, and may also have the right to be represented by a person of his/her choice. **[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, a request must be presented 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 recording 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. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

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

Within **[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 shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The **[CEO]** 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 forty-eight 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 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 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 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.

**Revised 6/13, 4/14, 4/15, 10/15**

## Education Code for AP 5520 Student Discipline Procedure

### **State of California EDUCATION CODE Section 66300**

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.  
(Amended by Stats. 1983, Ch. 143, Sec. 50.)

### **State of California EDUCATION CODE Section 72122**

72122. The governing board of a community college district shall, unless a request by the student has been made pursuant to this section, hold closed sessions if the board is considering the suspension of, or disciplinary action or any other action in connection with any student of the community college district, if a public hearing upon the question would lead to the giving out of information concerning students which would be in violation of state or federal law regarding the privacy of student records.  
Before calling a closed session of the governing board of the district to consider these matters, the governing board of the district shall, in writing, by registered or certified mail or by personal service, if the student is a minor, notify the student and his or her parent or guardian, or the student if the student is an adult, of the intent of the governing board of the district to call and hold the closed session. Unless the student, or his or her parent, or guardian shall, in writing, within 48 hours after receipt of the written notice of intention, request that the hearing of the governing board be held as a public meeting, then the hearing to consider those matters shall be conducted by the governing board in closed session. If the written request is served upon the clerk or secretary of the governing board, 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 or on behalf of whom the meeting is requested, shall be in closed session. Whether the matter is considered at a closed session or at a public meeting, the final action of the governing board of the community college district shall be taken at a public meeting and the result of that action shall be a public record of the community college district.  
The governing board of a community college district may hold closed sessions to consider the conferring of honorary degrees or to consider gifts from a donor who wants to remain anonymous.  
(Amended by Stats. 1990, Ch. 1372, Sec. 307.)

### **State of California EDUCATION CODE Section 76030**

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.

(Amended by Stats. 2015, Ch. 303, Sec. 121. (AB 731) Effective January 1, 2016.)