

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 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 and will not be used to punish expression that is protected.

### **DEFINITIONS**

1. District - El Camino Community College District. Student discipline sanctions imposed on students at El Camino College will also apply to all instructional sites of 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, College personnel, or community member. The advisor's role is to observe, provide counsel, or support the complainant or accused student. Advisors who do not comply with their role may be removed from the meeting, interview, or hearing. Attorneys may serve as a student's advisor only when long-term suspension, expulsion and/or parallel criminal charges are being considered.
7. Business Day - Unless otherwise provided, a business day shall mean a day during which administrative offices at the District are open for business excluding Saturdays, Sundays, and public holidays.
8. District Property - Property under the control of the El Camino Community College District or any place that is the site of a District-approved activity or function.

### **JURISDICTION OF THE DISTRICT**

Sanctions for violations of the Student Conduct Code may be imposed for conduct, which occurs

on the District premises, in or out of the classroom setting, while using District technology, at off-campus instructional sites, during off-campus District-sponsored events and for off-campus including online 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 an online Incident Report and Referral Form and submitting it to the Student Development Office. The District 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 Student Development Office, and the College Catalog.
2. Any member of the College community can initiate an accusation of an alleged violation.
3. Initial Notification - A student accused of an alleged violation, will receive written notice of the conduct warranting discipline via El Camino College issued e-mail account with delivery notification. Before or on the day the student is notified, the complainant will be notified that the student will receive written notice, copied to the complainant's manager if applicable. The notice may include a request for a review meeting and will include:
  - a. A short statement of the facts supporting the accusation.
  - b. The specific code violation(s).
  - 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 student must contact the Student Development Office to schedule the meeting no later than ten (10) business days after the notice is sent. 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.
  - b. Attorneys may serve as a student's advisor only when long-term suspension, expulsion and/or parallel criminal charges are considered.
6. Upon completion of the review meeting, the student shall be provided the following:
  - a. A summary of findings by the Director of Student Development or designee
  - b. The specific policies and procedures relevant to the case. The sanctions imposed, if found in violation of the Standards of Student Conduct
  - d. An opportunity to accept or deny responsibility
  - e. An opportunity to request a hearing of the Disciplinary Hearing Panel should the student disagree with the finding(s) and sanction(s) of a long-term suspension or expulsion by the Director of Student Development or designee
  - f. Information about the right to request a copy of their student conduct file.
7. Notification of Outcome
  - a. Student. Within five (5) business days after
    - i. the student meets with the Director of Student Development or designee or
    - ii. the conclusion of the investigation,

the student shall receive written notice of the case outcome which may include sanctions. The notice will include the right of the student to request a formal hearing for sanctions of long-term suspension and/or expulsion.

  - b. Complainant. The complainant will be notified of the case outcome as permissible by Family Educational Rights and Privacy Act (FERPA) within five (5) business days of the conclusion of the hearing.
8. 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.
9. 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.

10. 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).
11. 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.
12. Students who take accountability by admitting to the behaviors leading to the violation of the Standards of Student Conduct may voluntarily participate in a restorative justice conference with others involved in the case. The purpose of the conference is to discuss the impact of the student's actions, repair relationships, and re-integrate the student into the College community. The conference process may only occur if others who were impacted by the violation also voluntarily agree to participate.

### **DETERMINATION OF SANCTIONS**

While sanctions are applied equitably and fairly, each case is unique. The following factors may be considered in determining which sanctions are appropriate in a particular 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
7. The impact of the violation(s) on the complainant, other members of the campus community, classroom, and/or campus environment.

### **POSSIBLE SANCTIONS IMPOSED BY FACULTY MEMBERS AND ACADEMIC ADMINISTRATORS**

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

#### **1. Academic Dishonesty Sanctions**

The instructor shall complete an online Incident Report and Referral Form. Students found responsible for academic dishonesty may incur any of the following 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 class and/or following class session. If a student is suspended from class for disciplinary reasons, the student will be marked as absent. If a disciplinary suspension causes a student to miss more than 10% of the class meetings, the student may be dropped from the class.
- c. The instructor or the division administrator may require the student to meet with the instructor and/or the administrator.

- d. The instructor and/or the division administrator may issue a verbal or written warning for first-time violators.
  - e. First-time violations may be reviewed and referred to the Director of Student Development for additional sanction considerations. Repeat or severe violations of academic dishonesty will be referred to the Director of Student Development who may impose more severe sanctions such as disciplinary probation or suspension.
2. 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.
  3. Removal from Class/Facility/College District Entity - Any instructor or Academic administrator or designee may remove a student from the class, activity, office, department, or other educational forum for the day of the incident or the day the infraction was discovered, whichever is later, and one additional instructional day. The instructor or Academic 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.

**POSSIBLE SANCTIONS IMPOSED BY FACULTY MEMBERS, STUDENT DEVELOPMENT OFFICE, POLICE DEPARTMENT, OR OTHER ADMINISTRATIVE OFFICES**

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

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 District. A record of the fact that a verbal reprimand has been given may become part of a student's record at the 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 two (2) academic years or until the student graduates with a degree or certificate.
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 or the day the infraction was discovered, whichever is later, 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 by completing the on-line Incident Report and Referral Form. 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 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, they 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.
  - a. 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.
  - b. 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)
7. 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.
8. 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.
  - a. Within five (5) business days after
    - i. the student meets with the Director of Student Development or designee or
    - ii. conclusion of the investigation, 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 close the case without sanction. 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.
    - iii. The complainant will be notified of the case outcome as permissible by Family Educational Rights and Privacy Act (FERPA) within five (5) business days of the conclusion of the hearing.
9. 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 District for the remainder of the current term with a maximum of two (2) academic years.
  - a. Within five (5) business days after

- i. the student meets with the Director of Student Development or designee,
- ii. or conclusion of the investigation, 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 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.
- iii. The complainant will be notified of the case outcome as permissible by Family Educational Rights and Privacy Act (FERPA) within five (5) business days of the conclusion of the hearing.

b. 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 arrange a police escort with the District's Campus Police Department while on campus. Permanent notification will appear on the student's El Camino College official transcript.

10. Immediate Interim Suspension (Education Code Section 66017) - The Director of Student Development or designee may order immediate interim suspension of a student if they conclude the actions are necessary because of any of the following:

- a. That the student poses a threat to the safety and/or well-being of members of the District community or preservation of District property.
- b. That the student poses a threat to the student's own physical or emotional safety and well-being.
- c. That the student poses an immediate threat, disruption of, or interference with the normal operations of the College District.
- d. That the student has been accused of a severe violation, including Academic Dishonesty, 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.

11. Expulsion -Expulsion is the permanent separation of a student from El Camino College 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 District property, functions, events, and activities. Permanent notification will appear on the 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.

## **EXPULSION PROCEDURE**

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 and/or well-being 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, Registrar or designee, Vice President of Student Services or designee, Superintendent/President or designee, and El Camino College Campus Police Department.

### Recommendation for Expulsion:

#### Vice President Student Services

If the Vice President of Student Services or designee determines that, the student should be expelled;

1. The Vice President of Student Services shall deliver a written recommendation for the student's expulsion to the Superintendent/President.
  - A copy of the Vice President of Student Services or designee's recommendation shall be provided to the student or, if the student is a minor, to his or her parent or guardian.
2. The Vice President of Student Services or designee's recommendation for expulsion shall contain a statement of the charges against the student that provides the basis for his or her request that the student be expelled.
  - The statement of charges shall include a factual description of the conduct upon which the charges are based, the action(s) taken by the Director of Student Development or designee and the recommendation of the Student Disciplinary Hearing Panel.

#### Board of Trustees

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.

1. The student shall be notified in writing, by registered or certified mail or by personal service, and 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.
2. 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).
3. 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 a closed session.



4. 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 Vice President of Student Services 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. 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 District.

## **DISCIPLINARY HEARING PROCEDURES**

### **1. Request to Schedule a Disciplinary Hearing**

Within five (5) business days after the receipt of the letter from the Director of Student Development or designee's decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The student's request must be made in writing to the Dean of Student Support Services or designee.

- a. The Dean of Student Support Services or designee will coordinate and confirm with the student the hearing date and time by registered or certified mail or by personal service, and via El Camino College issued e-mail account with delivery notification at least five (5) business days prior to the hearing date (or unless other arrangements were mutually agreed upon in writing). The notice will enclose a description of the procedures to be followed at the hearing and confirmation of accommodations, if necessary. On the day the student is sent notification, the complainant will be notified as well.
- b. The formal hearing shall be held no sooner than ten (10) and no later than twenty (20) business days (unless another date is mutually agreed upon by both parties) after a formal written request for hearing is received by the Dean of Student Support Services or designee.
- c. The student and the District 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 they 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.

## 2. 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) District Management, which may include District 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 from each area who will serve on the Student Disciplinary Hearing panels for a term of at least one academic year. The Disciplinary Hearing Panel Members will receive training on annual basis or as needed. 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.
- d. The decision of the Chair of the Disciplinary Hearing Panel shall be final on all matters relating to the location, time, date and conduct of the hearing unless there is a vote by other members of the panel to the contrary.

## 3. Disciplinary Hearing Process

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

- a. 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.
- b. The facts supporting the accusation shall be presented by a College representative who shall be the Director of Student Development or designee.
- c. The College representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
- d. Formal rules of evidence shall not apply. The standard of proof for Student Disciplinary Hearings will be a preponderance of evidence.
- e. 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.

- f. 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 is 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.
- g. If the student is a minor, the student's parent(s) or legal guardian must accompany them to the disciplinary hearing and may act on his or her behalf.
- h. 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. Witnesses shall not be present at the hearing when not testifying.
- i. If the complainant is unable to attend the hearing, his or her written statement will stand as his or her testimony.
- j. 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.
- k. Should a student have an attorney present to advise them, 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.

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.

- l. In hearings that involve more than one student in the same incident, the Dean of Student Support Services or designee may permit the hearings concerning each student to be conducted jointly.
- m. 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 for determination of sanctions.
- n. The Chair will determine whether additional information will be considered. All procedural questions are subject to the final decision of the Chair.
- o. 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 (a

preponderance of evidence) that the student is responsible for violating the Standards of Student Conduct. The panel's decision will be determined through majority vote. The Panel will then determine what sanctions are appropriate.

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

Additionally:

- a. Complainants are to be notified within five (5) business days when written notice of the allegation is delivered to the accused student.
- b. 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 relevant to determining whether the policy has been violated.
- c. 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.
- d. The College must not require a complainant to be present as a prerequisite for the hearing to proceed or sanctions imposed.
- e. Neither party is allowed to cross-examine each other or witnesses. All questions must be submitted to the Hearing Panel Chair.
- f. Both parties have the right to appeal the decision of the panel to the Vice President of Student Services within five (5) business days of the receipt of written notification of the hearing outcome.
- g. The hearing shall be recorded by the College District by audio recording, and shall be the only recording made. Witnesses who refuse to be recorded will not be permitted to give testimony. 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 audio recording shall remain in the custody of the College District at all times, unless released to a professional transcribing service.

#### 4. 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. In all other cases the complainant will be notified of the case outcome by the Director of Student Development or designee as permissible by Family Educational Rights and Privacy Act (FERPA) within five (5) business days of the conclusion of the hearing.

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 Services.
- 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.
- e. The complainant will be notified of the hearing panel outcome (as permissible by FERPA)

#### 5. Appeals to the Vice President of Student Services

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

- a. Proper procedures were not followed
- b. There is new relevant evidence not reasonably available at the time of the hearing or the imposition of the sanction(s)
- c. The evidence does not clearly support the finding(s)
- d. The sanctions are inappropriate relative to the violation
- e. 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 Services 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 Services or designee shall be final, except in the case of expulsion.

## **PROVISIONS**

### 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 issues.

### Special Provisions for Crisis Prevention

Students in distress may also be directed to the Assessment, Intervention, and Management of Safety (AIMS) Team for assistance.

### 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

Provisions for Discrimination

Cases of alleged discrimination as defined in Board Policy 3410 and Administrative Procedure 3410 will be directed to the Office of Staff and Student Diversity for review and investigation.

**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, 76120 and 76030 (Reviewed and approved by the Academic Senate – October 2015)

Family Educational Rights and Privacy Act 20U.S.C. section 1232G:34CFR part 99

Association of Student Conduct Administrators: An Attorney's role in the conduct process

Ed Policies: 11/13/18, 11/26/18, 2/26/19, 3/12/19

Senate Approved 4/16/19

College Council 5/3/19

Reviewed and accepted by the Board of Trustees: 12/14/15

Amended: 5/20/19