



AP 5520 Student Discipline Procedures

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

Disciplinary action involving students is primarily the responsibility of the Vice President for Student Services. Disciplining students is a means of protecting the rights and privileges of each member of the campus community, as well as protecting College property.

The procedures described herein are designed to protect students from the imposition of unfair disciplinary action. It is the right of every student to request due process. In order to file an appeal against disciplinary action, the individual must be currently enrolled or must have been enrolled at the time of the alleged violation.

Definitions:

District: The Butte-Glenn Community College District.

Student: Any person currently enrolled as a student at the 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.

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.

Probation: Continues the student in the College community on the condition of appropriate future behavior. Probation is a non-appealable disciplinary action.

Social Probation: Continues the student in the College community on the condition of appropriate future behavior, but excludes the student from participation in co-curricular and extra-curricular activities. Social probation is a non-appealable disciplinary action.

Short-term Suspension: Exclusion of the student by the Vice President for Student Services or designee for good cause from one or more classes for a period of up to ten consecutive days of instruction.

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

Summary Suspension: Exclusion from the College for an indefinite period. This action is authorized by the Vice President for Student Services, and the Superintendent/President must be informed. This action is noted in the student's file.

Expulsion: Exclusion of the student by the Board of Trustees from the College 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.

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

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

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:

- **Written Notice.** The Vice President for Student Services or designee 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 Vice President for Student Services 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 seven (7) 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 seven (7) 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 Vice President for Student Services or designee, the meeting can occur 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 five (5) days after the meeting described above, the Vice President for Student Services or designee shall decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the Vice President's or designee's decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The Vice President's or designee's decision on a short-term suspension or a lesser disciplinary action shall be final.

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

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

Disciplinary Hearing Procedures:

Request for Hearing. Within ten (10) days after receipt of the Vice President's 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 Vice President for Student Services or designee.

Schedule of Hearing. The formal hearing shall be held within ten (10) days after a formal request for hearing is received.

Hearing Panel (Judicial Council). The hearing panel for any disciplinary action shall be the Judicial Council, which shall be composed of two students selected by the President of the Associated Students, two faculty members selected by the President of the Academic Senate and one administrator selected by the Superintendent/President or designee.

The Superintendent/President or designee, the President of the Academic Senate, and the Associated Students' President shall each, establish a list of at least three persons who will serve on 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 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 (Judicial Council) Chair. The Vice President for Student Services shall appoint one member of the Judicial Council to serve as the chair. The decision of the Council chair shall be final on all matters relating to the conduct of the hearing unless there is a majority vote by the other members of the Council to the contrary.

Conduct of the Hearing.

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 Vice President for Student Services or designee.

The College representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter. Students must send witness lists to the Office of the Vice President for Student Services no later than six (6) instructional days prior to the hearing.

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

Unless the Judicial Council 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 their evidence. The burden shall be on the College representative to prove by preponderance evidence that the facts alleged are true.

The student may represent themselves and may be accompanied at the hearing by someone of their choice to act as support and this person may not be an attorney. The student must present their own case; the student's supporting individual may not present the student's case.

Hearings shall be closed and confidential unless the student requests that the hearing be open to the public. Any such request must be made no less than five (5) 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. Either party or both parties may request a copy of the recording. Either party may provide their own recording device or stenographer at their own cost. Witnesses who refuse to be recorded or sworn in at the hearing may not testify. In the event the hearing is recorded, the Council 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.

All testimony shall be taken under oath; the oath shall be administered by the Council chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify.

Within five (5) days following the close of the hearing, the Council shall prepare and send to the Superintendent/President a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing and not on matters outside of that record. The record consists of the original accusation, the written response of the student, if any, and the oral and written evidence produced at the hearing as well as the investigatory file prepared by the District.

Superintendent/President's Decision:

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

Expulsion. Within five (5) days following receipt of the Council's recommendation, the Superintendent/President shall render a written recommendation to the Board of Trustees. The Superintendent/President may accept, modify or reject the findings, decisions and recommendations of the Council. If the Superintendent/President modifies or rejects the Council's decision, the Superintendent/President shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The Superintendent/President's decision shall be forwarded to the Board of Trustees.

Board of Trustees' Decision: The Board of Trustees shall consider any recommendation from the Superintendent/President for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommendation.

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 or by personal service, at least three (3) days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within forty-eight 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 Superintendent/President and/or the Judicial Council. 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. The District may disclose expulsion information to other institutions where the student seeks to enroll and/or on the student's transcript.

Summary Suspension [Education Code Section 66017]: The Vice President for Student Services or designee may order immediate suspension of a student where he or she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.

Removal from Class [Education Code Section 76032]: Any instructor may order a student removed from their class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the Vice President for Student Services or designee. 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 Vice President for Student Services 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 Vice President for Student Services or designee may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, they must promptly leave or be escorted off campus. If consent is withdrawn by the Vice President for Student Services or designee, a written report must be promptly made to the Superintendent/President.

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

In no case shall consent be withdrawn for longer than ten (10) 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.

Emergency Mental or Physical Health Withdrawal and Readmission: Board Policy authorizes the Superintendent/President to suspend any student for good cause for an indefinite period of time as prescribed by code. In addition to disciplinary action that may be taken under College policies and procedures, the College reserves the right to:

- A. Request or require a student to withdraw from the College for reasons pertaining to mental or physical health when the student's behavior is a direct threat of harm to self or others; or
- B. When a student's mental or physical health-related behavior significantly disrupts the ability of other students, faculty or staff to participate in the educational programs or employment opportunities offered by the College.

Students who are withdrawn from the College by the Vice President for Student Services or designee pursuant to this policy may be considered for readmission following a determination by the Vice President for Student Services or designee that the behaviors precipitating withdrawal are, to their satisfaction, resolved or satisfactorily treated. The determination of readmission is made in conjunction with an ad-hoc Mental and Physical Health Advisory Team, which will be appointed by the Vice President for Student Services or designee in accordance with the needs of each individual case. In making a recommendation on readmission, the Team will consider information and relevant material submitted by the petitioning student. (Team members will often include representatives from Student Health Services, Counseling and Advising, DSPS and the Campus Police. In addition, instructional personnel may be invited as appropriate.)

Summary Suspension:

If, for reasons pertaining to mental or physical health, a student's behavior:

- A. Poses an immediate and direct threat to self or others; or
- B. The student's behavior significantly disrupts the ability of other students, faculty or staff to participate in the educational programs or employment opportunities offered by the College.