



ADMINISTRATIVE **PROCEDURE**

5520

DESERT COMMUNITY COLLEGE DISTRICT

STUDENT DISCIPLINE PROCEDURES

The purpose of this policy is to provide a prompt and equitable means to address violations of the Desert Community College District 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 the purposes of retaliation. It is not intended to substitute for criminal or civil proceedings which 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 it will not be used to punish expression that is protected.

Definitions

1. District. The Desert Community College District
2. Student. Any person currently enrolled as a student at any college or in any program offered by the District.
3. Board of Trustees. The governing board of the District.
4. College Superintendent/President. The chief administrative officer, or that person's designee, of the college or program in which a student subject to discipline is enrolled.
5. Executive Vice President. Executive Vice President of Student Success and Student Learning, or the Executive Vice President's designee.
6. 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 any academic employee who has responsibility for the student's educational program.
7. Short-term Suspension. Exclusion of the student by a college Superintendent/President for good cause from one or more classes for a period of up to ten consecutive days of instruction.
8. Long-term Suspension. Exclusion of the student by a college Superintendent/President 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.

9. Expulsion. Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms.
10. Removal from class. Exclusion of the student by an instructor for the day of the removal and the next class meeting.
11. 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.
12. Withdrawal of Consent to Remain on Campus. Withdrawal of consent by the college Superintendent/President for any person to remain on campus in accordance with California Penal Code Section 626.4 where the college Superintendent/President has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.
13. Day. Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays.

Procedures Applicable to 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:

1. The Executive Vice President or the Executive Vice President's designee will conduct an investigation to determine the extent and/or validity of the charges and conduct against the student.
2. Notice. The Executive Vice President, or the Executive Vice President's designee, will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - a) The specific section of the Standards of Student Conduct which the student is accused of violating.
 - b) A short statement of the facts supporting the accusation.
 - c) The right of the student to meet with the Executive Vice President or the Executive Vice President's designee to discuss the accusation, or to respond in writing.
 - d) The nature of the discipline that is being considered.
 - e) Time limits. The notice must be provided to the student within ten (10) days of the date on which the Executive Vice President becomes aware of conduct giving rise to the proposed discipline; in the case of continuous, repeated or ongoing conduct, the notice

must be provided within ten (10) days of the date on which the Executive Vice President becomes aware of the latest conduct which led to the decision to take disciplinary action.

f) Meeting. If the student chooses to meet with the Executive Vice President or the Executive Vice President's designee, the meeting must occur within five (5) 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 five (5) days after the meeting described above, the college Superintendent/President shall, pursuant to a recommendation from the Executive Vice President, 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 Superintendent/President's decision shall be provided to the student. The notice will include the right of the student to request a meeting with the Superintendent/President, or their designee, before a short term suspension is imposed, a copy of this policy describing the procedures for a hearing and the length of time of the suspension, or the nature of the lesser disciplinary action. Any short-term suspension will result in a suspension of all District privileges, including class attendance.

Long-term Suspension

Within five (5) days after the meeting described above, the college Superintendent/President shall, pursuant to a recommendation from the Executive Vice President, decide whether to impose a long-term suspension. Written notice of the Superintendent/President's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing. Any long-term suspension will result in a suspension of all District privileges, including class attendance.

Expulsion

Within five (5) days after the meeting described above, the college Superintendent/President shall, pursuant to a recommendation from the Executive Vice President, decide whether to recommend expulsion to the Board of Trustees. Written notice of the Superintendent/President's decision shall be provided to the student. The notice will include the right to the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing. Any expulsion will result in a suspension of all District privileges, including class attendance.

Hearing Procedures

1. Request for Hearing. Within five (5) days after receipt of the college Superintendent/President'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 college Superintendent/President or the Superintendent/President's designee. Failure to provide the written request within five (5) days shall result in a waiver of the right to a hearing.

2. Schedule of Hearing. The formal hearing shall be held within fifteen (15) days after a formal request for hearing is received.
3. Hearing Panel. The hearing panel for any disciplinary action shall be composed of one (1) administrator, one (1) faculty member and one (1) student. The college Superintendent/President, the president of the Academic Senate, and ASCOD president shall each, at the beginning of the academic year, establish a list of a least five (5) persons who will serve on student disciplinary hearing panels. A list of five (5) administrators, faculty members, and students shall be compiled. The Superintendent/President 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.
4. Hearing Panel Chair. The Superintendent/President shall appoint one (1) 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.
5. Conduct of the Hearing.
 - a) 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.
 - b) The facts supporting the accusation shall be presented by a college representative who shall be the Executive Vice President or the Executive Vice President's 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. Any relevant evidence shall be admitted.
 - e) 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 completed his or her evidence. The burden shall be on the college representative to prove by a preponderance of the evidence that the facts alleged are true.
 - f) The student may represent himself or herself, and may also have the right to be represented by a person of his or her choice; except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five (5) days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance through the Office of the Superintendent/President. The hearing panel may also request legal assistance through the Office of the Superintendent/President, 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.

- g) The hearing shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than five (5) school days prior to the date of the hearing.
- h) 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.
- i) The hearing shall be recorded by the District either by tape recording or stenographic 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. 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.
- j) 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.
- k) Within five (5) days following the close of the hearing, the hearing panel shall prepare and send to the college 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 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.

Superintendent/President's Decision

1. Long-term suspension

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

2. Expulsion

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

Board of Trustees Decision

1. The Board of Trustees shall consider any recommendation from the college Superintendent/President for expulsion at the next regularly scheduled meeting of the Board after receipt of the Superintendent/President's recommended decision.
2. 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 rules.
3. The student shall be notified in writing, by registered or certified mail, mailed at least ten (10) days prior to the meeting. IF the student is notified by personal service, service must occur at least three (3) days prior to the meeting. The notification shall include the date, time, and place of the Board's meeting.
4. The student may, within forty-eight hours after receipt of the notice, request that the hearing be held as a public meeting by providing a written request to the Superintendent/President.
5. 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.
6. The Board may accept, modify or reject the findings, decisions and recommendations of the college Superintendent/President and/or the hearing panel. If the Board modifies or rejects the college Superintendent/President's 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.
7. 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.

(Education Code Section 72122)

Immediate Interim Suspension

The college Superintendent/President may order immediate suspension of a student where the Superintendent/President 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 the right to a hearing will be afforded to the student within ten (10) days.

(Education Code Section 66017)

Removal from Class

Any instructor may order a student removed from his or her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the department chair and the dean. The dean will notify Executive Vice President. The Executive Vice President, or designee, shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the Executive Vice President or the Executive Vice President's designee shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the Executive Vice President or the Executive Vice President's designee from recommending further discipline in accordance with these procedures based on the facts which led to the removal.

(Education Code Section 76032)

Withdrawal of Consent to Remain on Campus

1. The college Superintendent/President, or the Superintendent/President's designee, may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If consent is withdrawn by the Superintendent/President's designee, a written report must be promptly made to the college Superintendent/President.
2. 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 Immediate Interim Suspensions.
3. In no case shall consent be withdrawn for longer than fourteen (14) days from the date upon which consent was initially withdrawn.
4. 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)

Miscellaneous

The Superintendent/President or designee may shorten or lengthen the times specified in these procedures. The intent, however, is to ensure that each and every step will take place as expeditiously as possible. Any change to the time requirements will be made in writing.

RE: RANGE OF STUDENT DISCIPLINARY SANCTIONS

Consequences of violating the student Code of Conduct may include one or more of the following actions.

1. *Verbal Reprimand/Warning* – An oral admonition or warning to cease and desist from conduct that has been determined to violate the standards of student conduct. A record of the fact that a verbal reprimand has been issued may be retained as part of a student's record for a period up to one year and is considered in the event of future violations of the standards of student conduct during the period of retention.
2. *Written Reprimand/Warning* – Written admonition or warning to cease and desist from conduct that has been determined to violate the standards of student conduct. This formal reprimand may become part of a student's permanent record and is considered in the event of future violations of the standards of student conduct.
3. *Mental Health Clearance* – Under circumstances where an administrator has reasonable belief based on objective evidence that a student's presence on campus is a threat to the student or others, mental health clearance may be required before a student is readmitted to a particular class or allowed to be on District property. This determination will be made following consultation with legal counsel. The campus chief administrative officer, or designee, must receive a letter from a licensed mental health professional stating that in his or her professional judgment, the student's presence on campus is not a threat to himself or herself or others. The mental health professional must be licensed by the State of California. The student shall bear the cost and expenses of obtaining mental health clearance.
4. *Restitution* – Reimbursement for damage to or misappropriation of property. This may take the form of requiring appropriate service or other compensation.
5. *Disciplinary Probation* – Disciplinary action is monitored for a period less than a semester with student assigned duties supervised by a faculty or administrative mentor to correct conduct violation. Successful completion of the assigned duties within the defined time limits warrants removal of discipline status. Assigned duties that are incomplete/unsatisfactory within the defined time warrants advanced disciplinary sanctions.
6. *Removal from Class* – The exclusion of a student by the instructor from class for the day of the removal and the next class meeting for a maximum period of two consecutive class sessions (Education Code Section 76032).
7. *Short-term Suspension* – Exclusion of the student by college Superintendent/President for good cause from one or more classes for a period up to ten consecutive days of

instruction.

8. *Long-term Suspension* – Exclusion of the student by college Superintendent/President for good cause from one or more classes for the remainder of the college term, or from all classes and activities of the college for one or more terms.
9. *Immediate Interim Suspension* – The college Superintendent/President may order immediate suspension of a student where the president 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 right to an opportunity for a hearing will be afforded to the student within ten (10) days. (Education Code Section 66017)
10. *Removal from Facility* – The involuntary removal of a student by an administrator from a District or College facility, or facility under the control of the District or College, for a maximum period of two consecutive days/class session(s).
11. *Withdrawal of Consent to Remain on Campus* – Withdrawal of consent by the Superintendent/President or their designee for a student or other person to remain on a College campus where they have reasonable cause to believe that the student has willfully disrupted the orderly operation of the campus. Violation of this withdrawal during the designated time is a misdemeanor subject to arrest (California Penal Code, Section 626.4).
12. *Expulsion* – Termination of a student’s right and privileges, noted in student’s file. The involuntary removal of a student from the District and all District programs for one or more terms, or permanently, by action of the Board of Trustees (Education Code Section 72122).

Reference: Education Code Section 66300, 72122, 76030

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Administrator: Superintendent/President