

AP 5500 Student Discipline Procedures

Reference:

Education Code Section 66017, 66300, 66301, 76030 et seq.
Penal Code Section 626.4

- 1.0 The purpose of these administrative procedures is to provide a prompt and equitable means to address violations of the standards of student conduct in a manner consistent with requirements of due process of law. Nothing in these procedures is intended to infringe upon the rights of students to engage in the lawful exercise of free expression as protected by the state and federal constitutions and by the provisions of Education Code section 76120.
- 2.0 **Definitions**
- 2.1 Administrator: A management employee of the District having significant responsibilities for formulating District policies or administering District programs.
- 2.2 District: The North Orange County Community College District.
- 2.3 College: Cypress College, Fullerton College, and the School of Continuing Education and their respective programs.
- 2.4 Student: Any person currently enrolled as a student at a College or in any program offered by the District.
- 2.5 Instructor: Any instructional employee of the District in whose class a Student subject to discipline is enrolled.
- 2.6 Student Discipline Officer: The official at a College who is responsible for reviewing and processing student discipline matters.
- 2.7 President: The President of Cypress College, the President of Fullerton College, and the Provost of the School of Continuing Education.
- 2.8 Day: A day during which the District administrative offices are open for business. The time limits set forth in these procedures for action by the Student Discipline Officer, President, hearing officer or panel, and Board of Trustees are guidelines; failure to strictly adhere to these time limits shall not invalidate any action otherwise appropriately taken hereunder.
- 2.9 Expulsion: 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.
- 2.10 Formal Hearing: A hearing conducted before a hearing officer or hearing panel in accordance with section 4.0 of these procedures during which the student and the District may call and examine witnesses and present documentary evidence.
- 2.11 Informal Hearing: A meeting between the student and the Student Discipline Officer or designee in accordance with section 3.2.3 of these procedures to discuss the charges and provide the student with the opportunity to respond to the charges orally, or in writing.

AP 5500 Student Discipline Procedures

- 2.12 Suspension: The involuntary removal of a student for good cause from one or more classes or from the college by the President or designee for a limited period of time, as follows:
- 2.12.1 Short-Term Suspension: Removal from one or more classes for a period of up to 10 consecutive days of instruction;
 - 2.12.2 Long-Term Suspension: Long-term suspension may consist of:
 - 2.12.2.1 Removal from one or more classes for the remainder of the academic term;
 - 2.12.2.2 Removal from one or more classes for one or more academic terms; or
 - 2.12.2.3 Removal from all classes and activities of the College for one or more academic terms.
- A student placed on suspension from one or more classes may not, for the period of the suspension, be enrolled in any class or program at any College in the District that is substantially similar to the class(es) or program(s) from which the student is suspended.
- A student placed on suspension from all classes and activities of a College may not be enrolled in any College or program in the District for the period of suspension.
- 2.13 Removal from Class: The involuntary removal of a student from class by an Instructor for a maximum period of two consecutive class sessions.
- 2.14 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.
- 2.15 Disciplinary Probation: A status between good standing and suspension or expulsion. It covers a stated trial period and disciplinary conditions required of the student. At the end of the trial period, it shall be determined, based on whether the probationary conditions have been met, whether the student is to be returned to good standing, suspended, recommended for expulsion, or subject to other disciplinary action.
- 2.16 Loss of Privileges: Disciplinary action involving the loss of certain student privileges, such as eligibility to participate in extracurricular activities, for a stated period of time.
- 2.17 Formal Reprimand: Written admonition or warning to cease and desist from conduct that has been determined to violate the standards of student conduct. A formal reprimand becomes part of a student's permanent record and is considered in the event of future violations of the standards of student conduct.

AP 5500 Student Discipline Procedures

- 2.18 Informal Reprimand: 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 an informal reprimand has been given may be retained as part of a student's record for a period of up to one year and is considered in the event of future violations of the standards of student conduct during the period of retention. It is the student's responsibility to request that the record be removed upon expiration of the period of retention.
- 2.19 Withdrawal of Consent to Remain on Campus: Withdrawal of consent by the President or the President's designee for a student or other person to remain on a College campus in accordance with California Penal Code section 626.4 where the College President has reasonable cause to believe that the student has willfully disrupted the orderly operation of the campus.

3.0 Procedures for Implementing Disciplinary Action

3.1 Removal of Student From Class or From a Facility

- 3.1.1 Removal From Class by an Instructor: An Instructor may order a student removed from class for good cause. Removal shall be for a maximum period of two class sessions, which shall be the day of the removal and the next class meeting.

Removal From a Facility by an Administrator: For good cause, an administrator may order a student removed from a facility for the day of the offense and the next day.

- 3.1.2 The student shall be advised of the removal and the reasons therefore. The Instructor or Administrator shall immediately report the removal, through established College administrative channels, to the Office of the President and to the Student Discipline Officer for appropriate action and shall submit, through those channels, a written report describing the conduct warranting the removal to the Student Discipline Officer within ten (10) days of the removal.
- 3.1.3 The appropriate program administrator or the Student Discipline Officer shall conduct a meeting with the student. If the student is a minor, the Student Discipline Officer shall ask the parent or guardian of the student to attend a parent conference with the Instructor, if the removal was from class, or if the removal was from a facility, with the administrator who ordered the removal, as soon as possible. If the Instructor, administrator, or the parent or guardian so requests, the Student Discipline Officer shall attend the conference.
- 3.1.4 During the period of removal, the student shall not be returned to the class without the concurrence of the Instructor or, if the removal is from a facility, without the concurrence of the administrator who ordered the removal.

AP 5500 Student Discipline Procedures

3.1.5 Nothing herein shall prevent the President or Student Discipline Officer from recommending further disciplinary action in accordance with these administrative procedures based on the conduct which prompted the removal.

3.2 Suspension or Expulsion

3.2.1 Except in the case of immediate interim suspension as provided in section 3.3 of these procedures, before implementing disciplinary action to suspend or expel a student, the student shall be provided with a written notice of the conduct warranting the discipline, which shall include:

3.2.1.1 the section(s) of the Standards of Student Conduct the student is charged with violating;

3.2.1.2 a brief statement of the facts supporting the charges;

3.2.1.3 the right of the student to an informal hearing with the Student Discipline Officer or designee to discuss the charges, or to respond in writing; and

3.2.1.4 the nature of the proposed disciplinary action.

3.2.2 The notice shall be provided to the student within thirty (30) days of the date on which the conduct occurred or the date on which an Instructor or other official of the District learned of the conduct; or, in the case of continuous, repeated, or ongoing conduct, the notice shall be provided within thirty (30) days of the date of the most recent occurrence. Within five (5) days of receiving the notice, the student may submit to the Student Discipline Officer a written request for an informal hearing, as provided in section 3.2.1.3. In addition to, or in lieu of requesting an informal hearing with the Student Discipline Officer, the student may submit a written response to the charges. Notice is deemed received as of the date it was personally delivered or three (3) days after it was placed in the United States mail.

3.2.3 If the student requests an informal hearing as provided in section 3.2.1.3, the Student Discipline Officer shall hold an informal hearing during which the student shall be given an opportunity to respond orally or in writing to the charges.

3.2.4 Within five (5) days after the informal hearing, or within ten (10) days after the student has received the written notice pursuant to section 3.2.1 and has declined or failed to request a meeting, the Student Discipline Officer shall provide the President with a written recommendation regarding the specific disciplinary action to be imposed, if any, which shall include the factual findings regarding the charges and conclusions as to the standards of student conduct that were violated, if those findings and conclusions differ in any material respect from the initial notice.

AP 5500 Student Discipline Procedures

3.2.5 Within five (5) days after receipt of the recommendation of the Student Discipline Officer, the President shall render a decision regarding the disciplinary action to be implemented, if any, and shall provide written notice of the decision to the student. The President may accept, modify or reject the recommendation of the Student Discipline Officer.

3.2.5.1 Short-Term Suspension or Lesser Disciplinary Action

Where the decision of the President is to impose short-term suspension or some lesser disciplinary action, the decision of the President shall be final. The written notice to the student of the President's decision shall specify the length of time of the suspension or the nature and duration of the lesser disciplinary action.

3.2.5.2 Long-Term Suspension

3.2.5.2.1 Where the decision of the President is to impose long-term suspension, the student shall have the right to request a formal hearing before the suspension is imposed.

3.2.5.2.2 The written notice to the student of the President's decision shall specify the right of the student to request a formal hearing and shall include a copy of the formal hearing procedures.

3.2.5.2.3 Within five (5) days of receiving the written notice of the President's decision, the student may submit to the President a written request for a formal hearing. Notice is deemed received as of the day it was personally delivered or three (3) days after it was placed in the United States mail. The hearing, if requested, shall be conducted in accordance with the provisions of section 4.0 of these procedures. If the student does not request a hearing within five (5) days of receiving notice, the President's decision shall become final.

3.2.5.2.4 Within five (5) days after receipt of the recommended decision of the hearing officer or panel, the President shall render a final decision regarding the disciplinary action to be implemented, if any, and shall provide written notice of the decision to the student. The President may accept, modify or reject the findings, conclusions and recommendations of the hearing officer or panel. If the President

AP 5500 Student Discipline Procedures

modifies or rejects the decision of the hearing officer or panel, the 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 President shall be final.

3.2.5.3 Expulsion

3.2.5.3.1 A student may be expelled for good cause where other means of correction have failed to bring about proper conduct or when the presence of the student causes a continuing danger to the physical safety of students or others. Only the Board of Trustees may expel a student.

3.2.5.3.2 Where the decision of the President is to recommend expulsion to the Board of Trustees, the student shall have the right to request a formal hearing before expulsion is imposed.

3.2.5.3.3 The written notice to the student of the President's decision shall specify the right of the student to request a formal hearing and shall include a copy of the formal hearing procedures.

3.2.5.3.4 Within five (5) days of receiving the written notice of the President's decision, the student may submit to the President a written request for a formal hearing. Notice is deemed received as of the date it was personally delivered or three (3) days after it was placed in the United States mail. The hearing, if requested, shall be conducted in accordance with the provisions of section 4.0 of these procedures. If the student does not request a hearing within five (5) days of receiving the notice, the President's decision shall become final.

3.2.5.3.5 Within five (5) days after receipt of the recommended decision of the hearing officer or panel, the President shall render a decision regarding the disciplinary action to be implemented, if any. The President may accept, modify or reject the findings, conclusions and recommendations of the

AP 5500 Student Discipline Procedures

hearing officer or panel. If the President modifies or rejects the decision of the hearing officer or panel, the President shall review the record of the hearing and shall prepare a new written decision, which contains specific factual findings and conclusions.

3.2.5.3.5.1 Where the decision of the President is to impose suspension or some lesser disciplinary action, the decision of the President shall be final. The student shall be provided with a written notice of the President's decision, which shall specify the length of time of the suspension or the nature of the lesser disciplinary action.

3.2.5.3.5.2 Where the decision of the President is to recommend expulsion, the written recommendation of the President shall be submitted to the Board of Trustees for consideration in accordance with section 5.0 of these procedures. The Board of Trustees shall consider the recommendation for expulsion at the next regularly scheduled meeting of the Board following the meeting at which the recommendation was received.

3.2.6 The College President shall report all suspensions of students to the Chancellor.

3.2.7 Whenever a minor student is suspended, the parent or guardian shall be notified in writing by the President or designee.

3.2.8 In cases of assault, the Chancellor or President shall, upon the expulsion or suspension of any student, notify the appropriate law enforcement authorities of any acts of the student which may be in violation of Section 245 of the Penal Code.

3.3 Immediate Interim Suspension

AP 5500 Student Discipline Procedures

The President or designee may order the immediate suspension of a student where there is reasonable cause to believe that immediate suspension is required to protect lives or property and to ensure the maintenance of order. Where a student is placed on interim suspension, the procedural time limits specified in these procedures shall not apply. The student shall be given prompt notice of the charges and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, shall be afforded the student within ten (10) days of the imposition of interim suspension. The student shall not, without prior written permission from the President or designee, enter the campus of any College other than to attend the hearing. Violation of the interim suspension conditions shall be grounds for expulsion.

3.4 Withdrawal of Consent to Remain on Campus

3.4.1 The President or designee may withdraw consent for a student to remain on the College campus, in accordance with California Penal Code Section 626.4, where there is reasonable cause to believe that the student has willfully disrupted the orderly operation of the campus. A student who is on campus at the time consent is withdrawn shall promptly leave or be escorted off campus. Whenever consent is withdrawn by an authorized designee of the President, a written report shall be promptly submitted to the President.

3.4.2 Consent shall not be withdrawn for longer than fourteen (14) days from the date upon which consent was initially withdrawn. The student from whom consent has been withdrawn may submit a written request for a hearing to the Student Discipline Officer. The request must be submitted within the period of the withdrawal. A hearing, if requested, shall be held within seven (7) days of the date of receipt of the request. The hearing shall be conducted in accordance with the provisions of this procedure relating to interim suspensions.

3.4.3 A student from whom consent to remain on campus has been withdrawn and who willfully and knowingly enters or remains upon the campus or facility during the period for which consent has been withdrawn, except for the purpose of attending a meeting or hearing on the withdrawal, is subject to arrest.

4.0 Formal Hearing Procedures

4.1 Hearing Officer or Panel

4.1.1 At the discretion of the President, a formal disciplinary hearing may be conducted using the services of a hearing officer, or the President may select an impartial hearing panel comprised of two educational administrators at the level of dean or vice president, one of whom shall be selected from another college within the District.

AP 5500 Student Discipline Procedures

4.1.2 The President shall appoint one member of the panel to serve as the chair of the hearing panel. The decision of the chair shall be final on all matters relating to the conduct of the hearing.

4.1.3 No administrator who has any direct 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.

4.2 Notification of Hearing

The student, and the student's parent or guardian, if the student is a minor, shall be notified by registered or certified mail or by personal service of the date, time, and location of the hearing.

4.3 Conduct of Hearing

4.3.1 Prior to the hearing, the members of the hearing panel shall be provided with a copy of the charges against the student and any written response provided by the student.

4.3.2 The hearing shall be closed and confidential.

4.3.3 The student shall have the right to represent himself/herself at the hearing or to be represented by a person of the student's choice, except that neither the student nor the District shall be represented by legal counsel unless authorized by the hearing officer or panel, in which case both parties shall be entitled to be represented by legal counsel.

4.3.4 A record of the hearing shall be made by the District, either by means of tape recording or stenographic recording, and shall be the only recording made. In the event the record is by means of tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify himself/herself by name, and thereafter shall ask each witness to identify himself/herself by name. Tape recordings shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may receive a copy of the tape recording upon request.

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

4.3.6 The hearing officer or panel shall not have the authority to issue subpoenas on behalf of either the District or the student.

4.3.7 Charges against the student, along with supporting evidence from witnesses or other sources, will be presented by the District.

4.3.8 The student shall be given the opportunity to confront and cross-examine witnesses.

AP 5500 Student Discipline Procedures

- 4.3.9 The student shall be given an opportunity to present a defense, including witnesses and documentary evidence.
- 4.3.10 The District shall have the opportunity to cross-examine the student and witnesses called by the student.
- 4.3.11 Unless the hearing officer or panel determines to proceed otherwise, the District and the student shall each be permitted to make an opening statement. Thereafter, the District representative shall make the first presentation, followed by the student. The District representative may present rebuttal evidence after completion of the student's presentation.
- 4.3.12 All testimony shall be taken under oath; the oath shall be administered by the hearing officer or hearing panel chair. Witnesses shall not be present at the hearing when not testifying. No witness who refuses to be recorded may be permitted to give testimony. Written statements of witnesses under penalty of perjury shall not be admissible unless the witness is unavailable to testify. A witness who refuses to be tape-recorded is not unavailable.
- 4.3.13 The hearing officer or hearing panel chair may determine that requiring live testimony of a proposed witness would subject the witness to an unreasonable risk of psychological or physical harm. After such a determination, the witness may be permitted to provide a written statement under penalty of perjury in lieu of testifying at the hearing.
- 4.3.14 The burden shall be on the District to introduce substantial evidence to support the charges against the student.
- 4.3.15 Within fifteen (15) days following the close of the hearing, the hearing officer or panel shall prepare and submit a written decision to the President. The decision shall include specific factual findings regarding the charges, conclusions as to the standards of student conduct that were violated, and a recommendation regarding the specific disciplinary action to be imposed, if any. Failure of the hearing officer or panel to submit its written decision within fifteen (15) days shall not invalidate the decision.

5.0 Procedures For Consideration of Expulsion by Board of Trustees

- 5.1 The Board shall hold closed sessions when it considers disciplinary action regarding expulsion of a student. The Board shall notify the student, and the parent if the student is a minor, by registered or certified mail or by personal service of the intent of the Board to call a closed session to consider the expulsion. The notification shall specify the date, time and place of the meeting at which the Board will consider the disciplinary action and shall be provided at least three (3) days prior to the meeting. Final action by the Governing Board may be taken in closed session, provided that the action of the Board shall be reported in public session. The student shall not be identified by name or other designation that would disclose the identity of the student.

AP 5500 Student Discipline Procedures

- 5.2 In considering a recommendation for expulsion, the Board may accept, modify or reject the findings decisions and recommendations of the President and/or the hearing officer or panel. If the Board modifies or rejects the decision of the President and/or the hearing officer or panel, the Board shall review the record of the formal hearing, and shall prepare a new written decision, which contains specific factual findings and conclusions. The decision of the Board shall be final. The student, and the student's parent or guardian, if the student is a minor, shall be notified in writing of the Board's decision.

Date Adopted: January 28, 2003

Date of Last Revision: September 10, 2007 Chancellor's Cabinet