

AP 5520 Student Discipline Procedures

Reference:

Education Code Section 66300, 72122, 76030

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.

Students and campus organizations must comply with the Standards of Student Conduct established by the Board of Trustees of the Imperial Community College District in collaboration with the College faculty, administration and students. Violations of such rules are subject to the following types of disciplinary action which shall be administered by appropriate College authorities in accordance with the Due Process Disciplinary Procedures. Penalties are listed in degree of severity, but not necessarily in chronological order of administration.

Warning - Notice to the student or organization that continuation or repetition of specified conduct may be cause for further disciplinary action.

Reprimand - Written reprimand for violation of specified rules. A student or organization receiving a reprimand is notified that continued conduct of the type described in the reprimand may result in formal disciplinary action.

Disciplinary Action - Exclusion from participation in privileges or extra-curricular College activities set forth in the notice of disciplinary probation for a specified period of time. The imposition of disciplinary probation shall include notification in writing of the reason for disciplinary probation to the student and his/her parents or guardian where the student is a minor, or to a designated officer where a student organization is involved.

Restitution, Reimbursement for damage or Misappropriation of Property - Reimbursement may take the form of appropriate service to repair or otherwise compensate for damage.

Suspension - A student may be suspended by the Governing Board, the Superintendent/President or his designee, or by an instructor for good cause as related to College activity or attendance. The Superintendent/President or his designee may suspend a student: (a) from one or more classes for up to 10 (ten) days of instruction; (b) from one or more classes for the remainder of the school term; or (c) from all College classes and activities for one or more terms.

Removal by Instructor - An instructor may remove a student for the day of removal and the next class meeting. Such action must be immediately reported to the Superintendent/President. During the period of removal the student may not be returned without the consent of the instructor.

Expulsion - An expulsion is a long-term or permanent denial of all campus privileges, including class attendance. When applied to a campus organization, expulsion refers to denial of all charter privileges for a like period of time. Students and campus organizations may be suspended from all

campus privileges, including class attendance, while appeals and hearings are in progress. The Governing Board may expel when: (a) other means of conviction fails to bring about proper conduct, or (b) presence of the student causes a continuing danger to the physical safety of the student or others

Conduct of Non-Students

Persons who are not students or employees of the College, while on College property, shall be required to adhere to the Standards of Conduct applicable to students and to abide by campus policies and regulations. Non-College persons shall address meetings on campus only pursuant to an invitation from the Governing Board, members of the teaching staff, administration, or chartered student organizations (See Campus Speakers Policy).

All persons on College property shall be responsible for reasonable cause to identify themselves upon request by a College official and to state the purpose for which they have entered the campus.

Due Process Disciplinary Procedures

Purpose and Scope - The following policies regulating student disciplinary actions are adopted for the purpose of creating a uniform method of disciplining students and organizations, thus according them fair and objective treatment. These policies shall not apply to suspensions from classes or the College imposed by members of the certificated staff of the District pursuant to Section 76031 of the Education Code, not to sanctions imposed for the failure of students to satisfy the academic standards of the College or State law.

Disciplinary Authority - The Superintendent/President has designated the Associate Dean of Student Affairs as the Disciplinary Authority. In his/her absence, the Vice President for Academic Services, the Dean of Business Services, or Vice President for Student Services may act as the Disciplinary Authority. It is the responsibility of these persons acting individually, or in concert, to recommend disciplinary action against students and organizations in the manners prescribed herein.

Disciplinary Appeals Board - The College shall establish a Disciplinary Appeals Board which shall be made up of the members of the Student Affairs Committee. The Disciplinary Appeals Board shall select one faculty member to act as chairperson. In no event shall the Associate Dean of Student Affairs sit or act as a member of the Disciplinary Appeals Board.

Procedures Preliminary to Disciplinary Action - Disciplinary action may be recommended by the Disciplinary Authority for violation of one or more of the Standards of Conduct. In advance of the imposition of disciplinary action, the Disciplinary Authority shall interview the concerned student or organization officers for the purpose of discussing the misconduct of which the student or organization is accused and the disciplinary action, if any, which will be recommended.

Initiation of Discipline - At, or after the conclusion of the interview referred to in section 4 (or after the student or organization representatives fail to attend the interview, proper notice having been given) disciplinary action may be recommended by the Disciplinary Authority by serving upon the student charged, and, if he/she is a minor, by also sending by registered mail to a parent, guardian, or adult responsible for the student identified in the student's file to the last known address therein, or to the organization's president, a notice of disciplinary action within ten (10) days from the date of the originally scheduled interview, which shall include the following:

- a. A copy of these policies;
- b. A detailed statement of the specific acts and/or omissions upon which the charges are based;
- c. Grounds for disciplinary action as contained in these policies;

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- b. A detailed statement of the specific acts and/or omissions upon which the charges are based;
- c. Grounds for disciplinary action as contained in these policies;

- d. The specific disciplinary action to be recommended;
- e. If any form of probation or expulsion is to be imposed, notice thereof and the reason therefore, and a card or a paper, the filling-out and filing of which constitutes a sufficient notice of appeal. The card shall specify the last date on which an appeal may be filed.

Right of Appeal - Not later than (10) school days after the service of the notice of recommendation for any form of probation or expulsion upon a student or organization president, or the mailing of said notice to the responsible parent or guardian, whichever is later, the student or his/her parent or guardian, or the organization president, may appeal the disciplinary action to the Disciplinary Appeals Board by filling-out and filing notice of appeal with the Associate Dean of Student Affairs.

If the student, parent, guardian, or organization's president fails to appeal the disciplinary action in the manner prescribed above, the matter of discipline shall be referred to the Superintendent/President for approval. If the Superintendent/President decides to recommend expulsion, his decision shall be referred to the Governing Board for approval, rejection, or modification.

Hearing By Disciplinary Appeals Board - If the student, or his/her parent, guardian, or the campus organization appeals the notice of disciplinary action recommendation described in Section 5 in the manner prescribed in Section 6, the Disciplinary Appeals Board shall conduct a hearing upon the charges contained in the notice of disciplinary action. The appellant shall be given not less than forty-eight (48) hours advance notice of the time, date and place of said hearing. The Disciplinary Authority recommending the discipline shall be present at the hearing and the appellant and his/her parent or guardian shall have a right to be present.

Both the appellant and the Disciplinary Authority may be represented by counsel.

The hearing will concern itself with the question of whether the alleged act and/or omission contained in the notice of disciplinary action and giving rise to the recommended disciplinary action, did in fact occur, and whether the act and/or omission constituted a violation of the standards cited in the notice, and, if so, what disciplinary action should be recommended. During the hearing the Disciplinary Authority shall be allowed to present evidence in support of the charges contained in the notice of disciplinary action and concerning the propriety of the discipline recommended. The appellant shall have the right to present evidence refuting such charges and explaining the impropriety of the discipline recommended. Either party or their counsel may cross-examine witnesses at the hearing.

Hearings shall be conducted in a closed meeting, unless the appellant has expressly requested an open hearing. The Disciplinary Committee shall record the proceedings either by use of a tape recorder, or by a stenographic reporter. At the conclusion of the hearing, the Committee shall render a written decision, based upon a majority vote, which shall contain finding of fact and conclusion regarding the issue of whether the act and/or omission charged occurred, whether it constituted a violation of the Standards of Student Conduct, and the type of disciplinary action, if any, which it recommends.

Decision By College President - The disciplinary action recommended by the Disciplinary Appeals Board shall be transmitted to the Superintendent/ President for his approval, rejection, or modification. Neither the student nor his/her parent or guardian, or the organization where applicable, shall have a right to a hearing by the Superintendent /President. If the Superintendent/President decides to recommend expulsion, his decision shall be referred to the Governing Board of the District for approval, rejection, or modification.