



AP 5520 Student Discipline Procedures

The purpose of this administrative 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.

This document describes Chaffey College's Standards of Student Conduct. It specifies prohibited types of behavior and the sanctions that can be applied. Students may be accountable to both external authorities and to Chaffey College for acts which constitute violations of law and the Standards of Student Conduct.

The Dean of Student Discipline is appointed by the Superintendent/President as the President's Designee of the District to address and administer all judicial affairs (behavior code, academic integrity, and grievance).

I. **Definitions:**

The options available for discipline are defined as follows:

A. Verbal Warning and Written Reprimand: An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct including the Student Academic Integrity Code and the Student Behavior Code.

1. A record of the fact that a verbal warning has been given will become part of a student's record at the college for a period of up to one (1) complete academic year.
2. Written reprimands may become part of a student's permanent record at the college.
3. A student may receive a verbal warning and/or written reprimand based on the level of severity of the violation.
4. A student may petition to request the removal of a written reprimand from his/her permanent file after two (2) complete academic years following the violation.

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- B. Failing Grade for an Assignment:** A student may receive a failing grade for an assignment if he/she violates the Student Academic Integrity Code.
- C. Failing Grade in Course:** An academic integrity violation on an assignment may result in a failing grade for the course.
- D. Disciplinary Probation:** A student may be placed on disciplinary probation by the Dean of Student Discipline. It may include one or all of the following and may be imposed upon an individual or group of students:
1. Removal from any or all college organization offices.
 2. Denial of privileges or participation in any or all college or student-sponsored activities or services.
 3. Requirement to complete one or more counseling or behavioral modification programs or classes including but not limited to drug/alcohol diversion program, anger management workshop, interpersonal communication workshop, life-skills class, and academic or psychological counseling appointments.
 4. Work assignments, service to the college or community, or other related discretionary assignments.

The duration of the probation may last up to two (2) academic years. After the duration of the probation is complete, a student will revert to the status of good standing with Chaffey College, unless a reoccurrence of a violation of the Standards of Student Conduct occurs.

- E. Removal from Class:** A student can be excluded by the instructor for the day and the next class meeting. During the period of removal, a student shall not be returned to the class from which he/she was removed without the concurrence of the Dean of Student Discipline and the instructor.
- F. Withdrawal of Consent to Remain on Campus:** Withdrawal of consent by the Campus Police for any person to remain on campus in accordance with California Penal Code Section 626.4, where the Campus Police have reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.
- G. Immediate Interim Suspension:** The Dean of Student Discipline may order the immediate suspension of a student when the Dean of Student Discipline concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an



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immediate interim suspension results in a long-term suspension or expulsion, the student shall be afforded the right to a hearing within ten (10) instructional days.

- H. **Short-term Suspension:** Exclusion of the student by the Dean of Student Discipline for good cause from one or more classes and/or instructional support or student services programs/areas for a period of up to ten (10) instructional days. Prior to the imposition of a short-term suspension, the student shall be afforded the opportunity to meet with the Dean of Student Discipline to respond to the charges pursuant to Section IV.C.
- I. **Long-term Suspension:** Exclusion of the student by the Dean of Student Discipline for good cause from one or more classes and/or instructional support or student services programs/areas for the remainder of the school term, or from any and all classes and activities of the college up to and including one or more terms. Prior to the imposition of a long-term suspension, the student shall be afforded a hearing pursuant to the provisions of Sections IV.D and V.
- J. **Expulsion:** Expulsion of the student by the Governing Board from the District 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 of the student or others. Prior to the imposition of an expulsion, the student shall be afforded the right to request a hearing pursuant to the provisions of Sections IV.E and V.
- K. **Restitution:** A student may be required to pay for or replace District property that was stolen or damaged due to the student's violation. Arrangements for payment or replacement of damaged or stolen property will be established through the Office of Student Discipline.
- L. **Other Sanction:** This section shall not be construed to prohibit the Dean of Student Discipline from imposing a lesser disciplinary sanction than suspension or expulsion when suspension or expulsion is permitted. A lesser sanction may include, but need not be limited to, verbal warnings or written reprimands, probation, or ineligibility to participate in extracurricular activities.
- M. **Non-student:** Admission or readmission may be denied to any person who, while not enrolled as a student, commits acts which would, were he



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or she enrolled as a student, be the basis for student discipline. Before the offending individual is denied admission or readmission, he or she may request a hearing before the Dean of Student Discipline during which he or she will be afforded the opportunity to demonstrate why he or she should be admitted or readmitted. Such hearing shall be conducted in accordance with the hearing procedures stated in Section V.

II. Standards of Conduct and Disciplinary Sanctions:

Students are expected at all times to act in a manner consistent with Chaffey College's Student Academic Integrity Code and Student Behavior Code. Both the Student Academic Integrity Code and Student Behavior Code are set forth in the Student Handbook. The Student Handbook is available to all students and is also available on-line.

A student's failure to act in a manner consistent with Chaffey College's Student Academic Integrity Code or its Student Behavior Code shall constitute good cause for discipline, including but not limited to removal, suspension, or expulsion. The principal components of Chaffey College's Student Academic Integrity Code and its Student Behavior Code are summarized below:

A. Student Academic Integrity Code

1. Students will be considered to have engaged in academic dishonesty in violation of the Student Academic Integrity Code if their conduct falls within one of the following categories:
 - a. Cheating
 - b. Fabrication
 - c. Facilitating Academic Dishonesty
 - d. Interference or Sabotage
 - e. Plagiarism
 - f. Retaliation
 - g. Unauthorized Collaboration
2. Disciplinary Sanctions: Students who violate any standard of academic integrity shall be subject to the following disciplinary sanctions. Chaffey College may utilize any of the disciplinary sanctions set forth in this section without previously using a lower-level of discipline.
 - a. The School Dean may impose the following sanctions **after** meeting with the student under Section III.A.3: verbal warning or



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written reprimand, failing grade for an assignment, failing grade in the course, removal from class, or restitution.

- b. The Dean of Student Discipline may also meet with the student and impose additional sanctions based on the student's previous discipline history. Additional sanctions may include: disciplinary probation, removal, suspension, or expulsion of the student. The Dean of Student Discipline will follow all procedural protections regarding removals, suspensions, and expulsions as set forth in Sections IV and V below.
- c. Nothing in this provision shall prevent the School Dean and/or Dean of Student Discipline from imposing a lesser disciplinary sanction when suspension or expulsion is permitted, which may include but is not limited to, verbal warning or written reprimand, probation, or ineligibility to participate in extracurricular activities.
- d. Copies of all discipline letters are placed in the student's disciplinary record. The Dean of Student Discipline will ensure that all appropriate administrative steps are taken so that the discipline will be reflected in the student's school records.

B. Student Behavior Code

1. The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension, or expulsion of a student, when the conduct takes place on Chaffey College owned or controlled property or premises, at Chaffey College sponsored or supervised activities, or at activities involving Chaffey College recognized organizations:
 - a. Obstruction or disruption of the college's educational process, administrative process, or other college function; disruptive behavior or willful disobedience; open defiance of authority or abuse of Chaffey College personnel
 - b. Dishonesty; forgery, alterations, misuse or unauthorized use of any Chaffey College documents or records, or of any instrument or form of identification; or knowingly furnishing false information to Chaffey College
 - c. Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity; the open and persistent defiance of authority or persistent abuse of Chaffey College personnel and/or persistent, serious misconduct where other means of correction have failed to bring about proper conduct



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- d. Causing, attempting to cause, or threatening to cause physical injury to another person, including but not limited to assault, battery, or any threat of force or violence upon a student, Chaffey College personnel, or any other person
- e. Willful misconduct that results in injury or death to a student, Chaffey College personnel, or any other person, or which results in damaging, defacing, or other injury to any real or personal property owned by the District
- f. The unlawful use, sale, possession, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code Sections 11053 et seq., any alcoholic beverage, or any intoxicant of any kind; or the unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia as defined in California Health and Safety Code Section 11014.5, or any poison classified by the Business and Professions Code; regardless of whether a student possesses a lawfully issued medical marijuana card, federal law prohibits marijuana use, possession, and/or cultivation at educational institutions and is therefore prohibited from any Chaffey College campus property or function
- g. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the Governing Board
- h. Theft of or attempted theft of, or damage to, and/or failure to return property of Chaffey College or any other person, or knowingly receiving stolen property on campus
- i. Committing or attempting to commit robbery or extortion
- j. Failure to make good on returned checks or pay debts, such as fines or loans due to the college
- k. Unauthorized entry into college facilities, or unauthorized use of college facilities, supplies or equipment, including unauthorized possession or duplication of keys to any college premises
- l. Obstruction of the free flow of pedestrian or vehicular traffic on Chaffey College premises or adjacent to Chaffey College premises, or at Chaffey College sponsored activities, and reckless driving on college property
- m. Gambling or other unauthorized gaming activity
- n. Possession, use, sale, storage, or otherwise furnishing any weapon, firearm, knife, dangerous chemical, fireworks, explosive, or other dangerous object, including but not limited to any facsimile weapon, firearm, knife, dangerous chemical, fireworks or explosive, regardless of a federal or state license to possess the

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- same issued to the possessor, unless, in the case of any object of this type, the student has obtained the written permission to possess the item from a Chaffey College employee, which is concurred in, in writing and in advance of bringing the item to school, by the Dean of Student Discipline.
- o. Making intentionally false statements against any other student, college personnel, or Governing Board member of the college, for the purpose of causing harm to that individual
 - p. Hazing or any act that injures, degrades, or disgraces an individual
 - q. Soliciting or assisting another to do any act that would subject a student to expulsion, suspension, probation, or other discipline pursuant to this policy
 - r. Unauthorized use of any communicative device including but not limited to: cell phones, pagers, or PDA's to access or share information during class, testing, instructional activity or meeting with college personnel or unauthorized recordings of college personnel or students
 - s. Theft or other abuse of college facilities and/or computing equipment, including, but not limited to, the following:
 - 1) unauthorized transfer and/or entry into a file to use, read or change contents, or for any other purpose
 - 2) unauthorized use of phone or electronic devices such as fax, modem, etc.
 - 3) unauthorized use of another individual's identification or password
 - 4) use of computing facilities to interfere with normal operations of the college computing system or work of another student or college personnel
 - 5) use of computing facilities to send or receive obscene, abusive, or threatening messages
 - 6) Any other act in violation of Chaffey College's Computer Use Policy: <http://is.chaffey.edu/districtnetcomputeruse.html>
 - t. Violation of other state, federal, or local statutes, or college policies, rules, or regulations while on college property, including violation of college policies or of campus regulations concerning student organization, traffic, or the use of college facilities
 - u. Violations of other published Chaffey College regulations or policies. These policies may include regulations governing the use of computers and networks, parking rules, and regulations governing student organizations

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- v. Any form of sexual assault or sexual battery, whether consensual or nonconsensual
- w. Committing sexual harassment as defined by law or by Chaffey College policies and procedures
- x. Engaging in harassing or discriminatory behavior based on but not limited to: ethnic group identification, national origin, religion, age, sex or gender, race, color, ancestry, sexual orientation, physical or mental disability or any other category protected by law, or on the basis of one or more of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics
- y. Lewd, indecent, or obscene conduct or expression, or repeatedly committing unwelcome advances
- z. Engaging in expression which is obscene, abusive, libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on Chaffey College premises, or the violation of lawful Chaffey College regulations, or the substantial disruption of the orderly operation of Chaffey College. An expression is deemed obscene only if **all** of the following criteria are met (*Miller v. California*, 412 U.S. 15, Supreme Court of the United States, 1973):
 - 1) The average person, applying local community standards, looking at the work in its entirety, appeals to the prurient interest
 - 2) The work must describe or depict, in an obviously offensive way, sexual conduct, or excretory functions
 - 3) The work as a whole must lack "serious literary, artistic, political, or scientific values"
- aa. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to, handwritten or typewritten class notes, except as permitted by any Chaffey College policy or administrative procedure
- bb. Engaging in an act of bullying against anyone, including but not limited to through means of an electronic act through use of Chaffey College facilities, Chaffey College electronic communication equipment, or Chaffey College e-mail/Websites/portals/forums
- cc. Engaging in any act of bullying by means of any electronic act, whether off or on campus and whether or not through use of the

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user's personal electronic equipment/device(s) or non-Chaffey College e-mail/websites/communications/forums, when directed toward a student, college personnel, or Governing Board member of Chaffey College, or when directed against any individual if the act has a nexus to school attendance/activities by posing a threat or danger to the safety of students, college personnel, or property of Chaffey College, or if it materially and substantially disrupts the school environment

2. **Disciplinary Sanctions**

- a. Sanctions for engaging in one or more of the above prohibited acts in violation of the Student Behavior Code may include: verbal warning and/or written reprimand, disciplinary probation, removal from class, restitution, withdrawal of consent to remain on campus, immediate interim suspension, short-term suspension, long-term suspension, and expulsion.
- b. Repeated convictions for violations of the established Chaffey College Student Behavior Code, regardless of the seriousness of the individual offense involved, or any aggravated violation, may result in either suspension or expulsion from Chaffey College.
- c. Nothing in this section shall be construed to prohibit the Dean of Student Discipline from imposing a lesser disciplinary sanction than suspension or expulsion when suspension or expulsion is permitted. A lesser sanction may include, but need not be limited to, verbal warning or written reprimands, probation, or ineligibility to participate in extracurricular activities.
- d. Attempts to commit acts or assisting others to commit acts prohibited by the Student Behavior Code, shall be treated in the same manner as completed violations and shall be subject to the same sanctions.
- e. Activities that violate municipal, state, or federal laws will be reported to the law enforcement agency with jurisdiction for investigation and prosecution.

3. **General Provisions**

- a. A student's refusal to receive or sign a receipt of notice shall not cause the notice to be defective. A student's failure to provide updated address information to the College shall not cause the notice to be defective so long as the College sends notice to the last known address provided to the College by the student.

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- b. All student discipline proceedings shall be confidential and shall be closed to everyone other than those involved in the conduct to the hearing, witnesses while testifying, and the charged student(s). In compliance with the Family Education Rights and Privacy Act, persons not party to the proceedings shall be informed of their outcomes only on a “need to know” basis.
- c. Any timelines specified in the following procedures may be shortened or lengthened if there is mutual concurrence by all parties.
- d. Students have the right to view all submitted documents pertaining to the violation(s).
- e. If students or other persons are suspended or expelled from the campus, they shall not appear on the campus without permission from the Dean of Student Discipline or designee and must have a Campus Police escort.

III. Process for Initiating Discipline for Violations of the Academic Integrity Code and Student Behavior Code

A. Academic Integrity Code Violations

1. Notice: Faculty must inform their School Dean via telephone or email within 24 hours that the alleged academic integrity violation occurred to inform him or her that the student academic integrity violation form has been completed and sent. If the student is hostile, the faculty member should contact the Campus Police immediately at (909) 652-6911 (emergency).
2. Reporting: Immediately following the alleged violation, must:
 - a. Complete the Student Academic Integrity Form (which is on the Z drive at Z:\Student Discipline\Public\Student Discipline Violation Forms and Procedures and on the Student Services website).
 - b. Attach a precise and detailed statement regarding the circumstances involved.
 - c. Attach the student work or other documentation as appropriate to the form.
 - d. When possible, the faculty member should inform the student what action is recommended in regard to his/her academic integrity violation and have the student sign the Student Academic Integrity Form.
 - e. The faculty initiator will then send the form to the applicable School Dean.
3. Meeting: Prior to the next class period the student is expected to attend, the School Dean will contact the student to inform him/her

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that a Student Academic Integrity Form has been received and schedule a meeting to discuss the alleged violation and the recommended action requested by the faculty initiator who completed the form.

- a. The student will have an opportunity to hear the charges, provide his/her side of the story, and offer any mitigating factors.
 - b. The meeting with the School Dean is not an evidentiary hearing.
 - c. The School Dean will consider the Student Academic Integrity Form and accompanying information, the student's presentation, and the recommendation of the faculty initiator in determining whether and what sanction is appropriate under Sections I and II.A.2.a.
4. Results of Meeting: The School Dean will implement the determined sanction and send a follow up letter to the student and faculty initiator summarizing the meeting and sanction imposed.
- a. The School Dean may advise the student to review the Grievance Procedure as outlined in the Student Handbook.
 - b. The School Dean will also refer the academic integrity violation to the Dean of Student Discipline. In cases where additional violations have been identified, the Dean of Student Discipline may meet with the student regarding additional sanctions based on the student's previous discipline history. Additional sanctions by the Dean of Student Discipline may include: removal, suspension, or expulsion of the student. The Dean of Student Discipline will follow all procedural protections regarding removals, suspensions, and expulsions as set forth in Sections IV and V below.
 - c. The student file in the Office of Student Discipline will be updated accordingly.

B. Student Behavior Code Violations

1. Notice: The faculty or staff member should contact the Dean of Student Discipline via telephone or e-mail the same day that the violation(s) occurred to inform him or her that the student behavior code violation form has been sent. If the student exhibits hostility, the faculty or staff member should contact Campus Police immediately at (909) 652-6911 (emergency).
2. Reporting: Immediately following the alleged violation, the faculty or staff member must:
 - a. Complete the Student Behavior Code Violation Form (which is on the Z drive at Z:\Student Discipline\Public\Student Discipline

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- Violation Forms and Procedures and on the Student Services website).
- b. Attach a precise and detailed statement regarding the circumstances involved.
 - c. Attach any additional documentation as appropriate.
 - d. When possible, the faculty or staff member should inform the student of what sanction is being recommended in regards to his/her behavior code violation.
 - e. The faculty or staff member will then send the form to the Dean of Student Discipline.
3. Meeting: The Dean of Student Discipline will contact the student to conduct an investigation into the violation.
- a. For removals from class, the student will be contacted and seen by the Dean of Student Discipline prior to the next class period or day the student is expected to attend.
 - b. The student will have an opportunity to hear charges, provide his/her side of the story, and offer any mitigating factors. No additional process will be provided for removals from class other than this meeting.
 - c. If, after adequate notification, the student fails to appear at a meeting called by the dean or respond in writing, the dean may proceed as if the meeting had been held.
 - d. The meeting with the Dean of Student Discipline is not an evidentiary hearing.
 - e. With respect to recommendations for suspension or expulsion, the procedures under Section IV regarding notice and this meeting will apply.
4. Notice regarding Results of Meeting: The Dean of Student Discipline will implement the determined sanction and send a follow up letter to the student and faculty/staff initiator summarizing the meeting and sanction imposed.
- a. For suspensions and expulsions, notice regarding the results of the meeting will be provided pursuant to Section IV.
 - b. For discipline other than suspensions or expulsions, the notice regarding the results of the meeting will be provided within five (5) business days of the student meeting with the Dean of Student Discipline.
 - c. The student file in the Office of Student Discipline will be updated accordingly.

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IV. Additional Procedural Protections

Before any disciplinary action to suspend or expel is take against a student, the following procedures will apply:

A. Withdrawal of Consent to Remain on Campus:

In the event of the withdrawal of consent to remain on campus, the Dean of Student Discipline shall notify a 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.

1. If the person is on campus at that time, the person must promptly leave or be escorted off campus.
2. Upon reviewing the report, if the Superintendent/President or designee finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, he or she may enter written confirmation upon the report of the action taken by the officer or employee. If the Superintendent/President or designee does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.
3. The person for whom consent has been withdrawn may submit a written request for a hearing will be scheduled to meet with the Dean of Student Discipline on the withdrawal within the period of the withdrawal. The request shall be granted no later than seven days from the date of receipt of the request.
4. In no case shall consent be withdrawn for longer than fourteen (14) calendar days from the date upon which consent was initially withdrawn.
5. Any person 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 under Penal Code Section 626.4.

B. Immediate Interim Suspension:

The Dean of Student Discipline may order the immediate suspension of a student when the Dean concludes that the immediate suspension is required to protect lives or property or to ensure the maintenance of order.

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1. In the cases where an interim suspension has been ordered, the suspension shall take effect immediately, and timelines contained in these procedures regarding suspensions shall not apply.
2. Where an immediate interim suspension results in a long-term suspension or expulsion, the student shall be afforded all hearing rights, including the right to a formal hearing within ten (10) instructional days.

C. Short-term Suspension:

1. **Notice:** The Dean of Student Discipline will provide the student with written notice of the conduct warranting the discipline. The written notice will include:
 - a. The specific sections of the Standards of Student Conduct that 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 Dean of Student Discipline to discuss the accusation, or to respond in writing
 - d. The nature of the sanction being considered
2. **Time for Notice:** The written notice will be provided within five (5) instructional days of the date on which the documentation of the violation is received in the Office of Student Discipline.
3. **Meeting:** The Dean of Student Discipline will schedule a meeting no sooner than five (5) instructional days after the notice is provided. At the meeting, the student will be told the facts leading to the accusation and will be allowed to respond to the charges. If the student chooses to respond in writing rather than attend the meeting, the written statement must be received by the date and time of the scheduled meeting.
4. **Decision:** Written notice from the Dean of Student Discipline will be provided to the student within ten (10) instructional days after the meeting described above. The Dean of Student Discipline will decide whether to impose a short-term suspension, a lesser disciplinary action, or end the matter. The notice will include the length of the time of the suspension, or the nature of the lesser disciplinary action. The Dean of Student Discipline's decision shall be final.

D. Long-term Suspension

1. **Notice:** The Dean of Student Discipline will provide the student with written notice of the conduct warranting the discipline. The written notice will include:

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- a. The specific sections of the Standards of Student Conduct that 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 Dean of Student Discipline to discuss the accusation, or to respond in writing
 - d. The nature of the sanction being considered
2. Time for Notice: The written notice will be provided within five (5) instructional days of the date on which the documentation of the violation is received by the Office of Student Discipline.
 3. Meeting: The Dean of Student Discipline will schedule a meeting no sooner than five (5) instructional days after the notice is provided. At the meeting, the student will be told the facts leading to the accusation and will be allowed to respond to the charges. If the student chooses to respond in writing rather than attend the meeting, the written statement must be received by the date and time of the scheduled meeting.
 4. Decision: Within five (5) instructional days after the meeting described above, the Dean of Student Discipline will decide whether to impose a long-term suspension, impose some lesser disciplinary action, or end the matter. Written notice of the Dean of Student Discipline's decision will be provided to the student within ten (10) instructional days after the meeting described above. The Dean of Student Discipline will decide whether to impose a long-term suspension, a lesser disciplinary action, or end the matter. The notice will include the length of the time of the suspension, or the nature of the lesser disciplinary action.
 5. Right to Hearing: In the event the decision is for a long-term suspension, the written decision will include the right of the student to request a hearing before a long-term suspension is imposed, and a copy of the Student Discipline Procedures describing the procedures for a hearing. The procedures for the hearing are set forth in Section V.
- E. Expulsion**
1. Notice: The Dean of Student Discipline will provide the student with written notice of the conduct warranting the discipline. The written notice will include:
 - a. The specific sections of the Standards of Student Conduct that the student is accused of violating
 - b. A short statement of the facts supporting the accusation

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- c. The right of the student to meet with the Dean of Student Discipline to discuss the accusation, or to respond in writing
- d. The nature of the discipline being considered
2. Time for Notice: The written notice will be provided within five (5) instructional days of the date on which the documentation of the violation is received in the Office of Student Discipline.
3. Meeting: The Dean of Student Discipline will schedule a meeting no sooner than five (5) instructional days after the notice is provided. At the meeting, the student will be told the facts leading to the accusation and will be allowed to respond to the charges. If the student chooses to respond in writing rather than attend the meeting, the written statement must be received by the date and time of the scheduled meeting.
4. Decision: Written notice of the Dean of Student Discipline's decision will be provided to the student within ten (10) instructional days after the meeting described above. The Dean of Student Discipline will decide whether to expel the student, impose a lesser disciplinary action, or end the matter. The notice will include the length of the time of the expulsion, or the nature of the lesser disciplinary action.
5. Right to Hearing: In the event the decision is for a long-term suspension or expulsion, the written decision will include the right of the student to request a hearing before a long-term suspension or expulsion is imposed, and a copy of the Student Discipline Procedures describing the procedures for a hearing. The procedures for the hearing are set forth in Section V.

V. Hearing Process

No student shall be suspended for more than ten (10) instructional days or expelled without first being afforded an opportunity for a hearing. For disciplinary sanctions longer than ten (10) instructional days the procedures, set forth below, shall govern:

A. Right to a Hearing

A student shall be given specific written reasons for the proposed disciplinary action and afforded an opportunity to request a hearing before a long-term suspension or expulsion is imposed. Within five (5) instructional days of receipt of the decision, the student must submit in writing, to the Dean of Student Discipline, a written request for a hearing. The request shall include:

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1. A written response to the allegations which will be provided to the Hearing Panel. The following options will need to be included in the request if the student chooses to pursue:
 - a. The hearing shall be conducted privately unless the student requests that it be open to the public. In the event the student requests a public hearing, the hearing will remain closed to the public during any portions that would lead to the giving out of information involving other students that would be in violation of state or federal law regarding the privacy of those students and/or their student records.
 - b. The student may represent himself or herself, and may also have the right to be represented by a person of his or her choice who is a student or employee of Chaffey College.
 - c. If the student wishes to be accompanied by an attorney, the request must include the attorney's name and contact information.
 - i. A student shall be accompanied by an attorney only, if in the judgment of the Hearing Panel, complex legal issues are involved.
 - ii. If the student is permitted to be accompanied by an attorney, the Dean of Student Discipline may request legal assistance through the Office of the Superintendent/President.
 - iii. The Hearing Panel may also request legal assistance through the Office of the Superintendent/President; any legal advisor provided to the Hearing Panel may sit in an advisory capacity to provide legal counsel but shall not be a member of the Hearing Panel nor vote with it.
 - iv. In the event the Hearing Panel permits the student and the College to be accompanied by attorneys, the role of the attorneys shall be limited to providing advice to their respective clients. In no event shall the attorneys present their respective client's case to the Hearing Panel.
2. If the student wishes to be accompanied by an attorney, the Dean of Student Discipline shall present a copy of the accusation against the student and any written response provided by the student to the Hearing Panel to review and determine if complex legal issues are involved. The Hearing Panel will have five (5) instructional days to render a decision. The Hearing Panel's decision will be included in the written notice of the scheduled hearing date. *Note: If the student pursues the option to be accompanied by an attorney, the student may not return to class until the hearing is conducted and the Hearing Panel renders a decision.*

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B. Hearing Panel

The Dean of Student Discipline shall appoint an impartial three-member hearing panel to conduct the hearing, make findings, and render a decision based on the Standards of Student Conduct.

1. The Hearing Panel shall consist of an administrator, a faculty member, and a student representative. The Dean of Student Discipline shall appoint one member of the Hearing Panel to serve as the chair.
2. Written notice of the hearing shall be mailed to the Hearing Panel no less than five (5) calendar days prior to the hearing. The notice shall include:
 - a. The date, time, and location of the hearing;
 - b. Guidelines for conducting the hearing; and
 - c. A copy of the accusations against the student and any written response provided by the student.
3. The decision of the hearing panel chair shall be final on all matters related to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.
4. In suspension cases, the Hearing Panel shall have the authority to issue a final decision, subject to a limited right of appeal to the Superintendent/President of Chaffey College or designee.

C. Notice of Hearing

Written notice of the hearing shall be mailed or personally delivered to the student no less than five (5) calendar days prior to the date of the hearing. The notice shall include:

1. The date, time, location, and guidelines for the hearing; and
2. A short statement of the specific facts and charges upon which the proposed disciplinary sanction is based.

D. Conduct of Hearing

The hearing shall be conducted privately with the Hearing Panel, the recorder, the Dean of Student Discipline, and the student in attendance, unless the student requests that it be open to the public.

Either party may bring an individual to accompany them to the hearing. However, the individual shall be limited to providing advice or support. In no event shall the accompanying individual address the Hearing Panel.



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If the student and/or the administrator do not appear and no satisfactory explanation for the absence is made at the earliest opportunity, or if the student and/or the administrator leaves the hearing before its conclusion, the hearing shall proceed without the absent party, and the Panel shall reach a decision based on the evidence presented.

The Dean of Student Discipline and student shall each be permitted to make an opening statement. The facts supporting the accusation shall be presented by the Dean of Student Discipline. Thereafter, the Dean of Student Discipline shall make the first presentation, followed by the student. Each may present evidence, call witnesses, question and cross-examine witnesses. Technical rules of evidence shall not apply, but relevant evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. The Dean of Student Discipline may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the Dean of Student Discipline to prove by substantial evidence that the facts alleged are true.

All testimony shall be taken under oath, with the oath to be administered by the Due Process Hearing Facilitator. The Due Process Hearing Facilitator shall, at the beginning of the hearing, asks each person present to identify himself/herself by name. The Hearing Panel may dismiss any witness that fails or refuses to comply with the Panel's instructions.

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 used unless the witness is unavailable. Written statements from individuals not present at the hearing will not be permissible without some authentication of the statement, such as a notary signature and seal.

The hearing shall be recorded by the District, and that recording shall be the only recording made. The record may be maintained by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made. The recording shall remain in the custody of Chaffey College at all times, unless released to a professional transcribing service. Either party may request a copy of the recording by submitting a written request to the Dean of Student Discipline.

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Technical departures from these procedures and errors in their application shall not be grounds to void the District's right to discipline a student unless, in the opinion of the Superintendent/President or designee, the error or departure prevented a fair determination of the issue.

Any recommendation to expel shall be based upon the preponderance of evidence relevant to the charges introduced at the hearing. No decision to recommend expulsion shall be based solely upon hearsay evidence.

E. Hearing Panel Decision

The Hearing Panel's decision shall be submitted to the Dean of Student Discipline within five (5) instructional days after the hearing has concluded. The Hearing Panel shall deliberate alone and develop a written decision, including findings of facts on whether to impose the sanction requested by the Dean of Student Discipline or impose a lesser sanction. The decision shall be based only on the record of the hearing, and not on matter outside of the 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.

If long-term suspension is determined, the Dean of Student Discipline shall notify the student of the Hearing Panel's decision in writing, by certified mail or by personal service, approximately ten (10) instructional days following the close of the hearing.

If expulsion is recommended, the Hearing Panel's decision shall be submitted to the Superintendent/President to submit to the Governing Board for action at its next regular meeting. The Dean of Student Discipline shall notify the student of the Hearing Panel's decision in writing, by certified mail or by personal service, at least five (5) days prior to the Governing Board meeting and include the meeting's date, time, and location. The student may, within forty-eight (48) hours after receipt of the notice, request in writing that the hearing be held as a public meeting.

Once expulsion has been recommended, the student may not return to any classes until the Governing Board renders a final decision.

F. Right to Appeal

If either party is not satisfied with the decision of the Hearing Panel, then either party may submit an appeal within ten (10) instructional days of the

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close of the hearing directly to the Superintendent/President of Chaffey College or designee by submitting a written request to the Office of Student Discipline. Appeals must cite one or more specific flaws on which the student seeks reconsideration of the decision. Merely disagreeing with the outcome is not sufficient grounds to submit an appeal.

The Superintendent/President or designee shall review all documents and render a decision to proceed with the original sanction brought forth by the Hearing Panel or a lesser sanction.

Any determination by the Superintendent/President or designee as to a suspension shall be final. Any determination by the Superintendent/President or designee to recommend expulsion shall go before the Governing Board.

Failure to appeal any determination within the specified time limit constitutes a waiver of the right to appeal and shall be deemed acceptance of the last determination rendered.

G. Governing Board

The Governing Board 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 of the student or others. Expulsion is defined as a permanent separation of the student from the District. If the Governing Board upholds the determination of expulsion, its decision shall be based solely upon a review of the record, including the findings of fact submitted by the Hearing Panel.

The Governing Board may accept, reject, or modify the findings, decisions, and recommendations of the Superintendent/President of Chaffey College and/or the Hearing Panel. If the Governing Board modifies or rejects the decision, the Governing Board shall review the record of the hearing, and shall prepare a new written decision that contains specific factual findings and conclusions.

The Governing Board shall consider an expulsion recommendation in closed session unless the student has requested in writing to the Office of the Superintendent/President that the matter be considered in a public meeting pursuant to Education Code section 72122.

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Even if a student has requested that the Governing Board consider an expulsion recommendation in a public meeting, the Governing 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 student requesting the public meeting shall have an opportunity to address the Governing Board in open session for briefly commenting on, or responding to, the Hearing Panel's decision.

The Governing Board's decision shall be final, and the Superintendent/President or designee shall send written notice thereof to the student. In addition, final action of the Governing Board to expel shall be taken at a public meeting with the result of the action to expel made a public record of Chaffey College.

Following a Governing Board approved expulsion, the Dean of Student Discipline shall notify in writing each of the student's instructors, Campus Police, and other college personnel directly affected by the incident. Record of the expulsion shall become part of the student's permanent record at the college. Reconsideration after an expulsion requires Governing Board action.

H. Reconsideration

Any request for reconsideration of an expulsion shall be made in writing to the Governing Board and delivered to the Office of the Dean of Student Discipline. The request for reconsideration shall be labeled as such, and must state each ground on which the student seeks reconsideration of the Board's expulsion decision. The Dean of Student Discipline shall review the request for reconsideration together with the record of the hearing and the documents relating to the expulsion to assure that the request satisfied all requirements and that all pertinent information is available for the Governing Board.

Upon receipt of the request for reconsideration, the Dean of Student Discipline shall respond to the request within ten (10) days of receipt of the request. The Governing Board should consider any request for reconsideration of any expulsion at any regularly scheduled public meeting held within thirty (30) days of receipt of the request by the Governing Board.

The Governing Board shall, unless otherwise requested by the former student, consider any request for reconsideration of expulsion in closed

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session. The Governing Board shall consider only the request for reconsideration, any responses by the Dean of Student Discipline, and the record of expulsion.

The Governing Board may, at its discretion, agree to permit the former student to present the request for reconsideration personally. If the Governing Board agrees to such a presentation, the Dean of Student Discipline must be afforded an opportunity to be present and to respond.

The final action of the Governing Board on a request for reconsideration shall be taken at a public meeting, and the result of such action shall be public record of the District.

References: Education Code Sections 66017, 66300-66301, 72122, 76030 et seq., and 76120

Approved: 02/17/15
(Replaces former Administrative Procedure 5.5.1)