Student Behavior Code

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 Services and 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).

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 online.

A student’s failure to act in a manner consistent with Chaffey College’s Student Academic Integrity Code and 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 Student Behavior Code are summarized below:

Student Academic Integrity Code

Integrity is an essential component of the student academic experience. The academic evaluation a student receives for a course becomes a permanent college record and it is critical that such records be accurate and consistent. The integrity students learn and exhibit at Chaffey College will be a model for the professional integrity they practice when they complete their college work.

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
1. Copying from another’s examination, quiz, lab work, or homework assignment
2. Possession or use of pre-prepared notes or other resources, in any form, during a quiz or examination unless authorized by the faculty initiator
3. Revising work after its final evaluation and representing the revised version as the original work
4. Using unauthorized external assistance, including but not limited to tutors, books, notes, and calculators on either “in-class” or “take-home” exams, unless the faculty initiator has specifically authorized their use
5. Allowing others to do work for the student without advance authorization from the faculty initiator
6. Using 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 staff

b. Fabrication
1. Falsifying lab results
2. Citing or listing source material that was not used for research
3. Falsifying, altering, or misstating the contents of documents or other materials related to academic matters, including but not limited to schedules, prerequisites, transcripts, attendance records or college forms
4. Giving false reasons (in advance of the fact or after the fact) for failure to complete academic work

c. Facilitating Academic Dishonesty
1. Intentionally or knowingly helping or attempting to help another student to commit an act of academic dishonesty
2. Giving unauthorized assistance to others during a test or evaluation, including allowing someone to copy a test or examination, or arranging with others to give or receive answers via signals
3. Providing specific information about a recently given test, examination or assignment to a student who thereby gains an unfair advantage in an academic evaluation
4. Impersonating another student in order to meet a course or graduation requirement
5. Providing aid to another student, knowing such aid is expressly prohibited by the faculty initiator
6. Preparing academic work to be presented as the work of another
7. Signing in students other than oneself for class attendance

d. Interference or Sabotage
1. Persistently behaving in a manner that has an adverse effect on the academic performance of others
2. Destroying, stealing, changing or damaging another’s work
e. **Plagiarism**
   1. Submitting work previously submitted for academic credit without prior authorization from the instructor of record
   2. Reproduction of another’s work, with or without that person’s knowledge or permission
   3. Submitting as one’s own any academic exercise prepared totally or in part by another
   4. Copying information from computer-based sources, (e.g. the Internet) and submitting it as your own work
   5. Allowing another person to substantially alter or revise student work and submitting it as the student’s own
   6. Using another’s written ideas or words without properly acknowledging the source
   7. Failure to acknowledge study aids such as Cliff’s Notes or common reference sources
   8. Unauthorized use of another person’s data in completing a computer exercise or other class work
   9. Fraud, copyright infringement and any other noncompliance of regulations and laws as set forth by the Federal Communication Commission (FCC), the Motion Picture Association of America (MPAA), any other guilds or unions within the radio, television, or motion picture industry and state, county, city, local laws, ordinances and other current governmental regulatory commissions in the entertainment and broadcast industries.
   10. Pirating and any other noncompliance of confidentiality statements such as those signed by students in the fields of fashion and interior design

f. **Retaliation**
   1. Retaliation of any kind against a person who reports or provides information about suspected or alleged misconduct in good faith.

g. **Unauthorized Collaboration**
   1. Working with other students to do lab work, review books, or develop a presentation or report without permission from the faculty initiator to do so
   2. Making lab data available to a student who did not attend the lab
   3. Jointly calculating homework problems without permission from the faculty initiator to do so
   4. Having another’s help to rewrite a student paper
   5. Sharing sources for a take-home exam
   6. Working in a group on a lab assignment without permission from the faculty initiator to do so
   7. Working on online course homework, quizzes, tests or other projects without permission from the faculty initiator to do so

**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: verbal warning or written reprimand, failing grade for an assignment, failing grade in the course, removal from class, and restitution.

B. The Dean of Student Services and 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, or ineligibility to participate in extracurricular activities.

**Student Behavior Code**
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
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 cutting, 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 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 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 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 Chaffey College personnel, which is concurred in, in writing and in advance of bringing the item to school, by the Dean of Student Services and Discipline
O. 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, which 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 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 the work of another student or college employee
   5) use of computing facilities to access, view, send, or receive obscene, abusive or pornographic material
   6) Any other act in violation of Chaffey School’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
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, obscene conduct or expression, or repeatedly committing unwelcome advances

Z. Engaging in expression which is obscene, 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

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 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 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 Community 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, personnel or property of Chaffey College, or if it materially and substantially disrupts the school environment

SEXUAL HARASSMENT MUST BE REPORTED DIRECTLY TO HUMAN RESOURCES, (909) 652-6531.

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. 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 Services and 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 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.

General Provisions
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.

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 Services and Discipline or designee and must have a Campus Police escort.

Definitions of Disciplinary Sanctions
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 one (1) complete academic year.

2. Written reprimands will 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 their permanent file after two (2) complete academic years following the violation.
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 Services and Discipline. It may include one or all of the following and may be imposed upon an individual or groups 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 of the removal and the next class meeting.

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 has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

G. **Immediate Interim Suspension:** The Dean of Student Services and Discipline may order the immediate suspension of a student where the Dean of Student Services and Discipline concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an 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 Services and Discipline for good cause from one or more classes 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 Services and Discipline to respond to the charges.
I. **Long-term Suspension:** Exclusion of the student by the Dean of Student Services and Discipline for good cause from one or more classes 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 the right to request a hearing.

J. **Expulsion:** Exclusion 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.

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 Student Discipline Office.

L. **Other Sanction:** This section shall not be construed to prohibit the Dean of Student Services and 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 to 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 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 Services and Discipline during which he or she will be afforded the opportunity to demonstrate why he or she should be admitted or readmitted.

**Additional Procedural Protections**
Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

**Withdrawal of Consent to Remain on Campus**
In the event of the withdrawal of consent to remain on campus, the Dean of Student Services and 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. The person for whom consent has been withdrawn will be scheduled to meet with the Dean of Student Services and Discipline on the withdrawal within the period of the withdrawal.
2. 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 under Penal Code Section 626.4.

Immediate Interim Suspension
The Dean of Student Services and Discipline may order the immediate suspension of a student where the Dean concludes that the immediate suspension is required to protect lives or property or to ensure the maintenance of order.

1. In the cases where an interim suspension has been ordered, the suspension shall take effect immediately and time lines 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 of a long-term suspension or expulsion, including the right to a formal hearing within ten (10) instructional days.

Short-term Suspension
1. Notice: The Dean of Student Services and 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 Services and 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 document of the violation is received in the Office of Student Discipline.

3. Meeting: The Dean of Student Services and 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 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 Services and Discipline’s decision will be provided to the student within ten (10) instructional days after the meeting described above. The Dean of Student Services and 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 Services and Discipline’s decision shall be final.
Long-term Suspension and Expulsion

1. **Notice:** The Dean of Student Services and 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 Services and 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 document of the violation is received by the Office of Student Discipline.

3. **Meeting:** The Dean of Student Services and 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 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 Services and Discipline’s decision will be provided to the student within ten (10) instructional days after the meeting described above. The Dean of Student Services and 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.

**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, to the Dean of Student Services and Discipline, a written request for a hearing. The request shall include:
   1. A written statement in 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.

1) A student shall be accompanied by an attorney, only if in the judgment of the Hearing Panel, complex legal issues are involved.

2) If the student is permitted to be accompanied by an attorney, the Dean of Student Services and Discipline may request legal assistance through the Office of the President.

3) The Hearing Panel may also request legal assistance through the Office of the 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.

4) 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 Services and 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.

B. Hearing Panel
The Dean of Student Services and 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 Services and 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 date of 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 accusation 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 Services and Discipline, and the student in attendance, unless all parties agree that it be open to the public.

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 leave 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 Services and 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 Services and Discipline. Thereafter, the Dean of Student Services and 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 Services and Discipline may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the Dean of Student Services and 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 hearing panel chair. The hearing panel chair shall, at the beginning of the hearing, ask 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 Services and Discipline.

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 Services and 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 Services and 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 Services and 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 Services and 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 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 Board renders a final decision.

F. Right to Appeal
If either party is not satisfied by the decision of the Hearing Panel, then either party may submit an appeal within ten (10) instructional days of the close of the hearing directly to the Superintendent/President of the Chaffey College or designee by submitting a written request for an appeal to the Student Discipline Office. 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 invoke 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 College. 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 Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision that contains specific factual findings and conclusions.

The 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.

Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session. The student requesting the
public meeting shall have an opportunity to address the 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 the Dean of Student Services and Discipline shall send written notice thereof to the student. In addition, final action of the 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 board approved expulsion, the Dean of Student Services and Discipline shall notify in writing each of the student’s instructors, Campus Security, 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 Services and 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 Office of the Dean of Student Services and 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 Services and Discipline shall respond to the request within ten (10) days of receipt of the request. The 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 session. The Governing Board shall consider only the request for reconsideration, any responses by the Dean of Student Services and 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 Services and 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.

A student may request only one reconsideration of the expulsion.