



AP 5520 Student Discipline Procedures

References:

Education Code Sections 66017, 66300, 72122, 76030, and 76030 et seq.;
Penal Code Section 626.4

The following administrative procedures regulating student disciplinary actions are adopted for the purpose of providing a uniform, prompt, and equitable method of disciplining students for violations of the Standards of Student Conduct, which provides to the student or students involved the due process rights guaranteed to them by the state and federal constitutions. This procedure shall 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.

This administrative procedure is specifically intended not 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 shall not be used to punish expression that is protected.

For discipline resulting from a sexual harassment complaint under Title IX, the procedure in AP 3434 (Responding to Harassment Based on Sex under Title IX), must be used.

1. Definitions

- a. District – The Santa Clarita Community College District.
- b. Student – A student is an individual who:
 - I. has submitted an admissions application to the District for the current or upcoming terms; or
 - II. is enrolled in or registered in an academic program of the District, including credit, noncredit, and fee-based training classes, District sponsored functions, and programs including but not limited to the Employee Training Institute, Community Education, and free workshops where teaching or training occurs; or
 - III. has met the conditions for part admission or enrollment above in the immediately preceding semester or intersession; or
 - IV. is currently on suspension with the District.
- c. Instructor – Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

- d. Staff – Any employee of the District who works with a student by providing or who has provided services to the student, or other employee who has responsibility for the student's educational or extracurricular program or service.
- e. Day – Business operating days, excluding Saturdays, Sundays, or administrative holidays.

2. Types of Disciplinary Action (Sanctions)

The following types of disciplinary action may be imposed by appropriate District authorities:

- a. Short-term Suspension – Exclusion of the student by the District's Chief Executive Officer (CEO), or designee for good cause from one or more classes for a period of up to one term of instruction.
- b. Long-term Suspension – Exclusion of the student by the CEO for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the District for a minimum of one term but no more than four (4) years.
- c. Expulsion – Exclusion of the student by the Board of Trustees from the District for one or more terms.
- d. Removal from Class – Exclusion of the student by an instructor for the day of the removal and potentially the next class meeting.
- e. Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the CEO or Chief Student Services Officer (CSSO) for any person to remain on campus in accordance with California Penal Code Section 626.4 where the CEO or CSSO has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.
- f. Warning – Notice to the student that continuation or repetition of specified misconduct may be cause for other disciplinary action.
- g. Official Reprimand – A written or verbal admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the District. A record of the fact that a verbal reprimand has been given may become part of a student's record at the District for a period of up to one year.
- h. Disciplinary Probation – Disciplinary probation is a status imposed by the District for a specific length of time during which the student must conform to District standards of student conduct. Conditions restricting privileges or eligibility may be imposed. For example, students may be removed from all District organization offices and denied the privilege of participating in all District and student-sponsored activities, including public performances. The District may impose other conditions, such as community service and academic workshops. The term of disciplinary probation shall be not less than one month nor longer than four (4) academic years. If a student engages in further

violations of the Standards of Student Conduct during the probationary period, additional disciplinary action may result.

3. Removal from Class by Instructor (Education Code Section 76032)

- a. An instructor may remove a student from their class (regardless of modality), field trip, lab, or other educational program if the student has interfered with the instructional process. The duration will be for the day of the removal, at a minimum, and the next class meeting at the instructor's discretion. The instructor shall immediately report the removal to the Office of Student Services for appropriate action.
- b. The Office of Student Services may arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the Chief Student Services Office (CSSO) or designee shall attend the conference. The student shall not be authorized to return to the class during the period of the removal without the instructor first being informed. Nothing herein will prevent the Office of Student Services from recommending further disciplinary procedures in accordance with these procedures based on the facts that led to the removal.
- c. If the student who is being removed from class meetings is a minor, the CSSO or designee shall notify the parent or guardian of the student involved in the incident, and shall hold a conference regarding the removal as soon as possible with the student, his or her parent or guardian, and the faculty member.

4. Short-term Suspension

- a. The CSSO may exclude the student for good cause from one or more classes for up to one term of instruction.
- b. Short-term suspension consists of the temporary removal of the student from enrollment or participation in all District curricular or extracurricular activities, as well as noncredit, fee-based training classes, and programs including but not limited to the Employee Training Institute, Community Education, and free workshops.
- c. A suspended student shall not occupy any portion of the campus or campuses or learning management system, and shall be denied all District privileges including face-to-face and online class attendance and privileges.
- d. Whenever a minor is suspended, the CEO or designee shall provide written notification to the student's parent or guardian (Education Code 76031).

5. Long-term Suspension

- a. The CSSO may exclude the student for good cause from one or more classes for the remainder of the school term or from all classes and activities of the District for at least one term but no more than four (4) years.
- b. Long-term suspension consists of the removal of the student from enrollment or participation in all District curricular or extracurricular activities, as well as noncredit, fee-based training classes, and programs including but not limited to the Employee Training Institute, Community Education, and free workshops.

- c. A suspended student shall not occupy any prohibited portion of the campus or campuses or learning management system and may be denied District privileges, including face-to-face and online class attendance and privileges.
- d. Whenever a minor is suspended, the CSSO or designee provide written notification to the student's parent or guardian (Education Code 76031).

6. Withdrawal of Consent to Remain on Campus

Withdrawal of consent by the CEO or designee for any person to remain on campus in accordance with California Penal Code Section 626.4 where the CEO or designee has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

7. Expulsion

Exclusion of the student by the Board of Trustees from the District for one or more terms. Students may be expelled from the District only by action of the Board of Trustees upon recommendation of the CEO (Education Code 76030). The District may include a notation of the expulsion on the student's official transcript for an indefinite period. The student may appeal this notation to the CEO using the procedures established in Procedure 5530 (Student Rights and Grievances).

8. Administrative Hold

A hold placed on a student's records to prevent the student from re-enrolling in COC courses or the ability to receive any and all District services. This action shall be taken when a student has been suspended or expelled from the District. A hold may also be implemented after a student fails to attend a mandatory disciplinary hearing with the Dean or designee, and, depending upon the outcome of the hearing, the hold may be removed after the student has attended the required hearing.

9. Procedure for Short-term Suspensions, Long-term Suspensions, and Expulsions

- a. Before the District takes any disciplinary action to suspend, or expel a student, the following procedures shall apply:
 - i. Notice – The CSSO or designee shall provide the student with written notice of the conduct warranting the discipline. The written notice shall include the following:
 - A. The specific section 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 CSSO or designee to discuss the accusation.
 - D. The nature of the discipline that is being considered.

- ii. Time limits – The notice must be provided to the student within thirty (30) days of the date on which the District knew or should have known the conduct took place; in the case of continuous, repeated, or ongoing conduct, the notice must be provided within thirty (30) days of the date on which conduct occurred which led to the decision to refer the student to the Office of Student Services for violation of the Student Code of Conduct.
 - iii. Meeting – If the student chooses to meet with the CSSO or designee the meeting must occur within ten (10) days after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation and given an opportunity to respond verbally or in writing to the accusation.
 - iv. Decision making - If the student fails to respond or to schedule a meeting within a specific time frame, the CSSO or designee may take disciplinary action based upon the available information and preponderance of evidence – known as more likely than not.
- b. Short-term Suspension – Within fifteen (15) days after the meeting described above, the CSSO or designee shall, decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the CSSO’s decision shall be provided to the student. The notice shall include the length of time of the suspension, or the nature of the lesser disciplinary action. The CSSO’s decision on a short-term suspension, or any lesser disciplinary action, shall be final.
 - c. Long-term Suspension – Within fifteen (15) days after the meeting described above, the CSSO or designee shall decide whether to impose a long-term suspension. Written notice of the CSSO or designee’s decision shall be provided to the student. The notice shall include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of AP 5520 (Student Discipline Procedures) describing the procedures for a hearing.
 - d. Expulsion – Within thirty (30) days after the meeting described above, the CSSO shall, decide whether to recommend expulsion to the Board of Trustees. Written notice of the CSSO’s decision shall be provided to the student. The notice shall include the right of the student to request a formal hearing before expulsion is imposed, and a copy of AP 5520 (Student Discipline Procedures) describing the procedures for a hearing.

10. Hearing Procedures - Request for Hearing

Within fifteen (15) days after receipt of the CSSO’s decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The student must make the request in writing to the CEO or designee.

- a. Schedule of Hearing

- i. The formal hearing shall be held within fifteen (15) days after receipt of a written request for hearing.
- b. Student Conduct and Grievance Committee
 - i. The hearing panel for any disciplinary action is the Student Conduct and Grievance Committee and shall be composed of two full-time faculty members, one classified staff member, and two students.
 - ii. At the beginning of every academic year, the presidents of the Academic Senate, CSEA, and the Associate Student Government shall each provide a list of at least five persons from within their constituencies willing to serve on student disciplinary hearing panels to the CSSO. The CSSO shall appoint panelists from the names on these lists. However, no faculty member, classified staff member, or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a Student Conduct and Grievance Committee panel.
- c. Hearing Panel Chair and Coordinator
 - i. The CSSO shall appoint one member of the panel to serve as the chair of the Student Conduct and Grievance Committee panel. The outcome of the majority vote of the hearing panel shall be final on all matters relating to the conduct of the hearing.
 - ii. The CSSO shall appoint a Hearing Coordinator and provide appropriate administrative support for the process.
- d. Conduct of the Hearing
 - i. The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.
 - ii. The facts supporting the accusation shall be presented by a District representative who shall be the Investigator.
 - iii. The District representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
 - iv. The rules of evidence used in a court of law shall not apply. Any relevant evidence shall be admitted.
 - v. Unless the hearing panel determines to proceed otherwise, the District representative and the student shall each be permitted to make an opening statement. Thereafter, the District representative shall make the first presentation, followed by the student. The District representative may present rebuttal evidence after the student completes their evidence. The burden shall be on the District representative to prove by the preponderance of the evidence that the facts alleged are true.

- vi. A student has a right to select an adviser of their choice or to request the District provide an adviser to the student. An adviser, with written permission from the student, shall receive updates along with the student during the student discipline process and shall participate in the process as an advocate for the student.
 - A. The District may use any of the following to fulfill its obligation to provide an adviser to the student: a confidential respondent services coordinator, an agreement with a student-based peer support program, and an agreement with an alumni-based support program.
 - B. The District shall provide training to the adviser selected by the student or provided by the public post-secondary educational institution. The training shall include information on the District's student discipline procedures and may be provided in an online or in-person format.
- vii. The student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be advised by an attorney, a request must be presented not less than five (5) days prior to the date of the hearing. If the student is permitted to be advised by an attorney, the District representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.
- viii. Hearings shall be closed and confidential. In a closed hearing, witnesses shall not be present when not testifying.
- ix. The hearing shall be recorded by the District. The official recording shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. The hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. The recording shall remain in custody of the District at all times, unless released to a professional transcribing service. Upon request, the complainant and/or Student respondent shall be provided with a copy of the recording.
- x. All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable for live testimony. A witness who refuses to be recorded is not permitted to give testimony.

- xi. Within fifteen (15) days following the close of the hearing, the hearing panel shall prepare and send to the CSSO a written decision. The decision shall include specific factual findings regarding the accusation and specific conclusions as to whether the student violated any specific section(s) of the Standards of Student Conduct. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matters outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing. If a written decision is delayed beyond 15 days, this shall not affect the validity of the proceedings, findings, or outcomes, unless otherwise required by law or institutional policy.

11. CSSO or CEO's Decision

- a. Long-term suspension – Within fifteen (15) days following receipt of the hearing panel's recommended decision, the CSSO shall render a final written decision. The CSSO may accept, modify, or reject the findings, decisions and recommendations of the hearing panel. If the CSSO modifies, or rejects the hearing panel's decision, the CSSO shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the CSSO shall be final.
- b. Expulsion – Within fifteen (15) days following receipt of the hearing panel's recommended decision, the CEO shall render a written recommended decision to the Board of Trustees. The CEO may accept, modify, or reject the findings, decisions and recommendations of the hearing panel. If the CEO modifies, or rejects the hearing panel's decision, they shall review the record of the hearing and prepare a new written decision with specific factual findings and conclusions. The CEO's decision shall be forwarded to the Board of Trustees.

12. Board of Trustees Decision

- a. The Board of Trustees shall consider any recommendation from the CEO for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.
- b. The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures. (Education Code Section 72122.)
- c. The student shall be notified in writing, by registered or certified mail, to the address last on file with the District, or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.
- d. The student may, within 48 hours after receipt of the notice, request that the hearing be held as a public meeting.
- e. Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board shall hold any discussion that might

conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

- f. The Board may accept, modify, or reject the findings, decisions and recommendations of the CEO or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing and prepare a new written decision with specific factual findings and conclusions. The decision of the Board shall be final.
- g. The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.
- h. Immediate Interim Suspension (Education Code Section 66017): The CEO may order immediate suspension of a student when they conclude that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, shall be afforded to the student within ten (10) days.

13. Procedure for Withdrawal of Consent to Remain on Campus

- a. The CSSO or designee may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, they must promptly leave or be escorted off campus. If consent is withdrawn by the CSSO a written report must be promptly made to the CEO.
- b. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted no later than seven days from the date of receipt of the request. The hearing shall be conducted in accordance with the provisions of this procedure relating to interim suspensions.
- c. In no case shall consent be withdrawn for longer than fourteen (14) days from the date upon which consent was initially withdrawn.
- d. Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code Section 626.4).

14. Time Limits

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

15. No Disciplinary Action against Complainants or Witnesses in Sexual Assault Investigations

An individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking shall not be subject to disciplinary

sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

16. Student Discipline Data Reporting

The CEO shall develop an annual report on the number of students who were disciplined pursuant to this procedure and provide it to the Board of Trustees for review. This report must disaggregate the students by race, age, gender, or any other characteristic identified by the Board of Trustees.

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