

**AP 5520 STUDENT DISCIPLINE PROCEDURES**

**References:**

Education Code Sections 66017, 66300, 72122, 76030 and 76032

**I. General Provisions**

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

These Administrative Procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120 and will not be used to punish expression that is protected.

**II. Definitions**

District -- The Riverside Community College District

Student -- Any person currently enrolled as a student at any college or in any program offered by the District.

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.

Short-term Suspension -- Exclusion of the student by the Vice President of Student Services or designee for good cause from one or more classes for a period of up to ten consecutive days of instruction.

Long-term Suspension -- Exclusion of the student by the Vice President of Student Services or designee for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

Expulsion -- Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms.

Removal from class -- Exclusion of the student by an instructor for the day of the removal and the next class meeting.

Loss of privileges – Loss of Privileges denies, for a designated period of time, a student's attendance on District property to specified activities

regarding the charge of academic dishonesty, notify the student, consult with the faculty member regarding the recommendation for suspension and turn the matter over to the Vice President of Student Services who will take appropriate action.

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 not later than seven (7) days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn.

Any person for 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)

#### V. Process Preceding Suspensions or Expulsions

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

##### A. Notice -- The Vice President

student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The Vice President's or designee's decision on a short-

final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

E. Conduct of the Hearing -- The hearing will comply with principles of due process, including the right to confront and cross examine witnesses. The following procedure will be followed:

1. 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.
2. The facts supporting the accusation shall be presented by the administrator who issued the disciplinary action.
3. The administrator and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
4. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.
5. Unless the hearing panel determines to proceed otherwise, the administrator and student shall each be permitted to make an opening statement. Thereafter, the administrator shall make the first presentation, followed by the student. The administrator may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the administrator to prove by a preponderance of the evidence that the facts alleged are true.
6. The student may represent himself or herself, and may also have the right to be represented by a person of his or her choice, except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. In that case, and if the student wishes to be represented by an attorney, a request must be presented not less than five (5) days prior to when the hearing is held.

9. The hearing shall be electronically recorded by the District, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, 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. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.
10. 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 to testify. A witness who refuses to be tape recorded is not unavailable.
11. Within five (5) days following the close of the hearing, the hearing panel shall prepare and send to the President, a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. 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 matter 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.

## VII. President's Decision

Upon receipt of the Hearing Panel's decision, the President of the College will consider the decision of the Panel.

- A. Long-term suspension -- Within five (5) days following receipt of the hearing panel's recommended decision, the President shall render a final written decision. The President may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the President modifies or rejects the hearing panel's decision, the President shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the President shall be final.
- B. Expulsion - Within five (5) days following receipt of the hearing panel's recommended decision, the President shall render a written decision. The President may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the President modifies or rejects the hearing panel's decision, the President shall review the record

of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The President will forward his or her decision to the Chancellor with a copy to the hearing panel.

#### VIII. Chancellor's Decision

The Chancellor will review any recommended expulsions. Within five (5) days following receipt of the President's recommended decision, the Chancellor shall render a written recommendation decision to the Board of Trustees. The Chancellor may accept, modify or reject the findings, decisions and recommendations of the President. If the Chancellor modifies or rejects the President's decision, he or she shall review the record of the hear



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

Office of Primary Responsibility: Vice Chancellor, Educational Services

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