

Student Discipline Procedures

Reference: Education Code Section 66300; Accreditation Standard II.A.7.b

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of 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 (see BP/AP 5550 - Speech: Time, Place and Manner).

Definitions:

District. The Palo Verde Community College District.

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

Professor. 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 Superintendent/President for good cause from one or more classes for a period of up to ten (10) consecutive days of instruction.

Long-term Suspension. Exclusion of the student by the Superintendent/President 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 a Professor for the day of the removal and the next class meeting.

Written or Verbal Reprimand. An admonition to the student to cease and desist from conduct determined to be a violation of the Standards of Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one (1) year.

Withdrawal of Consent to Remain on Campus. Withdrawal of consent by the Vice President of Student Services for any person to remain on campus in accordance with California Penal Code

Section 626.4 where the Vice President of Student Services has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Day. Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays.

Short-term Suspensions, Long-term Suspensions, and Expulsions:

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

Notice. The Vice President of Student Services will provide the student with written notice of the conduct warranting the discipline. The written notice will including the following:

- The specific section of the Standards of Conduct that the student is accused of violating;
- A short statement of the facts supporting the accusation;
- The right of the student to meet with the Vice President of Student Services or designee to discuss the accusation, or to respond in writing; and
- The nature of the discipline that is being considered.

Time Limits. The notice must be provided to the student within five (5) days of the date on which the conduct took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within five (5) days after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

Short-term Suspension.

Within ten (10) days after the meeting described above, the Superintendent/President shall, pursuant to a recommendation from the Vice President of Student Services, 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 Superintendent/President's decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The Superintendent/President's decision on a short-term suspension shall be final.

Long-term Suspension.

Within ten (10) days after the meeting described above, the Superintendent/President shall, pursuant to a recommendation from the Vice President of Student Services, decide whether to impose a long-term suspension. Written notice of the Superintendent/President's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.

Expulsion.

Within ten (10) days after the meeting described above, the Superintendent/President shall, pursuant to a recommendation from the Vice President of Student Services, decide whether to recommend expulsion to the Board of Trustees. Written notice of the Superintendent/President's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.

Hearing Procedures:

Request for Hearing. Within ten (10) days after receipt of the Superintendent/President's decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the Superintendent/President or designee.

Schedule of Hearing. The formal hearing shall be held within ten (10) days after a formal request for hearing is received.

Hearing Panel. The hearing panel for any disciplinary action shall be composed of one (1) administrator, one (1) faculty member, and one (1) student.

The Superintendent/President, the president of the Academic Senate, and the ASG President shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearing panels. The Superintendent/President shall appoint the hearing panel from the names on these lists. However, no administrator, faculty 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 hearing panel.

Hearing Panel Chair. The Superintendent/President shall appoint one (1) member of the panel to serve as the chair. The decision of the hearing panel chair shall be 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.

Conduct of the Hearing.

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.

The facts supporting the accusation shall be presented by a college representative who shall be the [_____ the accuser(?) _____].

The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by substantial of evidence that the

facts alleged are true.

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. If the student wishes to be represented by an attorney, a request must be presented not less than five (5) days prior to the day of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing 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).

Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than five (5) days prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.

The hearing shall be recorded by the District either by tape recording, video or stenographic recording, 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 or video 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 and video recordings 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 or video recording.

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 or video recorded is not unavailable.

Within five (5) days following the close of the hearing, the hearing panel shall prepare and send to the Superintendent/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 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.

Superintendent/President's Decision:

Long-term suspension. Within ten (10) days following receipt of the hearing panel's recommended decision, the Superintendent/President shall render a final written decision. The Superintendent/President may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Superintendent/President modifies or rejects the hearing panel's decision, the Superintendent/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 Superintendent/President shall be final.

Expulsion. Within ten (10) days following receipt of the hearing panel's recommended decision, the Superintendent/President shall render a written recommended decision to the Board of Trustees. The Superintendent/President may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Superintendent/President modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The Superintendent/President's decision shall be forwarded to the Board of Trustees.

Board of Trustees' Decision:

The Board of Trustees shall consider any recommendation from the Superintendent/President for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

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).

The student shall be notified in writing, by registered or certified mail or by personal service, at least three (3) days prior to the meeting, of the date, time, and place of the Board's meeting.

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 Board may accept, modify or reject the findings, decisions and recommendations of the Superintendent/President 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 which contains specific factual findings and conclusions. The decision of the Board shall be final.

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.

Immediate Interim Suspension. The Superintendent/President may order immediate suspension of a student where he or she concludes 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 formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days (Education Code Section 66017).

Removal from Class. Any Professor may order a student removed from his or her class for the day of the removal and the next class meeting. The Professor shall immediately report the removal to the Superintendent/President and the Vice President of Student Services. The Vice President of Student Services shall arrange for a conference between the student and the Professor regarding the removal. If the Professor or the student requests, the Vice President of Student Services shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the Professor. Nothing herein will prevent the Vice President of Student Services from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

Withdrawal of Consent to Remain on Campus. The Vice President of Student Services 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, he or she must promptly leave or be escorted off campus. If consent is withdrawn by the Vice President of Student Services a written report must be promptly made to the Superintendent/President.

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 ten (10) days from the date upon which consent was initially withdrawn.

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).

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

The "Student Discipline Form" is attached.

(Formerly PVC Board Policy 6550 and a part of PVC Administrative Regulation 5300)

7/26/11 Board Information Item

PALO VERDE COLLEGE
STUDENT DISCIPLINE FORM

[PURSUANT TO BOARD POLICY/ADMINSTRATIVE PROCEDURE 5500]

Date: _____

To: Student's Name: _____ Course: _____

From: College Representative's Name: _____

College Representative's Signature: _____

I believe that you have committed a violation of the college's disciplinary policy. The details of this violation are as follows: (Include date, description of violations, actions of the college representative and student, witnesses, etc.)

As a result of this violation, the following disciplinary action(s) will be taken:

- | | |
|--|------------------------------------|
| _____ Verbal Reprimand | _____ Failing Grade for Assignment |
| _____ Written Reprimand | _____ Failing Grade in Course |
| _____ Removal from Class (1 or 2 class sessions) | _____ Restitution |
| _____ Withdrawal of Consent to Remain on Campus | _____ Long-term Suspension |
| _____ Short-term Suspension | _____ Expulsion |

Student Statement:

_____ I agree that a violation as described above did occur, and I agree with the level of discipline indicated.

_____ I do not agree that a violation as described above did occur and/or with the level of discipline to be applied, and I choose to appeal.

_____ I do not agree that a violation as described above did occur and/or with the level of discipline to be applied, and I do not choose to appeal.

Student's Signature: _____ Date: _____