The purpose of these administrative procedures is to provide a means to address violations of the Standards of Conduct set forth in Board Policy 5500 (BP 5500).

These administrative procedures are not intended to substitute for criminal or civil proceedings that may be initiated by other agencies and will be used in a fair and equitable manner, and not for purposes of retaliation. These procedures are not considered a legal proceeding. Therefore, students do not have a right to counsel during a student disciplinary hearing.

I. DEFINITIONS

Discipline Officer: The Dean of Students or such other official so designated by the Superintendent/President.

District: The Shasta-Tehama-Trinity Joint Community College District.

School Day: Any day during which the District is in session and regular classes are held, excluding Saturdays and Sundays.

Student: Any person enrolled in any program at the District, either full-time or part-time. Persons who withdraw after allegedly violating the Standards of Conduct are considered “students” for the purposes of these procedures. The Standards of Conduct apply to all locations and activities of the District, including online courses and District-sponsored events.

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.

Educational Administrator: Any administrator who provides leadership and direction for the operations of the District whose responsibilities include supervision of managers, staff or instructors and the management of the institutional relations among students, faculty and staff.

Expulsion: Permanent separation of the student by the Board of Trustees from all courses and activities offered by the District.

Good Cause: Any offense defined by Education Code section 76033 and such other causes as set forth in the Standards of Conduct.

Hearing Authority: The Vice President of Student Services or such other official so designated by the Superintendent/President and with responsibility for the first appeal level.

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

Reprimand (Written or Verbal): An admonition to the student to cease and desist from conduct determined to violate the Standards of Conduct.
Immediate Interim Suspension (Education Code Section 66017): The immediate suspension of a student when the Discipline Officer or any educational administrator concludes that immediate suspension is required to protect students or others from injury, to protect property, or to ensure the maintenance of order at the District provided that a reasonable opportunity for a hearing be afforded the suspended student within ten (10) days.

Short-Term Suspension: Exclusion of the student for good cause from one or more classes, school activities, and/or all District facilities for a period of up to five (5) school days.

Long-Term Suspension: Exclusion of the student for good cause from one or more classes, school activities and/or all District facilities for more than five (5) school days.

Withdrawal of Consent to Remain on Campus: Withdrawal of consent by the Discipline Officer for any person to remain on campus in accordance with California Penal Code Section 626.4 where the Discipline Officer has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

II. EXPECTED STUDENT CONDUCT

The Standards of Conduct are set forth in BP 5500 and apply to conduct that relates to District activity or District attendance, including conduct that occurs while at District campuses or facilities, or at District sponsored activities, including before classes begin, after classes end, during the academic year, and during periods between terms of actual enrollment. The Standards of Conduct shall apply even if the student withdraws from school while a disciplinary matter is pending.

III. SANCTIONS

One or more of the following sanctions may be imposed upon any student found to be in violation of the Standards of Conduct:

1. Warning: Verbal notice to the student by the Discipline Officer that the student is violating or has violated the District’s Standards of Conduct and that a continuation of the specified conduct by the student may lead to further disciplinary action. The warning will be documented by the Discipline Officer and may become part of the student’s record for a period of up to one year.

2. Reprimand: A written or verbal admonition to the student by the Discipline Officer to cease and desist from conduct determined to violate the Standards of Conduct. A record that a reprimand has been given shall be documented and may become part of a student’s record for a period up to one year.

3. Disciplinary Probation: A written reprimand by the Discipline Officer for violation of a specific provision of the Standards of Conduct that invokes probation for a designated period of time, which includes the possibility of more severe disciplinary sanctions should the student violate any of the Standards of Conduct during the probationary period.

4. Restitution: Reimbursement by the student for damage(s), injury or misappropriation of District property or to instructional materials/equipment caused by the students’ misconduct. Restitution/reimbursement may be one or more of the following: appropriate service, monetary or material replacement. Pursuant to Title 5 of the California Code of Regulations, Section 59410, students who fail to provide the required restitution will have their grades, transcripts, diplomas, and registration privileges withheld until the financial obligation to the District is satisfied. The Discipline Officer shall provide the student with an opportunity to be heard prior to the imposition of a restitution order.

5. Removal from Class or Instruction-Related Activity: Any instructor may order a student removed from his or her class or instructional activity for the day of the removal and the next class or activity meeting. The instructor shall immediately report the removal to the Discipline Officer. The Discipline Officer will arrange for a meeting with the student regarding the removal. The student shall not be allowed to return to the class or instructional activity during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the Discipline Officer from further disciplinary sanctions in accordance with these
procedures, and based on the facts which led to the removal. If the student removed is a minor, the Discipline Officer shall ask the parent or guardian of the student to attend a parent conference regarding the removal as soon as possible. If the instructor or the parent/guardian so requests, the Discipline Officer shall attend the conference.

6. **Loss of Privileges:** Denial of privileges that do not involve restrictions on class attendance for a designated period of time.

7. **Residence Halls Suspension:** Separation of the student from the Residence Halls for a definite period of time for violation of the Student Residential Housing Agreement or Standards of Conduct after which the student is eligible to return. Conditions for readmission to the Residence Halls may be specified.

8. **Residence Halls Contract Revocation:** Permanent separation of the student from the Residence Halls for continued or serious violations of the Student Residential Housing Agreement or Standards of Conduct without possibility of readmission, which may also include revoking the privilege to be in or near the Residence Halls for any reason.

9. **District Suspension:** Subject to notice and appeal hearing requirements, separation of the student for good cause from all classes, school activities and/or all District campuses for a definite period of time after which the student may be eligible to return.

10. **District Expulsion:** Permanent separation of the student by the Board of Trustees from all courses and activities offered by the District.

11. **Revocation of Degree or Certificate:** A degree or certificate awarded by the District may be revoked for fraud, misrepresentation, or other violation of District standards in obtaining the degree or certificate. Such a revocation shall be by action of the Board of Trustees.

12. **Withholding of Degree or Certificate:** The District may withhold awarding a degree or certificate otherwise earned until the completion of the process set forth in these procedures, including the completion of all sanctions imposed, if accusations of misconduct affect the student’s entitlement to the degree or certificate.

13. **Withdrawal of Consent to Remain on Campus:** The Discipline Officer 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 Discipline Officer, the officer will immediately notify the Vice President of Student Services and the Superintendent/President. The person from whose consent has been withdrawn may submit a written appeal in accordance with Sections VI and VII of these procedures.

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 attend a hearing, is subject to arrest (Penal Code section 626.4).

14. **Discretionary Sanctions:** Work assignments, essays, service to the District, or other related discretionary assignments that are determined to be appropriate by the Discipline Officer to remedy a violation of the Standards of Conduct or that serve as an educational lesson in response to such a violation.

**IV. DISCIPLINE INVOLVING STUDENT GROUPS**

Sanctions upon student groups or organizations may be imposed as follows:

1. Those relevant sanctions listed in Section III of these procedures.
2. Loss of selected rights and privileges for a specified period of time.
3. Deactivation: Loss of all privileges, including District recognition, for a specified period of time.
Accusations that a student group or organization has collectively violated the Standards of Conduct, terms that govern the group or organization, or any conditions of District operations, shall be initially reviewed by the Discipline Officer who shall have authority to impose sanctions on the group or organization.

No sanctions shall be imposed until the Discipline Officer has provided the group or organization with a written statement of the accusations and given the group or organization an opportunity to respond.

V. RECORDS OF DISCIPLINARY ACTION

In accordance with Education Code section 76220, the District shall establish, maintain and destroy student records according to regulations adopted by the Board of Governors of the California Community Colleges. The Discipline Officer will create a record of disciplinary actions, along with relevant supporting documents and evidence. This record shall be maintained as a confidential student disciplinary record and may not be released without the permission of the student, except as permitted by law. The student shall have the right to inspect the record and to challenge the contents. Disciplinary records shall be retained in a manner consistent with state law.

In accordance with Education Code section 76234, whenever there is included in any student record, information concerning any disciplinary action taken by the District in connection with any alleged sexual assault or physical abuse or any conduct that threatens the health and safety of the alleged victim, the alleged victim of the sexual assault or physical abuse shall be informed within three (3) days of the results of any disciplinary action by the District and the results of any appeal.

VI. SUSPENSION/EXPULSION PROCEDURES

The following procedures shall be followed before any suspension or recommendation of expulsion except in the event that an emergency/interim suspension is imposed as set forth herein.

A. Administration. The Discipline Officer shall administer these procedures and take appropriate action, subject to the approval of the District Superintendent/President and the Governing Board if required herein or otherwise by law.

B. Reporting of conduct. Alleged student misconduct shall be reported to the Discipline Officer.

C. Investigation. Upon receiving a report of alleged student misconduct, the Discipline Officer shall initiate an investigation.

D. Notice. Before imposing this discipline, the Discipline Officer shall make reasonable efforts to give the student written notice of the reason for the proposed disciplinary action. If the student is a minor, the Discipline Officer shall also notify the parent or guardian of the investigation and charges.

E. Opportunity to be Heard. Within a reasonable period of time following the delivery to the student of the notice referred to above, the Discipline Officer shall offer the student an opportunity to attend a meeting at which time the student may present a rebuttal to the accusation or otherwise offer relevant comment on the proposed suspension or recommendation of expulsion. If the student fails to arrange such a meeting (or fails to appear for a meeting the student arranged), the decision of the Discipline Officer shall be made without input from the student.

F. Determination after Meeting. The Discipline Officer shall decide whether or not to proceed with the proposed suspension or recommendation of expulsion after hearing the student's explanation and considering all of the information. The Discipline Officer shall send the student a written notice of the decision via personal delivery or certified mail to the student's last known address, as set forth in subsection (H) below.

G. Notice to the District’s Hearing Authority. The Discipline Officer shall report any disciplinary action imposed to the District’s Hearing Authority (the Vice President of Student Services or such other official so designated by the Superintendent/President.)
H. **Short-Term Suspension Notification.** The Discipline Officer shall send the student a written notice of determination within three (3) school days after the meeting described in subsection (E). The notice shall inform the student of the decision and the length of the suspension, if any. The notice shall also inform the student that the decision is final. The notice shall be hand delivered or sent via certified mail to the student's last known address.

I. **Long-Term Suspension and/or Recommendation for Expulsion Notification.** The Discipline Officer shall send the student a written notice of determination within five (5) school days after the meeting described in subsection (E). The notice shall be hand delivered or sent via certified mail to the student's last known address. The notification shall include:

1. A statement of the charges, the reason for the suspension or recommended expulsion, and a description of facts related to the misconduct, including the evidence against the student, the date of the incident(s), time of the incident(s), and location of the offense(s);

2. A copy of the Standards of Conduct;

3. An explanation that the student who has been suspended is entitled to appeal the decision and has a right to an appeal hearing ("appeal hearing"). The notification shall also state that a request for an appeal hearing shall be filed within five (5) school days of the receipt of the notification. Mailed notice is presumed received three calendar days after mailing. The written request for an appeal hearing must be submitted to the Hearing Authority, and must cite the specific ground(s) for the appeal (from those listed below), and provide information which substantiates the ground(s) on which the appeal is being made. The failure to request a hearing in a timely manner shall constitute a waiver of the right to a hearing;

4. Grounds for appeal: A student may appeal the decision of the Discipline Officer on the grounds that:
   
   i. fair consideration was not provided to the student (i.e., there is evidence that some aspect of the meeting described in subsection (E) was prejudicial, arbitrary, or capricious); or

   ii. new and significant information, not reasonably available at the time of the initial meeting, has become available; or

   iii. the sanction or remedy imposed is not in due proportion to the nature and seriousness of the offense. Any evidence supporting these grounds must be included in the request for an appeal hearing.

5. A statement that the student has the right to be accompanied at an appeal hearing by an on-campus advisor of his or her choice. If the student decides to be accompanied by an advisor, the name and address of that advisor shall be submitted to the Hearing Authority at the time the appeal is filed;

J. **Schedule of Hearing.** The Hearing Authority shall schedule an appeal hearing no later than ten (10) school days after a timely written request for a hearing is received by the District.

**VII. HEARING AUTHORITY’S APPEAL PROCEDURES**

A. Sanctions recommended by the Discipline Officer may be appealed, by the student charged, to the Hearing Authority (the Vice President of Student Services or such other official so designated by the Superintendent/President). The appeal must be in writing and received by the Hearing Authority within five (5) school days of receipt of notification of right to appeal.

B. Upon receipt from the student of a request to appeal within the time stated above, the Hearing Authority will review the facts of the Discipline Officer’s findings and recommended sanctions. Sanctions recommended by the Discipline Officer may or may not be suspended until such time as the appeal hearing is held.
C. If after the review, the Hearing Authority determines that an appeal is warranted then the appeal hearing will be conducted with the student within ten (10) school days of receipt of the request to appeal.

D. Additional parties and/or witnesses to the violation may be requested to meet with the Hearing Authority to verify information obtained from the hearing held with the Discipline Officer.

E. The Hearing Authority may uphold, modify or reject any or all disciplinary sanctions recommended by the Discipline Officer. If the Hearing Authority modifies or rejects any or all sanctions recommended, the Hearing Authority shall prepare a new written decision which contains specific factual findings and conclusions. The Hearing Authority's decision shall be sent via certified or registered mail to the student's last known address. The Hearing Authority shall report all suspensions, recommendations of expulsion, and recommendations to revoke or withhold a degree or certificate to the Superintendent/President within five (5) school days.

F. If the student fails to attend the appeal hearing without prior notice of cancellation, or without rescheduling another hearing, the Hearing Authority may uphold, modify, or reject the disciplinary sanctions recommended by the Discipline Officer without input from the student. Sanctions imposed could result in suspension, expulsion, or revoking or withholding a degree or certificate.

G. In cases not resulting in long-term suspension, expulsion, or revoking or withholding of a degree or certificate, the decision of the Hearing Authority shall be final.

H. In cases where a recommendation of long-term suspension, expulsion, or the revoking or withholding of a degree or certificate has been rendered, notice shall be forwarded immediately to the Superintendent/President.

**VIII. EMERGENCY INTERIM SUSPENSION**

A. The Discipline Officer may impose an emergency/summary suspension if deemed warranted. It is an extraordinary measure and shall be utilized only when necessary to protect individuals from injury or death, or damage to property, or to ensure the maintenance of order pending an opportunity for the student to be heard.

B. A meeting shall be provided to the student within five (5) school days of an emergency/summary suspension (Education Code section 66017). The procedures set forth in sections VI and VII shall apply to the meeting and any appeal hearing.

C. An emergency/summary suspension shall be reported to the Board of Trustees at its next regular meeting after such suspension has been imposed.

**IX. SUPERINTENDENT/PRESIDENT**

In cases where long-term suspension, expulsion, or revoking or withholding a degree or certificate is recommended, the following shall apply:

A. **Long-Term Suspension:** Within ten (10) school days following receipt of the recommended decision, the Superintendent/President shall render a final written decision. The Superintendent/President may uphold, modify or reject the disciplinary sanctions recommended by the Hearing Authority. If the Superintendent/President modifies or rejects the suspension recommendation, the Superintendent/President shall review the record of the hearings, and prepare a new written decision which contains specific factual findings and conclusions. The decision of the Superintendent/President shall be final except as to expulsions or revoking or withholding of a degree or certificate. The final decision shall be sent via certified or registered mail to the student's last known address. The Superintendent/President shall report all suspensions, whether short- or long-term, of any student to the Board of Trustees in closed session at its next regular meeting after the suspension has been imposed.
B. **Expulsion or Revoking or Withholding a Degree or Certificate:** Within ten (10) school days following receipt of the recommended decision, the Superintendent/President shall render a written recommended decision to the Board of Trustees. The Superintendent/President may uphold, modify or reject the disciplinary sanctions recommended by the Hearing Authority. If the Superintendent/President modifies or rejects the expulsion recommendation, or the recommendation to revoke or withhold a degree or certificate, the Superintendent/President shall review the record of the hearings and 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.

X. BOARD OF TRUSTEES

In cases where expulsion or revoking or withholding a degree or certificate is recommended, the following shall apply:

A. The Board of Trustees shall consider any recommendation from the Superintendent/President for expulsion and/or revoking or withholding a degree or certificate at its next regularly scheduled meeting or as soon thereafter as is practicable. The Board of Trustees shall consider an expulsion recommendation in closed session, unless the student requests the matter be heard in open session in accordance with these procedures and Education Code section 72122. The Board may 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 (Education Code section 76030).

B. The student shall be notified in writing, by registered or certified mail or by personal service, at least five (5) school days prior to the meeting, of the date, time, and place of the meeting of the Board of Trustees. The student may, within forty-eight (48) hours after receipt of the notice, request that the hearing be held in open session. Even if a student has requested that the Board of Trustees hear an expulsion recommendation in open session, the Board of Trustees may deliberate in closed session in accordance with Education Code section 72122.

C. A closed hearing will be closed to everyone except the following:

1. the student charged;

2. an advisor/advocate for the student charged, if so desired. If the student chooses to be accompanied by an attorney, the student must notify the District in writing of his/her intent to bring an attorney at least two (2) school days prior to the hearing. Failure to notify the District will result in a postponement of the hearing;

3. the District Superintendent/President and/or President's designee;

4. the Board of Trustees;

5. Counsel for the District;

6. the student's parent(s) or guardian, if the student is a minor;

7. Campus Security or such other law enforcement personnel deemed necessary for the safety of meeting participants.

D. The hearing shall be conducted in accordance with the following procedures:

1. The President of the Board of Trustees will serve as chair of the hearing, and will rule on all questions of procedure and admission of evidence.

2. Hearings need not be conducted in accordance with strict rules of evidence or the formality of a court hearing.
3. Before commencement of the hearing, the Board of Trustees shall review a description of the charges, notices, evidence, findings, and a copy of the proposed decision from the college-level disciplinary appeal hearing. The Board of Trustees shall consider no evidence other than that evidence received in the hearing process.

4. The District Superintendent/President or designee shall make a brief statement to the Board of Trustees, referring to relevant evidence regarding the alleged misconduct.

5. The accused student may then make a brief statement to the Board of Trustees and present any relevant evidence.

6. The statements shall be limited to five (5) minutes each.

7. Upon completion of these statements, the Board of Trustees will have an opportunity to ask questions of both the student and the District Superintendent/President or designee.

8. The Board of Trustees will conclude the hearing, dismiss the parties, and privately deliberate as to a decision.

9. The Board of Trustees shall issue a statement of decision including findings of fact and a determination that the accused student did or did not commit the act(s) charged, a finding that the student's act(s) did or did not constitute a violation of the Standards of Conduct, and a decision as to whether the expulsion proposed by the District Superintendent/President will be upheld or modified. The Board of Trustees may also recommend further investigation. Pursuant to Education Code section 72122, regardless of whether the matter is heard in open or closed session, the final action of the Board of Trustees shall be taken in open session, and the result of the action shall be a public record. The name of the student, however, shall not be released.

10. The hearing (but not the deliberations of the Board of Trustees) shall be recorded either in written format or electronically. The record shall be the property of the District. The student may read the record or listen to the tape at a mutually agreeable location at the District. An accused student may, upon request, be provided a copy of the written record or electronic recording at his or her own expense.

11. A written statement of the Board of Trustees’ decision shall be sent via certified or registered mail to the student's last known address within three (3) school days after the conclusion of the hearing.

12. If the Board of Trustees’ decision is unfavorable to the student, the student shall have the right to submit a written statement of his/her objections to the decision. This statement shall become a part of the student's records.

13. The decision of the Board of Trustees is final and not subject to further appeal.

XI. NOTIFICATION

The District Superintendent/President or designee shall, upon suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the District is situated of any acts of the student that may be in violation of section 245 of the Penal Code (Education Code section 76035).

XII. EXTENSIONS OF TIME

Calendar restraints may be extended with the agreement of both parties.

Board Reviewed 4/13/11