

# Chapter 5 - Student Services

## AP 5520 Student Discipline Procedures

### References:

Education Code Sections 55024, 59337, 66017, 66300, 67380, 72122, and 76030-76038, 76120, 76234, Penal Code Section 273.5, 626.4, 646.9 20, U.S.C. § 1232g; 34 CFR; BP 3500, BP 3540, BP 5500, AP 3435, AP 3500, and AP 3515

The purpose of this procedure is to provide a fair, timely, and equitable means to address violations of the Standards of Conduct. This procedure affords students due process rights guaranteed by state and federal constitutional protections, and is not intended as a substitute for criminal or civil proceedings that may be initiated by other agencies. This Administrative Procedure is 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 or Education Code, and will not be used to punish expression that is protected.

### Jurisdiction

Board Policy 5500 sets forth the Standards of Conduct for students and lists the causes for which student discipline procedures shall be initiated within this Administrative Procedure.

The Standards of Conduct shall apply to conduct related to College activity or College attendance, including but not limited to conduct that occurs on College premises, at College sponsored activities, and at College off-campus activities, whether these activities are taking place face-to-face and/or online. Teleconferencing may be used at the discretion of the Student Life official for any procedures herein or at the request of the student. Conduct that adversely affects the College community and/or the pursuit of its objectives shall be addressed through student discipline procedures. No student shall be removed from class, suspended, or expelled for parking offenses. Any College employee shall serve as a reporting party and may file a Student Misconduct Report for an alleged violation of the Standards of Conduct.

During off-campus activities, the College employee designated as a chaperone for College-sanctioned courses or activities held off-campus shall be responsible for observing or upholding the Standards of Conduct at off-campus sites, including study abroad locations. The chaperone shall file a Student Misconduct Report for alleged student misconduct in accordance with the discipline procedures herein.

Study Abroad: When the Study Abroad program is sponsored by the College, the faculty responsible for observing or upholding the Standards of Conduct at a study abroad location is authorized to remove the student from all classes and activities of the study abroad program location. The student retains their rights to a Student Conduct Board Hearing upon their return to campus. The terms of this removal shall include the requirement that the student immediately return to the address listed on their student records, and at their expense. This suspension shall only be imposed in consultation with, and upon the approval of, the Vice President, Instruction. The Vice President, Instruction shall consult with the Vice President, Student Services prior to imposition of discipline in the context of study abroad programs.

Sexual Harassment, Dating Violence, Domestic Violence, and Stalking: When the Title IX Coordinator determines a report meets the jurisdictional requirement of AP 3434, the hearing procedures outlined in AP 3434 shall be observed. Reports that do not meet the jurisdictional requirements under AP 3434, shall follow the procedures outlined in AP 3540.

### Reporting

The College ensures due process rights for all students reported for alleged violation of the Standards of Conduct. An alleged violation of the Standards of Conduct shall be submitted to the Student Life Official through a Student Misconduct Report, a Police and Campus Safety Incident Report, and/or a Human Resources Report. The Student Life Official is responsible for receiving, adjudicating, and storing reports.

Complaints of discrimination, harassment, retaliation, sexual misconduct, dating violence, domestic violence, or stalking that are directly submitted to the Human Resources Office in addition to, or in lieu of, a Student Misconduct Report, may result in a report from Human Resources submitted to the Student Life Office.

Reporting Misconduct: Reporting parties who allege that a violation of the Standards of Conduct has occurred shall inform the student of their misconduct and submit a Student Misconduct Report to the Student Life Official no later than 10 business days after the occurrence, or within 10 business days of the discovery of facts. If a reporting party calls Police and Campus Safety to assist with an alleged violation of the Standards of Conduct, a Police and Campus Safety Incident Report will be submitted to the Student Life Official in addition to, or in lieu of, a Student Misconduct Report. Documentation including any witness statements that supports the allegation, must be included with any report. Incidents that can be considered as hate violence will be reported to Police and Campus Safety per BP 3515.

### Interim Actions

Removal from Class: Any faculty may authorize a student be removed from their class for the day an incident occurs as well as the next class meeting. The faculty shall immediately submit a Student Misconduct Report to the Student Life official who shall conduct a Discipline Conference with the student.

Removal of a Minor from Class: If a minor is removed from a class, the Student Life Official shall ask the parent or guardian to attend a Discipline conference with the student. The Student Life Official may arrange and attend a student-parent faculty conference upon request by any party. The student shall not return to the class during the period of the removal without the concurrence of the faculty. Nothing herein will prevent the Student Life Official from recommending further discipline procedures based on the facts which led to the removal.

Immediate Suspension: In cases where a report of student misconduct includes an issuance of an immediate suspension, the time limits contained in these procedures shall not apply and a Discipline Conference shall not be required. A Student Conduct Board Hearing shall occur within 10 business days provided that a reasonable opportunity exists within this timeframe, but the provision of the Hearing will not exceed 30 days. An immediate

suspension may be issued by Police and Campus Safety, Student Life, or Adult Basic Education.

The student must promptly leave or be escorted off campus and will be referred to a Student Conduct Board Hearing. The student who knowingly re-enters the College premises after an Immediate Suspension, except to attend their Hearing, or other Student Life authorized meeting, is subject to a trespassing arrest.

### Discipline Conference

Upon receipt of a report of Student Misconduct, a Student Life official shall provide the student, or a minor's parent or guardian, with an official notice of the alleged violation(s) warranting discipline and of the need to schedule a Discipline Conference. Official notice may be provided by certified mail, email, or personal delivery.

The Discipline Conference must be scheduled with a Student Life official within five business days after the notice is provided. The responsibility to schedule the mandatory discipline conference within five business days rests with the student and/or minor's parent or guardian.

The official notice shall include:

- Specific section(s) of the Standards of Conduct that the student is accused of violating;
- Short statement of the facts which support the allegation(s);
- One's right and responsibility to attend a Discipline Conference to discuss the alleged violation(s) with a Student Life Official; and
- Potential sanction(s) that is being considered.

If necessary, the Student Life official may conduct an additional investigation of the alleged misconduct to gather more facts in preparation of the Discipline Conference.

The Discipline Conference will be conducted in person, or by teleconference. To utilize an ACCESS Program approved disability related accommodation during the Discipline Conference, the student shall contact the Student Life Office at least five business days in advance with proper documentation noting the approved accommodation(s).

The student may elect to be accompanied by up to two advisors, including legal counsel. If a student chooses to utilize the services of legal counsel, it is at the student's own expense. The advisor shall not be a witness in the matter. The advisor's role is limited to observing, consulting with the student, and providing support to the student during the Discipline Conference. An advisor may not participate in the Discipline Conference on behalf of the student. If the student elects to be accompanied by an advisor, written notice must be submitted to the Student Life Official no less than five business days prior to the date of the Discipline Conference. Upon receipt of the student's notification of being accompanied by legal counsel, the College's representative may also be accompanied by legal counsel. Legal counsel of the College's representative will serve as an advisor in the same capacity as the student's advisor.

At the Discipline Conference, the student, or minor student with parent or guardian, must again be informed of: the specific section(s) of the Standards of Conduct they are accused of

violating, the facts which support the allegation(s), and given an opportunity to respond to the allegation(s) verbally, or in writing. During the Discipline Conference, the Student Life Official shall determine the disciplinary sanction(s) warranted and inform the student. The Student Life Official may introduce restorative justice sanction options at this time. Following the Discipline Conference, the Student Life Official will provide a written notice to the reporting party of the actions taken or pending. If a Discipline Conference with the Student Life Official fails to occur within five days, a Disciplinary Hold shall be placed on the student's record to prevent the student from having access to certain College records and services, including registering for classes. The outcome of the Discipline Conference may result in a Discipline Contract, also known as a Case Resolution Form, where certain sanctions may be imposed, shall be final, and cannot be appealed.

The following discipline sanctions may be imposed:

- Behavior Wellness Referral
- Character Development Directed Learning Activity
- Disciplinary Contract
- Educational and Personal Development Activities
- Immediate Suspension
- Loss of Privileges
- Reprimand
- Restitution
- Threat Assessment Referral

A Discipline Conference could result in referral to a Student Conduct Board Hearing.

#### Student Conduct Board Hearing

The Student Conduct Board is convened to conduct a hearing to review the details of the case and to determine the recommendation for potential disciplinary action. The hearing is a College administrative procedure, not a legal proceeding. As such, the College does not allow anyone, including attorneys at law, to speak for, represent, or intervene in the process.

Prior Expulsion Assessment Hearing: Any person applying for admission to the College who has been previously expelled from another community college district in the preceding five years or is undergoing an expulsion process at another community college district, shall be afforded a Student Conduct Board Hearing. The Hearing shall determine if the applicant continues to pose a danger to the physical safety of others and whether the applicant will be admitted, admitted provisionally, or denied admission to the College as per AP 5010. The person shall have the right to appeal to the Vice President, Student Services or President/CEO.

Student Conduct Board Appointment: The Student Conduct Board shall be composed of one administrator, one faculty member, and one student. At the beginning of each academic year, the Vice President, Student Services, the Academic Senate President, and the Associated Students President shall each submit a list of at least five persons who will serve

on the Student Conduct Board throughout the year. The Student Conduct Manager will serve as the Chair of the Student Conduct Board Hearing. The Chair shall appoint the Hearing Board from the names provided and will oversee all procedural aspects of the Hearing, including clarifying the role of the Hearing Board and monitoring the rights of all parties involved. The Chair is a neutral and non-voting member of the Board. No administrator, faculty member, or student who has any personal involvement in the case to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner, shall serve on the Student Conduct Board Hearing.

Notice of Student Conduct Board Hearing: The Student Life Official shall provide the accused student, or a minor's parent or guardian, official notice of the date, time, and location of the Hearing by certified mail, email, or personal delivery. The notice shall include:

1. The composition of the Student Conduct Board.
2. The specific sections(s) of the Standards of Conduct the student is accused of violating.
3. A statement of the alleged facts and evidence supporting the allegation(s) in sufficient detail, including any witnesses or exhibits, so that the student may prepare one's testimony.
4. Potential sanction(s) that is being considered.
5. A copy of Board Policy 5500 and Administrative Procedure 5520.
6. If the student plans to bring witness(es) or evidence related to the incident to the Hearing, the witness list and/or evidence must be provided to the Student Conduct Manager along with written notice at least five business days prior to the scheduled Hearing date.

Prior to the convening of the Hearing, the members of the Student Conduct Board shall be provided with a copy of the accusation(s) against the student, supporting evidence and/or documentation, and any written response provided by the student.

The student may elect to be accompanied by up to two advisors, including legal counsel. If a student chooses to utilize the services of legal counsel, it is at the student's own expense. The advisor shall not be a witness in the matter. The advisor's role is limited to observing, consulting with the student, and providing support to the student during the Student Conduct Board Hearing. An advisor may not participate in the Student Conduct Board Hearing on behalf of the student. If the student elects to be accompanied by an advisor, written notice must be submitted to the Student Conduct Manager no less than five business days prior to the date of the Hearing. Upon receipt of the student's notification of being accompanied by legal counsel, the College's representative or the Student Conduct Board may also be accompanied by legal counsel. Legal counsel of the College's representative will serve as an advisor in the same capacity as the student's advisor. The Student Conduct Board's legal advisor shall not be a member of the Board nor have a vote in the case.

To utilize an ACCESS Program approved disability related accommodation during the Student Conduct Board Hearing, the student shall contact the Student Life Office at least five business days in advance and provide proper documentation to provide notice or request an accommodation.

Student Conduct Board Hearing: The Hearing shall commence no sooner than 10 business days and not later than 30 days after the accused student has been provided an official notice of a Student Conduct Board Hearing, unless an extension is mutually agreed upon. In the case of an immediate suspension a Hearing must be held within 10 business days. The Student Conduct Board Hearing shall be conducted in substantial compliance with the following proceedings:

1. The Hearing shall be closed and confidential. Witnesses shall be present only when testifying.
2. The Student Life official shall present the case against the accused student, and shall have the burden of providing by the preponderance of the evidence standard, that the facts alleged are true, and shall make a recommendation for the level of discipline to be imposed.
3. The Student Life official and the student shall have the right to directly participate in the Hearing, to introduce evidence, and to call and question witnesses that attend the Hearing. All witnesses are also subject to questioning by the Student Conduct Board. All witnesses must provide verbal statements under oath as administered by the Student Conduct Manager.
4. Formal rules of evidence shall not apply. Any relevant records, exhibits and written statements may be accepted as evidence at the discretion of the Student Conduct Manager in consultation with the Student Conduct Board. Hearsay evidence is admissible, but may not, by itself, be used to support a finding of the Student Conduct Board.
5. The Student Conduct Manager, after consultation with the members of the Student Conduct Board, shall have the final decision on all procedural and evidentiary questions.
6. The Hearing shall be recorded only by the Student Conduct Board. Any person with relevant information who refuses to be recorded shall not be permitted to provide a verbal statement. The recording shall remain the property of the College. The Student Conduct Manager shall furnish a copy of the recording to the student upon written request.
7. Request for Student Conduct Board Hearing records shall follow the standard procedure of submission in writing, with records provided within 10 business days.
8. The student shall have the right to be assisted by a translator or qualified interpreter to ensure their full participation in the proceedings. Any notification of bringing an interpreter shall be made in writing to the Student Conduct Manager no later than five business days before the hearing.
9. Student Conduct Board and College employees who participate in a Student Conduct Board Hearing shall abide by all state and federal laws governing the privacy and confidentiality of student educational records.
10. The Student Conduct Board shall deliberate in closed session. These deliberations shall not be recorded and the proceedings shall be confidential in closed session. The Student

Conduct Board shall determine whether the facts as alleged have been established by the preponderance of the evidence standard, specify its findings of fact in writing, determine by majority vote whether the accused student has violated the Standards of Conduct as charged, and determine a recommendation for disciplinary action by majority vote. The Student Conduct Board may include restorative justice sanction options in their recommendation.

Student Conduct Board Recommendations: The Student Conduct Manager shall forward a hearing summary which includes the Student Conduct Board's findings and recommendation to the Student Services Conduct Administrator within 10 business days after the conclusion of the Hearing.

Discipline Decision: The Student Services Conduct Administrator shall review the Hearing Summary of the Student Conduct Board's findings and recommendation(s). Within 10 business days of receiving the recommendation, the Student Services Conduct Administrator shall accept, reject, or modify the Student Conduct Board's recommendation to complete the discipline decision.

Upon determination of the discipline decision, the Student Services Conduct Administrator shall notify the student, or a minor's parent or guardian, of the final discipline decision. The written discipline decision shall include the specific sanctions, if any, and will be provided to the student by certified mail, email, or personal delivery. If the Student Services Conduct Administrator makes or concurs with a recommendation for expulsion, the recommendation will be forwarded to the College President/CEO.

Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking Cases as defined by BP 3540 shall follow the procedures outlined in AP 3540.

### Appeal

The student has the right to appeal the Discipline Decision made by the Student Services Conduct Administrator. An appeal must be submitted in writing to the College President/CEO, or designee, within five business days from the date of the Discipline Decision notification. The filing of an appeal shall not delay the implementation of the Discipline Decision unless so ordered by the College President/CEO, or designee.

The student may appeal the findings and/or sanctions only under one or more of the following grounds:

1. A procedural error or omission occurred that significantly impacted the outcome of the Hearing.
2. There is substantial imbalance between the sanction issued compared to the violation finding.
3. To consider new critical evidence that despite due diligence was unavailable or unknown at the time of the Hearing.

The College President/CEO, or designee, may decide on the outcome based solely on the written appeal. The Appeal Decision is final and will be made available to the student within 10 business days of receipt of the written appeal.

## Expulsions

Expulsion Recommendation: The Student Conduct Administrator shall forward a recommendation for expulsion with all supporting documentation within 10 days of the Student Conduct Board Hearing Discipline Decision to the College President/CEO. The College President/CEO shall have 10 business days to review the record of the Hearing and accept or reject the expulsion recommendation.

If the College President/CEO accepts the recommendation for expulsion, the recommendation shall be forwarded to the Board of Trustees.

Board of Trustees Determination: The Board of Trustees shall conduct an Expulsion Hearing to consider the recommendation from the College President/CEO for expulsion. The Hearing shall be scheduled not sooner than 15 business days after the date of the notice, and not later than the next two regularly scheduled Board of Trustees meetings after receipt of the recommended decision. The student subject to expulsion shall be notified in writing, by certified mail, email, and/or by personal service delivery of the date, time, and place of the Board's Hearing. If the student is a minor, the notification must be sent to the student and their parent or guardian.

The Board of Trustees shall consider an expulsion recommendation in closed session unless the student has requested that the matter be considered in a public meeting. The student, or parent or guardian in case of a dependent minor may, within 48 hours after receipt of the notice, request in writing to the College/President/CEO that the hearing be held as a public meeting. If a student has requested that the Board of Trustees consider an expulsion recommendation in a public meeting, the Board of Trustees 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 provide a brief verbal or written statement in the presence of the Board of Trustees regarding the expulsion recommendation. The Board of Trustees is not required to ask questions of the student or of College administrators, nor respond to questions of the student. The Board of Trustees can elect not to have any public discussion of the case.

Expulsion Decision: The Board of Trustees may accept, modify, or reject the findings, decisions, and recommendations of the College President/CEO. The decision of the Board of Trustees shall be final.

The final action of the Board of Trustees on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the College. However, in order to comply with the federal Family Education Rights and Privacy Act, the name of the student shall not be disclosed.

## Definitions

1. Administrative Withdrawal: A student is administratively withdrawn when the student is suspended or expelled during the term in which the student is actively enrolled. A mark of



“W”, denoting withdrawal, will be placed on the student’s academic record for all currently enrolled courses, in accordance with College drop dates, unless grades have already been posted.

2. Allegation: The claim that a student has violated the Standards of Conduct.
3. Appeal: Ability to request a review of a Student Conduct Board Hearing Discipline Decision excluding recommendation for expulsion.
4. Character Development Directed Learning Activity: If assigned as optional, the student’s file shall be sealed upon completion of the workshop.
5. College: The Mt. San Antonio Community College District.
6. College Employee: Manager, Faculty, Classified staff, Student Employee, Short-Term Hourly, and Professional Expert.
7. College Premises: All land, buildings, facilities, and other property owned, used, or controlled by the College, including adjacent streets and sidewalks.
8. Day: A day during which the College is open and conducts normal business operations, excluding College holidays, Saturdays, and Sundays.
9. Discipline Conference: Meeting between the accused student and the Student Life Official to discuss the alleged violation(s) of the Standards of Conduct.
10. Discipline Contract: Also known as a Case Resolution Form, is an electronic document that summarizes the violations, determination of responsibility, and sanctions that may be assigned. It is also a student agreement where the student is informed that they must continue to follow the Standards of Conduct.
11. Discipline Decision Letter: A formal College document given to the student once a decision is rendered from a Student Conduct Board Hearing, which details the findings, rationale, sanctions, and appeal instructions.
12. Discipline Hold: A hold on the student’s record which prevents the student from making certain business transactions with the College such as registering for classes and utilizing certain College services. The hold shall remain in place until the student’s mandatory Discipline Conference and/or sanctions are completed.
13. Due Process: The right to know the allegation(s) and the opportunity to have a fair and timely review, Discipline Conference, Student Conduct Board Hearing, and/or Appeal.
14. Educational and Personal Development Sanction: These sanctions are meant to promote growth and learning.
15. Expulsion: Permanent exclusion of the student from the College by the Board of Trustees.

16. Good Cause: The existence of substantial evidence of an offense, as defined in Board Policy 5500, to impose disciplinary sanctions, including but not limited to removal from class, suspension, or expulsion of a student.
17. Hate Violence: Any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, sex, sexual orientation, gender identity, gender expression, disability, or political or religious beliefs of that person or group.
18. Human Resource Report: Written communication from Human Resources that notifies the Student Life Office of an informal or formal resolution, a No Contact Directive, and/or an Administrative Determination, that are used to proceed with a Student Discipline process.
19. Loss of Privileges: Exclusion from activities, removal from campus organizations, or denial of specified privileges for a designated period of time. An organization may also lose campus privileges including, but not limited to, the forfeiture of official recognition by College.
20. Police and Campus Safety Incident Report: A written document provided by the College's Police and Campus Safety Department that provides the details surrounding an alleged incident that is used to proceed with the Student Discipline process.
21. Preponderance of Evidence: The standard of evidence used in an investigation, a Discipline Conference, and/or Student Conduct Board Hearing which leads the Student Life Official, or the Student Conduct Board, to find that the existence of facts is more likely than not, to have occurred.
22. Reporting Party: Any College employee or individual who submits a report regarding an alleged violation of the Standards of Conduct.
23. Reprimand: A written or verbal admonition to the student to cease and desist from conduct determined to violate the Standards of Conduct. A record of the fact that a verbal reprimand has been given may become part of a student's discipline record at the College.
24. Restitution: Compensation for loss or damage to College property. Restitution may take the form of appropriate service, monetary reimbursement, or materials replacement.
25. Restorative Justice: Restorative justice focuses on repairing the harm caused and the rehabilitation of offenders through reconciliation with victims and the community at large.
26. Sanction: Action(s) imposed on a student found responsible for a violation of the Standards of Conduct.
27. Specialized Counseling or Therapy: Sessions from a licensed California mental health professional may be mandatory as part of the requirements to fulfill a discipline decision imposed on the student.

28. Standards of Conduct: The College's set of rules applicable to student conduct on campus as stated in Board Policy 5500.
29. Student: Any person who has been assigned a College student identification number.
30. Student Conduct Board: The authorized body to hold evidentiary hearings and provide recommendations for sanctions, including but not limited to suspensions and expulsion. The Student Conduct Board is composed of one administrator, one faculty member, and one student.
31. Student Conduct Manager: The Dean, Student Services or Director, Student Life (or designee) who convenes, conducts, and oversees the Student Conduct Board Hearing as a neutral Chair and officially forwards the discipline recommendation of the Student Conduct Board to the Student Services Conduct Administrator.
32. Student Life Official: The Assistant Director or Director, Student Life designated to oversee the processing of Student Misconduct Reports, conduct all Discipline Conferences, refer and present cases at a Student Conduct Board Hearing.
33. Student Misconduct Report: Official submission through an online student conduct software by a College employee that includes a brief statement of facts regarding an alleged violation of the Standards of Conduct.
34. Student Services Conduct Administrator: The Vice President, Student Services or designee who determines the final discipline decision. Accepts, rejects, or modifies the discipline recommendation of the Student Conduct Board including the authority to recommend expulsion to the College President/CEO.
35. Suspension: Removal of the student from the College for a specified amount of time.
  - a. Immediate – Instant exclusion from College to protect lives, protect College property, and/or to ensure the maintenance of order.
  - b. Long-term – Exclusion of 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 College for one or more terms.
36. Time Limits: Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.
37. Witness: Any individual with relevant information to the alleged incident that can be called by the Student Life Official or alleged student. This includes a reporting party/complainant, observer, or subject matter expert.

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