

Student Services

1 **AP 5520 STUDENT DISCIPLINE PROCEDURES**

2 **References:**

3 Education Code, Sections 66017, 66300, 72122, 76120, and 76030, et seq.;

4 Penal Code Section 626.4

5 Student Conduct Programs should contribute to the teaching of appropriate individual and

6 group behavior as well as to protecting the campus community from disruption and harm.

7 The Programs should be conducted in ways that will serve to foster the ethical

8 development and personal integrity of students and the promotion of an environment that

9 is in accord with the overall educational goals of the institution. This procedure will be

10 used in a fair and equitable manner, and not for purposes of retaliation. It is not intended

11 to substitute for criminal or civil proceedings that may be initiated by other agencies.

12 These Administrative Procedures are specifically not intended to infringe in any way on

13 the rights of students to engage in free expression as protected by the state and federal

14 constitutions, and by Education Code Section 76120, and will not be used to punish

15 expression that is protected.

16 The Office of Student Conduct and Grievances is responsible for the student conduct and

17 sanctioning procedures of the college. Inquiries should be directed to the Office of

18 Student Conduct and Grievances.

19 **STUDENT CONDUCT PROCEDURES AND SANCTIONS**

20 **Definitions**

21 **District** – The Cerritos Community College District.

22 **Day** – A day is defined as any day Monday through Friday that all normal College

23 business is conducted, both in the classroom and in the administrative offices. All

24 weekend days and College holidays are excluded.

25 **Student** – Any person currently enrolled as a student of the District.

26 **Instructor** – Any academic employee of the District in whose class a student subject

27 to discipline is or was enrolled, or counselor who is providing or has provided services

28 to the student, or other academic employee who has responsibility for the student's

29 educational program.

30 **Written or verbal reprimand** – An admonition to the student to cease and desist from
31 conduct determined to violate the Standards of Student Conduct. Written reprimands
32 may become part of a student's permanent record at the college. A record of the fact
33 that a verbal reprimand has been given may become part of a student's record at the
34 college for a period of up to one year.

35 **Disciplinary Probation** – A period on probation that may include, but is not limited
36 to, exclusion of the individual from designated co-curricular activities of the college for
37 a set period of time.

38 **Removal from class** – Exclusion of the student by an instructor for the day of the
39 removal and the next class meeting.

40 **Withdrawal of Consent to Remain on Campus** – Withdrawal of consent by the
41 President/Superintendent or designee for any person to remain on campus in
42 accordance with California Penal Code Section 626.4 where the
43 President/Superintendent or designee has reasonable cause to believe that such
44 person has willfully disrupted the orderly operation of the campus.

45 **Short-term Suspension** – Exclusion of the student by the President/Superintendent
46 or designee for good cause from one or more classes for a period of up to ten
47 consecutive days of instruction.

48 **Long-term Suspension** – Exclusion of the student by the President/Superintendent
49 or designee for good cause from one or more classes for the remainder of the school
50 term, or from all classes and activities of the college for one or more terms.

51 **Expulsion** – Exclusion of the student by the Board of Trustees from the District for
52 one or more terms.

53 **Short-term Suspensions, Long-term Suspensions, and Expulsions**

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

- 56 • **Notice** – The President/Superintendent or designee will provide the student with
57 written notice of the conduct warranting the discipline. The written notice will
58 include the following:
 - 59 ○ the specific section of the Standards of Student Conduct that the student is
60 accused of violating.
 - 61 ○ a short statement of the facts supporting the accusation.
 - 62 ○ the right of the student to meet with the Dean of Student Services or designee
63 to discuss the accusation, or to respond in writing.
 - 64 ○ the nature of the discipline that is being considered.

65 • **Time limits** – The notice must be provided to the student within 20 days of the
66 date on which the administration of the college became aware of the conduct; in
67 the case of continuous, repeated, or ongoing conduct of which the administration
68 of the college has become aware, the notice must be provided within 20 days of
69 the date on which the administration became aware that the conduct occurred
70 which led to the decision to take disciplinary action.

71 • **Hearing Officer Meeting** – The student is to have a hearing with the Dean of
72 Student Services or designee serving as the district hearing officer. The hearing
73 must occur no sooner than five days after the notice is provided. At the meeting,
74 the student must again be told the facts leading to the accusation, and must be
75 given an opportunity to respond verbally or in writing to the accusation.

76 • **Short-term Suspension** – Within five days after the meeting described above, the
77 President/Superintendent or designee shall, pursuant to a recommendation from
78 the Dean of Student Services or designee, decide whether to impose a short-term
79 suspension, whether to impose some lesser disciplinary action, or whether to end
80 the matter. Written notice of the President/Superintendent’s or designee’s decision
81 shall be provided to the student. The notice will include the length of time of the
82 suspension, or the nature of the lesser disciplinary action. The
83 President/Superintendent or designee decision on a short-term suspension shall
84 be final.

85 • **Long-term Suspension** – Within five days after the meeting described above, the
86 President/Superintendent or designee shall, pursuant to a recommendation from
87 the Dean of Student Services or designee, decide whether to impose a long-term
88 suspension. Written notice of the President/Superintendent or designee decision
89 shall be provided to the student. The notice will include the right of the student to
90 request a formal hearing before the hearing panel before a long-term suspension
91 is imposed, and a copy of this policy describing the procedures for a hearing. The
92 request must be made in writing to the Vice President of Student Services or
93 designee.

94 • **Expulsion** – Within 10 days after the meeting described above, the
95 President/Superintendent or designee shall, pursuant to a recommendation from
96 the Dean of Student Services or designee, decide whether to recommend
97 expulsion to the Board of Trustees. Written notice of the decision shall be provided
98 to the student. The notice will include the right of the student to request a formal
99 hearing before the hearing panel before expulsion is imposed, and a copy of this
100 policy describing the procedures for a hearing. The request must be made in
101 writing to the Vice President of Student Services or designee.

102 A decision of the Board of Trustees to impose expulsion shall be reached no later than
103 the next regularly scheduled regular meeting of the Board after receipt of the
104 recommended decision.

105 **Disciplinary Decisions, Sanctions, and Conditions**

106 **Written or Verbal Reprimand** – May be initiated by any faculty or College manager
107 and sent in writing to the Office of Student Conduct and Grievances. The Disciplinary
108 Officer (Dean of Student Services or designee) shall determine if there exists good
109 and sufficient reason to initiate disciplinary action and the student should be notified
110 of such actions.

111 **Disciplinary Probation** – Initiated by the Dean of Student Services or designee. The
112 nature of the misconduct, dates, times, places, and the length of probation shall be
113 placed in writing. Written copies shall be sent to the student and copies filed with the
114 Office of Student Conduct and Grievances.

115 **Removal from Class** (Education Code Section 76032): Any instructor may order a
116 student removed from his/her class for the day of the removal and the next class
117 meeting. The instructor shall immediately report the removal to the Faculty
118 Coordinator for Student Conduct and Grievance and complete a Student Conduct
119 Incident Form. The Faculty Coordinator or designee shall arrange for a conference
120 between the student and the instructor regarding the removal. If the instructor or the
121 student requests, the Faculty Coordinator or designee shall attend the conference.
122 The student shall not be returned to the class during the period of the removal without
123 the concurrence of the instructor. Nothing herein will prevent the Faculty Coordinator,
124 or designee from recommending further disciplinary procedures in accordance with
125 these procedures based on the facts which led to the removal.

126 **Immediate Interim Suspension** (Education Code Section 66017): The
127 President/Superintendent or designee may order immediate suspension of a student
128 where he or she concludes that immediate suspension is required to protect lives or
129 property and to ensure the maintenance of order. In cases where an interim
130 suspension has been ordered, the time limits contained in these procedures shall not
131 apply, and all hearing rights, including the right to a formal hearing where a long-term
132 suspension or expulsion is recommended, will be afforded to the student within ten
133 days.

134 **Withdrawal of Consent to Remain on Campus:** The President/Superintendent or
135 designee may notify any person for whom there is a reasonable belief that the person
136 has willfully disrupted the orderly operation of the campus that consent to remain on
137 campus has been withdrawn. If the person is on campus at the time, he/she must
138 promptly leave or be escorted off campus. If consent is withdrawn by the Dean of
139 Student Services or designee, a written report must be promptly made to the
140 President/Superintendent or designee.

141 The person from whom consent has been withdrawn may submit a written request for
142 a hearing on the withdrawal within the period of the withdrawal. The request shall be
143 granted not later than seven days from the date of receipt of the request. The hearing

144 will be conducted in accordance with the provisions of this procedure relating to interim
145 suspensions.

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

148 All applicable conditions of a withdrawal of consent to remain on campus, suspension,
149 or expulsion in effect when a break occurs in the conducting of College business (both
150 in the classroom and in the administrative offices) remain in effect during the break
151 unless specifically excepted in writing by the President/Superintendent or designee.

152 A withdrawal of consent to remain on campus, suspension, or expulsion prohibits both
153 physical presence on the campus and at a facility or activity operated by the College
154 and any type of online or distance education presence or participation in classes,
155 activities, and/or operations of the College.

156 Any person as to whom consent to remain on campus has been withdrawn who
157 knowingly reenters the campus during the period in which consent has been
158 withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code
159 Section 626.4).

160 **Clearance to Return** – Prior clearance to return to the college (in-person and/or
161 online) may be required. Clearance requirements may include completion of
162 educational or other courses or processes as specified in the sanction decision. This
163 requirement may include confirmation that the individual is ready for the college
164 classroom and/or that the individual's continued presence on campus is not a threat
165 to himself/herself, others, and/or the property of the District or others.

166 **Hearing Panel**

167 The hearing panel for any disciplinary action subject to hearing by a panel shall be
168 composed of one administrator, two faculty members, and two students.

169 Unless he or she determines to keep the prior year's appointees in place, the president
170 of the Faculty Senate, and the President of ASCC shall each, at the beginning of the
171 academic year, establish a list of at least five persons who will serve on student
172 disciplinary hearing panels. The President/Superintendent or designee shall appoint
173 the hearing panel from the names on these lists plus the Dean of Student Services or
174 designee. However, no administrator, faculty member, or student who has any
175 personal involvement in the matter to be decided, who is a necessary witness, or who
176 could not otherwise act in a neutral manner shall serve on a hearing panel.

177 The hearing panel shall be responsible to the President/Superintendent for reviewing
178 and making a recommendation to the President/Superintendent or designee.

179 Membership of the hearing panel shall include the following:

- 180 1. Two members of the instructional staff appointed by the Faculty Senate.
181 2. Two ASCC Student Court Justices, or two other students who meet the
182 minimum eligibility requirements to hold office in the ASCC if such justices are
183 party to the matter at hand or are otherwise unavailable to serve, appointed by
184 the ASCC Court Chief Justice or by the Associated Students President, if the
185 Court Chief Justice is a party to the matter.
186 3. The Disciplinary Officer/Dean of Student Services or designee shall serve as
187 the Chairperson of the Hearing Panel, but will not vote except to break a tie.

188 **Procedures for a Hearing, Disposition, and Imposition of Sanctions**

- 189 1. Written notice of a hearing shall be mailed or delivered to the student. A hearing
190 must be held within ten days of the suspension if the suspension is immediate.
191 2. Notice shall include date and place of hearing, a statement of all charges, a copy
192 of applicable policies and procedures, the opportunity of the student to appear in
193 person, and the opportunity to present oral and documentary evidence.
194 3. Hearings shall be conducted in the manner consistent with the orderly conduct of
195 the affairs of the College, and which seems to the hearing panel to be most
196 conducive to the determination of the truth.
197 4. The members of the hearing panel shall be provided with a copy of the accusation
198 against the student and any written response provided by the student before the
199 hearing begins.
200 5. The facts supporting the accusation shall be presented by a college representative
201 who shall be the Dean of Student Services or designee.
202 6. The college representative and the student may call witnesses and introduce oral
203 and written testimony relevant to the issues of the matter.
204 7. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.
205 8. Unless the hearing panel determines to proceed otherwise, the college
206 representative and the student shall each be permitted to make an opening
207 statement. Thereafter, the college representative shall make the first presentation,
208 followed by the student. The college representative may present rebuttal evidence
209 after the student completes his/her evidence. The burden shall be on the college
210 representative to prove by the preponderance of the evidence that the facts alleged
211 are true.
212 9. The student may represent himself/herself, and may also have the right to be
213 represented by a person of his/her choice, except that the student shall not be
214 represented by an attorney unless, in the judgment of the hearing panel, complex
215 legal issues are involved. If the student wishes to be represented by an attorney,
216 a request must be presented not less than five days prior to the date of the hearing.
217 If the student is permitted to be represented by an attorney, the college
218 representative may request that legal counsel to the college participate in his/her
219 place. The hearing panel may also request legal assistance; any legal advisor
220 provided to the panel may sit with it in an advisory capacity to provide legal counsel
221 but shall not be a member of the panel nor vote with it.
222 10. Hearings shall be closed and confidential unless the student requests that it be
223 open to the public. If more than one student's case is under consideration, any and
224 all such other students must also request that the hearing be open to the public in

225 order to make it open to the public. Any such request must be made no less than
226 five days prior to the date of the hearing. Requests contrary to state or federal law
227 or to the safety of the college or participants shall not be approved, subject to
228 appeal to the President/Superintendent or designee.

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

231 12. All testimony shall be taken under oath; the oath shall be administered by the
232 hearing panel chair. Written statements of witnesses under penalty of perjury shall
233 not be used unless the witness is unavailable to testify. A witness who refuses to
234 be tape recorded shall not be considered unavailable for the purposes of this
235 section.

236 13. The hearing shall be recorded by the District either by tape recording or
237 stenographic recording. The official recording shall be the only recording made.
238 No witness who refuses to be recorded may be permitted to give testimony. In the
239 event the recording is by tape recording, the hearing panel chair shall, at the
240 beginning of the hearing, ask each person present to identify themselves by name,
241 and thereafter shall ask witnesses to identify themselves by name. The recording
242 shall remain in the custody of the District at all times, unless released to a
243 professional transcribing service. The student may request a copy of the
244 recording. Transcripts may be redacted to comply with law, policies, and to protect
245 the privacy and/or safety of individuals.

246 14. Within five days following the close of the hearing, the hearing panel shall prepare
247 and send to the President/Superintendent or designee a written decision. The
248 decision shall include specific factual findings regarding the accusation, and shall
249 include specific conclusions regarding whether any specific section of the
250 Standards of Student Conduct were violated. The decision shall also include a
251 specific recommendation regarding the sanction to be imposed, if any. The
252 decision shall be based only on the record of the hearing, and not on matter outside
253 of that record. The record consists of the original accusation, the written response,
254 if any, of the student, and the oral and written evidence produced at the hearing.

255 **President/Superintendent's Decision:**

256 **Long-term suspension** – Within five days following receipt of the hearing panel's
257 recommended decision, the President/Superintendent or designee shall render a final
258 written decision. The President/Superintendent or designee may accept, modify, or
259 reject the findings, decisions and recommendations of the hearing panel. If the
260 President/Superintendent or designee modifies, or rejects the hearing panel's
261 decision, the President/Superintendent or designee shall review the record of the
262 hearing, and shall prepare a new written decision which contains specific factual
263 findings and conclusions. The decision of the President/Superintendent or designee
264 shall be final.

265 **Expulsion** – Within ten days following receipt of the hearing panel's recommended
266 decision, the President/Superintendent or designee shall render a written
267 recommended decision to the Board of Trustees. The President/Superintendent or

268 designee may accept, modify, or reject the findings, decisions and recommendations
269 of the hearing panel. If the President/Superintendent or designee modifies, or rejects
270 the hearing panel's decision, he/she shall review the record of the hearing, and shall
271 prepare a new written decision which contains specific factual findings and
272 conclusions. The President/Superintendent's or designee's decision for expulsion
273 shall be forwarded to the Board of Trustees.

274 **Board of Trustees Decision**

275 **Expulsion** – A decision of the Board of Trustees to impose expulsion shall be reached
276 no later than the next regularly scheduled regular meeting of the Board after receipt
277 of the recommended decision.

278 The Board shall consider an expulsion recommendation in closed session, unless the
279 student has requested that the matter be considered in a public meeting in accordance
280 with these procedures. (Education Code Section 72122)

281 The student shall be notified in writing, by registered or certified mail to the address
282 last on file with the District, or by personal service, at least three days prior to the
283 meeting, of the date, time, and place of the Board's meeting.

284 The student may, within forty-eight hours after receipt of the notice, request that the
285 hearing be held as a public meeting.

286 Even if a student has requested that the Board consider an expulsion recommendation
287 in a public meeting, the Board will hold any discussion that might be in conflict with
288 the right to privacy of any student other than the student requesting the public meeting
289 in closed session.

290 The Board may accept, modify, or reject the findings, decisions and recommendations
291 of the President/Superintendent and/or the hearing panel. If the Board modifies or
292 rejects the decision, the Board shall review the record of the hearing, and shall prepare
293 a new written decision which contains specific factual findings and conclusions. The
294 decision of the Board shall be final.

295 The final action of the Board on the expulsion shall be taken at a public meeting, and
296 the result of the action shall be a public record of the District.

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

299 These procedures may change from time to time and may be superseded by current state
300 and federal laws and regulations. Otherwise, the College Catalog, which is updated
301 annually, contains the most recent information regarding student discipline procedures.

302 Also see BP 5500 titled Standards of Student Conduct

303 Office of Primary Responsibility: Vice President, Student Services

Date Approved: May 21, 2007

Dates Revised: April 12, 2010; February 8, 2016

Date Reviewed: February 20, 2019

(Replaces former Cerritos College Policies 4806 and 4806.1)