

# CITRUS COMMUNITY COLLEGE DISTRICT REGULATION

R-5139  
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## STUDENT CONDUCT DISCIPLINARY ACTION

Student conduct must conform to the Standards of Student Conduct adopted by the Board of Trustees of Citrus College. Violations of such rules are subject to the following types of disciplinary actions, which are to be administered by appropriate college authorities against students who stand in violation. Citrus College has established due process of law for administration of penalties enumerated here. Violations of the College's Board Policy #P-5139, Standards of Student Conduct, may be the result of student actions related to classroom activities or those unrelated to the instructional process. The College employs a specific hearing process for each of these types of alleged infractions. Penalties are listed in order of severity, but not as sequential administration. College authorities will determine which type of penalty is appropriate.

Campus student disciplinary action shall go forward regardless of other possible or pending administrative, civil or criminal proceedings arising out of the same or other events. If a student is convicted of a criminal offense that is also grounds for student discipline, the conviction shall be sufficient to establish that cause for student discipline exists. Student discipline proceedings may be initiated or continue notwithstanding the failure or refusal of a student to respond, attend, or otherwise participate after having been properly notified of the proceeding.

Any violation or violations of law, ordinance, regulation, or rule regulating or pertaining to the parking of vehicles shall not be cause for suspension or expulsion of a student. Any other violation or violations of the Penal Code may be reported to the appropriate authorities.

The College recognizes that student discipline purposes and procedures, as well as the rights and obligations of the parties are not analogous to those of criminal and civil legal actions, just as the role of the College differs inherently from that of the police and the courts. The purpose of the College's student discipline process is to promote students' individual and social responsibility while maintaining a campus environment that is free from intimidation, threats, coercion, or violence. Therefore, student discipline is understood to be an integral part of the educational mission of the College.

## Penalties

### 1. Reprimand

A reprimand serves to place on record that a student's conduct in a specific instance does not meet the standards of the college. It is not a formal disciplinary action of the District but serves as a warning that continued conduct of the type described in the reprimand may result in formal action against the student. Records of reprimand will be retained by the Student Affairs administrator and are not part of the student's permanent disciplinary record.

### 2. Disciplinary Probation

Disciplinary probation may consist of removal from all college organization offices, denial of privileges of participating in all college or student-sponsored activities including public performances, or both and may be imposed upon an individual student or groups of students. Disciplinary probation may be imposed for a period not to exceed one year. If a student is found guilty of another violation of the Standards of Student Conduct while on probationary status, it shall be considered in the determination of the penalty imposed for the subsequent violation. Records of disciplinary probation will be retained by the Student Affairs administrator and are not part of the student's permanent disciplinary record.

### 3. Removal by Instructor

An instructor may remove a student from his or her class when the student has interfered with the instructional process. The duration of the removal shall be for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the Department Chair /Dean who will then immediately notify the Student Affairs administrator. Records of removal by instructor will be retained by the Student Affairs administrator and are not part of the student's permanent disciplinary record. A student who has been removed from class by the instructor may make up missed assignments with the permission of the instructor.

### 4. Disciplinary Suspension

Disciplinary suspension serves as a penalty against the student for repeated, continued, or serious violations of the Standards of Student Conduct. Disciplinary suspensions shall be initiated by the Student Affairs

administrator. The duration of the disciplinary suspension from one or more classes may be from one day to four (4) semesters. A suspended student may be prohibited from occupying any portion of the campus and be denied participation in any or all college activities. Record of the disciplinary suspension shall be a part of the student's permanent disciplinary record. In every case of disciplinary suspension, the Student Affairs administrator shall immediately contact each of the student's instructors and Campus Security. Students placed on disciplinary suspension shall not have the right to make up missed assignments in any classes.

5. Summary Suspension

In cases involving alleged violations of the Penal Code or Federal law, and in which there is either an admission of guilt or substantial evidence of guilt, the Student Affairs administrator may summarily suspend a student for a period not to exceed ten (10) school days. In those cases where an immediate suspension is required in order to protect lives or property or to ensure the maintenance of order, the Student Affairs administrator may also summarily suspend a student for a period not to exceed ten (10) school days. When a summary suspension has been imposed the suspended student must be given a reasonable opportunity for a hearing within that ten-day period. The length of the suspension will be determined in consultation with the instructor in cases involving classroom conduct, when appropriate. Record of the summary suspension shall not be a part of the student's permanent disciplinary record. In every case of summary suspension, the Student Affairs administrator shall immediately notify in writing each of the student's instructors, coaches and/or supervisors, Campus Security and other college employees directly affected by the incident. Students placed on summary suspension shall not have the right to make up missed assignments in any classes.

6. Expulsion

The governing board of the college may expel a student for "good cause" when other means of correction have failed or when the presence of the student causes a continuing danger to the physical safety of the student or others. This exclusion may be permanent. In every case of expulsion, the Student Affairs administrator shall immediately notify in writing each of the student's instructors, coaches and/or supervisors, Campus Security and other college employees directly affected by the incident. Expelled students shall not have the right to make up missed assignments in any classes. Re-admittance after an expulsion requires governing board

action. Record of the expulsion shall become a part of the student's permanent disciplinary record.

Admission or readmission may be denied to any person who, while not enrolled as a student, commits acts which would, were he or she enrolled as a student, be the basis for student discipline. Before the offending individual is denied admission or readmission, he or she may request a hearing before the Student Affairs administrator during which he or she will be afforded the opportunity to demonstrate why he or she should be admitted or readmitted.

### Student Discipline Procedures and Due Process

#### 1. Notice to Appear

Except in cases involving summary suspension, students charged with misconduct shall receive a written notice within three days of the complaint to meet with the appropriate individual(s) for a hearing regarding the basis for possible disciplinary action. The notice must be received at least 24 hours prior to the scheduled appointment and must include a statement of the charges against the student and possible penalties. Notice may be accomplished by any one of the following means: personal delivery to the student during class by a college employee, personal delivery by a college employee at any other location, or the mailing by certified mail, postage paid and addressed to the last known address of the student. A student's refusal to receive or sign a receipt of the notice shall not cause the notice to be defective. Campus faculty or staff complainants will be informed of all dates and resolution of the process.

#### 2. Participants and Confidentiality

All student discipline proceedings shall be confidential and shall be closed to everyone other than those involved in the conduct of the hearing, witnesses while presenting evidence, and the charged student(s). In compliance with the Family Education Rights and Privacy Act, persons not party to the proceedings shall be informed of their outcome on a "need to know" basis.

The person alleging the student conduct violation and/or the alleged victims of the violation, as well as the charged student(s) are expected to attend any and all hearings. Failure to appear by any of these individuals, after due notice, shall not, however, be cause to cancel or postpone a hearing.

At the hearing, the student may be accompanied by another person, provided that person is not an attorney nor acting as a spokesperson for the student. Students with special communication needs may, however, request additional assistance. In cases involving pending criminal prosecution, the charged student may have an attorney present. The role of the attorney shall be limited to providing advice to the student regarding withholding testimony which might be self-incriminating in future criminal prosecution.

### 3. Legal Procedural Arguments

Arguments by a defendant concerning the legal (as distinguished from the factual) applicability or legal validity of any provision of these procedures shall not be considered during the hearing into the charge(s). Such arguments shall be presented to the Superintendent/President as soon as the matter is concluded.

Technical departures from these procedures and errors in their application shall not be grounds to void the College's right to discipline a student unless, in the opinion of the Superintendent/President or designee, the error or departure prevented a fair determination of the issue.

### 4. Academic Integrity or Classroom Conduct

In issues relating to academic integrity and classroom conduct, the Department Chair/Dean shall conduct an administrative hearing into the matter within three school days of the complaint. This hearing shall be conducted in a manner which does not violate the due process rights of the student(s). The individual(s) bringing the allegations(s) shall present the case and the Department Chair/Dean shall render his or her decision based on the evidence presented. The Department Chair/Dean shall have the right to issue a formal reprimand unilaterally.

If there is a desire on the part of the individual(s) making the allegations(s) or the Department Chair/Dean to have a more severe penalty imposed, the Student Affairs administrator or an administrator appointed by the Superintendent/President when appropriate, who shall serve as the chairperson, shall convene a hearing panel consisting of the Department Chair/Dean, two faculty members chosen by the Academic Senate President, and two students chosen by the ASCC President and the chairperson who shall not have a vote except to break a tie. The penalty will be determined by majority vote of the committee. When the instructor involved is a Department Chair/Dean, a Department Chair/Dean chosen by the Vice President of Instruction shall serve as a committee member in his or her place.

#### 5. Violations Not Related to the Instructional Process

All matters regarding student discipline other than those involving issues of academic integrity and classroom conduct, shall be cared for by the Student Affairs administrator unless special circumstances as defined herein exist or the Student Affairs administrator feels expulsion may be in order.

During the hearing with the Student Affairs administrator, the student shall have a reasonable opportunity to personally answer all charges. The staff member or student bringing the charges may also be present if they desire. Either party may, at the discretion of the administrator, introduce evidence and/or present witnesses. The Student Affairs administrator shall review the matter and may issue a reprimand, impose disciplinary probation, or impose disciplinary suspension. Upon reaching a decision as to the disposition of the case, the Student Affairs administrator will notify the student, in writing, of those findings. The student shall have the right to appeal the decision as outlined herein.

#### 6. Possible Expulsion and Special Circumstances

When the Student Affairs administrator believes that the charged student may be subject to expulsion or when one of the three involved parties, the charged student, the individual bringing the charges, or the Student Affairs administrator, feels that circumstances exist which make the usual administrative hearing procedure inappropriate, he or she may request that the charges be heard by a Student Discipline Committee. This request is to be filed in writing with the Office of the Vice President of Student Services. The request must be filed within three (3) school days after the filing party can reasonably be assumed to have known that a formal student discipline action was pending. The request shall contain the reason(s) the hearing before the full committee is being requested. The decision of the Vice President of Student Services shall be final.

The committee shall consist of the following: 1. two students appointed by the A.S.C.C. President, 2. two faculty members appointed by the Academic Senate President, 3. one administrator, who shall serve as the chair, appointed by the Superintendent/President, who shall not have a vote except to break a tie. The chair shall serve as custodian of any physical evidence until a decision has been rendered. Any person presenting any portion of the case shall not be a member of the committee.

## 7. Recommended Order of Events for Student Discipline Committees:

Committees convened to hear charges for either classroom or non-classroom student conduct violation allegations shall, insofar as is practicable, adhere to the following order of events: 1. the administration presents its case with an initial summary, including evidence to be presented, followed by a detailed presentation of the case, 2. the student presents his or her defense, 3. the administration summarizes its case, 4. the student summarizes his or her defense.

The Committee may, at its discretion, receive written statements in evidence at the hearing or call witnesses for oral testimony. The Committee has the right to determine: 1. relevance, 2. materiality, 3. competency, 4. number of witnesses, 5. time of testimony.

The Committee has the right to instruct and question the witness(es). It is the responsibility of the Committee to probe, to make direct inquiries whenever there is any confusion, uncertainty, or lack of clarity as to the witness' s statements. The Committee may, at its discretion, permit cross-examination of witnesses. If there is cross-examination, it should be limited to subjects previously presented. Upon failure of the witness to follow directions, the Committee may dismiss the witness.

Members of the Committee will draw upon their own knowledge of acceptable standards of conduct in the college community. The members of the committee are not to be concerned with the constitutionality of the policy and will consider only that evidence that is pertinent to the case.

The Committee may, at any time, grant a continuance of one (1) school day if it feels that doing so would materially enhance its ability to render a fair and accurate judgment.

Within two (2) school days after the conclusion of the case, the Committee Chair shall transmit, in writing, to the Office of the Superintendent/President, the charged student, the student or staff member originating the action, and the Student Affairs administrator the committee's decision for disposition of the case. This shall include the committee's determination as to whether the student did or did not violate the Standards of Student Conduct and, if so, the penalty to be imposed.

## 8. Appeal

### a. Appeal by the Student

Within two (2) school days following the receipt, in writing, of the findings arrived at by any of the three aforementioned processes, the student may file, with the Office of the Superintendent/President of the college, a written notice of his or her intent to appeal the decision. No appeal may be filed after the two-school-day period.

The student shall file with the Office of the Superintendent/President of the college, within three (3) school days following the filing of a notice of intent to appeal, a specific written response to each of the charges.

Failure to respond to any given charge presumes that the student does not wish to appeal that charge. The Superintendent/President shall provide his or her decision in writing to the parties within ten (10) school days.

### b. Appeal by the Staff or Faculty Member

Within two (2) school days following the receipt, in writing, of the findings arrived at by any of the three aforementioned processes, the charging staff or faculty member may file, with the Office of the Superintendent/President of the college, a written notice of his or her intent to appeal the decision. No appeal may be filed after the two-school-day period.

The staff or faculty member shall file with the Office of the Superintendent/President of the college, within three (3) school days following the filing of a notice of intent to appeal, a specific written appeal.

The Superintendent/President has the power to accept, reject, or modify the decision of the committee. The Superintendent/President shall provide his or her decision in writing to the parties within ten (10) school days.

## 9. Appeal of Superintendent/President's Decision

Within two (2) school days after receiving the decision of the Superintendent/President, the student may appeal, through the Office of the Superintendent/President, to the governing board of the district. The governing board shall retain the option of not hearing the appeal. If the governing board

elects to hear the appeal, it shall have the right to accept, reject, or modify the decision of the Superintendent/President.

No appeal may be filed after the two (2) school days.

#### 10. Imposition of Disciplinary Action

After the student or the staff or faculty member has exhausted his or her right of appeal or has chosen to forgo further appeal, the appropriate administrator of the college shall impose the disciplinary action specified at the last level of the process used.

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#### Reference

Penal Code 21113

Education Code 66017

Education Code 66301

Education Code 76030-76037

Citrus College Policy 5139 - Standard of Student Conduct