This procedure is legally required.

I. A campus safety plan shall be developed and provided to students.

II. The Director of Facilities Services, or Campus Safety Coordinator as designee, or designee, in cooperation with the Dean of Student Affairs, will prepare and annually update a report of all occurrences reported to campus security of and arrests for crimes that are committed on campus and that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication, and of all occurrences of noncriminal acts of hate violence reported to campus authorities. A written Security Report will be submitted to the Board and posted on the campus website. (blue = Dir. of Facilities)

III. Written records of noncriminal acts of hate violence shall include at least a description of the act of hate violence, the victim characteristics, and offender characteristics, if known.

IV. References:
Education Code Sections 212, 67380, and 87014;
Penal Code Section 245;
20 U.S. Code Sections 1232g, 1292(f);
34 Code of Federal Regulations 668.46; 34
Code of Federal Regulations 99.31(a)(13), (14);
Campus Security Act of 1990.

Note: Education Code Section 67380 defines “hate violence” as: “any act of 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, sex, sexual orientation, gender identity, gender expression disability, or political or religious beliefs of that person or group.” Section 67380 requires reporting of both occurrences reported to campus police or safety authorities of and arrests for crimes that involve hate violence (Section 67380(a)(1)(A)) and of “non-criminal acts of hate violence” (Education Code Section 67380(a)(1)(B)). (CCLC)

For purposes of reporting under the Clery Act, “hate crimes” include domestic violence, dating violence and stalking (CCLC)
September 17, 2013

To: President's Council
Administrative Council
Planning Fiscal Council

From: Sandy Sandello

Subject: REVISION OF BOARD POLICIES / ADMINISTRATIVE PROCEDURES

Attached are Board Policies / Administrative Procedures that have been revised:

- AP 3540 Sexual Assaults on Campus
- AP 5520 Student Conduct Procedures

The following Board Policies went through the review process and were approved by the Board at the July 10, 2013 meeting for first reading. At the Board meeting of August 14, 2013, the Board made an amendment to the following policies which required them to return through the review process:

- BP 2410 Board Policy and Administrative Procedure
- BP 2510 Participation In Local Decision Making

This will begin the review process for the above policies and procedures.
This procedure is legally required.

I. Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking (CCLC) as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, in connection with any of the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District’s facilities or at another location, (CCLC) or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures.

II. “Sexual assault” includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault. The following definitions should be applied in the context of this administrative procedure:

- “Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- “Domestic violence” includes felony or misdemeanor crimes of violence committed by:
  - a current or former spouse of the victim;
  - a person with whom the victim shares a child in common;
  - a person who is cohabitating with or has cohabitated with the victim as a spouse;
  - a person similarly situated to a spouse of the victim under California law; or
  - any other person against an adult or youth victim who is protected from that person’s acts under California law.

- “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. (CCLC)

III. These written procedures and protocols are designed to ensure that victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, see also AP 3500, 3510, and 3515).
IV. All students, faculty members, or staff members who allege they are the victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the District Compliance Officer, who shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the District Compliance Officer or designee is authorized to release such information.

V. The District Compliance Officer, or designee, shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following, upon request:

- A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault, or stalking;
- A list of personnel on campus who should be notified of the assault and procedures for such notification, if the alleged victim consents; District Compliance Officer, Director of Facilities Services, and Security Office should be notified.
- A description of available services and the persons on campus available to provide those services, if requested. Services and those responsible for providing or arranging them include the following:

  **Sexual Assault Counseling and Hospitals**
  - East Los Angeles Rape Hotline (bilingual) 800-585-6231
  - Pasadena Rape Crisis Center 626-793-3385
  - Project Sister Sexual Assault Crisis Center Claremont 909-623-1619
  - Santa Monica Rape Treatment Center 310-319-4000

  **Hospitals (Transportation is available to a hospital, if necessary)**
  - Presbyterian Intercommunity Hospital 562-698-0811
  - Whittier Hospital 562-945-3561
  - Greater El Monte Hospital 626-579-7777
  - Queen of the Valley, West Covina 626-962-4011

VI. Victim's Assistance – The District Compliance Officer, or designee, should provide victims with information about the following: The following are some victim assistance resources:
- Some financial assistance may be available to victims through the Los Angeles County District Attorney’s Office. Under California law, some victims of crime may receive financial assistance for unreimbursed medical and income losses as a result of the crime. For information on this program, call Los Angeles County Victim/Witness Assistance Program, 562-807-7212. Transportation to a hospital, if necessary;
- Counseling by District Psychological Services, Administration Building, Room A115, or by calling, 562-463-7302, or referral to a counseling center;
- Notice to the police, if desired;
- A list of other available campus resources or appropriate off-campus resources.

A description of each of the following procedures may be provided upon request:
- Criminal prosecution;
- Civil prosecution (i.e., lawsuit);
- District disciplinary procedures, both student and employee;
- Modification of class schedules;
- Tutoring, if necessary.

VII. The District Compliance Officer should be available to provide assistance to District Security Office regarding how to respond appropriately to reports of sexual violence. (CCLC)

VIII. The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3435, regardless of whether a complaint is filed with local law enforcement. (CCLC)

All alleged victims of sexual assault on District property shall be kept informed, through the District Compliance Officer, of any ongoing investigation. Information shall include the status of any student of employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

IX. The District shall maintain the identity of any alleged victim or witness of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim or witness specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating
violence, sexual assaults, or stalking on District property shall be referred to the District’s Director of Marketing and Communications, which who shall work with the District Compliance Officer to assure ensure that all confidentiality rights are maintained.

X. Additionally, the Annual Security Report will include a statement regarding the District’s programs to prevent sex offenses and procedures that should be followed after a sex offense occurs. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses;

- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;

- Information on a student’s option right (CCLC) to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests;

- Information for students about existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses;

- Notice to students that the campus will change a victim’s academic situation after an alleged domestic violence, dating violence, sex offense, or stalking and of the options for those changes, if those changes are requested by the victim and are reasonably available;

- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sex offense, or stalking including a clear statement that:
  - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
  - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged sex offense. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.

- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape,
acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

XI. Education and Prevention Information

The District Compliance Officer or designee shall:

- Provide, as part of each campus' established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault, or stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations.

- Post sexual violence prevention and education information on the campus internet Website regarding domestic violence, dating violence, or stalking.

XI. Reference:

Education Code Section 67385;
20 U.S.C. § 1092(f);
34 C.F.R. § 668.46(b)(11)
AP 3540 Sexual Assaults on Campus

References:
Education Code Section 67385;
20 U.S. Code Section 1092(f);
34 Code of Federal Regulations Section 668.46(b)(11)

Note: This procedure is legally required. Local practice may be inserted. The following are the minimum requirements contained in the Education Code and in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("the Clery Act," 20 U.S. Code Section 1092(f)). The requirements of the Clery Act are broader than those found in California's Education Code, and apply to all institutions of higher learning that receive federal aid. Districts may insert local procedures: the following example may be used as a guide.

In addition, the District may wish to include procedures on responding to domestic violence, dating violence, sexual assaults or stalking at District sponsored activities on non-District property.

This sample procedure addresses domestic violence, dating violence, sexual assaults and stalking only. Board Policy 3540 addresses both sexual and physical assaults. Districts may wish to cross reference the administrative procedures related to other physical assaults, including AP 3500, 3510, and 3515 [or insert local numbers].

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (See also AP 5500 titled Standards of Student Conduct.)

"Sexual assault" includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

"Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

"Domestic violence" includes felony or misdemeanor crimes of violence committed by:
- a current or former spouse of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with or has cohabitated with the victim as a spouse;
- by a person similarly situated to a spouse of the victim under California law; or
- by any other person against an adult or youth victim who is protected from that person's acts California law.
“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, see also AP 3500, 3510, and 3515 for insert local numbers.)

All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the designate office, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the designate position is authorized to release such information.

The designate position shall provide all alleged victims of domestic violence, dating violence, sexual assault or stalking with the following, upon request:

- A copy of the District’s policy and procedure regarding domestic violence, dating violence, sexual assault or stalking;
- A list of personnel on campus who should be notified of the assault, and procedures for such notification, if the alleged victim consents; [List who should be notified]
- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for provided or arranging them include: list person or office responsible after each item:
  - transportation to a hospital, if necessary;
  - counseling by [designate], or referral to a counseling center;
  - notice to the police, if desired;
  - a list of other available campus resources or appropriate off-campus resources.
- A description of each of the following procedures:
  - criminal prosecution;
  - civil prosecution (i.e., lawsuit);
  - District disciplinary procedures, both student and employee;
  - modification of class schedules;
  - tutoring, if necessary.

The designate position should be available to provide assistance to District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment Investigations described in AP 3435, regardless of whether a complaint is filed with local law enforcement. All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the designate office of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

The District shall maintain the identity of any alleged victim or witness of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence
unless the alleged victim or witness specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to the District's [designate office], which shall work with the [designate office] to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sex offenses and procedures that should be followed after a sex offense occurs. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student's right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests;
- Information for students about existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses;
- Notice to students that the campus will change a victim's academic situation after an alleged domestic violence, dating violence, sex offense, or stalking and of the options for those changes, if those changes are requested by the victim and are reasonably available;
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sex offense, or stalking including a clear statement that:
  - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
  - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged sex offense. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.
- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

Education and Prevention Information
The [designate position] shall:

- Provide, as part of each campus' established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault, or stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations.
- Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

Revised 2/03, 2/06, 8/06, 3/12, 6/13
I. The purpose of these procedures is to provide a prompt and equitable means to address violations of the Standards of Conduct, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. These procedures will be used in a fair and equitable manner, and not for purposes of retaliation. It is not They are not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

II. These Administrative Procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

III. The following definitions should be applied in the context of this administrative procedure:

"District" refers to the Rio Hondo Community College District.

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

"Instructor" refers to any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

"Short-term Suspension" refers to exclusion of the student by the Dean of Student Life for good cause from one or more classes for a period of up to ten consecutive days of instruction.

"Long-term Suspension" refers to exclusion of the student by the Dean of Student Life for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

"Expulsion" refers to exclusion of the student by the Board of Trustees from all colleges in the District the college for one or more terms.

"Removal from class" refers to exclusion of the student by an instructor for the day of the removal and the next class meeting.

"Written or verbal reprimand" refers to an admonition to the student to cease and desist from conduct determined to violate the Standards of Conduct. Written reprimands may become part of a student's permanent record at the College. A record of the fact that a verbal reprimand has been
given may become part of a student's record at the College for a period of up to one year.

I. **Withdrawal of Consent to Remain on Campus.** Withdrawal of consent by the Dean of **Student LifeStudent Affairs** for any person to remain on campus in accordance with California Penal Code Section 626.4 where the Dean of **Student LifeStudent Affairs** has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

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

IV. **Short-term Suspensions, Long-term Suspensions, and Expulsions:**

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

A. **Notice.** The Dean of **Student LifeStudent Affairs** will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:

- the specific section of the Standards of Conduct that the student is accused of violating.

- a short statement of the facts supporting the accusation.

- the right of the student to meet with the Dean of **Student LifeStudent Affairs**, or designee, to discuss the accusation, or to respond in writing.

- the nature of the discipline that is being considered.

B. **Time limits.** The notice must be provided to the student within thirty (30) days of the date on which the conduct took place, or the date the College became aware of the conduct; in the case of continuous, repeated or ongoing conduct, the notice must be provided within thirty (30) days of the date on which conduct occurred or the date the College became aware of the conduct which led to the decision to take disciplinary action.

C. **Meeting.** If the student chooses to meet with the Dean of **Student LifeStudent Affairs**, the meeting must occur no sooner than three (3) days after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation, and
must be given an opportunity to respond verbally or in writing to the accusation.

1. **Short-term Suspension.** Within five (5) days after the meeting described above, the Dean of Student Life/Student Affairs shall decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the Dean of Student Life/Student Affairs' decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The Dean of Student Life/Student Affairs' decision on a short-term suspension shall be final.

2. **Long-term Suspension.** Within five (5) days after the meeting described above, the Dean of Student Life/Student Affairs shall decide whether to impose a long-term suspension. Written notice of the Dean of Student Life/Student Affairs' decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed and a copy of this policy describing the procedures for a hearing.

3. **Expulsion.** Within five (5) days after the meeting described above, the Dean of Student Life/Student Affairs shall decide whether to recommend expulsion to the Vice President of Student Services. Written notice of the Dean of Student Life/Student Affairs' decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed and a copy of this policy describing the procedures for a hearing.

V. **Hearing Procedures:**

A. **Request for Hearing.** Within five (5) days after receipt of the Dean of Student Life/Student Affairs' decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the Dean of Student Life/Student Affairs, or designee.

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

C. **Hearing Panel.** The hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student.
1. The Dean of Student Affairs, the President of the Academic Senate, and the President of the Associated Students of Rio Hondo College (ASRHC) ASB president shall each, at the beginning of the academic year, establish a list of at least five (5) persons who will serve on student disciplinary hearing panels. The Dean of Student Affairs shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member, or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

D. Hearing Panel Chair. The Dean of Student Affairs shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.
AP 5520  Student Discipline Procedures

References:
Education Code Sections 66300, 72122, and 76030

Note: This procedure is legally required, except as specifically noted. Local practice may be inserted, but must comply with the standards of due process reflected in this example.

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

These Administrative Procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

Definitions:
District – The [insert name of district].

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

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.

Short-term Suspension – Exclusion of the student by the [CEO] for good cause from one or more classes for a period of up to ten consecutive days of instruction.

Long-term Suspension – Exclusion of the student by the [CEO] for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

Expulsion – Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms.

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

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

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

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

Short-term Suspensions, Long-term Suspensions, and Expulsions: Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

- Notice – The [designated position] will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
  - the specific section of the Standards of Student Conduct that the student is accused of violating.
  - a short statement of the facts supporting the accusation.
  - the right of the student to meet with the [designated position] or designee to discuss the accusation, or to respond in writing.
  - the nature of the discipline that is being considered.
- Time limits – The notice must be provided to the student within [number of days] of the date on which the conduct took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within [number of days] of the date on which conduct occurred which led to the decision to take disciplinary action.
- Meeting – If the student chooses to meet with the [designated position], the meeting must occur no sooner than [number of days] after the notice is providal. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

Short-term Suspension – Within [number of days] after the meeting described above, the [CEO] shall, pursuant to a recommendation from the [number of days], decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the [CEO’s] decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The [CEO’s] decision on a short-term suspension shall be final.

Long-term Suspension – Within [number of days] after the meeting described above, the [CEO] shall, pursuant to a recommendation from the [designated position], decide whether to impose a long-term suspension. Written notice of the [CEO’s] decision on a long-term suspension shall be final.
decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.

Expulsion – Within [number of days] days after the meeting described above, the [CEO] shall, pursuant to a recommendation from the [designated position], decide whether to recommend expulsion to the Board of Trustees. Written notice of the [CEO’s] decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.

Hearing Procedures – Request for Hearing.

**Note:** Timelines may be locally determined. Five days is usually the minimum notice time accepted by courts.

Within [number] days after receipt of the [CEO’s] decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the [CEO] or designee.

Schedule of Hearing – The formal hearing shall be held within [number] days after a formal request for hearing is received.

**Note:** The Board of Trustees may hear these matters itself, or may use the services of a hearing officer or a panel. If the hearing panel format is adopted, the following is suggested.

Hearing Panel – The hearing panel for any disciplinary action shall be composed of [insert composition, such as one administrator, one faculty member and one student.]

The [CEO], the president of the Academic Senate, and the AS president shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearing panels. The [CEO] shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

Hearing Panel Chair – The [CEO] shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.
Conduct of the Hearing

Note: The hearing must comply with principles of due process, including the right to confront and cross examine witnesses. The following procedure is legally advised.

The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.

The facts supporting the accusation shall be presented by a college representative who shall be the [designate position].

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

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

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

The student may represent himself/herself, and may also have the right to be represented by a person of his/her choice. [Suggested language: except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.]

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

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

The hearing shall be recorded by the District either by tape recording or
stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded is not unavailable.

Within [number] days following the close of the hearing, the hearing panel shall prepare and send to the [CEO] a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

[CEO's] Decision:

Long-term suspension – Within [number of days] following receipt of the hearing panel's recommended decision, the [CEO] shall render a final written decision. The [CEO] may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the [CEO] modifies or rejects the hearing panel's decision, the [CEO] shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the [CEO] shall be final.

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

Board of Trustees Decision: The Board of Trustees shall consider any recommendation from the [CEO] for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

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

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

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

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

The Board may accept, modify or reject the findings, decisions and recommendations of the [CEO] and/or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final.

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

**Immediate Interim Suspension** (Education Code Section 66017): The [CEO] may order immediate suspension of a student where he/she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.

**Removal from Class** (Education Code Section 76032): Any instructor may order a student removed from his/her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the [CEO] and the [designated position]. The [designate position] shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the [designated position] shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the [designated position] from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

**Withdrawal of Consent to Remain on Campus:** The [designate position] 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/she must promptly leave or
be escorted off campus. If consent is withdrawn by the [designate position] a written report must be promptly made to the [CEO].

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than [number of days] from the date upon which consent was initially withdrawn.

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

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

Revised 6/13
Proposed revisions made by PFC sub-committee in red.
Proposed revision made by Board at the 8/14/13 Board Meeting in blue

I. The Board of Trustees may adopt such policies as are authorized by law or determined by the Board to be necessary for the efficient operation of the District. Board policies are intended to be statements of intent by the Board on a specific issue within its subject matter jurisdiction. The policies have been written to be consistent with provisions of law, but do not encompass all laws relating to district activities. All District employees are expected to know of and observe all provisions of law pertinent to their job responsibilities.

II. Policies of the Board may be adopted, revised, added to or amended at any regular Board meeting by a majority vote however, they shall not be included in the Consent Agenda. Proposed changes or additions shall be introduced not less than one regular meeting prior to the meeting at which action is recommended and should undergo the review process outlined in Administrative Procedure 2410 unless the Board finds there are special circumstances.

III. Administrative (College) procedures are to be issued by the Superintendent/President as statements of method to be used in implementing Board Policy. Such administrative procedures shall be consistent with the intent of Board Policies. Administrative procedures may be revised as deemed necessary by the Superintendent/President after undergoing the review process outlined in Administrative Procedure 2410.

IV. The Board will regularly review and evaluate Board policies to ensure that they are consistent with the mission of the college and are in compliance with requirements established by appropriate external agencies. In addition, policies will be evaluated for their effectiveness as measured by specific outcomes, and clarity of language and intent. The process for review is delineated in Administrative Procedure 2410. All constituent groups (administrators, faculty, staff, and students) shall be provided the opportunity to participate effectively in the formulation and development of District policies and procedures. Proposed changes to Board policies and new Board policies shall be reviewed by the President’s Council, Administrative Council and Planning and Fiscal Council. and other constituency groups for their input before adoption. For Board policies related to academic and professional matters as defined by Title V, Section 53200, the Board will consult collegially with the Academic Senate.

V. The Superintendent/President shall provide each member of the Board with copies of the administrative procedures and advise the Board of any revisions as they are established. The Board reserves the right to direct revisions of the administrative procedures should they, in the Board’s judgment, be inconsistent with the Board’s own policies. Should the Board wish to revise a Board Policy or Administrative Procedure upon the first reading, an amended version will return through the review process with a timeline of three (3) months for return to the Board for final adoption. (Board meeting 8/14/13)

VI. Copies of all policies and administrative (college)-procedures shall be readily
available to District employees through the Superintendent/President's Office. Sets of them shall be available in administrative offices on campus and in the Copies of policies and procedures may be obtained through the college website and campus library.

VII. Where the Board has not adopted a specific policy governing any aspect of the operation of Rio Hondo College, applicable provisions of the Education Code of the State of California, and Title 5, Administrative Regulations, will prevail.

VIII. Each policy, once adopted, shall remain in force until modified or deleted by action of the Board of Trustees.

IX. Source/reference Education Code Section 70902; former Policy 1000 and 1020.
Proposed changes recommended by PFC Sub-Committee in red
Proposed changes made by Board at the 8/14/13 meeting in blue

I. The Rio Hondo College Board of Trustees is the ultimate decision-maker in those areas assigned to it by state and federal laws and regulations. In executing that responsibility, the Board is committed to its obligation to ensure that appropriate members of the District participate in developing recommended policies for

Board action and administrative procedures for Superintendent/President's action under which the District is governed and administered.

A. Shared Participatory governance furthers the mission, goals, and purposes Vision, Mission, and Values of the District. In keeping with the spirit and intent of AB-Assembly Bill 1725, the Board recognizes the unique role of the faculty, acting through the Academic Senate, in shared participatory governance at Rio Hondo College. The Board affirms the District's commitment to maintaining and following the agreements developed with the Academic Senate to achieve the implementation of Title V, Section 53200. In addition, the Board encourages and recognizes the active participation of other District constituencies in those shared participatory governance activities most appropriate to their interests and expertise.

II. Each of the following shall participate as required by law in the decision making processes of the District as stated in the "10+1" legislation:

I.

A. Academic Senate (Title 5, Sections 53200-53206) Academic Senate (Title 5, Sections 53200-53206) The board or its designees will consult collegially with the Academic Senate, as duly constituted with respect to academic and professional matters, as defined by law. Procedures to implement this section are developed collegially with the Academic Senate.

1. The Board and its designees will consult collegially with the Academic Senate with respect to academic and professional matters. Academic and professional matters include the following:

   a) Curriculum, including the establishment of prerequisites and placing courses within disciplines;
   b) Degree and Certificate requirements;
   c) Grading policies;
   d) Educational program development;
   e) Standards regarding student preparation and success;
   f) Governance structures as related to faculty roles;
   g) Faculty involvement in accreditation;
   h) Policies for Faculty professional development activities;
   i) Policies for program review;
   j) Processes for institutional planning and budget development, and;
   k) Other academic and professional matters as mutually agreed upon between the Academic Senate and the Board.

   2-1)
A.B. Staff (Title 5, Section 51023.5)

1. Classified staff shall be provided with the opportunity to participate effectively in the formulation and development of district policies and procedures that have a significant effect on staff. The opinions and recommendations of the Classified School Employees Association will be given every reasonable consideration.

2. Management/Confidential staff shall be provided with the opportunity to participate effectively in the formulation and development of district policies and procedures that have a significant effect on staff. The opinions and recommendations of the Management/Confidential group will be given every reasonable consideration.

B.C. Students (Title 5, Section 51023.7)

1. The Associated Students shall be given an opportunity to participate effectively in the formulation and development of district policies and procedures that have a significant effect on students, as defined by law. The recommendations and positions of the Associated Students Body will be given every reasonable consideration. The selection of student representatives to serve on district committees or task forces shall be made after consultation with the Associated Students.

III. Except for unforeseeable emergency situations, the Board shall not take any action on matters subject to this policy until the appropriate constituent group or groups (administrators, faculty, staff, and students) have been provided the opportunity to participate. The Board shall be provided with an opportunity to participate effectively in the formulation, development, and revision of district policies and procedures. Should the Board wish to revise a Board Policy or Administrative Procedure upon the first reading or final adoption, an amended version will return through the review process with a timeline of three (3) months for return to the Board for final adoption. (Board meeting 8/14/13)

IV. Nothing in this policy will be construed to interfere with the formation or Administration of employee organizations or with the exercise of rights guaranteed under the Educational Employment Relations Act. (Government Code Sections 3540, et seq.)