

STUDENT CONDUCT PROCEDURES

AP No. 5520

Board Reviewed: 2/17/10; 10/9/13; 5/14/14

Page 1 of 8

- I. The purpose of these procedures is to provide a prompt and equitable means to address violations of BP 5500 and AP 5500, Standards of Conduct, which guarantee 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. They are not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.
- II. These Procedures are 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 the College.

“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 Affairs 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 Affairs 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 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 as referenced in BP/AP 5500. Written reprimands may become part of a student's permanent record at the College. A record of the fact

STUDENT CONDUCT PROCEDURES

AP No. 5520

Board Reviewed: 2/17/10; 10/9/13; 5/14/14

Page 2 of 8

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” – refers to withdrawal of consent by the Dean of Student Affairs for any person to remain on campus in accordance with California Penal Code Section 626.4 in which the Dean of Student Affairs has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

“Days”- refers to the 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 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 BP/AP 5500, 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 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 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.

STUDENT CONDUCT PROCEDURES

AP No. 5520

Board Reviewed: 2/17/10; 10/9/13; 5/14/14

Page 3 of 8

1. Short-term Suspension - Within five (5) days after the meeting described above, the Dean of 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 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 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 Affairs shall decide whether to impose a long-term suspension. Written notice of the Dean of 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 Affairs shall decide whether to recommend expulsion to the Superintendent/President. Written notice of the Dean of 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 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 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) 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

STUDENT CONDUCT PROCEDURES

AP No. 5520

Board Reviewed: 2/17/10; 10/9/13; 5/14/14

Page 4 of 8

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.
- E. Conduct of the Hearing
1. 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.
 2. The facts supporting the accusation shall be presented by a College representative. The College representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
 3. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.
 4. 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 evidence that the facts alleged are true.
 5. The student may represent himself or herself, and may also have the right to be represented by a person of his or her choice. If the student wishes to be represented by an attorney, a request must be presented not less than five (5) 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 in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

STUDENT CONDUCT PROCEDURES

AP No. 5520

Board Reviewed: 2/17/10; 10/9/13; 5/14/14

Page 5 of 8

6. 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 five (5) days prior to the date of the hearing.
7. 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.
8. The hearing shall be recorded by the College by audio recording and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. 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. The audio recording shall remain in the custody of the college at all times, unless released to a professional transcribing service. The student may request a copy of the audio recording.
9. All oral testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written testimonies of witnesses are admissible.
10. Within five (5) days following the close of the hearing, the hearing panel shall prepare and send to the Superintendent/President 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 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 matters 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.

VI. Decision:

- A. Long-term Suspension - Within five (5) days following receipt of the hearing panel's recommended decision, the Vice President of Student Services, or designee, shall render a final written decision. The Vice President of Student Services, or designee, may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Vice President of Student Services or designee modifies or rejects the hearing panel's decision, the Vice President of Student Services, or designee, shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings

STUDENT CONDUCT PROCEDURES

AP No. 5520

Board Reviewed: 2/17/10; 10/9/13; 5/14/14

Page 6 of 8

and conclusions. The decision of the Vice President of Student Services, or designee, shall be final.

- B. Expulsion - Within five (5) days following receipt of the hearing panel's recommended decision, the Superintendent/President shall forward a written recommendation to the Board of Trustees. The Superintendent/President or designee, may accept, modify or reject the findings, decisions, and recommendations of the hearing panel. If the Superintendent/President or designee 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.

VII. Board of Trustees Decision:

- A. The Board of Trustees shall consider any recommendation from the, Superintendent/President, or designee, for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.
- B. 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.
- C. The student shall be notified in writing, by registered or certified mail or by personal service, at least three (3) days prior to the meeting of the date, time, and place of the Board's meeting.
- D. The student may, within forty-eight (48) hours after receipt of the notice, request that the hearing be held as a public meeting.
- E. 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.
- F. The Board may accept, modify, or reject the findings, decisions, and recommendations of the Superintendent/President or designee 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.

STUDENT CONDUCT PROCEDURES

AP No. 5520

Board Reviewed: 2/17/10; 10/9/13; 5/14/14

Page 7 of 8

- G. 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.

VIII. Immediate Interim Suspension:

The Superintendent/President, or designee, may order immediate suspension of a student where he or 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 in which a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.

IX. Removal from Class:

Any instructor may order a student removed from his or her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to his/her division dean who shall notify the Dean of Student Affairs. The Dean of Student Affairs shall arrange for a conference between the student and the instructor regarding the removal. Should the instructor or the student request, the Dean of Student Affairs may 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 Dean of Student Affairs from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

X. Withdrawal of Consent to Remain on Campus:

- A. The Dean of Student Affairs may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If consent is withdrawn by the Dean of Student Affairs, a written report must be promptly made to the Vice President of Student Services.
- B. 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 (7) 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.

STUDENT CONDUCT PROCEDURES

AP No. 5520

Board Reviewed: 2/17/10; 10/9/13; 5/14/14

Page 8 of 8

- C. In no case shall consent be withdrawn for longer than fourteen (14) days from the date upon which consent was initially withdrawn.
- D. 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.
- XI. Time Limits:
- Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.
- XII. Source/Reference:
- Education Code Sections 66017, 66300, 72122, 76030, 76032; Penal Code Section 626.4.