

AP 5520 Student ~~Discipline~~ Conduct Procedures

Reference: **Education Code Sections 66017, 66300, ~~72122~~, and 76030, and 76030 et seq.; Penal Code Section 626.4**

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The Grossmont-Cuyamaca Community College District (District) Student ~~Discipline~~ Conduct Procedures are intended to provide a prompt and equitable means to address violations of the Standards of Student Conduct. These standards guarantee to the student(s) involved; the due process rights assured 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 District 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.

The Chancellor shall ensure that these procedures will be maintained in the District's Student Conduct Procedures Handbooks. Additionally these handbooks are available at both college campuses and on the Grossmont College and Cuyamaca College websites. These procedures will address, but may not be limited to the following terms, actions and processes:

- Definitions of student conduct terms and timelines
- Grounds for Student Code of Conduct Violation action
- Types of Student Conduct action
- Procedures for Alleged Student Conduct Violations
- The Student Conduct Hearing Committee, procedure, preparation, and conduct
- The College President's decision
- The Governing Board action
- The appeal process and reconsideration of the action
- Reports to and from local law enforcement authorities
- General provisions

These procedures will provide a prompt and equitable means to address violations of the Grossmont-Cuyamaca Community College District (GCCCCD) Standards of Student Conduct, which guarantees to the student(s) involved the due process rights assured them by State and Federal constitutional protections. Community College Districts are required by law to adopt Standards of Student Conduct along with applicable penalties for violations (Education Code Section 66300). The GCCCCD has complied with this requirement by adopting Governing Board Policy and Administrative Procedures 5500, 5520, and 5530.

The purpose of the administrative procedure is to enact uniform processes throughout GCCCCD to provide due process to students, who are alleged to have violated the Student Code of Conduct. These Student Conduct Procedures apply to all persons enrolled in any program of

instruction or co-curricular offering within the District, including distance education programs. These Student Conduct Procedures do not apply to student grievances, discrimination complaints (including sexual harassment, sex and gender based misconduct complaints), residence determination, or other academic or legal requirements for admission or retention. The Process for sex and gender based complaints is contained in the Student Sexual Misconduct Policy and Procedures. These procedures also do not apply to withholding of services, such as transcripts, for nonpayment of debts to the District or College. However, student conduct that constitutes prohibited discrimination may be the basis for Student Conduct action under this procedure. All proceedings held in accordance with these procedures shall relate specifically to an alleged violation of the established Standards of Student Conduct as outlined in the College catalog. Student Conduct measures may be taken by the District or the College independent of any charges filed by civil or criminal authorities, or both (Education Code Section 76225).

Definition of Student Conduct Terms

Administrator: The College President or other person or persons designated by him or her.

Dean of Student Affairs: The Dean of Student Affairs at each College of the District.

Board of Trustees: The Governing Board of the District.

Chief Student Services Officer (CSSO): The Vice President of Student Services at each College of the District. The CSSO shall be responsible for enforcing the procedures at the campus. In case of a conflict, or at the discretion of the College President, another administrator may be designated to enforce these procedures.

College President or Designee: The Chief Executive Officer (CEO) at each College of the District or an Administrator selected by the CEO to represent him or her in matters of Student Conduct.

Days: Days during which College is in session and regular classes are held, including summer and intersession days, and excluding Saturdays and Sundays, unless otherwise specified in the procedures.

Student Conduct Hearing Record: The Student Conduct Hearing Record shall consist of all the documents and exhibits presented at the Student Conduct Hearing, the recording of that Hearing, the recommendation of the Hearing Committee, and the College President's decision and recommendation.

District or GCCCD: The Grossmont-Cuyamaca Community College District (GCCCD), including all Colleges, programs and offerings.

Expulsion: Exclusion of the student by the Board of Trustees from all Colleges in the District permanently, for one or more terms, or subject to reconsideration.

Instructor: Any academic employee of the District in whose class a student subject to Conduct is enrolled, or counselor, who is providing or has provided services to the student, or another academic employee, who has responsibility for the student's educational program.

Student: Any person currently enrolled as a student at any College or in any program offered by the District, including both in-person and online.

Written Notice: Written notice to a student pursuant to these procedures shall be sufficient if sent by certified mail to the last known address of the student currently on file at the College. Notice shall be deemed given on the day of said mailing.

Grounds for Student Code of Conduct Violation (These procedures also apply to distance education.)

Student conduct must conform to District and College rules and regulations. If a Student Code of Conduct violation occurs while a student is enrolled in any program of instruction or co-curricular offering within the District, to include distance education programs, he or she may be subject to Student Conduct Action for one or more of the following causes that must be District related. Except in response to conduct specified in subdivisions (g) and (h) of Section 76033, no student shall be removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or college attendance. This section is not intended to limit provisions of federal law, or limit the ability of community college districts to take appropriate action under federal law.

These categories of behavior are not intended to be an exhaustive list, but are examples of causes and are good and sufficient causes for Conduct, including but not limited to the removal, suspension, or expulsion of a student. Other misconduct not listed may also result in Conduct if good cause exists (Education Code Section 76033, 76034).

1. Causing, attempting to cause, or threatening to cause physical injury to another person.
2. Possession, sale or otherwise furnishing any firearm, knife, explosive, or other dangerous object, including but not limited to any facsimile firearm, knife, or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from the Vice President of Student Services or designee.
3. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code Sections 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
4. Committing or attempting to commit robbery or extortion.
5. Causing or attempting to cause damage to District property or to private property on campus.
6. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
7. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
8. Committing sexual harassment as defined by law or by District policies and procedures.
9. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation or any other status protected by law.
10. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling;

social isolation or manipulation; and cyberbullying.

11. Willful misconduct that results in injury or death to a student or to District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
12. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
13. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty as defined by the College's academic integrity standards.
14. Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.
15. Unauthorized entry upon or use of District facilities.
16. Lewd, indecent or obscene conduct or expression on District-owned or controlled property, or at District sponsored or supervised functions.
17. Engaging in expression which is obscene, libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises, or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District.
18. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
19. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any district policy or administrative procedure.
20. Engaging in physical or verbal intimidation or harassment of such severity or pervasiveness as to have the purpose or effect of unreasonably interfering with a student's academic performance, or District employee's work performance, or of creating an intimidating, hostile or offensive educational or work environment.
21. Engaging in physical or verbal disruption of instructional or student services activities, administrative procedures, public service functions, authorized curricular or co-curricular activities or prevention of authorized guests from carrying out the purpose for which they are on District property.
22. Sexual assault and sexual exploitation as defined in Education Code section 76033(g), (h).
22. Misconduct where good cause exists (Education Code Section 76033).

District students who engage in any of the above are subject to the procedures outlined herein as authorized by AP 5520 Student Conduct Procedures.

Types of Student Conduct Action

Student Conduct actions that may be imposed for violations of the Student Code of Conduct include the following:

Warning: Written or oral notice to the student that continuation or repetition of misconduct may be cause for further Student Conduct action.

Student Conduct Probation: Specific period of conditional participation in campus and academic affairs that may involve exclusion from designated privileges or extracurricular activities. If a student violates any condition of probation, or is charged a second time with a violation of the Standards of Student Conduct during the probationary period, it shall be grounds for revocation of the student's probationary status and for further Student Conduct action to be taken in accordance with these procedures.

Removal from Class by Instructor (Education Code 76032): An instructor may remove, for good cause, any student from his or her class for up to two (2) class sessions. The student shall not return to the class during the period of the removal without concurrence of the instructor, and if required the consent of the CSSO or designee. Nothing herein will prevent the College President or Designee or CSSO from recommending further Conduct in accordance with these procedures based on the facts that led to the removal. As used in this rule, "good cause" includes those offenses listed in the Student Code of Conduct. The instructor shall immediately report the removal to the respective Division Administrator and to the College President or designee. If the student is a minor, the College President or designee shall schedule a conference with the student and the student's parent or guardian regarding the removal. The Administrator shall arrange for a conference between the student and appropriate college personnel regarding the removal. Instructors are not obliged to provide makeup opportunities for class work, including quizzes, tests or examinations, missed during the two (2) class periods of removal.

Suspension or Termination of Financial Aid: In the event a student is suspended for willfully and knowingly disrupting the orderly operation of the campus, this action will result in ineligibility for State Financial Aid, as defined in Education Code Sections 69810 and 69813, for the period of suspension.

Immediate Interim Suspension: The College President, the President's designee, or the CSSO may order immediate suspension of a student when he or she concludes that immediate interim suspension is required to protect lives or property and to ensure the maintenance of order. A reasonable opportunity shall be afforded the suspended person to have a hearing within ten (10) days of the time that the CSSO or designee, or the College President became aware of the infraction unless mutually agreed upon by the student and the designated Administrator that more time is required.

In cases where an immediate 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 according to the provisions above.

In the event that a student does not request a hearing within the ten (10) days or contact the College President, CSSO or his or her designee or Administrator, to establish a mutually agreed upon time for hearing, the College where the infraction occurred will proceed with a due process hearing twenty (20) days after the point that the aforementioned administrators became aware

of the infraction with or without the accused student being present. Students placed on Immediate Interim Suspension shall have holds placed on all records and transcripts pending the outcome of the due process hearing (Education Code Section 66017).

Instructors are not obliged to provide makeup opportunities for class work, including quizzes, tests or examinations, missed during the period of suspension.

Short-term Suspension: Temporary exclusion from student status, or other privileges or activities, for one (1) or more classes for a period of up to ten (10) consecutive days of instruction. Faculty members are not obliged to provide makeup opportunities, including quizzes, tests or examinations, for class work missed during the period of suspension.

Long-term Suspension: Temporary exclusion from student status, or other privileges or activities, for the remainder of the current semester and/or one or more terms. Instructors are not obliged to provide makeup opportunities for class work missed, including quizzes, tests or examinations, during the period of suspension.

If any student is suspended or expelled from the GCCCD, he or she shall not be present on any of the campuses or at the District Office without authorization from the College President, CSSO, or the District Vice Chancellor of Human Resources and must be escorted by a District Public Safety officer. The student may not attend any official campus sanctioned events or activities during the term of the suspension.

Expulsion Subject to Reconsideration: Permanent termination of student status, subject to reconsideration by the Board of Trustees after a specified length of time. Reconsideration may be requested in accordance with the procedure for Reconsideration.

Permanent Expulsion: Permanent termination of student status. There shall be no right of reconsideration of a permanent expulsion at any time. On its own motion, the Board of Trustees may reconsider such actions at any time.

Restitution: Appropriate restitution shall be sought from any student found responsible of theft, vandalism, or willful destruction of District or College property.

Educational Sanctions: Educational sanctions may be assigned instead of, or in addition to those specified in this section at the discretion of the Administrator. Educational sanctions may include, but are not limited to, reflection papers, participation in alcohol or drug education programs, or meeting with college officials.

Community Service: Community Service may be assigned instead of, or in addition to, those specified in this section at the discretion of the Administrator. Community Services assignments will require a student to perform unpaid work of benefit to the College community. Community Service provides an opportunity for the student to contribute positively to their community. The assigned tasks shall support and supplement services existing on campus. The Dean of Student Affairs shall approve the community service site. Student must present hours to the Dean of Student Affairs upon completion.

Referral: A student may be referred by the Administrator to any college/community resource deemed necessary for the assistance of the student.

PROCEDURES FOR ALLEGED STUDENT CODE OF CONDUCT VIOLATIONS

Preliminary Procedures

Written Notice: Within ten (10) days from the time the Administrator is informed of facts, which may constitute an alleged violation of the Student Code of Conduct, the Administrator will provide the student with a written notice including the following:

- The specific section(s) of the Student Code of Conduct which the student is alleged to have violated.
- A short statement of the fact(s) supporting the accusation(s). The right of the student to meet with the CSSO or designee to discuss the accusation, or to respond in writing.
- Contact information to schedule an initial meeting.
- Notice advising the student that a hold may be placed on their account until the matter is resolved.
- The nature of the discipline that is being considered

~~In the case of continuous, repeated, or ongoing conduct, the notice must be provided within ten (10) days of the date on which conduct occurred which led to the decision to take disciplinary action.~~

Written notice to a student pursuant to these procedures shall be sufficient if sent by certified mail and email to the last known address of the student currently on file at the College. Notice shall be deemed given on the day of said mailing.

Initial Meeting: Following notice, an initial meeting will occur between the Administrator and the student. The Administrator shall explain in general the nature of the alleged violations currently available against the student and the students will be informed of the nature of the conduct being considered. The student shall be allowed to respond in either verbally or in writing to the allegations. If the student refuses to respond, the Administrator shall so indicate. Every effort shall be made to resolve the matter informally.

Follow-Up Meeting: Where there is determined a need by either the student or Administrator to conduct additional investigation regarding the alleged violation, a follow-up meeting may occur between the Administrator and the student within ten (10) days of the date on which the initial meeting took place unless an earlier date is mutually agreed upon.

Administrator's Discretion: If, after reviewing the general nature of the alleged violations with the student, the Administrator concludes that a warning or a consequence greater than a warning, up to a suspension of ten (10) days or less, the Administrator shall deliver the sanction to the student, and no further action will be taken.

If a suspension of ten (10) days or less is an appropriate sanction, the Administrator shall have the authority to hear the matter or, at the Administrator's discretion, refer it to a Student Conduct Hearing Committee.

If the Administrator makes a determination that a sanction more severe than a suspension of ten (10) days is appropriate, the student shall be afforded the right to a Student Conduct

Hearing in accordance with these procedures and shall be specifically informed of that right.

This determination by the Administrator shall in no way affect the authority of a Student Conduct Hearing Committee to recommend to the President or Designee a sanction more or less severe than the one recommended by the Administrator.

Student's Discretion: By accepting the sanction of the Administrator (as described above), the student consents to the Administrator's decision of adjudication rather than having the matter go to a Student Conduct Hearing Committee. The student shall then agree to the imposition of a sanction mutually agreed upon by the student and the Administrator. Where a proposed sanction is greater than a verbal warning, a student may be afforded the right to a due process hearing.

If the student charged with a Code of Conduct violation desires a Student Conduct Hearing, the student's request for hearing shall be made in writing to the Office of Student Affairs or the CSSO within five (5) days of receipt of the Administrator's proposed sanction. The Administrator's proposed sanction(s) shall become the officially enforced sanction(s) should the student fail to exercise his/her due process rights within five (5) days of receiving the proposed sanction(s). If the student exercises the right to refer the matter to a Student Conduct Hearing Committee, the student shall receive a copy of the Student Conduct Procedures from the Administrator. The student shall be provided with written notice of the hearing as provided below in the Hearing Procedure. Within twenty (20) business days, unless mutually agreed upon by the student and Administrator that more time is required, the matter shall be heard by a Student Conduct Hearing Committee.

Student Conduct Hearing Committee

The Student Conduct Hearing Panel. The College President or designee shall, at the beginning of each academic school year, establish a standing panel from which one or more Student Conduct Hearing Committees may be appointed. The panel shall be made up of the following:

- Five students, whose names are submitted to the College President or Designee by the Associated Students' Organization governing body.
- Five instructors, whose names are submitted to the College President or Designee by the College Academic Senate.
- Five administrators appointed by the College President, the CSSO, or Designee.

From the panel described above, the CSSO, or Designee shall appoint a committee consisting of one student, one instructor, and one administrator to hear each Student Conduct Hearing.

The Hearing Procedure

Notice: In all cases where a hearing before a Student Conduct Hearing Committee is to be held, not less than five (5) days prior to the hearing, the Administrator shall prepare and personally deliver or mail written notice to the student. Notices sent to the last address available in the records of the College and deposited in the United States mail, postage prepaid and return receipt requested, shall be presumed to have been received and read.

Notice shall specify the time and place of the Hearing and contain a statement of the alleged violations against the student. A copy of these procedures shall be enclosed. Notice shall also specify if there is to be an interim exclusion from the College campus pursuant to California Penal Code Section 626.4. Copies of such notice shall be sent to the student's instructors and the District Public Safety Office.

In the event the recommended sanction includes suspension of State financial aid, the procedure set forth in Education Code Section 69811 shall be followed.

Hearing Preparation

The Administrator shall be responsible for making the necessary arrangements for the Student Conduct Hearing. Arrangements shall include scheduling a room, providing for a tape recorder, providing notice to the student as provided in the Hearing Procedures above, notifying members of the Student Conduct Hearing Committee, and any other arrangements deemed necessary.

Either the student or the Administrator may challenge any member of the Student Conduct Hearing Committee for cause. Any challenge must be made in writing not later than forty-eight (48) hours prior to the hearing. Grounds for cause include any personal involvement in the situation giving rise to the alleged Student Conduct violation, any statement made on the matters at issue, or any other act which indicates that the committee member would not act in a neutral manner. If a challenge is upheld, the CSSO or designee must make an appropriate replacement from the pool described in the Student Conduct Hearing Committee.

Prior to the commencement of the actual hearing, the Student Conduct Hearing Committee members shall receive from the Administrator copies of these procedures, meet in closed session, and select a chairperson. If the committee members cannot reach mutual agreement on a chairperson, the CSSO or Designee shall designate a member to serve as chairperson. The chairperson shall reside over the hearing and rule on all questions of procedure. All rulings of the chairperson shall be final unless overruled by a majority of the committee.

Right to Representation: The student may represent himself or herself or may be represented by another person, except that he or she shall not be represented by an attorney or a person acting as an attorney unless the alleged violations include allegations that would constitute a criminal offense under California law. In such case, the student must provide the name and address of the attorney to the Dean of Student Affairs no later than five (5) days prior to the date of the hearing.

Conduct of the Hearing

Opening: The chairperson shall call the hearing to order, introduce the participants, and announce the purpose of the hearing. All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair.

Review of Alleged Violations: The chairperson shall distribute copies of the alleged violations to the members of the committee, read the alleged violations aloud, and ask the student if he or she has received the alleged violations. No alleged violations shall be made other than the specific alleged violations provided to the student at the meeting described in the Preliminary Procedures and on the formal notice letter sent to the student (described in the Hearing Procedure). If the answer is in the affirmative, the hearing shall proceed. If the answer is in the negative, the Administrator may present information to rebut the student's denial of notice. The chairperson shall decide whether or not to proceed with the hearing. If the hearing must be

rescheduled, it shall be held within five (5) days, unless otherwise mutually agreed upon by mutual concurrence of all parties.

Plea: The student shall admit or deny each alleged violation. If the student admits to each violation, and wishes to present no information of mitigating circumstances or other defense, the Student Conduct Hearing Committee shall retire to make its decision. If the student denies any or all of the alleged violations, or wishes to present information of mitigating circumstances, the hearing shall proceed.

Burden of Proof: The Administrator has the burden of proving that each charge is true. The student shall be regarded as innocent of the alleged violations until guilt is established by the Administrator by a preponderance of evidence. "Established by a preponderance of the evidence" means that the Administrator must persuade the Student Conduct Hearing Committee that it is more probable than not that the alleged violations are true.

Arguments: First the Administrator, and then the student, shall be afforded an opportunity to make or waive an opening statement, i.e., give an outline of the alleged violations and the facts to be proved. The student may reserve his or her opening statement until after the Administrator has finished presenting the case for the College. After the opening statements, first the Administrator, and then the student, shall have the opportunity to present witnesses and other relevant information in support of the case presented.

Evidence: The Administrator has the initial burden of producing evidence to prove each charge. The Administrator must present the information in support of the alleged violations first, and then the student must present information to refute the Administrator's evidence. Formal rules of evidence shall not apply. All relevant information is admissible, including but not limited to testimony of witnesses, physical objects, police reports, photographs, copies of documents, and signed and dated declarations of witnesses shown to be unavailable to attend the hearing.

Exclusion of Witnesses: Hearings shall be closed and confidential. Only persons participating in the hearing shall be present during the hearing. All witnesses shall be excluded except when testifying. Both the Administrator and the student shall be entitled to call witnesses presented by the other. A member of the Student Conduct Hearing Committee may ask questions at any time upon recognition by the chairperson. Either side may recall a witness, who again may be questioned by both parties and the committee.

Conclusion: First the Administrator, and then the student, shall be afforded the opportunity to make or waive a final statement.

Student Conduct Hearing Committee Decision: The Student Conduct Hearing Committee shall retire to deliberate with only the members of the committee present. The Student Conduct Hearing Committee shall reach its decision based only upon the record of the Student Conduct Hearing and shall not consider matters outside of that record. Within five (5) days of the Hearing, the chairperson shall deliver a written report giving specific findings of fact as to each charge, and making recommendation(s) for action arrived at by a majority vote of the committee to the College President or the CSSO. The findings of fact shall recite what factual evidence, in the opinion of the Student Conduct Hearing Committee, supported or failed to support each charge. The findings shall further show which, if any, of the alleged violations the committee believes were substantiated. The recommendation(s) for action shall be specific.

Absence of the Student: If the student charged does not appear, and no satisfactory

explanation for the absence is made at the earliest opportunity, or if the student leaves the Hearing before its conclusion, the Hearing shall proceed without the student, and the Student Conduct Hearing Committee shall reach a decision based on the information presented.

College President or CSSO'S Decision

Within five (5) days following receipt of the Administrator's recommendation for suspension or of the Student Conduct Hearing Committee's recommendation, the College President or the CSSO, shall render a final written decision. The College President or Designee, or the CSSO, shall base his or her decision only upon the information provided by the Administrator or, in the case of a Student Conduct Hearing, the record of the Hearing and the recommendation of the Student Conduct Hearing Committee, and shall not consider matters outside of that record. The College President or Designee or the CSSO's decision shall contain specific findings of the facts and conclusions, or shall specifically adopt those contained in the Administrator's recommendation. The College President or Designee or the CSSO, may adopt the recommendations made to him or her for action, may adopt a less severe sanction, or may adopt a more severe sanction.

The College President or Designee or the CSSO should promptly send a copy of his/her decision to the student and to the Administrator.

The College President or Designee or the CSSO shall, in accordance with District policy, notify the Chancellor and the President of the other College in the GCCCD of any decisions to suspend or expel a student or any recommendation of long-term suspension or expulsion of a student.

When the decision is to recommend expulsion of a student to the Board of Trustees, the College President or Designee may suspend the student pending action by the Board of Trustees.

If the decision is to expel a student, with or without the right of reconsideration after a specific period of time, the College President or Designee shall promptly recommend such action to the Board of Trustees. Only the Board of Trustees shall be authorized to take such action.

The facts of any Student Conduct action and the reasons therefore shall be recorded on the student's records subject to access, review, and comment by the student as authorized by the Family Education Rights and Privacy Act (20 USC Section 2332g) and Education Code Sections (76200 *Legislative Intent* through Section 76246 *Release of Directory Information*). All access or release of such records to members of the public shall also be in accordance with applicable State and Federal laws.

Any decision by the College President or Designee to suspend or expel shall be effective District-wide, including any program of instruction or co-curricular offering within the District, to include distance education programs.

Board of Trustees' Action

Upon recommendation to the Board of Trustees for expulsion, the College President or designee shall immediately transmit to the Chancellor or designee the entire record of the hearing together with all documentation and recordings of the Student Conduct action.

The Chancellor or designee shall review the record of the hearing and documents submitted to

verify that all procedural steps of the Student Conduct procedures have been completed. If all appropriate steps have been correctly completed, the Board of Trustees shall then be provided with copies of the decision. If prior steps have not been correctly completed, the matter shall be returned to the College for further action to comply with Board Policy.

The Board of Trustees shall consider Student Conduct actions at any public meeting held and should do so within forty-five (45) days of receipt of the recommendation by the Chancellor.

The Board of Trustees shall, unless otherwise requested by the student involved, hold closed sessions to consider a recommendation of expulsion if a public hearing upon such question would be in violation of Education Code Sections 76240 (*Protecting the Privacy of Student Records*) Release of Directory Information through Sections 76246 and Public Hearing Request Education Code Sections (72122). Before calling such closed session, the Board of Trustees shall, in writing, by registered or certified mail or by personal service, notify the student or the student and his or her parent(s), or guardian (if the student is a minor), of the intent of the Board of Trustees to call and hold such closed session. Unless the student, or his/her parent(s) or guardian shall, in writing, within forty-eight (48) hours after receipt of such written notice of intention, request that the Board of Trustees consider the matter in a public meeting, then the hearing to consider such matters shall be conducted by the Board of Trustees in closed session. If such written request is served upon the Chancellor, the meeting shall be public. Whether the matter is considered at a closed session or at a public meeting, the final action of the Board of Trustees shall be taken at a public meeting and the result of such action shall be a public record.

Upon review, the Board of Trustees will either uphold, modify, remand, or reject the decision of the College President or Designee. The Board of Trustees' action shall be limited to a review of the record of the Student Conduct Hearing Committee, and the decisions of the Student Conduct Hearing Committee and the College President or designee. The Board of Trustees is authorized to expel a student for good cause when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. The Board of Trustees' action shall be final and binding on all parties.

Appeal

The student may appeal the decision of the College President or Designee to the Board of Trustees by filing an appeal with the Chancellor's Office. Any such appeal shall be submitted in writing within five (5) days following receipt of the College President or Designee's decision and shall state specifically the grounds for appeal. Appeals shall be based only on the record of the Student Conduct Hearing Committee and the decisions of the Student Conduct Hearing Committee and the College President, or Designee. The student may submit written statements regarding the appeal. The Board of Trustees should consider appeals and Student Conduct actions/appeals at any public meeting held within forty-five (45) days of receipt of the appeal by the Chancellor's Office.

Failure of the student to appeal any determination at any step within the specified time limits shall be deemed acceptance by the student of the last determination rendered.

Reconsideration

A student, who has been expelled subject to reconsideration after a specific period of time, may not seek reconsideration of the action until the time specified by the expulsion action has

elapsed. Any premature request for reconsideration shall be returned to the former student. Any request for reconsideration of any expulsion shall be made in writing to the Board of Trustees. The request for reconsideration shall be labeled as such, and must state each ground on which the student seeks reconsideration of the Board of Trustees' expulsion decision. The Chancellor or designee shall review the request for reconsideration, together with the record of the hearing and the documents relating to the expulsion, to assure that the request satisfies the requirements of Reconsideration and that all pertinent information is available for the Board of Trustees.

Upon receipt of any request for reconsideration, the College from which the student was expelled shall immediately be provided a copy of the request, and the College President, or designee shall respond to the request in writing within ten (10) days of receipt of the request. The College President or designee's response shall be sent to the Chancellor with a copy to the student. The Board of Trustees should consider any request for reconsideration of any expulsion at any public meeting held within forty-five (45) days of receipt of the request by the Board of Trustees.

The Board of Trustees shall, unless otherwise requested by the former student, consider any request for reconsideration of expulsion in closed session, in accordance with the Education Code. The Board of Trustees shall consider only the request for reconsideration, any response by the College President or designee of the College from which the student was expelled, and the record of the expulsion. The Board of Trustees shall not consider any other evidence.

The Board of Trustees may, at its discretion, agree to permit the former student to present the request for reconsideration personally. If the Board of Trustees agree to such a presentation, the College President or designee of the College from which the student was expelled must be afforded an opportunity to present and to respond. The final action of the Board of Trustees on a request for reconsideration shall be taken at a public meeting and the result of such action shall be a public record of the District.

Reports To and From Law Enforcement Authorities

The College President or Designee shall, prior to the suspension or expulsion of any student at that College, notify the appropriate law enforcement authorities of the county or city in which the College is situated of any act of a student, which involves assault with a deadly weapon in accordance with California Penal Code Section 245. The District Public Safety Office shall promptly forward a copy of any police report resulting from the conduct of a student on campus, to the CSSO and the Dean of Student Affairs.

General Provisions

The facts of any Student Conduct action and the reasons shall be recorded on the student's records subject to access, review and comment by the student as authorized by the Family Education Rights and Privacy Act (20 USC Section 2332g) and Education Code Sections 76200 *Legislative Intent* through Section 76246. All access or release of such records to members of the public shall also be in accordance with applicable State and Federal laws. The CSSO or the Office of Student Affairs shall maintain Student Conduct records. Seven (7) years after the date of a Student Conduct action, the portion of the student's records which refers to the action shall be sealed and placed in storage. The records shall be available only to officers or employees of the GCCCD and only used when necessary to represent the College or District in litigation or other legal or administrative proceedings.

Whenever there is included in any student record information concerning any Student Conduct action taken by Community College personnel in connection with the student, the student shall be allowed to include in such record a written statement or response concerning the Student Conduct action (Education Code 76246).

Any specified time limits stated in these procedures may be shortened or lengthened by mutual concurrence of all parties.

Technical departures from these procedures and errors in its application shall not constitute grounds to invalidate Student Conduct action against a student unless, in the opinion of the College President or Designee, the technical departure or error prevented a fair determination of the issue.

~~The Chancellor shall ensure that these procedures will be maintained in the District's Student Discipline Conduct Procedures Handbooks. Additionally these handbooks are available at both college campuses and on the District Grossmont College and Cuyamaca College websites. These procedures will address, but may not be limited to the following terms, actions and processes:~~

- ~~▪ Definitions of student discipline conduct terms and timelines~~
- ~~▪ Grounds for disciplinary Student Code of Conduct Violation action~~
- ~~▪ Types of disciplinary Student Conduct action~~
- ~~▪ Procedures for discipline Alleged Student Conduct Violations~~
- ~~▪ The Disciplinary Student Conduct Hearing Committee, procedure, preparation, and conduct~~
- ~~▪ The College President's decision~~
- ~~▪ The Governing Board action~~
- ~~▪ The appeal process and reconsideration of the action~~
- ~~▪ Reports to and from local law enforcement authorities~~
- ~~▪ General provisions~~