

SOLANO COMMUNITY COLLEGE DISTRICT

STUDENT SERVICES PROCEDURES

STANDARDS OF STUDENT CONDUCT

Policy #5300

The purpose of these procedures is to provide for the orderly administration of the Student Conduct Code. Reasonable deviations from these procedures will not invalidate a decision or proceeding unless actual prejudice to a student may result.

This procedure will be used in a fair and equitable manner. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies. This process can proceed simultaneously, in advance, during or after any criminal or civil proceedings.

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 state and federal constitutions, and by Education Code 76120, and will not be used to punish expression that is protected.

Definitions

District – The Solano Community College District.

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

Instructor – Any full-time or part-time 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 Executive Vice President of Academic and Student Affairs or designee for good cause from one or more classes for a period of up to ten (10) consecutive days of instruction.

Long-Term Suspension – Exclusion of the student by the Executive Vice President of Academic and Student Affairs or designee from one or more classes for the remainder of the school term, or from all classes and activities of the college from one or more terms.

Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the Executive Vice President of Academic and Student Affairs or designee for any person to remain on campus in accordance with California Penal Code Section 626.4 where there is reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus. Upon receiving information that the Student Code of Conduct may have been violated, written notification to the student or students will be sent outlining the allegations, and instructing them to confirm an appointment with the Executive Vice President of Academic and Student Affairs or designee. Failure to comply with direction from the Executive Vice President of Academic and Student Affairs or designee to meet could result in further disciplinary action. With the exception of a

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minor, who must be accompanied by a parent or guardian, the student shall not be permitted to have an advisor or legal representation at this meeting unless approved/permitted by the Executive Vice President of Academic and Student Affairs or designee.

The Superintendent-President provides the following sanctions for violation of the Student Code of Conduct. One or more of the sanctions listed below may be imposed for any single or multiple violation(s). Any times specified in these procedures may be shortened or lengthened, if there is mutual concurrence by the parties. This procedure should be administered by the Executive Vice President of Academic and Student Affairs or designee. Previous violations of Student Conduct Code will be considered when determining appropriate sanctions for violations.

NON-APPEALABLE SANCTIONS

The following sanctions may be imposed for violation of the Student Code of conduct. These sanctions are not exclusive. In addition to the sanctions set forth below, the Executive Vice President of Academic and Student Affairs or designee may impose other sanctions up to suspension or expulsion for violation of the Student Code of Conduct as he/she deems appropriate. These sanctions may not be appealed.

1. Official Warning

An oral or written statement to the offender that the student has violated District rules. This will be documented with a letter to the student(s).

2. Reprimand

A reprimand is a warning stating that the continued conduct of the type described in the reprimand may result in a subsequent formal action against a student by the District.

(a) A written notification to a student by the Executive Vice President of Academic and Student Affairs or designee to cease and desist from behavior determined to violate the standards of student conduct. Written reprimands may become part of a student's permanent record at the College.

3. Temporary Suspension by Instructor

(a) An instructor may suspend for cause any student from his/her class for the day of suspension and the class following.

(b) The instructor shall immediately report the suspension (verbally and subsequently in writing) to his/her dean and Executive Vice President of Academic and Student Affairs or designee. A decision will then be made concerning further disciplinary action.

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- (c) The student shall not return to the classroom from which he/she was suspended during the temporary suspension by instructor, without the concurrence of the instructor, the instructor's dean and the Executive Vice President of Academic and Student Affairs or designee.
- (d) No instructor shall be allowed to suspend a student without first apprising the student of the reason for suspension and permitting such student to present his/her version of the incident causing suspension.
- (e) If the student is a minor, the instructor shall ask the parent or guardian of the student to attend a parent conference regarding the suspension as soon as possible. A College administrator shall attend the conference if the instructor or parent or guardian so requests.
- (f) Nothing herein will prevent the Vice President of Academic and Student Affairs or designee from recommending further disciplinary procedures in accordance with these procedures based on the facts that led to the removal, or of the student's previous violations.
- (g) Every effort will be made to inform the instructor who was directly involved with the incident of the student discipline outcome as allowable by law and College policies.

4. Administrative Withdrawal From Class

Administrative withdrawal from class prohibits a student's continued presence in the class if his/her behavior is disruptive of the class and interferes with the ability of other students in the class to learn or in any way endangers himself/herself or others. When this sanction is applied, the student will be administratively withdrawn by the Executive Vice President of Academic and Student Affairs or designee.

5. Disciplinary Probation

Disciplinary probation is a formal action of the district against a student for a specified period of time. The student must meet certain conditions as imposed. The conditions imposed may include being removed from all College organization offices and being denied the privilege of participating in all College or student sponsored activities included athletics and public performances. Any subsequent violations by the student during the term of the probation or the student's failure to comply with any condition of probation imposed will result in additional sanctions under this policy.

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6. Short-Term Suspension

Short-term suspension prohibits the student from attending classes or entering onto any District property for a period of one (1) to ten (10) days as determined by the Executive Vice President of Academic and Student Affairs or designee.

7. Restitution

Financial compensation for damage to or misappropriation of property. Restitution may take the form of appropriate service to repair or otherwise compensate for damages. The failure to pay restitution for damage to or misappropriation of property may result in holds placed on student academic records and registration activities and/or restrict access to College events and activities..

8. Campus Community Service

In-kind campus community service may be imposed for violations of the code of conduct.

9. Withdrawal of Consent to Remain on Campus/Short Term Suspension

The Executive Vice President of Academic and Student Affairs or designee 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 Executive Vice President of Academic and Student Affairs or designee, a written report must be promptly made to the student and to the student's discipline file.

The person from whom consent has been withdrawn may submit a written request for a meeting on the withdrawal within the period of the withdrawal. The request (for a meeting) shall be granted not later than ten (10) instructional days from the date of receipt of the request.

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).

10. Mental Health Clearance

Mental Health clearance may be required before a student who has been disciplined for dangerous, abnormal or erratic behavior is readmitted to a particular class or allowed to come onto District property. The Executive Vice President of Academic and Student Affairs or designee must receive a letter from a licensed mental health professional providing reasonable assurances that in his/her professional judgment the student will no longer continue the behavior which gave rise to the Executive Vice President of Academic and Student Affairs or designee taking disciplinary action against him/her or that the student's

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continued presence on campus is not a threat to himself/herself or others. The mental health professional must be licensed by the State of California, and the Executive Vice President of Academic and Student Affairs or designee must verify that the mental health professional is credentialed to render a professional opinion. The student shall bear the cost and expense of obtaining mental health clearance.

APPEALABLE SANCTIONS

1. Suspension

(a) Suspension from any or all classes of the College and from use of any District facilities. The College Superintendent-President or the Executive Vice President of Academic and Student Affairs or designee may suspend a student for good cause as follows:

- From one or more classes for a period of up to ten (10) days of instruction.
- From one or more classes for the remainder of the school term.
- From all classes of the college for one or more terms. During the period of suspension, a student shall not be permitted to enroll in classes at the College. (California Education Code Section 76031).
- From the use of District facilities and all available services.

(b) In all cases of suspension, the student shall receive official notice from the Executive Vice President of Academic and Student Affairs or designee by “Certified Mail – Return Receipt Requested,” or by hand-delivery with a signed receipt. If delivery is refused or mail deemed nondeliverable by USPS, the written notification will be considered as being received, and the suspension will go forward.

(c) The suspension of any student from the College for a period of more than ten (10) instructional days shall be accompanied by a prompt hearing. If an immediate suspension is required in order to protect lives or property and/or to ensure the maintenance of order, a reasonable opportunity shall be afforded the suspended student for a hearing within ten (10) instructional days of the suspension. (California Education Code Section 66017).

2. Expulsion

(a) The expulsion of a student must be accompanied by a hearing before the College Review Board. (See Appeals Involving Maximum Suspensions).

(b) In cases of expulsion, the Superintendent-President shall recommend action to the Board of Trustees after receiving the Executive Vice President of Academic and Student

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Affairs' or designee recommendation(s) and supporting documentation, including College Review Board recommendations.

- (c) After the Board of Trustees' action, the Superintendent-President shall notify the student by "Certified Mail – Return Receipt Requested," or by hand-delivery with a signed receipt. If delivery or mail is refused, the written notification will be considered as being received, and the Board action will go forward. The expulsion may be imposed for a specified or unspecified time, and shall include all programs, services, and activities of the College.
- (d) For expulsions imposed for an unspecified time, the student may, after a reasonable time (not less than one year), request in writing that the District Superintendent-President removes the expulsion. If approved by the District Superintendent-President, he/she shall make that recommendation to the Board of Trustees. The Superintendent/President shall notify the student of the Board's decision.

APPEALS INVOLVING SUSPENSION AND EXPLUSION

1. Filing an Appeal

The student may accept the discipline imposed by the Executive Vice President of Academic and Student Affairs or designee without admitting that he/she engaged in the conduct charged. Should the student not accept the discipline, he/she may file an appeal. The appeal must be in writing and shall be sent by certified mail to the Executive Vice President of Academic and Student Affairs office within ten (10) days of the date of the notice to the student regarding the determination of suspension or expulsion. Any appeal that is not postmarked within ten (10) days shall be deemed untimely and shall constitute a waiver of the student's right to an appeal.

2. College Review Board

The College Review Board for any disciplinary action shall be composed of one administrator, who is appointed by the Superintendent-President; one faculty member, who is appointed by the Academic Senate; one classified staff, who is appointed by CSEA; and one student, who is appointed by ASSC. A quorum of three members must be present for the hearing to take place. An alternate faculty, classified and student board member shall also be appointed to participate on the College Review Board in the event the original appointee is unavailable.

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

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shall serve on the College Review Board. All members of the hearing panel will be asked to sign a written statement attesting to their neutrality.

3. College Review Board Chair

The Executive Vice President of Academic and Student Affairs or designee shall appoint one member of the panel to serve as the chair. The decision of the College Review Board 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.

4. Conduct of the Hearing

(a) Students will be notified, in writing, of the date, time, and place of the hearing. They must advise the Executive Vice President of Academic and Student Affairs or designee, in writing, if they will be present. The hearing will occur whether they attend or not.

(b) The members of the hearing panel shall be provided with a copy of the allegation(s) against the student and any written response provided by the student before the hearing begins.

(c) The facts supporting the allegation(s) shall be presented by a College representative who shall be the Executive Vice President of Academic and Student Affairs or designee.

(d) The College representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter. The student shall not have any other representation, except as provided in item g).

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

(f) 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 their 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 substantiation of evidence, that the facts alleged are true.

(g) 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 College Review Board may also request

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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.

- (h) Hearings shall be closed and confidential.
- (i) Witnesses shall not be present at the hearing when not testifying.
- (j) The hearing shall be recorded by the College, either by tape recording or electronic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give statements. In the event the recording is by tape recording, the College Review Board 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 college, at all times, unless released to a professional transcribing service. The student may request (in writing) a copy of the tape recording.
- (k) Within five instructional 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 allegation(s), and shall include detailed conclusions regarding whether any specific section of the standards of student conduct were violated. The decision shall include a specific 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 allegation(s), the written response, if any, of the student, and the oral and written evidence produced at the hearing. If the student is determined to have violated standards, previous student violations of the conduct code can be considered at the time of imposing disciplinary sanctions.

5. Superintendent-President's Decision

(a) Long-Term Suspension

Within five instructional days following receipt of the College Review Board's recommended decision, the Superintendent-President shall render a final written decision. The Superintendent-President may accept, modify, or reject the findings, decisions, and recommendations of the College Review Board. If the Superintendent-President modifies or rejects the College Review Board's decision, the Superintendent-President shall review the record of the findings and conclusions, and shall prepare a new written decision, which contains specific factual findings and conclusions. The decision of the Superintendent-President shall be final.

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(b) Expulsion

Within five instructional days following receipt of the College Review Board's recommended decision, the Superintendent-President shall review their recommendation. The Superintendent-President may accept, modify, or reject the findings, decisions, and recommendations of the College Review Board. If the Superintendent-President modifies or rejects the College Review Board's decision, the Superintendent-President shall review the record of the hearing, and shall prepare a new written decision, which contains specific factual findings and conclusions. The Superintendent-President's decision shall be forwarded to the Board of Trustees in cases in which the expulsion is upheld.

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6. Board of Trustees Decision

- (a) The Board of Trustees shall consider any recommendation from the Superintendent-President 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. Any such request must be made, in writing, no less than five instructional (5) days prior to the date of the meeting. (Education Code Section 72122).
- (c) The student shall be notified in writing, by registered or certified mail or by personal service, at least three instructional days prior to the meeting, of the date, time, and place of the Board's meeting. If mail delivery is refused, the recommendation will be submitted to the Board, regardless of whether the student is present.
- (d) The student may, within 48 hours after receipt of the notice, request that the hearing be held as a public hearing. 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 of privacy of any student, other than the student requesting the public meeting, in closed session.
- (e) The Board may accept, modify, or reject the findings, decisions, and recommendations of the Superintendent-President. If the Board modifies or rejects the decisions, 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.
- (f) 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.

Governing Board Review: January 18, 2012