



Book	VCCCD Board Policy Manual
Section	Chapter 5 Student Services
Title	STUDENT DISCIPLINE PROCEDURES
Number	BP 5520
Status	Active
Legal	<a href="#">California Education Code, Section 66300</a> <a href="#">California Education Code, Section 72122</a> <a href="#">California Education Code, Section 76030</a>
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The Chancellor shall establish Student Disciplinary Procedures.

See [Administrative Procedure 5520](#).



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Section	Chapter 5 Student Services
Title	AP 5520 STUDENT DISCIPLINE PROCEDURE
Number	AP 5520
Status	Active
Legal	<a href="#">FERPA</a> <a href="#">Penal Code Section 626.2</a> <a href="#">Education Code Section 66017</a> <a href="#">Education Code Section 66300</a> <a href="#">Education Code Section 66301</a> <a href="#">Education Code Section 76120</a> <a href="#">Education Code Section 72122</a> <a href="#">Education Code Section 76030</a> <a href="#">Education Code Section 76031</a> <a href="#">Education Code Section 76032</a> <a href="#">Education Code Section 76033</a> <a href="#">Education Code Section 76200</a> <a href="#">Education Code Section 76232</a>
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The purpose of this procedure is to provide a prompt and equitable means to address violations of the Student Code of Conduct, which provides to the student or students involved appropriate due process rights. This procedure will be applied 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 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 Sections [66301](#) and [76120](#), and will not be used to punish expression that is protected.

Student conduct must conform to the Student Code of Conduct established by the Governing Board of the Ventura County Community College District in collaboration with college administrators and students. Violations of such rules are subject to disciplinary actions which are to be administered by appropriate college authorities. The Ventura County Community College District has established procedures for the administration of the penalties enumerated here. College authorities will determine the appropriate penalty(ies).

**Definitions of key terms:**

Chief Student Services Officer (CSSO). A college's Executive Vice President or designee.

Day. Days during which the District is in session and primary term classes are in session, excluding Saturdays and Sundays.

District. The Ventura County Community College District.

Good cause for disciplinary action. As used in this procedure, "good cause" for disciplinary action includes any violation of the VCCCD Student Code of Conduct as set forth in [Board Policy 5500](#) and [Education Code section 76033](#), when the conduct is related to college activity or college attendance:

Faculty. Any academic employee of the District 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.

Time Limit. Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence, in writing, by all parties.

**Definitions of types of discipline listed in order of severity**

The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct. The selection of the degree of severity of sanction to be imposed shall be commensurate with the severity of offense. The availability of a less severe sanction does not preclude imposition of a more severe sanction in any circumstance where the more severe sanction is deemed appropriate.

Warning. Documented written or verbal notice by the CSSO, or designee, to the student that continuation or repetition of specific conduct may be cause for other disciplinary action. A warning is retained in the college discipline files for two complete academic years.

Reprimand. Written notice to the student by the CSSO, or designee, that the student has violated the Student Code of Conduct. A reprimand serves as documentation that a student's conduct in a specific instance does not meet the standards expected at the college and that further violations may result in more severe disciplinary sanctions. A reprimand is permanently retained in the college discipline files.

Temporary Removal from Class. Exclusion of the student by Faculty for good cause for the day of the removal and the next class meeting or activity. [Education Code Section 76032.](#)]

Short-term Suspension. Exclusion of the student by the CSSO, or designee, for good cause from one or more classes or activities for a period of up to ten (10) consecutive school days. [[Education Code Sections 76030 and 76031.](#)]

Immediate Interim Suspension. The College 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 where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days. A suspended student shall be prohibited from being enrolled in any community college within the District for the period of the suspension. [[Education Code Sections 66017 and 76031](#); cf. [Penal Code Section 626.2](#).

**Long-term Suspension.** Exclusion of the student by the College President for good cause from one or more classes and/or activities/programs, or from all classes and/or activities/programs of the college for up to the remainder of the semester and the following semester. A student suspended from all classes activities and/or programs shall be prohibited from being enrolled in any community college within the District for the period of the suspension. [Education Code Sections [76030](#) and [76031](#).]

**Expulsion.** Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms 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. [Education Code Section [76030](#).]

### **Procedures for Disciplinary Actions (listed in order of severity)**

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

#### **Warning**

The CSSO or designee, upon recommendation from Faculty or other District or college employee, shall review the report of alleged misconduct. If it is determined that there has been a violation of the Student Code of Conduct or the Education Code, the CSSO or designee will notify the student that the continuation and/or repetition of misconduct may result in more serious disciplinary action. This notification may be delivered orally or in writing. Documentation of the misconduct and/or the notice given to the student shall be retained in the District discipline files for two complete academic years. Warnings may be appealed directly to the College President. Students may not request a student conduct hearing to appeal a warning. [Cf. Education Code Section [76232](#) - challenging content of student records.]

#### **Reprimand**

The CSSO or designee, upon recommendation from Faculty or other District or college employee, shall review the report of alleged misconduct. If it is determined that there has been a serious violation of the Student Code of Conduct or the Education Code, the CSSO or designee will notify the student that the continuation and/or repetition of misconduct may result in even more serious disciplinary action. This notification will be delivered in writing. Documentation of the misconduct and the written notice given to the student shall be permanently retained in the District discipline files. Reprimands may be appealed directly to the College President. Students may not request a hearing to appeal a reprimand.

#### **Temporary Removal from Class**

Any Faculty may remove a student from his or her class for good cause for the day of the removal and the next class meeting or activity. The Faculty shall immediately report the removal to his/her supervising administrator and the CSSO or designee. A meeting shall be arranged between the student and Faculty regarding the removal prior to the day that the student is eligible to return to class. If the Faculty or the student makes the request, the CSSO or designee shall attend the meeting. The student is not allowed to return to the class for the day of removal and the next class meeting without the concurrence of the Faculty. Nothing herein will prevent the CSSO or designee from recommending further disciplinary action in accordance with these procedures based on the facts that led to the removal. [Education Code Section [76032](#).]

#### **Suspensions and Expulsions**

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

**Notice.** The CSSO or designee will provide the student with written notice of the conduct warranting the discipline, stating the facts on which the proposed discipline is based, and providing

any evidence on which the college may rely in the imposition of discipline. If the student is a minor, the college may contact the student's parent or guardian regarding any disciplinary referral. The notice shall be deemed delivered if it is personally served on the student, or the student's parent or guardian if the student is a minor, or deposited in U.S. mail to the student's most recent address on file with the college. The notice will include the following:

- the specific section of the Student Code of Conduct or Education Code that the student is accused of violating;
- a specific statement of the facts supporting the proposed discipline;
- any evidence on which the college may rely in the imposition of discipline. Evidence that may identify other students or which would result in the revelation of test questions or answers need not be provided in advance. Testimony relating to students not subject to discipline may be presented in a manner that protects the anonymity or safety of the third party student. If such testimony is needed, it may be presented under circumstances that protect the safety of such students or maintains the anonymity of other students, as the hearing officer may determine to be in the interests of justice. Similarly, evidence relating to test questions or answers may be presented, if possible, only in a manner that maintains the security of test questions or answers;
- the right of the student to meet with the CSSO or designee to discuss the accusation, or to respond in writing, or both; and
- the level of the discipline that is being proposed.

Time limits. The notice described above must be provided to the student as soon as possible and no later than 14 days from the date on which the conduct took place or became known to the CSSO or designee;

Meeting. If the student chooses to meet with the CSSO or designee, the meeting must be requested within 5 days and must occur within 14 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 orally or in writing to the accusation, or both, in order to state why the proposed disciplinary action should not be taken.

Short-term Suspension. Within 10 days after the delivery of the notice, or meeting (if requested) as to why the proposed disciplinary action should not be implemented, the CSSO shall decide whether to impose a short-term suspension to impose some lesser disciplinary action to end the matter. Written notice of the CSSO'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, as well as any conditions or limitations placed on the student during the short-term suspension. The CSSO's decision regarding a short term suspension shall be final.

Long-term Suspension. Within 10 days after the delivery of the notice, or within 10 days of a meeting with the CSSO, or designee, if the student requested a meeting, the College President shall, based on the recommendation from the CSSO, or designee, decide whether to impose a long-term suspension. Written notice of the College President's decision shall be provided to the student. The notice will include the length of time of the proposed suspension, as well as a statement that the student will be prohibited from being enrolled in any college within the District for the period of the suspension. The notice will include the factual allegations on which the proposed suspension is based, any evidence in the possession of the District on which it will rely in support of the recommended suspension, the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of the procedures for the hearing.

Expulsion. Within 7 days after the delivery of the notice, or within 7 days of a meeting if the student requests a meeting, the College President shall, pursuant to a recommendation from the CSSO, decide whether to recommend expulsion to the Chancellor and Board of Trustees. Written

notice of the College President's decision shall be provided to the student and, if the student is a minor, to the student's parent or guardian. The notice shall be deemed delivered if it is personally served on the student, or the student's parent or guardian if the student is a minor, or deposited in U.S. mail to the student's most recent address on file with the college. The notice will include the right of the student to request a formal hearing before expulsion is imposed, the factual allegations on which the proposed expulsion is based, any evidence in the possession of the District on which it will rely in support of the recommended suspension, and a copy of the procedures for the hearing.

In addition to the above sanctions, the sanction of restitution may be imposed upon a student, where appropriate, to compensate for loss, damage, or inquiry. Furthermore, the sanction of administrative hold, to prevent a student from enrolling, may be placed on a student's records by the District if a long-term suspension from all classes and/or activities, or expulsion has been imposed following the formal hearing described below, or the student has failed to meet with the CSSO or designee, regarding a pending disciplinary matter.

### **Hearing Procedures for Long-term Suspension and Expulsion**

Request for Hearing. Within 5 days after receipt of the College President's decision regarding a long-term suspension or expulsion, the student may request a formal hearing before a hearing panel. The request must be made in writing to the College President and must include a date and the signature of the student or, if the student is a minor, the student's parent or guardian. The notice shall be deemed delivered if it is personally served on the student, or the student's parent or guardian if the student is a minor, or deposited in U.S. mail to the student's most recent address on file with the college. If the request for hearing is not received within 5 days after the student's receipt of the College President's decision or recommendation in the case of expulsion, the student's right to a hearing shall be deemed waived.

Schedule of Hearing. The formal hearing shall be held within 20 days after a formal request for hearing is received. The parties involved will be asked to attend the hearing and will be given sufficient notice in writing as to the time and place at least 10 days prior to the hearing date.

Hearing Panel. The hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student. At the beginning of the academic year, and no later than October 1<sup>st</sup>, the College President, the president of the Academic Senate, and the Associated Students president shall each provide the names of at least two persons willing to serve on Student Disciplinary Hearing Panels. The College President, or designee, shall appoint the Hearing Panel from the names in this pool; however, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, who is a relative of any party or witness, or who could not otherwise act in a neutral manner shall serve on a Hearing Panel. Upon notification of the Hearing Panel's composition, the student and the District shall each be allowed one peremptory challenge. The College President shall substitute the challenged member or members and replace them with another member of the panel pool to achieve the appropriate Hearing Panel composition. In the event the pool names are exhausted in any one category, further designees shall be submitted by the College President (for administrators), the President of the Academic Senate (for faculty), or the Associated Student President (for students). The chairperson may, by giving written notice to both parties, reschedule the hearing as necessary pending the submission of alternate designees.

A quorum shall consist of all three members of the committee.

Hearing Panel Chair. The College President, or designee, shall appoint one member of the Hearing 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 Hearing Panel to the contrary.

**Hearing Process.** Prior to commencement of the hearing, 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, and all applicable student due process policies and administrative procedures. The facts supporting the accusation shall be presented by a college representative who shall be the CSSO or designee.

After consultations with the parties, in the interests of justice, a time limit on the amount of time provided for each party to present its case, or any rebuttal, may be set by the hearing panel. Formal rules of evidence shall not apply. All members of the campus community shall be bound by the student code of conduct or code of professional ethics to provide only true testimony. Witnesses who are not members of the campus community will testify under oath subject to the penalty of perjury. Any relevant evidence may be admitted at the discretion of the Hearing Panel Chair, in consultation with the Hearing Panel. Hearsay evidence will be admissible, but will be insufficient, alone, to establish a charge against the student. The Hearing Panel Chair, in consultation with the Hearing Panel, shall be responsible for determining the relevancy of presented evidence and testimony, the number of witnesses permitted to testify, and the time allocated for testimony and questioning. The Hearing Panel Chair, in consultation with the Hearing Panel, shall further be responsible for instructing and questioning witnesses on behalf of the Hearing Panel, and for dismissing any persons who are disruptive or who fail to follow instructions. If either party refuses to adhere to the instructions of the Hearing Panel Chair, the right to the hearing will be deemed waived. The Hearing Panel Chair shall have the final decision on all procedural questions concerning the hearing.

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 establish by a preponderance of the evidence that the facts alleged are true. The Hearing Panel may request legal assistance for the Panel itself through the College President. Any legal advisor provided to the Hearing Panel may be present during the hearing and in any deliberations in an advisory capacity to provide legal counsel but shall not be a member of the panel or vote with it.

Both parties shall have the right to present statements, testimony, evidence, and witnesses. Each party shall have the right to be accompanied by a single advocate. The student shall, in consultation with the Hearing Panel, have the right to be served by a translator or qualified interpreter to ensure the student's full participation in the proceedings.

Hearings shall be closed and confidential. No other persons except the student and, the college representative and their non-attorney representatives and/or translators/interpreters, if any, a court reporter, if any, individual witnesses, the Hearing Panel members, and the Hearing Panel's legal counsel, if any, shall be present. Witnesses shall not be present at the hearing when not testifying, unless all parties and the Hearing Panel agree to the contrary. The rule of confidentiality shall prevail at all stages of the hearing. Moreover, the Hearing Panel members shall ensure that all hearings, deliberations, and records remain confidential in accordance with the Family Educational Rights and Privacy Act ([FERPA](#)), California Education Code Section [76200](#) et seq., and District Board Policies and Administrative Procedures related to the privacy of student and employee records.

The hearing shall be recorded by the District by electronic means such as audiotape, videotape, or by court reporting service and shall be the only recording made. No other recording devices shall be permitted to be used at the hearing. Any witness who refuses to be recorded shall not be permitted to give testimony. A witness who refuses to be recorded shall not be considered to be unavailable. The Hearing Panel Chair shall, on the record, at the beginning of the hearing, ask all persons present to identify themselves by name, and thereafter shall ask witnesses to identify



themselves by name. The recording shall remain the property of the District and 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 recording; however, any transcript of the recording requested by the student shall be provided at the student's own expense.

Following the close of the hearing, the Hearing Panel shall deliberate in closed session. These deliberations shall not be electronically recorded and the proceedings shall be confidential. Within 5 days following the close of the hearing, the hearing panel shall prepare and send to the College 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 Student Code of Conduct was 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 any 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. The District shall maintain records of all Disciplinary Hearings in a secure location on District premises for a period of 7 years.

### **College President's Decision**

- Long-term suspension. Within 15 days following receipt of the hearing panel's recommended decision, the College President shall render a final written decision. The College President may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the College President modifies or rejects the hearing panel's decision, the College President shall review the record of the hearing, and shall prepare a new written decision that contains specific factual findings and conclusions. The decision of the College President shall be final, and shall be reported to the District Chancellor.
- Expulsion. Within 15 days following receipt of the hearing panel's recommended decision, the College President shall render a written recommended decision to the Chancellor. The College President may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the College President 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 College President's decision shall be forwarded to the Chancellor as a recommendation to the Board of Trustees.

### **Board of Trustees Decision**

The Board of Trustees shall consider any recommendation from the Chancellor 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 (and the parent or guardian if the student is a minor) shall be notified in writing, by certified mail, by personal service, or by such method of delivery as will establish receipt, at least 72 hours prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within 48 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 in closed session any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting.

The Board may accept, modify or reject the findings, decisions and recommendations of the



Chancellor. If the Board modifies or rejects the Chancellor's recommendation, the Board shall review the record of the hearing, and shall, within 30 days or by the next regular meeting of the Board, whichever is later, prepare a new written decision which contains its 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.