

GROSSMONT-CUYAMACA COMMUNITY COLLEGE DISTRICT

student discipline procedures



GROSSMONT-CUYAMACA
COMMUNITY COLLEGE DISTRICT

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GROSSMONT-CUYAMACA COMMUNITY COLLEGE DISTRICT

STUDENT DISCIPLINE PROCEDURES

Introduction

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 535, which states that "It shall be the policy of the Board to provide information to all students in the Grossmont-Cuyamaca Community College District about the type of conduct that is expected of each student, along with the applicable penalties for violation of the rules and regulations, and to set forth procedures that are fair and timely both to the student and to the District."

The purpose of this administrative procedure is to enact uniform processes throughout the District to provide due process to students, who are charged with a violation of the Student Code of Conduct. These Student Discipline Procedures do not apply to student grievances, discrimination complaints (including sexual harassment complaints), residence determination, or other academic or legal requirements for admission or retention. This procedure also does 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 disciplinary 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. Disciplinary 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 Discipline Terms

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

Associate Dean of Student Affairs: The Associate 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 Grossmont College or the Vice President of Student Services at Cuyamaca College.

College President or Designee: The Chief Executive Officer (CEO) of each College within the GCCCD or an Administrator selected by the CEO to represent him or her in matters of student discipline.

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

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

District: The Grossmont-Cuyamaca Community College District.

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

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

Long-term Suspension: Temporary exclusion from student status, or other privileges or activities, for the remainder of the current semester.

Short-term Suspension: Exclusion of the student by a College President or designee for good cause from one (1) or more classes for a period of up to ten (10) consecutive days of instruction. (This includes online classes.)

Removal from Class by Instructor (Education Code 76032): Exclusion of the student by an instructor for the day of the removal and the next class meeting.

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

Withdrawal of Consent to Remain on Campus: Withdrawal of consent by the College President or designee for any person to remain on campus in accordance with California Penal Code Section 626.4(A-G) where the College President or designee has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Written or Verbal Reprimand: An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the College. A record of the fact that a verbal reprimand has been given may become part of a student's record at the College for a period of up to one (1) year.

Grounds for Disciplinary Action

(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 within the District, to include distance education programs, he or she may be disciplined for one or more of the following causes that must be District related. These categories of behavior are not intended to be an exhaustive list, but are examples of causes and are good and sufficient causes for discipline, including but not limited to the removal, suspension, or expulsion of a student. Other misconduct not listed may also result in discipline if good cause exists (Education Code Section 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. District students who engage in any of the above are subject to the procedures outlined in AP 5520 Student Discipline Procedures.

Types of Disciplinary Action

Disciplinary 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 causes for further disciplinary action.

Reprimand: Written censure for violation of specific regulations.

Disciplinary 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 disciplinary action to be taken in accordance with these procedures.

Removal from Class by Instructor (Education Code 76032): An instructor member 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, the CSSO, or designee from recommending further discipline 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 suspension 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 instructor is not obliged to provide makeup opportunities for class work 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 Section 69813, for the period of suspension. (Education Code Section 69810).

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. There needs to be a reasonable opportunity for 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 College 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 CSSO or his or her designee, or the College President 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).

Withdrawal of Consent to Remain on Campus: The College President, the President's designee, or the CSSO, may notify any person as to 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 by District Public Safety. If consent is withdrawn by the College President's designee or the CSSO, a written report must be promptly made to the College President. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven (7) days from the date of receipt of the request. The hearing will be conducted in accordance with provisions of this procedure, relating to interim suspensions. In no case shall consent be withdrawn for longer than fourteen (14) days from the date upon which consent was initially withdrawn. Any person as to whom consent to remain on campus has been withdrawn who knowingly re-enters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (California Penal Code 626.4a-g).

Short-Term Suspension: Temporary exclusion from student status, or other privileges or activities, for a specified period of time, not to exceed ten (10) days (Education Code Section 76031).

Long-term Suspension: Temporary exclusion from student status, or other privileges or activities, for the remainder of the current semester.

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 (See page 17-18 under 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 guilty of theft, vandalism, or willful destruction of District or College property.

PROCEDURES FOR DISCIPLINE

Preliminary Procedures

Initial Meeting: 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 schedule a meeting with the student involved. (This meeting may occur beyond 10 days if mutually agreed upon by both the student and the Administrator.) Every effort shall be made to resolve the matter informally.

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

Notice: The CSSO or designee will provide the student with written notice of the conduct warranting the discipline. The written notice will be provided to the student within ten (10) days of the initial meeting and will include the following:

- The specific section of the Standards of Student Conduct which the student is accused of violating.
- 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.
- The nature of the discipline that is being considered.

Time Limits: The notice must be provided to the student within ten (10) days of the date on which the initial meeting took place.

Meeting: If the student chooses to meet with the CSSO or designee, the meeting must occur no sooner than five [5] days after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

Initiation of Hearing Process

In the meeting described under Preliminary Procedures, the Administrator shall inform the student in writing of the alleged offense and explain in general the nature of the evidence currently available against the student. The student shall be allowed to respond in writing to the allegations. If the student refuses to respond, the Administrator shall so indicate.

ADMINISTRATOR'S DISCRETION

- If, after reviewing the situation with the student, the Administrator concludes that a warning or a reprimand is appropriate, the Administrator shall deliver the warning or reprimand, and no further action will be taken.
- If, after reviewing the situation with the student, the Administrator concludes that a consequence greater than a warning or a reprimand is appropriate, the Administrator shall so inform the student.
- The Administrator shall make determination whether a suspension of ten (10) days or less is an appropriate sanction. 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 Disciplinary Hearing Committee.

If the Administrator decides to hear the matter alone, the student will have the option of:

- a. Coming back for a subsequent appointment (Any subsequent appointment should be within five (5) days).

Or

- b. Have the matter heard at that time.

If a subsequent appointment is chosen, the Administrator shall again assure that the student has received written notice of the charges against him or her, and is afforded an explanation of the basis for the accusation and of the evidence. The student shall be allowed to present his or her side of the story.

- Within five (5) days of such meeting, the Administrator shall submit a written statement to either the College President or the CSSO, of his or her decision.
- 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 formal 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 Disciplinary Hearing Committee to impose a sanction 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 hearing panel. The student shall then agree to the imposition of a sanction mutually agreed upon by the student and the Administrator. All students should be afforded the right to a due process hearing. If the student charged with a Code of Conduct violation desires a due process hearing the following procedure will apply:

- The student's request for hearing shall be made in writing to the Office of Student Affairs or the CSSO. If the student exercises the right to refer the matter to a Disciplinary Hearing Committee, the student shall receive a copy of these disciplinary 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 Disciplinary Hearing Committee.

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

Disciplinary Hearing Committee

The 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 Disciplinary 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 disciplinary case.

The Hearing Procedure

Notice: In all cases where a hearing before a Disciplinary 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 charges 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. In the event the recommended sanction includes suspension of State financial aid, the procedure set forth in Education Code Section 69811 shall be followed. Copies of such notice shall be sent to the student's instructors and the District Public Safety Office.

Hearing Preparation

The Administrator shall be responsible for making the necessary arrangements for the 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 Disciplinary Hearing Committee, and any other arrangements deemed necessary. Either the student or the Administrator may challenge any member of the Disciplinary 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 disciplinary problems, 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 Disciplinary Hearing Committee.

Prior to the commencement of the actual hearing, the Disciplinary 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 unless the charges 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 Associate 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.

Charges: The chairperson shall distribute copies of the charges to the members of the committee, read the charges aloud, and ask the student if he or she has received the charges. No charges shall be made other than the specific charges provided to the student at the meeting described in the Preliminary Procedures and on the formal 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 evidence 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.

Plea: The student shall admit or deny each charge. If the student admits to each charge, and wishes to present no evidence of mitigating circumstances or other defense, the committee shall retire to make its decision. If the student denies any or all of the charges, or wishes to present evidence of mitigating circumstances, the hearing shall proceed.

Burdens of proof and of producing evidence: The Administrator has the burden of proving that each charge is true. The student shall be regarded as innocent of the charges 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 committee that it is more probable than not that the charges are true. The Administrator has the initial burden of producing evidence to prove each charge. The Administrator must present the evidence in support of the charges first, and then the student must present evidence to refute the Administrator's evidence.

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 charges 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 evidence in support of the case presented.

Evidence: Formal rules of evidence shall not apply. All relevant evidence 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 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 closing argument. The committee shall retire to deliberate with only the members of the committee present. The Disciplinary Hearing Committee shall reach its decision based only upon the record of the hearing and shall not consider matters outside of that record.

Committee Decision: 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 committee, supported or failed to support each charge. The findings shall further show which, if any, of the charges 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 committee shall reach a decision based on the evidence presented.

College President or CSSO'S Decision

Within five (5) days following receipt of the Administrator's recommendation for suspension or of the Disciplinary Hearing Committee's recommendation, the College President or the CSSO, shall render a final written decision. The College President, or the CSSO, shall base his or her decision only upon the information provided by the Administrator or, in the case of a formal hearing, the record of the hearing and the recommendation of the Disciplinary Hearing Committee, and shall not consider matters outside of that record. The College President 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 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 the CSSO should promptly send a copy of his/her decision, together with the Administrator's recommendation and the Disciplinary Hearing Committee's recommendation, to the student and to the Administrator. The College President 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 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 disciplinary 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 to suspend or expel shall be effective at both campuses.

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 disciplinary action.

The Chancellor or designee shall review the record of the hearing and documents submitted to verify that all procedural steps of the disciplinary 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 disciplinary actions at any regularly scheduled public meeting held and should do so within thirty (30) 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. 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 Disciplinary Hearing Committee, and the decisions of the Disciplinary Hearing Committee and the College President or designee. The Board of Trustees' action shall be final and binding on all parties.

Appeal

Either the student or the administrator 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 Disciplinary Hearing Committee and the decisions of the Disciplinary Hearing Committee and the College President, or designee. Both the student and the Administrator may submit written statements regarding the appeal. The Board of Trustees should consider appeals and student disciplinary actions/appeals at any regularly scheduled public meeting held within thirty (30) days of receipt of the appeal by the Chancellor's Office. All decisions of the Board of Trustees are final.

Appeals after the Board of Trustee Decision

The student can submit an appeal to the California Community College State Chancellor's Office at <http://californiacommunitycolleges.cccco.edu/complaintsform.aspx>.

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 will 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, that 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 regularly scheduled public meeting held within thirty (30) 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 Associate Dean of Student Affairs.

General Provisions

The facts of any disciplinary 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 disciplinary records. Three (3) years after the date of a disciplinary 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. Any specified time

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

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. 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.

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. 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.

Whenever there is included in any student record information concerning any disciplinary 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 disciplinary action (Education Code 76246). Technical departures from these procedures and errors in its application shall not constitute grounds to invalidate disciplinary 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.

Guide to Appealing the Student Conduct Process

Option # A: (Acceptance of Case Disposition.)

The case is dismissed. After meet-

ing with the Associate Dean of Student Affairs, the student accepts the determination rendered by

the Associate Dean and signs the Acceptance of Case Disposition Waiver of Appeal Letter.

Option # B: (The student accepts the sanction.)

The Associate Dean of Student Affairs explains the student's rights along with the sanction process.

During this meeting, the Associate Dean of Student Affairs informs the student that by accepting the sanction, he or she is not only waiving the right to a hearing, but

also is agreeing with the sanction imposed. The Associate Dean of Student Affairs creates a file detailing the situation, which is kept for four years.

Option # C: (The student does not accept the sanction recommended by the Associate Dean of Student Affairs and requests a student discipline hearing.)

The student can appeal the proposed sanction by the Associate Dean of Student Affairs, and the case will go to a disciplinary hearing. The case will be heard within 20 business day unless the student and administrator mutually agree on another date.

If the Disciplinary Committee recommends that a student is suspended or expelled, the College President or CSO will review the situation and make a final written decision on the matter. (The student or the Administrator may appeal the decision of the College President, or designee to the Board of Trustees by filing an appeal with the Chancellor's Office. Appeals shall be submitted in writing within 5 days following receipt of the College President, or designee's decision.)

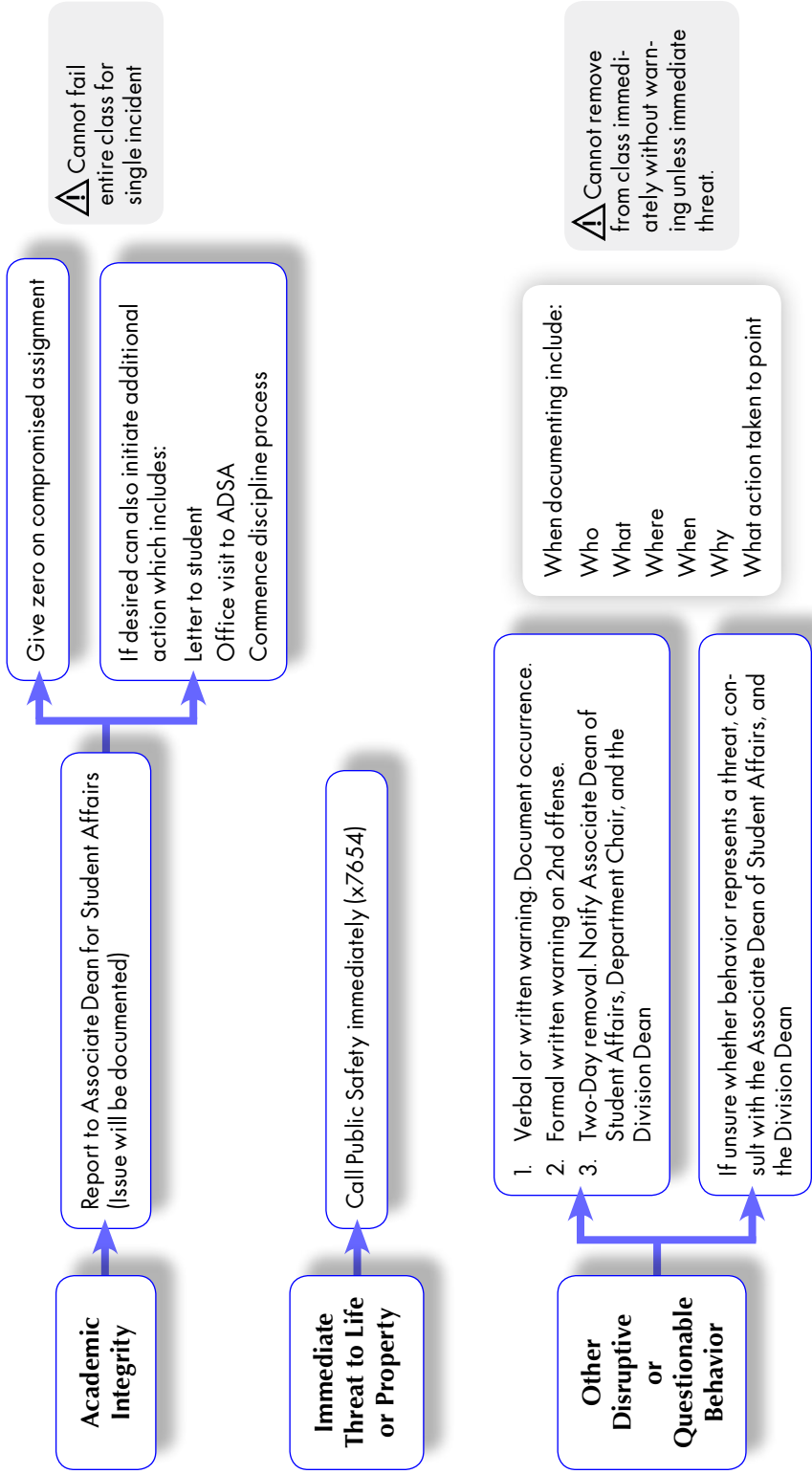
If the President is in agreement with the Disciplinary Committee's decision to expel a student, the Board of Trustees must take the action on the matter within 30 days of receipt of the recommendation by the Chancellor. The decisions by the Board of Trustees are final.

An initial meeting takes place between the Associate Dean of Student Affairs and the student within 10 days of the alleged violation unless mutually agreed upon by the student and the Administrator that more time is required. At this time, the student has three options:

Appeals after the Board of Trustee Decision - The student can submit an appeal to the California Community College State Chancellor's Office at <http://californiacommunitycolleges.cccco.edu/complaintsform.aspx>.

Reconsideration of a Student Expulsion - If the student received an expulsion and is eligible for reconsideration after a specific period of time, then the student can submit a written request to the Board of Trustees. The College President will respond to the request within 10 days. The Board of Trustees will then consider the request within 30 days.

Academic Misconduct and Disruptive Behavior



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Grossmont-Cuyamaca Community College District

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Governing Board Members:

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Chancellor: Cindy L. Miles, Ph.D.

Grossmont College President: Nabil Abu-Ghazaleh, Ed.D.

Cuyamaca College President: Julianna Barnes, Ed.D.

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