

DISCIPLINE &
GRIEVANCE
PROCESSES
AND THEIR INTERSECTION

TRAINING

Updated: *November 28, 2016*

TABLE OF CONTENTS

Policy and Regulation 2412 Student Grievance Procedures 2411 Student Rights and Responsibilities	1
Policy and Regulation 2441 Standards of Conduct 2442 Due Process	2
Student Discipline Checklist	3
Student Discipline Hearing Model Transcript	4
Student Grievance Form	5
Student Grievance Hearing Model Transcript	6
Examples	7

[Policy - 2000 Students](#) || [Table of Contents](#) || [Back](#) || [Next](#)

1.0 Purpose and Scope

1.1 It is the intent of the Los Rios Community College District Board of Trustees to provide prompt and equitable means for resolving student grievances. A student may file a grievance or grieve an action or decision of the Los Rios Community College District or one of its Colleges when the student's status and/or rights have been adversely affected.

1.1.1 Grievances relating to grades are subject to Education Code, section 76224(a) which reads:

“When grades are given for any course of instruction taught in a community college district, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or in competency, shall be final.”

2.0 Student Disciplinary Matters

2.1 Matters pertaining to standards of conduct for students and resulting disciplinary actions are subject to District Policies and Administrative Regulations ([P-2441](#)); ([R-2441](#)).

3.0 Discriminatory Actions

3.1 Alleged discriminatory actions on the basis of ethnic group identification, race, color, sex, gender, gender identity, gender expression, pregnancy or childbirth-related condition, sexual orientation, sexual identity, religion or religious creed, age (over forty), national origin, ancestry, physical or mental disability, medical condition, political affiliation or belief, military and veteran status, or marital status are not grievable and are subject to administrative regulations enacted by the State Community College Board of Governors (Title 5, §§ 59300-59360) and District Policies and Administrative Regulations, ([P-2423](#)); ([R-2423](#)); and ([P-2424](#)).

4.0 Job-Related Actions of Los Rios Employees

4.1 Student grievances pertaining to alleged actions of District/College employees that are covered by the Government Code, the Education Code, District Policies and Administrative Regulations, and labor contracts will be handled by management outside of the student grievance process.

4.2 Employees who object to administrative findings and actions resulting from student grievances have recourse to staff grievance procedures as defined by appropriate bargaining unit agreements, District Policies, and the State Education and Government Codes.

Policy Adopted: 3/12/80

Policy Revised: 11/19/80; 2/10/82; 6/5/85; 7/8/92; 3/6/96; 11/9/16

Policy Reviewed: 11/9/16

Adm. Regulation: [R-2412](#)

[Regulations – 2000 Students](#) || [Table of Contents](#) || [Back](#) || [Next](#)

1.0 Terms and Definitions

- 1.1 A grievable matter is any alleged action or decision of the Los Rios District or one of its colleges that adversely affects the status of a student or violates the rights of a student as set forth in District Policy [P-2412](#).
- 1.2 "Party" shall mean the student and any person(s) alleged to have been responsible for the student's alleged grievance.
- 1.3 "Student Grievance Officer" means an employee assigned by the Chief Student Services Officer to administer the grievance process.
- 1.4 As used in these procedures, "Student" includes a person currently enrolled or who was enrolled in one or more credit classes in the immediately preceding semester or who has filed an application for admission to college. A grievance by a student applicant shall be limited to alleged denial of admission.
- 1.5 Unless otherwise provided, as used in these procedures, "days" shall mean calendar days, provided, however, that days during winter break, spring break and breaks before and after summer sessions shall not be counted as "days."
- 1.6 A "formal grievance" is a written allegation by a student, filed in the manner prescribed by Section 3.0, alleging that the student was adversely affected by a grievable action of the District or the college.
- 1.7 "Grievance Form" is a college form which must be filed with the college Student Grievance Officer if a formal grievance procedure is followed. This form is only to be used when attempts at informal resolution have failed.

2.0 Informal Resolution

- 2.1 A student believing to have been adversely affected by an act of an instructor, administrator, or other staff of the college must make a reasonable, good faith attempt to resolve the matter within ten (10) days of the alleged act. This should be done on an informal basis by discussing the matter either with the staff member involved, or with the staff member's immediate supervisor.
 - 2.1.1 Failure of the student to act within the above-specified ten (10) day period shall constitute a waiver of the right to pursue the matter further.
- 2.2 If the meeting with the staff member or with the immediate supervisor is not successful in resolving the problem within ten (10) days, the student may file a formal grievance.

3.0 Formal Process

- 3.1 Within five (5) days of the completion of the informal process, and not later than

twenty-five (25) days from the date of the alleged wrongful act, the student may file a formal grievance by submitting a Grievance Form to the college Student Grievance Officer. The name and location of the college Student Grievance Officer and the Grievance Form can be obtained from the office of the Chief Student Services Officer or the Student Grievance Officer.

- 3.2 The grievance must contain a specific statement of the alleged act of wrong-doing, the name of the person against whom the grievance is filed, the names of any witnesses, and the nature of the relief sought by the grievant.
 - 3.2.1 Relief sought by the grievant shall not include the imposition of disciplinary action on an employee. Formal discipline of an employee is a matter which is exclusively within the prerogative of the District and is confined to the procedures established by law and collective bargaining agreements.
 - 3.2.2 Failure of the student to file the completed grievance form within the above-specified time period shall constitute a waiver of any right to further proceedings.
- 3.3 Within ten (10) days of the receipt of the grievance, the college Student Grievance Officer will determine whether the issue is grievable under the policies and regulations of the District. If the issue is grievable, a hearing will be scheduled.
 - 3.3.1 Determination as to the sufficiency of grounds for a hearing on a grievance shall be based on the following:
 - (a) Has the student attempted to resolve the grievance under the informal grievance process in Section 2.0 above?
 - (b) Have all time lines been met?
 - (c) Does the grievance contain statements which, if true, would constitute a grievance under Board Policy P-2412?
 - (d) Does the grievant have standing to assert the grievance by (i) being a student at the time of filing the grievance or at the time of the alleged act of wrong-doing; or (ii) being an applicant for admission to the college?
- 3.4 If any of the grounds for grievability stated in Section 3.3.1 above have not been satisfied, the college Student Grievance Officer will notify the student in writing that the grievance has been rejected and state the specific reason(s) for the rejection.
- 3.5 If the college Student Grievance Officer determines that all the conditions for grievability have been met, the grievance will be referred to the designated hearing officer. At this time the person(s) against whom the grievance is filed shall be notified of the status of the grievance, and shall be given a copy of the formal grievance.

- 3.5.1 The Hearing Officer shall be appointed by the College President. The hearing Officer shall be an administrator who is not from the area from which the grievance arose, nor from student services.
- 3.6 Within ten (10) days from appointment, the Hearing Officer will schedule a hearing on the grievance. All parties shall be notified by the Hearing Officer of the time and day of the hearing. If the designated time and day are not convenient for the parties, a mutually agreeable time may be set.
- 3.7 The hearing will be conducted in accordance with the guidelines set forth below:
- 3.7.1 All decisions concerning the conduct and procedure of the hearing shall be made by the Hearing Officer and shall be final.
- 3.7.2 Each party to the grievance may call witnesses and introduce oral testimony and documentary evidence relevant to the issue of the grievance and both parties shall be permitted to question all witnesses of the other side.
- 3.7.3 Formal rules of evidence shall not apply. All relevant evidence may be admitted.
- 3.7.4 The burden shall be upon the grievant to prove by a preponderance of the evidence that the facts alleged are true and that a grievance has been established as specified in Section 1.1 above.
- 3.7.5 Each party shall be presumed not to be at fault.
- 3.7.6 At the hearing, the grievant and any other party involved in the grievance may be represented or accompanied by another person. The name and status of such a person must be submitted to the Hearing Officer at least two (2) days before the beginning of the hearing. No party may be represented by legal counsel.
- 3.7.7 Hearings shall be closed and confidential, unless it is the request of all parties that hearings be open to the public.
- 3.7.8 In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties agree to the contrary.
- 3.7.9 One tape recording of the grievance hearing shall be made by the Hearing Officer, and shall be the only tape recording.
- 3.7.10 The Hearing Officer shall maintain an orderly meeting and permit no person to be subjected to abusive treatment. In this regard, the Hearing Officer may eject or exclude any person who refuses to be orderly.
- 3.8 The Hearing Officer shall deliver a written decision within ten (10) days of the conclusion of the hearing to all parties to the grievance, with copies to the Chief

Student Services Officer, the College President and the Assistant Chancellor, Educational Services.

- 3.8.1 The Hearing Officer's decision shall contain a statement of the alleged grievance; a discussion of the evidence introduced by each party together with the Hearing Officer's determination whether the grievant met his or her burden of proof by a preponderance of the evidence; and a recommendation as to which, if any, of the requests for relief sought by the grievant should be granted.
- 3.8.2 The Hearing Officer shall not recommend any relief that violates any employee rights as guaranteed by law or collective bargaining agreement.
- 3.9 Either party to the grievance may appeal the Hearing Officer's decision to the Chief Student Services Officer within five (5) days. Such appeal shall be submitted in writing and shall state specifically the grounds for appeal.
 - 3.9.1 Grounds for appeal will be limited to:
 - 3.9.1.1 Decision not supported by the evidence.
 - 3.9.1.2 Denial of admission of relevant evidence.
 - 3.9.1.3 Incorrect application/non-application, or interpretation of laws, policies, procedures, etc.
 - 3.9.1.4 Excessive or disproportionate sanctions applied.
 - 3.9.2 The Chief Student Services Officer shall review the proceedings and take one or more of the following actions:
 - (a) Affirm the Hearing Officer's decision in whole or in part;
 - (b) Reverse the Hearing Officer's decision in whole or in part;
 - (c) Affirm or deny in whole or in part the relief recommended by the Hearing Officer; or
 - (d) Send the grievance back to the Student Grievance Officer for further consideration.
 - 3.9.3 Within ten (10) days after receipt of the appeal documents, the Chief Student Services Officer shall inform all parties to the grievance and the appropriate personnel in the District Office, in writing, of the decision. The decision of the Chief Student Services Officer shall be final.
- 3.10 A student grievance involving a District Office staff member must be submitted in writing to the Assistant Chancellor, Administration and Operations within ten (10) days of the event leading to the grievance. The Assistant Chancellor,

Administration and Operations will attempt to resolve the problem by informal means following the pattern set forth in Section 2.0 above.

3.10.1 Upon failure of the informal process to resolve the matter, the Assistant Chancellor will determine within five (5) days if the issue is grievable, and if so, shall designate a District Hearing Officer who will conduct a hearing in accordance with Section 3.7 above.

3.10.1.1 The decision of the District Hearing Officer shall be consistent with the requirement set forth in Section 3.8 above and shall be delivered in writing within ten (10) days of the conclusion of the hearing to all parties to the grievance with a copy to the Assistant Chancellor.

3.11 Either party may appeal the decision of the District Appeal Officer or the District Hearing Officer to the Chancellor, within ten (10) days of the decision on the grounds and in the manner set forth in Section 3.9 above. Failure to file this appeal within the ten (10) day period shall constitute a waiver of this appeal and acceptance of the District decision.

3.11.1 The decision of the Chancellor, is final.

4.0 Special Provisions

- 4.1 Any time specified in these procedures may be shortened or lengthened by mutual agreement of all parties.
- 4.2 If, at any step of the formal proceedings, the grievant fails to appear, except in the case of emergency, the grievance will be considered to be in default and a request by the opposing party to dismiss the grievance shall be granted.
- 4.3 An informal grievance must be initiated on or before the tenth day of instruction of a new semester when the grievance involves final grades or circumstances surrounding final grades for the preceding semester or summer session.
- 4.4 All decisions must be consistent with the law and the employees' contracts with the District.
- 4.5 No reprisal of any kind shall be taken against any person who participates in the grievance procedure.
- 4.6 In situations when the student's presence in class is a factor which could affect the student's grade or graduation, the instructor must allow the student to continue to attend or provide the student the opportunity to continue the work of the class, unless the student's presence in class adversely affects health and safety.

5.0 Review of Procedures

- 5.1 A student grievance committee consisting of the three (3) faculty senate presidents,

or designees; the District Academic Senate President or designee; three (3) student association presidents, or designees; the College Chief Student Services Officer, the Assistant Chancellor, Educational Services and the District General Counsel will convene, as needed, to review this policy. Each member of the Committee shall have one (1) equal vote.

5.2 It will be the responsibility of the District Academic Senate President to call the meeting of the review committee.

6.0 Summary of Time Lines for Student Grievance

6.1 For purposes of quick review, the following summary of time lines is provided.

INFORMAL GRIEVANCE RESOLUTION

(Mandatory)

Level 1

<u>Time Line</u>	<u>With Whom</u>	<u>Purpose</u>
Within ten (10) days of alleged act.	Student shall meet with staff member involved -- <i>or</i> -- With staff member's immediate supervisor.	To attempt informal resolution -- <i>and</i> -- If no resolution reached within ten (10) days, student may proceed to formal grievance process.

FORMAL GRIEVANCE PROCESS

(Grievability)

Level 2

<u>Time Line</u>	<u>With Whom</u>	<u>Purpose</u>
Within five (5) days of completion of informal process -- <i>and</i> -- not later than twenty-five (25) days from date of alleged wrongful act.	Formal grievance form (completed) to be filed with Student Grievance Officer.	To determine if problem is grievable. -- <i>and</i> -- If grievable, hearing will be scheduled.

FORMAL GRIEVANCE PROCESS

(Hearing)

Level 3

<u>Time Line</u>	<u>With Whom</u>	<u>Purpose</u>	<u>Decision</u>
Within ten (10) days of appointment, hearing will be scheduled.	All parties and Hearing Officer.	To determine the merit of the grievance.	Within ten (10) days of completion of hearing.

FORMAL GRIEVANCE PROCESS

(Appeal)

Level 4

<u>Time Line</u>	<u>With Whom</u>	<u>Process</u>	<u>Decision</u>
Within five (5) days of Hearing Officer's decision.	Chief Student Services Officer.	Written appeal, stating specific grounds for appeal (see Section 3.9.1). Review of record only.	Within ten (10) days of receipt of appeal documents. Decision is final.

[Regulations – 2000 Students](#) || [Table of Contents](#) || [Back](#) || [Next](#)

LRCCD

Adm. Regulation Adopted: 3/12/80
 Adm. Regulation Revised: 11/19/80; 2/10/82; 6/5/85; 6/2/92; 3/6/96
 Adm. Regulation Reviewed:
 Board Policy: [P-2412](#)

[Regulation - 2000 Students](#) || [Table of Contents](#) || [Back](#) || [Next](#)

1.0 Student Rights

1.1 Student Publications

1.1.1 In preparing student publications, the editorial staff and faculty advisors shall be free from censorship and advance copy approval except as provided by published District policy, statutes, or campus regulation. Student publications shall:

1.1.1.1 Adhere to canons of responsible journalism, such as avoidance of libel, obscenity, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo;

1.1.1.2 state on the editorial page that the opinions expressed are not necessarily those of the College or the student body.

1.2 Support Causes

1.2.1 Students shall have the right to take stands on issues, the right to examine and discuss questions of interest to them, and the right to support causes by orderly means which are in harmony with the regular functioning of the institution.

1.3 Free Assembly

1.3.1 Students shall have the right to hear speakers on any subject and on-campus recognized student organizations shall have the right to present speakers on any subject. In addition, students shall have the right of free assembly on each campus subject to regulations that assure the regular functioning of the institution.

1.3.2 The policies and regulations shall include reasonable provisions for the time, place and manner of conducting these activities, but shall not prohibit the right of students to exercise free expression including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges and other insignia. (Education Code § 76120)

1.3.2.1 Expression which is obscene, libelous or slanderous according to current legal standards, or which so incites students as to create a clear and present danger of the commission of unlawful acts on college premises, or the violation of lawful District or college regulations, or the substantial disruption of the orderly operation of the college, shall be prohibited. (Education Code § 76120)

1.3.2.2 These regulations shall be published in the college catalog, the student handbook, and by any other means designed to notify and inform affected persons.

1.4 Free to Organize

1.4.1 Students shall have the right to form an organization around any particular interest; this right will include the freedom to organize and to join student organizations subject to published campus and District regulations.

1.5 Voice in Decision Making

1.5.1 Students shall have the right to be informed and participate on all campus matters that can be shown to be directly relevant to them with the exception of staff appointment, evaluation, termination and tenure.

1.5.2 In case of conflict in determining what campus matters are relevant to students, the determination will be made by a campus-designated student, faculty, administrative committee.

1.5.3 In addition, student representatives shall be members of all faculty and administrative committees related to students' concerns; such student representatives shall have a vote as committee members.

1.6 Confidentiality

1.6.1 Students' records will be released only on the written consent of the students or as provided by law. (Education Code §§ 76242 and 76243)

1.7 Academic Evaluation

1.7.1 Students shall have the right of protection against prejudiced or capricious academic evaluation. At the same time, however, students are responsible for maintaining standards of academic performance established in advance for each course in which they are enrolled.

1.8 Grievance Procedure

1.8.1 Students shall have the right to file a grievance, as outlined in the procedures of the District Student Grievance Policy and Regulations (P/R-2412), in the event of an alleged violation of their rights.

[Regulation - 2000 Students](#) || [Table of Contents](#) || [Back](#) || [Next](#)

LRCCD

Adm. Regulation Adopted: 6/3/70

Adm. Regulation Revised: 3/12/80; 11/19/80; 2/10/82; 4/23/85; 6/2/92; 3/6/96

Adm. Regulation Reviewed: 1/8/15

Board Policy: [P-2411](#)

[Policy - 2000 Students](#) || [Table of Contents](#) || [Back](#) || [Next](#)

1.0 Student Conduct as a Condition of Enrollment

- 1.1 A student enrolling in one of the Los Rios colleges may rightfully expect that students, faculty and administrators will maintain an environment in which there is freedom to learn. As members of the college community, students should be encouraged to develop the capacity for critical judgment; to engage in sustained and independent search for truth; and to exercise their rights to free inquiry and free speech in a responsible non-violent manner.
- 1.2 Student conduct must comply with federal and state laws, college rules and regulations, and District policies and regulations. Students who violate such rules and regulations are subject to disciplinary action.

2.0 Tolerance of Divergent Opinions

- 2.1 Within any active college community there will be a difference of opinion on many vital issues which confront society. There is a legitimate need to examine and discuss these issues on a college campus. Students should be provided opportunities to discuss such issues and be assured that peaceful protest on their part will be allowed and protected. The College shall establish procedures for orderly petition and protest.
- 2.2 Discussions and protests which violate the rights, privileges and property of other members of a college community are not in keeping with the purposes for which a college exists.

3.0 Violation of Rights of Others

- 3.1 The violation of the legitimate rights of others, physical abuse and intimidation, violence, the destruction or seizure of college property, cannot and will not be recognized as acceptable tactics for expressing a point of view. Such behavior cannot be condoned in an academic community.
- 3.2 It is the intent of this policy to protect the rights of all, minority and majority, to provide a climate of civility and rationality and to establish and declare clear opposition to violence as a form of persuasion.

4.0 Computer-Related Crimes (Penal Code § 502)

- 4.1 The Legislature has declared that individuals, governmental agencies and businesses should be protected from tampering, interference, damage and unauthorized access to lawfully-created computer data and computer systems.
- 4.2 In furtherance of this protection, Penal Code § 502 specifies computer-related crimes and appropriate punishment for such violations.

4.3 Penal Code § 502 mandates community colleges to include computer-related crimes as a specific violation of college policies and regulations that may subject a student to disciplinary sanctions up to and including dismissal from the academic institution

5.0 Standards of Behavior

5.1 The colleges are expected to clarify those standards of behavior which they consider essential to their educational philosophies. These general behavioral expectations and the resultant specific regulations should represent a reasonable governance of student conduct.

5.2 Students should participate in formulating regulations on student conduct and these regulations should be published in the student handbook or a generally available body of college regulations.

5.3 Students should expect uniform, objective and equal treatment for all who violate college rules and regulations.

6.0 Disciplinary Action

6.1 The Chancellor is delegated the authority to enforce such rules and regulations and shall establish the process for such enforcement.

6.2 The Board authorizes the Chancellor to take disciplinary action for discerned misconduct and will follow the procedure of due process established in Regulation 2442.

[Policy - 2000 Students](#) || [Table of Contents](#) || [Back](#) || [Next](#)

Policy Adopted: 6/30/65

Policy Revised: 9/1/65; 4/23/69; 1/7/70; 3/15/72; 3/6/74; 11/19/80; 2/10/82; 1/10/90; 2/3/93;
3/6/96

Policy Reviewed: 2/19/15

Adm. Regulation: [R-2441](#)

[Regulation - 2000 Students](#) || [Table of Contents](#) || [Back](#) || [Next](#)

1.0 Authority to Suspend or Expel (Education Code § 76030)

1.1 The Board of Trustees may expel a student for good cause when other means of correction fail to bring about proper conduct or when the presence of the student causes a continuing danger to the physical safety of the student or others.

1.1.1 Expulsion is a permanent termination of student status and all attending rights and privileges from any and all Los Rios District colleges and facilities.

1.2 The suspension or expulsion of a student shall be accompanied by a hearing pursuant to the requirements of Education Code § 66017.

1.2.1 The hearing must be prompt, unless an immediate suspension is required in order to protect lives or property, or to insure the maintenance of order.

1.2.1.1 In any case, a reasonable opportunity for a hearing must be provided within ten (10) days of the suspension or expulsion.

2.0 Scope of Suspension (Education Code § 76031)

2.1 *The President of a college*, may authorize the suspension of a student for good cause as follows:

2.1.1 from one or more classes for a period of up to ten (10) days of instruction;

2.1.2 from one or more classes for the remainder of the school term;

2.1.3 from all classes and activities of the college for one or more terms.

2.1.3.1 Any student suspended pursuant to Section 2.1.3 above shall be prohibited from being enrolled in any community college or facility in the District or participating in any class or program in the District for the period of the suspension.

2.2 *An instructor* may remove a student from a class for the day of removal and the next class meeting. (Education Code § 76032)

2.2.1 Such removal shall be reported immediately by the instructor to the College President or other appropriate college officials.

2.2.2 If the student removed by an instructor is a minor, the parent or guardian of the student shall be requested to attend a parent conference regarding the removal as soon as possible. If the instructor or the parent or guardian so requests, a college administrator shall attend the conference.

2.2.3 During the period of removal, a student shall not be returned to the class

from which he or she was removed without the concurrence of the instructor of the class.

- 2.3 Whenever a minor is suspended, the parent or guardian shall be notified in writing.
- 2.4 Nothing in these regulations shall be construed to prohibit the imposition of a disciplinary sanction than suspension.
 - 2.4.1 Such lesser sanctions may include, but need not be limited to, verbal or written reprimand, probation or ineligibility to participate in extracurricular activities.

3.0 Good Cause

- 3.1 As defined in Education Code § 76033, good cause includes, but is not limited to, the following offenses:
 - 3.1.1 Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
 - 3.1.2 Assault, battery, or any threat of force or violence upon a student or college personnel.
 - 3.1.3 Willful misconduct which results in injury or death to a student or college personnel or which results in cutting, defacing or other injury to any real or personal property owned by the district.
 - 3.1.4 The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance.
 - 3.1.5 Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the governing board.
 - 3.1.6 Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- 3.2 Good cause is further defined, but is not limited to, the following:
 - 3.2.1 Violation of college rules and regulations including those concerning student organizations, the use of college facilities, or the time, place and manner of public expression and distribution of materials.
 - 3.2.2 Obstruction or disruption of teaching, research, administrative disciplinary procedures or other college activities, including its community service activity, or of other authorized activities on college-controlled premises.
 - 3.2.3 Theft of or non-accidental damage to property of the college or a member

of the college community or campus visitor while on campus or at college-sponsored events.

- 3.2.4 Unauthorized entry to or use of college facilities.
 - 3.2.5 Dishonesty, such as cheating, plagiarism or furnishing false information to the college, forgery, alteration or misuse of college documents, records or identifications.
 - 3.2.6 Knowing possession or use of explosives, dangerous chemicals or deadly weapons on college property or at a college function without prior authorization of the College President or designated representative.
 - 3.2.7 Use, possession, distribution or being under the influence of alcoholic beverages, narcotics or dangerous drugs on college property or at College-sponsored events.
 - 3.2.8 Soliciting or assisting another to do any act which would subject a student to expulsion, suspension, probation or other discipline pursuant to this policy.
 - 3.2.9 Violation of any order of a college president, notice of which has been given prior to such violation, and which order is not inconsistent with any of the other provisions of this policy. This notice may be given by publication in the college newspaper, by posting on an official bulletin board designated for this purpose or by any other means reasonably calculated to inform students of its provisions.
 - 3.2.10 Attempting to commit an act that would be cause for disciplinary action identified in Sections 3.1 or 3.2 above.
- 3.3 Whenever any employee is attacked, assaulted or menaced by any student, it is the duty of that employee, and the duty of any person under whose direction or supervision the employee is employed who has knowledge of the incident, to promptly report the incident to the appropriate law enforcement authorities. (Education Code § 87014)
- 3.3.1 Failure to make this report is a misdemeanor.
 - 3.3.2 Any act designed to directly or indirectly discourage or influence a person under a duty to make this report is a misdemeanor.
 - 3.3.3 Any person who assaults or abuses any academic employee in the presence or hearing of a student or college personnel is guilty of a misdemeanor. (Education Code § 87708)

4.0 Computer-Related Crimes

-
- 4.1 A student may be subject to disciplinary sanctions up to and including dismissal for commission of any computer-related crimes as specified in Section 502 of the Penal Code or as specified in District policies and regulations. Such crimes include, but are not limited to, the following:
- 4.1.1 Knowingly access and without permission alter, damage, delete, destroy or otherwise use any data, computer, computer system or computer network in order to either (a) devise or execute any scheme or artifice to defraud, deceive or extort, or (b) wrongfully control or obtain money, property or data.
 - 4.1.2 Knowingly access and without permission take, copy or make use of any data from a computer, computer system or computer network, or take or copy any supporting documentation, whether existing or residing internal or external to a computer, computer system or computer network.
 - 4.1.3 Knowingly and without permission use or cause to be used computer services.
 - 4.1.4 Knowingly access and without permission add, alter, damage, delete or destroy any data, computer software or computer programs which reside or exist internal or external to a computer, computer system or computer network.
 - 4.1.5 Knowingly and without permission disrupt or cause the disruption of computer services or deny or cause the denial of computer services to an authorized user of a computer, computer system or computer network.
 - 4.1.6 Knowingly and without permission provide or assist in providing a means of accessing a computer, computer system or computer network in violation of this section.
 - 4.1.7 Knowingly and without permission access or cause to be accessed any computer, computer system or computer network.
 - 4.1.8 Knowingly introduce any computer contaminant into any computer, computer system or computer network.
- 5.0 No student shall be removed, suspended or expelled unless the conduct for which the student is disciplined is related to college activity or college attendance, or pursuant to Penal Code Section 502 or other laws specifically authorizing such.
- 6.0 Notification of Law Enforcement Authorities (Education Code § 76035)
- 6.1 The College President or the president's designee shall, upon the suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is situated of any acts of the student which may be in violation of Sections 245 or 502 of the Penal Code.

6.2 Every student who, after a hearing, has been suspended or expelled from a Los Rios District college or facility for disrupting the orderly operation of a campus or facility, and as a condition of such suspension or expulsion has been denied access to the campus or facility, or both, for the period of the suspension, or in the case of expulsion for a period not to exceed one (1) year; who has been served by registered or certified mail at the last address given by such person with a written notice of such suspension or dismissal and condition; and who willfully and knowingly enters upon the campus or facility of the institution to which the student has been denied access, without the express written permission of the Chancellor or the College President is guilty of a misdemeanor. (Penal Code § 626.2)

7.0 Notification of Student

7.1 A student who has been suspended or expelled from a Los Rios District college or facility shall be served written notice by registered or certified mail at the last address given by such student.

7.2 Whenever there is included in any student record information concerning any disciplinary action taken by the college or District, the student shall be allowed to include in such record a written statement or response concerning the disciplinary action. (Education Code '76233)

8.0 Parking Violations (Education Code '76036)

8.1 Any violation or violations of law, ordinance, regulation, or rule regulating, or pertaining to the parking of vehicles, shall not be cause for the removal, suspension or expulsion of a student from a community college.

9.0 Student Indebtedness

9.1 When a student has not cleared indebtedness to the college after notification has been duly given, any of the procedures listed below may be used:

9.1.1 The student may be suspended until such time as the money is paid or reasonable arrangements to pay have been made with the Business Office.

9.1.2 The student's subsequent registration may be suspended until the money has been paid or reasonable arrangements have been made at the Business Office.

9.1.3 If any request is made for a transcript of the student's academic record, the student shall be notified that the transcript is being held for clearance of indebtedness.

9.1.4 When all collection attempts have failed, the Business Office may proceed by taking the claim to Small Claims Court, if applicable.

9.1.5 Forms for student loan applications shall include a waiver of the statute of limitations.

[Regulation - 2000 Students](#) || [Table of Contents](#) || [Back](#) || [Next](#)

LRCCD

Adm. Regulation Adopted: 6/30/65

Adm. Regulation Revised: 9/1/65; 4/23/69; 1/7/70; 3/15/73; 11/19/80; 2/10/82; 4/23/85;
10/29/85; 11/28/89; 11/10/92; 3/6/95; 3/6/96

Adm. Regulation Reviewed: 2/19/15

Board Policy: [P-2441](#)

[Policy - 2000 Students](#) || [Table of Contents](#) || [Back](#) || [Next](#)

1.0 Purpose and Scope

- 1.1 Regulations relating to student disciplinary actions are adopted for the purpose of providing a uniform method of disciplining students for discerned misconduct and assuring that all students are accorded fair and objective treatment.
- 1.2 These regulations shall not apply to suspensions from classes imposed by an instructor of this District, nor to sanctions imposed for the failure of students to satisfy the academic standards of the respective colleges.

2.0 Publication of Regulations

- 2.1 Copies of the regulations, together with designations of the respective identities of the persons appointed as Disciplinary Authorities and members of the Disciplinary Appeals Committee, shall be available at each College.
- 2.2 The President of each college shall have the responsibility for making such information known to the students and faculty.
- 2.3 A summary of the regulations shall appear in the student handbook and the faculty handbook.

3.0 Procedural Due Process

- 3.1 In any conflict related to student discipline, students shall be informed in writing of charges to be brought against them, and be given an opportunity to defend these charges.
- 3.2 This Policy shall be implemented by regulations for a uniform system of student appeals, which shall afford constitutionally sufficient procedural due process to students in the review and appeal of college and District disciplinary decisions.

LRCCD

Policy Adopted: 2/15/69
Policy Revised: 3/12/80; 11/19/80; 2/10/82; 2/3/93
Policy Reviewed: 2/19/15
Adm. Regulation: [R-2442](#)

[Regulation - 2000 Students](#) || [Table of Contents](#) || [Back](#) || [Next](#)

1.0 Disciplinary Authority

- 1.1 By September 15 of each year, the President of each College of the Los Rios Community College District shall designate one or more members of the College administrative staff as Disciplinary Authorities.
- 1.2 It shall be the responsibility of the Disciplinary Authorities to discipline students in the manner prescribed herein.
- 1.3 Such designations shall be made by written notification to the individuals involved, and by letter directed to the Chancellor.
- 1.4 The President may from time to time increase the number of Disciplinary Authorities, reduce the number or make new appointments by written notification to the Chancellor.

2.0 Disciplinary Appeals Committee

- 2.1 There shall be at each campus a standing panel from which one or more Disciplinary Appeals Committees may be appointed. The panel shall be made up of the following:
 - 2.1.1 Five (5) or more students, enrolled and in good academic standing at the college, whose names are submitted to the College President by the Associated Students' Organization governing body.
 - 2.1.2 Seven (7) or more faculty members whose names are submitted to the College President by the Academic Senate.
 - 2.1.3 A Disciplinary Appeals Committee shall consist of two (2) students and three (3) faculty members selected from the above panel.
 - 2.1.4 No person shall be a member of the Disciplinary Appeals Committee who is at the same time acting as a Disciplinary Authority or an interested party.
 - 2.1.5 The standing panel shall be appointed no later than the fifteenth day of September. The College President shall notify each member in writing, and shall send a list of the names of the members to the Chancellor.
 - 2.1.6 The members of the panel shall serve a term of one (1) year, or until their successors are appointed.
 - 2.1.7 Vacancies caused by resignation, death or prolonged illness shall be filled immediately by the College President in consultation with the Associated Students' Organization governing body and/or the Academic Senate, as appropriate. Nothing herein shall preclude a member of the Disciplinary

Appeals Panel from serving more than one (1) year.

- 2.2 The College President shall select a Disciplinary Appeals Committee from the above panel when an appeal is filed.
 - 2.2.1 The Disciplinary Appeals Committee thus selected shall designate one (1) member to act as chairperson.
 - 2.2.2 A quorum shall consist of the majority of the members of a committee.
 - 2.2.3 Prior to hearing a case on sexual assault, domestic violence, dating violence and/or stalking, the Disciplinary Authority and each member of the Disciplinary Appeals Committee shall have undergone a comprehensive, trauma-informed training program about sexual assault, domestic violence, dating violence and stalking.
- 2.3 All action pursuant to the authority delegated to the Disciplinary Appeals Committee by these Administrative Regulations shall be taken by a majority of the members thereof.
 - 2.3.1 No member of the Disciplinary Appeals Committee who has not been personally present at the hearings conducted during an entire appeal shall vote upon any appeal before the Disciplinary Appeals Committee without consent of both the appellant and the Disciplinary Authority involved.

3.0 General Provisions

- 3.1 Confidentiality: Unless the student and the College determine otherwise, proceedings under this Administrative Regulation shall be confidential and all hearings held thereunder shall be closed to everyone other than the person(s) conducting the hearing, the student(s) charged, and those other persons necessary for the orderly conduct of the proceedings.
- 3.2 Mail: Whenever these regulations call for or permit a notice or other communication to be delivered by mail, the mailing of such communication by certified mail, postage paid, and addressed to the last known address of the student, shall be deemed to be sufficient compliance with the provision and it shall be presumed to have been received. A student's failure or refusal to sign a receipt of the communication shall not cause service to be defective.
- 3.3 Technical Departures from the Regulations: Technical departures from the disciplinary regulations and errors in their application shall not be grounds to void the right of the College to take disciplinary action against a student unless, in the opinion of the Chancellor, the technical departure or error prevented a fair determination of the issue.
- 3.4 These procedures shall not apply to removal of a student by an instructor pursuant to Education Code, section 76032.

- 3.5 Advisor: In the case of disciplinary proceedings of sexual assault, domestic violence, dating violence and stalking, the complainant and respondent have the right to be assisted by an advisor of their choice at their sole cost, which may include an attorney. The advisor shall not be a witness. The advisor may accompany the complainant or respondent to any meeting with an investigator or a College employee or a disciplinary meeting or proceeding. The advisor is a silent and non-participating presence who solely observes and provides support during the investigation and disciplinary process. During proceedings, the advisor may speak only to the party by whom he or she was invited. The advisor may not address the Disciplinary Authority, the Disciplinary Appeals Committee, witnesses, or other participants. Any exceptions to this prohibition will be at the sole discretion of the Disciplinary Authority. The Disciplinary Authority has the right at all times to determine what constitutes appropriate behavior on the part of an advisor.
- 3.6 Sanctions: Sanctions that may be imposed in disciplinary proceedings are the educational consequences for the actions of the student. Sanctions can include, but are not limited to, educational requirements, restitution, oral counseling, written counseling, disciplinary probation, reprimand, suspension, expulsion, or any other sanction that is appropriate under the circumstances of the actions of the student upon whom discipline is imposed. For allegations of sexual assault, domestic violence, dating violence or stalking, the sanctions may include the above choices as appropriate under the circumstances.
- 4.0 Procedures Preliminary to Disciplinary Action
- 4.1 The Disciplinary Authority shall be notified of an infraction committed by a student. Verbal notification must be followed by a written account within three (3) instructional days.
- 4.2 The student shall be informed by the Disciplinary Authority of the alleged infraction and of the time and place of the investigative meeting with the Disciplinary Authority.
- 4.2.1 If the student cannot be reached in person, this notice may be sent by mail according to Section 3.2 above.
- 4.3 At this investigative meeting, the Disciplinary Authority shall interview the concerned student for the purpose of discussing the alleged misconduct and the disciplinary action, if any, which should be taken.
- 4.3.1 At this meeting the parties shall have the right to present statements, testimony, evidence, and witnesses, except that neither party shall have the right to be represented by an attorney.
- 4.3.1.1 In cases of sexual assault, domestic violence, dating violence and/or stalking, the complainant and the respondent may bring their advisor.

4.3.2 This is an informal meeting, and any relevant evidence on which responsible persons are accustomed to rely may be admitted.

4.4 If the student charged does not attend the meeting and fails to make arrangements for another satisfactory time and place prior to the scheduled meeting, the Disciplinary Authority may review the case and initiate disciplinary action without input from the student.

5.0 Initiation of Discipline

5.1 After the investigative meeting, the Disciplinary Authority may initiate disciplinary action by filing a notice of disciplinary action with the Vice President, Student Services and serving such notice on the student charged.

5.1.1 Minors: If the student is a minor, the notice must also be mailed to that parent, guardian or other adult responsible for the minor student as identified in the student's permanent personnel file. This notice is to be mailed to the last known address listed, and shall be mailed in accordance with Section 3.2 above.

5.2 The notice of disciplinary action shall contain or include the following:

5.2.1 A copy of the District Policies and Administrative Regulations 2441 and 2442;

5.2.2 The acts or omissions upon which the charges are based;

5.2.3 The grounds for the disciplinary action as contained in the District Policies and Administrative Regulations;

5.2.4 The specific disciplinary action to be imposed;

5.2.5 Notification of suspension, if it is to be imposed, and the reasons for it;

5.2.6 A statement that a suspension and/or expulsion from a College shall include the entire Los Rios Community College District and its Colleges and facilities;

5.2.7 A brief statement affording the student the right to appeal; and

5.2.8 An appeal form, the filling out, signing and filing of which shall constitute sufficient appeal if filed in the prescribed timely fashion.

6.0 Appeal

6.1 Not later than seven (7) days after the service of the notice of disciplinary action upon the student or the mailing of said notice to the responsible parent, guardian or adult described above, whichever is later, the student or parent/guardian may appeal the disciplinary action to the Disciplinary Appeals Committee by filing the

completed appeal form enclosed with the notice of disciplinary action with the Vice President, Student Services.

- 6.2 If the student charged or the parent/guardian fails to appeal the disciplinary action in the prescribed timely manner, the discipline shall be referred to the College President for approval, rejection or modification. Failure to appeal in a timely manner constitutes a waiver of the right to further appeal.

7.0 Hearing by Disciplinary Appeals Committee

- 7.1 If the student or the parent/guardian appeals the notice of disciplinary action in a timely manner, a Disciplinary Appeals Committee shall conduct a hearing upon the charges contained in the notice of disciplinary action. The student involved or his/her representatives, if they have appealed, shall be given not less than forty-eight (48) hours advance written notice of the time, date and place of said hearing.
- 7.2 The Disciplinary Authority recommending the discipline shall be present at the hearing and the student and the parent/guardian shall have a right to be present.
- 7.3 The hearing will concern itself with the question of whether the alleged act or omission giving rise to the recommended disciplinary action did in fact occur, and if so, what disciplinary action should be recommended.
- 7.4 At the hearing, the student may represent himself/herself, or may be represented by another person, except that the student shall not be represented by an attorney. In cases of sexual assault, domestic violence, dating violence or stalking, the complainant and the respondent may also bring their advisor.
- 7.5 During the hearing, each party may, at its discretion, make an opening statement, and present witnesses, documents and other evidence in its behalf. The Disciplinary Authority shall present its case first since it has the burden of proof, except as to matters of defense raised by the student, where the student has that burden.
- 7.5.1 The opening statement is made to indicate to the Disciplinary Appeals Committee the case to be offered by that party. The opening statement is not evidence.
- 7.6 Any witness who is called to testify may be cross-examined by the other party through the Disciplinary Appeals Committee. On cross-examination, in addition to questions concerning specific facts or events as related to direct examination of the witness, the credibility of the witness may be ascertained by questions concerning the witness' biases, perceptions, and recollections related to the facts or events at issue.
- 7.6.1 The student may also be called as a witness by the Disciplinary Authority after the student has had an opportunity to present his/her case.

-
- 7.6.2 The members of the Disciplinary Appeals Committee may ask questions after the parties have completed their questioning.
- 7.7 Each side shall have the opportunity to offer rebuttal evidence and to give a closing argument.
- 7.8 The hearing need not be conducted according to technical rules of court. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.
- 7.8.1 The Disciplinary Appeals Committee may exclude irrelevant and unduly repetitious evidence.
- 7.9 The Disciplinary Appeals Committee need only find that the facts are established by a preponderance of the evidence. "Preponderance of the evidence" means evidence, when weighed with that opposed to it, had more convincing force and the greater probability of truth.
- 7.10 The hearing may be continued from time to time, and shall be recorded either with a tape recorder or by a stenographic reporter.
- 7.11 At the conclusion of the hearing, the Chair of the Disciplinary Appeals Committee shall prepare a written decision which includes findings of fact and conclusions regarding the issue of whether the act or omission charged occurred, and the type of disciplinary action, if any, it recommends.
- 7.11.1 This decision shall be completed within ten (10) days of the conclusion of the hearing.
- 8.0 Decision by College President
- 8.1 The decision of the Disciplinary Appeals Committee shall be transmitted to the College President for approval, rejection or modification. Neither the student nor the parent/guardian shall have a right to a hearing by the College President. The decision of the College President shall be mailed to the student. In cases of sexual assault, domestic violence, dating violence and/or stalking, the decision of the College President shall be provided to both the complainant and the respondent at the same time.
- 8.2 If the College President decides to impose a disciplinary suspension, a disciplinary probation, or a combination of the foregoing, the decision of the College President shall be final, and any discipline imposed shall take effect from and after the date of said decision. Disciplinary suspensions shall apply District-wide.
- 8.3 If the College President decides to recommend expulsion, the College President's decision shall be referred to the Chancellor for action by the Los Rios Community College District Board of Trustees.

- 8.4 Within seven (7) days after receiving the decision from the Disciplinary Appeals Committee Chair, the College President shall notify the students by mail as specified in Section 3.2 above of the decision, and the disciplinary sanction, if any, imposed.
- 8.4.1 If the College President decides to recommend expulsion, the notice to the student must include a statement that this recommendation may be appealed by a request for appeal, in writing, within seven (7) days from the date of the notice from the College President. Such appeal shall be addressed to the Chancellor, who is the Secretary to the Los Rios Board of Trustees.
- 8.4.2 Failure by the student to give written notice of appeal to the Chancellor within the seven (7) day period shall constitute acceptance of the disciplinary sanction imposed.
- 8.5 The District will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the College against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the District will provide the results of the disciplinary hearing to the victim's next of kin, if so requested. In cases of sexual assault, domestic violence, dating violence or stalking, the District shall notify the complainant and the respondent of the result of any disciplinary hearing, any changes to result and when that result becomes final.
- 9.0 Final Appeal of Expulsion
- 9.1 A full record of all disciplinary proceedings which are referred to the Chancellor of this District for decision shall be submitted to the Chancellor.
- 9.2 The Chancellor shall review the record and make a recommendation to the Board of Trustees. The Chancellor shall inform the student that the student can request the Board review be conducted in open session. The decision of the Board of Trustees is final.
- 9.3 The Board of Trustees shall notify the student, the President of the College, the Vice President, Student Services, and the Disciplinary Authority, in writing, of its decision within thirty (30) days of the date when Board review takes place. In cases of sexual assault, domestic violence, dating violence and/or stalking, the decision of the Board of Trustees shall be provided to both the complainant and the respondent at the same time. Such notification to the student shall be in the manner described in Section 3.2 above.

[Regulation - 2000 Students](#) || [Table of Contents](#) || [Back](#) || [Next](#)

Adm. Regulation Reviewed: 3/6/96; 4/25/16; 10/17/16
Board Policy: 10/17/16
[P-2442](#)

STUDENT DISCIPLINE CHECKLIST

- 1 Complaint initiated. Date of Event: _____
Student Name: _____
SID#: _____

- 2 If verbal complaint, written account must be within 3 instructional days.

Date of report: _____

Three instructional days after report: _____

- 3 Is this a disciplinable offense? If not, give notice to all that is not subject of discipline.

 Policy 2441, section(s): _____
 Reg. 2441, section(s): _____
 Ed. Code 76003, section(s): _____

- 4 Disciplinary Authority gives notice to student of alleged infraction, and the time and place of the investigative meeting with the Disciplinary Authority by personal delivery or by mail.

Investigative Meeting Date: _____
Investigative Meeting Time: _____
Investigative Meeting Place: _____

 Personal Delivery (Date): _____

or

 Mailed (Date): _____
Registered/Certified: _____
Address: _____

- 5 Disciplinary **Investigative Meeting**.

Disciplinary Authority meets with the student for the purpose of **reviewing the discipline process and types of discipline**, discussing the alleged misconduct, and the disciplinary action, if any, that should be taken.

The parties have the right to present statements, testimony, evidence and witnesses.

Any relevant evidence upon which responsible persons are accustomed to rely on may be admitted.

Student may not be represented by attorney.

This meeting may go forward even if the student does not attend.

6

Disciplinary Authority may initiate formal disciplinary action by filing notice of disciplinary action with Vice President of Student Services and serving it on the student.

Disciplinary Action:

Personal Delivery (Date):

or

Mailed (Date):

Registered/Certified:

Address:

If student is a minor, notice mailed to parent, guardian or responsible adult.

Mailed (Date):

Registered/Certified:

Address:

Notice must contain all of the following, if applicable:

- Copy of Los Rios Policy 2441 and Regulation 2442;
- Acts or omissions upon which charges are based;
- Grounds for discipline as contained in policies or regulations;
- Specific disciplinary action to be imposed;
- Notification of suspension, if imposed, and reasons for it;

- If suspension and/or expulsion imposed, statement it applies to all of LRCCD colleges and facilities;
- Brief statement of right to appeal; and
- An appeal form.

APPEAL FILED

- 7 Completed appeal form must be filed with the Vice President of Student Services within 7 days after notice of disciplinary action was served on student or mailed to the responsible parent, guardian or adult. If not done within 7 days, matter is directed to College President for approval, rejection or modification (go to Step 13).

Appeal Deadline Date: _____

- No response received or appeal declined, go to Step 13.**
- Request for appeal received, go to Step 8.**

- 8 President shall appoint a panel of 3 faculty members and 2 students from Disciplinary Appeals standing panel to act as Disciplinary Appeals Committee.

Faculty members: _____

Student members: _____

- 9 Disciplinary **Appeals** Committee shall conduct a hearing on the charges in the notice. Student and/or parent/guardian must be provided 48 hours written notice prior to hearing.

Hearing date and time: _____

Hearing place: _____

48 hours prior: _____

Notice given (Date, time): _____

Hearing by Disciplinary Appeals Committee

- a. **Committee selects a Chair.**
- b. Disciplinary Authority that recommended discipline must be present.
- c. Hearing must be recorded by a single tape recorder and the tape is property of the college or alternatively, by stenographer.
- c. Question is whether alleged act or omission giving rise to recommended disciplinary action did occur, and if so, what disciplinary action should be recommended.
- d. Hearing must be confidential unless both student and college agree otherwise.
- e. Student may represent self or may be represented, but not by an attorney.
- f. Each party may make opening statements, present witnesses, documents and other evidence.
- g. Witnesses may be cross-examined on facts.
- h. Witness credibility may be ascertained by questions about bias, perceptions and recollections about facts or events.
- i. The Disciplinary Authority shall proceed first and has the burden of proof, except to matters of defense raised by the student.
- j. Student has burden of proof as to matters of defense.
- k. Student may be called as a witness by Disciplinary Authority after student has presented case.
- l. Members of the committee may ask questions after the parties have completed their questioning.
- m. Each side may offer rebuttal evidence and give a closing argument.
- n. Any relevant evidence upon which responsible persons are accustomed to rely on may be admitted. Disciplinary Committee may exclude irrelevant and unduly repetitious evidence.
- o. Burden of proof is by a preponderance of the evidence.
- p. Hearing may be continued from time to time.

- 11 Within 10 days of the conclusion of the hearing, the Chair of Disciplinary Committee shall prepare written decision.
- Conclusion of hearing (Date):
- Ten days after conclusion (Date):
- 12 Written decision must contain:
- Findings of fact;
 - Conclusions regarding issue of whether act or omission Charged occurred; and
 - Discipline recommended.
- 13 Decision must be transmitted to college President for approval, rejection or modification. No right to further hearing.
- 14 Within seven (7) days of receiving decision, President must notify student of decision and disciplinary action, if any.
- Date decision is received:
- Seven days after receiving decision:
- If President imposes disciplinary suspension and/or probation, decision of President is final and commences from and after the date of the decision.
- If President recommends expulsion, that recommendation shall be referred to Chancellor for Board action.
- Referred to Chancellor (Date):
- 15 Notice of discipline must be given by registered or certified mail at the last known address given by student.
- Mailed (Date):
 - Registered/Certified:
 - Address:
- If expulsion is recommended, notice must include a statement that this recommendation may be appealed by a request for appeal in writing to the Chancellor within seven (7) days of the date of the notice. Failure to give notice to the Chancellor within the seven (7) days constitutes acceptance of the disciplinary sanction imposed.

TABLE OF CONTENTS

PRE HEARING	1
INTRODUCTION	2
CHALLENGES TO BIAS	5
CHARGES.....	6
OPENING REMARKS	7
WITNESSES.....	8
DISCIPLINARY AUTHORITY WITNESSES	9
STUDENT’S WITNESSES	11
STUDENT AS A WITNESS	13
CONCLUDING REMARKS	14
FINDINGS AS TO RESPONSIBILITY	16
STUDENT FOUND NOT RESPONSIBLE	17
HEARING ON DISCIPLINE TO BE IMPOSED	18
CLOSING STATEMENTS.....	20
DELIBERATIONS.....	21

DISCIPLINARY APPEALS COMMITTEE HEARING SCRIPT

PRE-HEARING:

The Disciplinary Appeals Committee consists of two (2) students and three (3) faculty members selected from the Campus Standing panel. A quorum for that Committee to conduct business is the majority (3 members).

The Disciplinary Appeals Committee shall conduct a meeting with its members prior to the beginning of the Hearing without the parties present. Issues that should be considered during this meeting include:

A review of any written materials, including the notice of discipline.

A review of the Disciplinary Policies (P-2441 and P-2442) and Regulation (R-2442) procedures to be followed during the Disciplinary Appeals Committee Hearing (including the provisions concerning confidentiality, notices, and deviations from the Regulations).

A discussion of any potential for bias on the part of any Disciplinary Appeals Committee member.

The charge of the committee: **Whether the alleged act or omission giving rise to the recommended disciplinary action did occur, and if so, what disciplinary action should be recommended.**

INTRODUCTION

HEARING:

Begin tape recorder

Good morning/afternoon, my name is [_____], and I will be serving as the chair of the Disciplinary Appeals Committee. My role is to oversee the Disciplinary Appeals Committee Hearing that will be conducted today.

Please note that today's Disciplinary Appeals Committee Hearing is being tape recorded. This recording represents the sole official verbatim record of the Disciplinary Appeals Committee Hearing and is the property of _____ College.

At this time, I will ask the members of the Disciplinary Appeals Committee to introduce themselves:

Member introduction.

Would the Student(s) introduce himself/herself (themselves)?

Student introduction.

Would the Student's advisor introduce himself/herself (*if present*)?

Student Advisor introduction.

Would the Disciplinary Authority introduce himself/herself?

Disciplinary Authority introduction.

Would the Disciplinary Authority's advisor introduce himself/herself (*if present*)?

Disciplinary Authority Advisor introduction.

Would the individuals who are here today as possible witnesses introduce themselves?

Witness introduction.

If the Disciplinary Authority or the Student has an advisor read the following statement.

The role of the advisor during this Disciplinary Appeals Committee Hearing is limited. It reflects that this process is not a courtroom proceeding but is part of the institution's programs that are designed to provide a good learning environment for all members of our academic community. An advisor may not question witnesses or make statements before the Disciplinary Appeals Committee. The only appropriate role for the advisor is to provide advice to the person who has requested his/her presence in a manner which does not disturb the proceedings of the Disciplinary Appeals Committee. If an advisor fails to act in accordance with the procedures of the Disciplinary Appeals Committee, he/she will be barred from these proceedings.

This Hearing is being held in a closed, confidential setting.

I would like to remind everyone participating in this Disciplinary Appeals Committee Hearing that falsification, distortion, or misrepresentation before the Disciplinary Appeals Committee is a violation of the District Policies and Regulations. Any person who abuses the Policies and Regulations in this way may face disciplinary charges for that violation.

Witnesses, other than the Student and the Disciplinary Authority, are present in the Disciplinary Appeals Committee Hearing only while offering their information.

Would all witnesses, other than the Student and the Disciplinary Authority,

please leave the Disciplinary Appeals Committee room and wait outside. You will be asked to reenter the Disciplinary Appeals Committee Hearing to offer your testimony.

Before we proceed, are there any questions?

CHALLENGES TO BIAS

Does either party believe that I cannot be fair in this Hearing?

If the Student or Disciplinary Authority answers yes, the party asserting the bias should be asked to explain what might prevent you from participating fairly in the Hearing. You may then recess the Hearing briefly to consider and to decide the challenge. If your ability to be fair can be reasonably challenged, you should recess the Hearing and ask the President to appoint a new Hearing officer. If you conclude you should not be disqualified, state: "I conclude I should not be disqualified from hearing this matter." If you believe you should be disqualified, state: "I conclude I should be disqualified from hearing this matter. I will refer this matter back to the Student Discipline Officer for the selection of a new Chair of the Disciplinary Appeals Committee. This matter is adjourned."]

The Student and the Disciplinary Authority may challenge any member of the Disciplinary Appeals Committee for bias if you believe that he or she cannot be fair in this Disciplinary Appeals Committee Hearing.

Does the Student wish to challenge any member of the Disciplinary Appeals Committee for bias?

Does the Disciplinary Authority wish to challenge any member of the Disciplinary Appeals Committee for bias?

If either side challenges a member of the Panel, the person should be asked to explain what might prevent the member from participating fairly in the Disciplinary Appeals Committee Hearing and the chair may then recess the Disciplinary Appeals Committee Hearing briefly to consider and to decide the challenge. Upon the conclusion of the recess the Chair of the Committee shall report whether any member of the committee should be replaced because of bias.

CHARGES

The Disciplinary Appeals Committee is considering charges which have been brought against [_____], the Student, by [_____], the Disciplinary Authority, in today's Disciplinary Appeals Committee Hearing.

Under Los Rios Community College District Policy and Regulation 2441, the Student has been charged with the following violations:

The Disciplinary Appeals Committee Chair reads each violation of which the student is accused.

Would the Student please respond to each of the charges which I have just read indicating whether you accept responsibility for committing these acts?

If the Student does not accept responsibility for violating each of the acts, then the Disciplinary Appeals Committee Hearing shall proceed to address the entire case.

*If the Student does accept responsibility for each violation, then the Disciplinary Appeals Committee Hearing shall proceed with the presentation of information limited to that which should be considered in the imposition of sanctions (**Go to Page 18**).*

OPENING REMARKS

At this time, we will begin the portion of the Disciplinary Appeals Committee Hearing during which information is presented for consideration in determining if the Student has or has not committed the acts or omissions listed in the notice of disciplinary action.

The Disciplinary Authority and Student will each be provided the opportunity to share introductory remarks which should not exceed five (5) minutes. You are not required to do so. If you have prepared a Statement in writing or wish to make one orally, you may do so at this time.

Are there any questions before we proceed with any introductory remarks?

Would the Disciplinary Authority in this case like to make introductory remarks? If so, please proceed.

Disciplinary Authority Remarks

Would the Student in this case like to make introductory remarks? If so, please proceed.

Student Introductory Remarks

WITNESSES

At this time, the Disciplinary Appeals Committee will hear witnesses offer testimony for consideration in determining if the Student has or has not committed the acts or omissions listed in the notice of disciplinary action.

The Disciplinary Authority will begin by calling witnesses to present testimony. After the Disciplinary Authority has called all the witnesses it considers appropriate, the Student will be afforded the opportunity to call additional witnesses. The members of the Disciplinary Appeals Committee will have the opportunity to question any witness called by either party.

Witnesses called by the Disciplinary Authority and Student will be questioned initially by the person who called them. Following the conclusion of this questioning, the other individual will have the opportunity to ask that the Committee ask the witness further questions. The Committee will have the right to determine whether any particular question may be asked.

Before a witness is excused, the chair will ask members of the Disciplinary Appeals Committee and the Disciplinary Authority and Student if they have any final questions.

Are there any questions before witnesses testify?

DISCIPLINARY AUTHORITY WITNESSES

At this time, the Board will hear from the Disciplinary Authority. You may call your first witness and examine them.

At this juncture, the Disciplinary Authority may call their first witness and question them.

Does the Student have any questions to be directed to the Disciplinary Authority's witness? Please direct your questions to the Disciplinary Committee.

If so, the Student asks the Disciplinary Committee the questions they would like asked.

Do the members of the Disciplinary Appeals Committee have any questions for this witness?

If so, the Disciplinary Appeals Committee members may examine the witness.

After completion of questioning by the Disciplinary Appeals Committee:

Does the Disciplinary Authority wish to ask any additional questions?

If so, the Disciplinary Authority may ask additional questions of the witness.

Does the Student have any additional questions to be directed to the Disciplinary Authority's witness? Please direct your questions to the Disciplinary Committee.

If so, the Student asks the Disciplinary Committee the questions they would like asked.

Are there any final questions before this witness is excused?

If none:

Thank you very much for taking the time to participate in this Hearing of the Disciplinary Appeals Committee. Your participation is appreciated. Please do not

discuss with other potential witnesses the information you have shared with us today.

The witness is then excused and this pattern continues for each of the remaining witnesses called by the Disciplinary Authority.

After completion of the testimony of all the Disciplinary Authority's witnesses, the Chair may ask:

Does the Disciplinary Authority have any additional relevant information or documents they would like to present to the committee?

STUDENT'S WITNESSES

At this time, the committee will hear from the Student. You may call your first witness and examine them.

At this juncture the Student may call their first witness and question them. In sexual assault cases, only the Disciplinary Authority may call and directly cross examine the complaining witness. If the student wishes to call that witness, all questions must be directed to the Disciplinary Committee.

Does the Disciplinary Authority wish to ask any questions of this witness?

If so, the Disciplinary Authority may examine the witness.

Do the members of the Disciplinary Appeals Committee have any questions for this witness?

If so, the Disciplinary Appeals Committee members may examine the witness.

Does the Student have any additional questions to be directed to this witness?

If so, the Student may ask additional questions of the witness.

Does the Disciplinary Authority wish to ask any additional questions of this witness?

If so, the Disciplinary Authority may ask additional questions of the witness.

Are there any final questions before this witness is excused?

If none:

Thank you very much for taking the time to participate in this Hearing of the Disciplinary Appeals Committee. Your participation is appreciated. Please do not

discuss with other potential witnesses the information you have shared with us today.

Each witness is excused and the next one is called until no more witnesses are requested by the Student.

After completion of questioning of all the witnesses to be presented by the Student:

Does the Student wish to provide any additional information to the Disciplinary Appeals Committee?

STUDENT AS A WITNESS

At this juncture, the Disciplinary Appeals Committee may call the Student as a witness and question him or her if he or she has not already been called as a witness.

After the Disciplinary Appeals Committee's questions, the chair should ask:

Does the Disciplinary Authority have any questions for the Student?

If so, the Disciplinary Authority may examine the Student.

Does the Student have anything they wish to add?

If so, the Student may add comments.

Do any members of the committee have any additional questions for the Student?

If so, the Disciplinary Appeals Committee may ask additional questions of the Student.

Does the Disciplinary Authority have any additional questions for the Student?

If so, the Disciplinary Authority may ask additional questions of the Student.

Are there any final questions before the Student is excused?

Does the Committee have any final questions for the Disciplinary Authority or the Student?

CONCLUDING REMARKS

At this time, the Disciplinary Authority and the Student will be provided the opportunity to make concluding remarks. You are not required to do so.

Are there any questions before we proceed?

Would the Disciplinary Authority in this case like to make concluding remarks? If so, please proceed.

Disciplinary Authority concluding remarks.

Would the Student in this case like to make concluding remarks? If so, please proceed.

Student concluding remarks.

In a moment, we will ask that the Disciplinary Authority, Student, and their advisors (*if any*) leave the Hearing room so that the members of the Disciplinary Appeals Committee may determine if the Student is responsible for any of the violations of the Student Code with which he/she has been charged.

After the determination regarding responsibility is made, you will be asked to return to this room. The Disciplinary Appeals Committee will announce its decision regarding responsibility. If the Student is found not responsible concerning all charges, the Disciplinary Appeals Committee Hearing will be adjourned. If the Student is found responsible concerning any charges, the Disciplinary Appeals Committee will consider the following additional information related to sanctioning.

A. Character witnesses on behalf of the Student;

B. Any prior violations of the Policies and Regulation by the Student

The Disciplinary Authority, Student, and their advisors (if any) may now leave the Hearing Room.

Turn the tape recorder off and the committee may deliberate as to the question of responsibility.

FINDINGS AS TO RESPONSIBILITY

Once the Disciplinary Appeals Committee has concluded its deliberations concerning responsibility on each alleged violation, the Disciplinary Authority, and Student are called back into the Disciplinary Appeals Committee Hearing.

Turn the tape recorder on.

This Hearing of the Disciplinary Appeals Committee is now back in session. The Disciplinary Appeals Committee has considered the charges against [____], the Student. The Disciplinary Appeals Committee has evaluated all of the information shared with it and has determined which information was more credible, when the information was in conflict.

Regarding the charge of [____], the Disciplinary Appeals Committee finds you [responsible] [not responsible].

Repeat this sentence for each violation with which the Student has been charged.

STUDENT FOUND NOT RESPONSIBLE

If the Student is found not responsible of all charges, read the following statement:

If not; skip to the next page.

This portion of the hearing of the Disciplinary Appeals Committee is now concluded. A written decision will be issued within ten days of the date of this hearing.

If the student is found not responsible, the chair of the committee shall prepare a written decision within ten days from the conclusion of the hearing which includes findings of fact and conclusions regarding the issue of whether the act or omission charge occurred.

Any further questions regarding this decision of the Disciplinary Appeals Committee should be directed to [_____, the College President]. Questions regarding this case should not be directed to any member of Disciplinary Appeals Committee. The members of Disciplinary Appeals Committee are cautioned not to discuss this matter with anyone to respect the privacy of all persons involved. Thank you very much for your participation.

This Hearing is adjourned.

Turn tape recorder off.

HEARING ON DISCIPLINE TO BE IMPOSED

If the Student is found responsible of any charge, read the following statement.

At this time, the Student may call a reasonable number of character witnesses. At the conclusion of those witnesses, the Disciplinary Appeals Committee will request information concerning prior disciplinary action, if any, that has been previously imposed against this student.

Does the Student wish to present any character witnesses? If so, please call them.

Student calls witness.

Would the character witness please state your name and tell us the nature of your acquaintance with the Student and comment on the student's character?

Character witness introduction and comments.

Do the members of the Disciplinary Appeals Committee have any questions for this character witness?

If so, the Disciplinary Appeals committee members may examine the witness.

Does the Student wish to ask any additional questions of this character witness?

If so, the Student may ask additional questions of the witness.

Does the Disciplinary Authority wish to question this character witness?

If so, the Disciplinary Authority may examine the witness.

Are there any final questions before this witness is excused?

Repeat as necessary for each witness.

CLOSING STATEMENTS

Upon the completion of all character witnesses,

Would the Disciplinary Authority like to offer any comments for consideration in the imposition of sanctions?

Disciplinary Authority comments.

Would the Student like to offer any comments for consideration in the imposition of sanctions?

Student comments.

The Disciplinary Appeals Committee now requests information regarding the Student's prior violations of the District's policies and regulations, if any. Has the Student been found responsible for violating the Student Standards of Conduct in any prior incidents? If so, please provide a description of those violations and the disciplinary measures imposed.

DELIBERATIONS

At this time, we would ask that the Disciplinary Authority, the Student, and their advisors leave the Disciplinary Appeals Committee Hearing room so that the members of the Disciplinary Appeals Committee may determine the sanctions to be recommended in this case. The Chair of this committee will prepare a written decision which includes findings of fact and conclusions regarding the issue of whether the act or omission charged occurred, and the type of disciplinary action, if any, the committee recommends. That decision shall be transmitted to the College President for approval, rejection or modification. Within seven (7) days after receiving the decision from the Committee Chair, the College President shall notify the student by mail of the decision, and the disciplinary sanction, if any, imposed.

Any further questions regarding this decision of the Disciplinary Appeals Committee should be directed to [_____the College President]. Questions regarding this case should not be directed to any member of Disciplinary Appeals Committee. The members of Disciplinary Appeals Committee are cautioned not to discuss this matter with anyone to respect the privacy of all persons involved. Thank you very much for your participation.

This hearing is adjourned.

Turn the tape recorder off.

END OF DISCIPLINARY APPEALS COMMITTEE HEARING SCRIPT

The written record of the process need not include a lengthy “opinion” like judges sometimes issue in certain courtroom proceedings. On the other hand, it is advisable to provide at least a little more information than the “responsible/not responsible” conclusion given by courtroom juries. The Chair could state, “We carefully considered the testimony of all persons who provided information to the board and we considered all documents we received. [Possibly list the witnesses who testified and documents received.] We evaluated the credibility of each witness and the relevance and importance of all information we received. We resolved conflicts in the information we received in this manner.” Use of an explanation, like this, will enable a subsequent reviewer—whether an internal appeal or a court—to respect the factual determinations made by the board.

**Los Rios Community College District
Student Grievance Form**

(check one)

American River College *Cosumnes River College* *Folsom Lake College* *Sacramento City College*

Name: _____
Address: _____
City/State/Zip: _____
Phone Number: _____

Student ID: _____
Date of Grievance: _____
Email: _____

PART I (To be completed by Student Only)

Step 1.

A. What are you grieving, i.e. what was the alleged act of wrong doing? (Attach pages if needed)

B. Against whom is the grievance being filed (name(s))?

C. What relief or result are you seeking?

Step 2. (Level 1) Informal Resolution

(Student must initiate the Informal Resolution process within 10 days of grievable act):

A. Date: _____ Met With: _____
Result: _____

B. Date: _____ Met With: _____
Result: _____

If the informal meeting process does not successfully resolve the problem within ten (10) days after the date of being initiated, the student may file a formal grievance by signing and submitting this form to the Grievance Officer.

Student Signature: _____ **Date:** _____

(IMPORTANT to STUDENT- This form must be filed within 5 days after the conclusion of informal meeting(s) and within 25 days of the date of the grievable act.)

PART II (To be completed by Grievance Officer)

Step 3. (Level 2) A student may file a grievance or grieve an action or decision of the District or one of its colleges when the student’s status and/or rights have been adversely affected P-2412).

Q-1 Has this student initiated the Informal Resolution process within 10 days of grievable act and submitted their grievance form within 5 days after conclusion of the informal meetings (the conclusion is the earlier of the resolution of the Informal Resolution process **or** 10 days after the informal resolution process has commenced)?

(Circle one) YES / NO
(If NO, see section B below)

Q-2 Has this student submitted their grievance form within 25 days of the grievable act?

(Circle one) YES / NO
(If NO, see section B below)

Q-3 Is this student’s concern grievable under the policies and regulations of the District?

(Circle one) YES/NO
(If NO, see section B below)

(This question must be answered within 10 days from receipt of grievance.)

A. If YES, check the student right that has been adversely affected (See below and R-2411)
___ Right to be free from censorship and advance copy approval except as provided by District policy, statutes or regulations.

___ Right to take stands on issues, examine and discuss questions of interest, support causes by orderly means.

___ Right to assemble to hear speakers on any subject. On Campus student organizations can present speakers.

___ Right to free expression – use of designated bulletin boards, distribution of printed materials/petitions, wearing of buttons badges and insignia. [Students do not have the right to engage in obscene, libelous, or slanderous expression, or expression that creates a clear and present danger of commission of unlawful acts on the campus.]

___ Right to organize around interests.

___ Right to be informed and participate in campus matters that are directly relevant to them.

___ Right to confidentiality in their records.

___ Right to be free from prejudiced or capricious academic evaluation.

___ Grades; but only if based on mistake, fraud, bad faith, or incompetency (Education Code Section 76224 (a)).

Student Name: _____

Student ID No. _____

____ Other Right or manner in which status has been adversely affected:

B. If NO (not grievable), check the reason below (R-2412 section 3.3.1):

____(1) Student did not make a reasonable, good faith attempt to resolve the matter as specified in Board Regulation (R-2412 section 2.0).

____(2) Time lines have not been met.

____(3) Grievance does not contain statements which, if true, would constitute a grievance under Board Policy (P-2412).

____(4) Grievant does not have the standing to assert the grievance by (I) being a student at the time of filing the grievance or at the time of the alleged act of wrong-doing; or (II) being an applicant for admission to the college (new college applicants may only grieve admission decisions).

Step 4. (Level 3) - Notification to Person against whom grievance was filed:

Who: _____ Date: _____

- A. If complaint is determined to be grievable, when that determination is made, faculty should be notified.
- B. If complaint is determined **not** grievable, the grievance officer will notify the faculty member after the conclusion of the semester (or the posting of grades) and verify that informal process was completed.

Step 5. Grievance Hearing

A. Hearing Officer Name: _____

B. Date of Scheduled Hearing: _____

C. Hearing Officer's Decision (attach additional sheets if necessary):

Step 6. Timelines and Notifications

- A. Timelines may be changed by agreement.

Student Name: _____

Student ID No. _____

B. Written notices to grievant student: short, to the point, focused solely on the question presented; include notice that any supporting witnesses and evidence are the student's responsibility.

C. **The hearing officer's determination in Step 5 above must include:**

- Statement of Grievance
- Statement of evidence introduced by each party
- Determination whether grievant met burden of proof
- Recommendation for relief
- Must meet deadlines

D. Copies to:

- Parties to Grievance
- President
- Vice President of Student Services
- Assoc./Vice Chancellor of Student Services

STUDENT GRIEVANCE PROCESS
Model Hearing Officer Transcript

Pre-hearing:

Before the hearing, the Hearing Officer should review the written grievance, any additional written materials provided, this script, the Student Grievance Hearing Officer Checklist and Policy 2412 and Regulation 2412.

The hearing officer should locate a comfortable room and a quality tape recorder for the hearing. There should be room and chairs outside nearby for the witnesses to wait until they are called, but those witnesses should not be able to hear the proceedings from that location.

Hearing:

Begin tape recorder.

Good morning/afternoon, my name is [_____], and I will be serving as the Hearing Officer for the grievance filed by [_____] against [_____]].

My role is to preside over the hearing that will be conducted today. I will be questioning the witnesses and determining what evidence will be presented at this hearing. At the conclusion of this hearing, I will prepare a written decision of my findings as to whether the Grievant has met his/her burden to prove the grievance by a preponderance of the evidence, and make a recommendation of the remedy, if any, to be applied in this case.

STUDENT GRIEVANCE PROCESS
Model Hearing Officer Transcript

Please note that today's hearing is being tape recorded. This recording represents the sole official verbatim record of this Hearing and is the property of the _____ College.¹

At this time, I will ask the Grievant to introduce himself/herself (themselves).

Would the Grievant's advisor introduce himself/herself (if present)?

Would the party against whom the grievance has been asserted introduce himself/herself?

Would their advisor introduce himself/herself (if present)?

Would the individuals who are here today as possible witnesses introduce themselves?

¹ The Hearing officer should be vigilant to assure that each speaker is identified when speaking so that the audio may be understood by subsequent listeners.

STUDENT GRIEVANCE PROCESS
Model Hearing Officer Transcript

This hearing is being held in a closed and confidential setting.²

I would like to remind everyone participating in this hearing that falsification, distortion, or misrepresentation in these procedures is a violation of the District Policies and Regulations. Any person who violates those policies and regulations in this way may face disciplinary charges for that violation.

Witnesses, other than [the Grievant] and [the party against whom the grievance has been asserted], are present in the Hearing only while offering their information.

Would all witnesses, other than [the Grievant and/or their advisor] and [the party against whom the grievance has been asserted and/or their advisor], please leave the Hearing room and wait outside. You will be asked to reenter the Hearing to offer your testimony.

Before we proceed, are there any questions?

² If all parties ask for a public hearing, confirm this on the record, otherwise the matter is to be held in a private confidential hearing.

STUDENT GRIEVANCE PROCESS
Model Hearing Officer Transcript

Does either party believe that I cannot be fair in this Hearing?

[If either person answers yes, the party asserting the bias should be asked to explain what might prevent you from participating fairly in the Hearing. You may then recess the Hearing briefly to consider and to decide the challenge. If your ability to be fair can be reasonably be challenged, you should recess the hearing and ask the President to appoint a new hearing officer.]

[If you conclude you should not be disqualified, state: “I conclude I should not be disqualified from hearing this matter.” If you believe you should be disqualified, state: “I conclude I should be disqualified from hearing this matter. I will refer this matter back to the Student Grievance Officer for the selection of a new hearing officer. This matter is adjourned.”]

I am considering a grievance which has been brought against [_____], by [_____], in today’s Hearing.

[The Grievant] alleges: *[Insert a description of the grievance.]*

STUDENT GRIEVANCE PROCESS
Model Hearing Officer Transcript

At this time, we will begin the portion of the Hearing during which information is presented for consideration in determining if the Grievance should be sustained.

[The Grievant] and [the party against whom the grievance is asserted] will each be provided the opportunity to share introductory remarks which should not exceed five (5) minutes. You are not required to do so.

Are there any questions before we proceed with any introductory remarks?

Would [the Grievant] like to make introductory remarks? If so, please proceed.

Would [the person against whom the grievance is asserted in this case] like to make introductory remarks? If so, please proceed.

At this time, I will hear witnesses offer testimony for consideration in determining if [the Grievant] has proven his/her grievance and the appropriate remedy, if any.

STUDENT GRIEVANCE PROCESS
Model Hearing Officer Transcript

I will begin by calling witnesses to present testimony. After I have called all the witnesses I consider appropriate, [the Grievant], followed by [the person against whom the grievance is asserted], will be afforded the opportunity to call additional witnesses and present additional documentary evidence.

I will have the opportunity to question each witness. [The Grievant] followed by [the person against whom the grievance is asserted] may ask me to ask each witness questions, after I have concluded my questioning.

Witnesses called by [the Grievant], and [the person against whom the grievance is asserted] will also be questioned initially by me. Following the conclusion of my questioning, the individual calling the witness will have the opportunity to have questions asked of the witness.

Following the conclusion of this questioning, the other individual will have the opportunity to have questions asked of the witness.

Before a witness is excused, I will ask [the Grievant] and [the person against whom the grievance is asserted], if they have any final questions.

STUDENT GRIEVANCE PROCESS
Model Hearing Officer Transcript

All questions by [the Grievant] and [the person against whom the grievance is asserted] of witnesses presented by the other side should be directed to me and I will determine if those questions will be asked.

Are there any questions before witnesses testify?

[Typically, the Grievant will be asked to testify first, followed by the person against whom the grievance is asserted, and then other witnesses.]

At this time, I will hear from [the Grievant].

[Your questions.]

[After completion of your questioning:] Does [the Grievant] wish to provide any additional information?

Does [the person against whom the grievance is asserted] have any questions to be directed to [the Grievant]? Please remember to direct your questions to me.

STUDENT GRIEVANCE PROCESS
Model Hearing Officer Transcript

At this time, I will hear from [the person against whom the grievance is asserted].

[Your questions.]

[After completion of your questioning:] Does [the person against whom the grievance is asserted] wish to provide any additional information?

Does [the Grievant] have any questions to be directed to [the person against whom the grievance is asserted]? Please remember to direct your questions to me.

[After the Grievant and the person against whom the grievance has been asserted have testified, the following procedures will be followed for additional witnesses called by you.]

The next witness to be called is [_____].

[Your questions.]

STUDENT GRIEVANCE PROCESS
Model Hearing Officer Transcript

[After the completion of your questioning:] Does [the Grievant] have any questions for this witness? Please remember to direct your questions to me.

[After the completion of the Grievant's questioning:] Does [the person against whom the grievance has been asserted] have any questions for this witness? Please remember to direct your questions to me.

[After the completion of the person against whom the grievance has been asserted's questioning:] Are there any final questions before this witness is excused? Remember to please address your questions to me?

[Grievant]?

[The person against whom the grievance has been asserted]?

Thank you very much for taking the time to participate in this Hearing. Your participation is appreciated. Please do not discuss with other potential witnesses the information you have shared with us today.

STUDENT GRIEVANCE PROCESS
Model Hearing Officer Transcript

[This process is repeated until you have called each witness you wish to examine.]

Does [the Grievant] wish for me to call any additional witnesses?

[For each witness called by the Grievant:]

The next witness to be called is [_____].

[Your questions.]

[After the completion of your questioning:] [The Grievant] may question your witness.

[Grievant questions witnesses.]

[After the completion of the Grievant's questioning:] Does [the person against whom the grievance has been asserted] have any questions for this witness? Please remember to direct your questions to me.

STUDENT GRIEVANCE PROCESS
Model Hearing Officer Transcript

[After the completion of the person against whom the grievance has been asserted's questioning:] Are there any final questions before this witness is excused? Remember to please address your questions to me.

[Grievant]?

[The person against whom the grievance has been asserted]?

Thank you very much for taking the time to participate in this Hearing of the Student. Your participation is appreciated. Please do not discuss with other potential witnesses the information you have shared with us today.

[This process is repeated until you have called each witness requested by the Grievant.]

Does [the Grievant] have any additional witnesses?

Does [the Grievant] have any additional documents to present?

STUDENT GRIEVANCE PROCESS
Model Hearing Officer Transcript

Does [the person against whom the grievance is asserted] wish to call any witnesses?

[For each witness:]

[Your questions.]

Does [the person against whom the grievance is asserted] have any questions for this witness? Please question the witness.

[After the completion of the person against whom the grievance is asserted questioning:] Does [the Grievant] have any questions for this witness? Please remember to direct your questions to me.

[After the completion of the Grievant's questioning:] Are there any final questions before this witness is excused? Remember to please address your questions to me?

[The person against whom the grievance has been asserted]?

STUDENT GRIEVANCE PROCESS
Model Hearing Officer Transcript

[Grievant]?

Thank you very much for taking the time to participate in this Hearing of the Student. Your participation is appreciated. Please do not discuss with other potential witnesses the information you have shared with us today.

[This process is repeated until you have called each witness requested by the person against whom the Grievance has been asserted.]

Does [the person against whom the grievance is asserted] have any additional witnesses?

Does [the person against whom the grievance is asserted] have any additional documents to present?

At this time, [the Grievant] and the [person against whom the grievance has been asserted] will be provided the opportunity to make concluding remarks. You are not required to do so.

Are there any questions before we proceed?

STUDENT GRIEVANCE PROCESS
Model Hearing Officer Transcript

Would [the Grievant] like to make concluding remarks? If so, please proceed.

Would [the person against whom the grievance has been asserted] like to make concluding remarks? If so, please proceed.

This concludes the hearing. My decision will be given to the parties within ten days of today's date.

[Turn the tape recorder off.]

EXAMPLES



REFERRAL FOR STUDENT CONDUCT STANDARDS VIOLATION

Date: _____

Student's Name: _____ Student ID#: _____

Referent's Name: _____ Phone #: _____

Course/Office: _____ Title/Position: _____

The above-mentioned student is being charged with the following violation(s) of the Folsom Lake College Standards of Student Conduct:

- Willful disobedience, disruptive behavior, profanity or vulgarity, or the abuse of the College.
- Persistent serious misconduct.
- Violation of College rules and regulations including those concerning student organizations, the use of College facilities, or the time, place, and manner of public expression or distribution of materials.
- Dishonesty, such as cheating, plagiarism, or knowingly furnishing false information to the College.
- Unauthorized entry to or use of the facilities.
- Forgery, alteration, or misuse of College documents, records, or identification.
- Obstruction or disruption of teaching, or other authorized College activities.
- Theft of or damage to property, or the possession of stolen property belonging to the College, a member of the College community, or a campus visitor.
- Misconduct which results in injury or death to a student or College personnel, or which results in injury to any real or personal property owned by the District.
- Soliciting or assisting another to do any act which would subject a student to discipline.
- Assault or battery, sexual assault, abuse, or any threat of force or violence directed toward any member of the College community.
- Use, possession, distribution or being under the influence of alcoholic beverages, narcotics, or dangerous drugs.
- Knowing possession or use of explosives, dangerous chemicals, or deadly weapons on College property.
- Knowingly access and without permission, alter, damage, copy, delete, destroy or otherwise use any data, computer program, computer system, or computer network.
- Smoking in any posted no-smoking area.

Date of 1st incident: _____

The violation(s) occurred as specifically described below (attach additional pages and/or supporting documents, if necessary):

Action Taken:

Was the student removed from class/activity? _____

If so, indicate date removed : _____

Consultation with Area Dean/Supervisor: _____

Date of 2nd incident: _____

The violation(s) occurred as specifically described below (attach additional pages and/or supporting documents, if necessary):

Action Taken:

Was the student removed from class/activity? _____

If so, indicate date removed : _____

Consultation with Area Dean/Supervisor: _____

Referred to Vice President of Student Development & Enrollment Management: _____

Action Requested:

FORMAL DISCIPLINARY REFERRAL

INFORMAL CONSULTATION REFERRAL

Outcome:



Date

Name

Address

City, State Zip

Dear _____

My office received a referral for student conduct violation from **(name of office, faculty, staff where incident occurred) (specify the violation/incident)**. You have been reported for violating the following Los Rios Community College District regulation governing student conduct (R-2441):

A discipline hold has been placed on your record and you will not be able to return to any colleges in the Los Rios district until we have met and I have authorized your return.

My office has made several attempts to schedule you for a discipline meeting and have received no response. That is why a hold has been placed on your student record preventing you from any enrollment activity. If you choose to return, you will be required to meet with me. In order to set up a meeting, please contact my administrative assistant, Kim Carrillo at (916) 608-6713.

Sincerely,

Bryon Bell
Vice President, Student Services
Student Discipline Officer
Folsom Lake College



October 21, 2016

Dear ;

We met in my office on _____ to discuss the **referral for student conduct violation(s)** from the following professor(s): _____

Specifically, it had been alleged that you engaged in the following behaviors, in violation of the Standards of Conduct:



At our meeting you admitted that you did engage in these behaviors and are in violation of the Standards of Conduct. My conversation with you confirmed that you actions met the standard of misconduct indicated above. As a result you have been placed on warning for the _____ semester. This letter is to advise you that any future referrals for student conduct violations may result in further disciplinary consequences, up to and including suspension and/or expulsion from all colleges in the Los Rios Community College District. You are advised to not let this happen.

At our meeting, you were provided copies of the Los Rios Community College District Policy 2441 related to Standards of Conduct and Regulation 2442 related to Due Process. You are encouraged to review these policies and regulations and to avoid any future violations of the Standards of Conduct. It is every student's responsibility to understand and uphold our college's commitment to maintaining an appropriate learning environment that allows student success.

Please remember that your actions here may impact your future academic studies, employment opportunities, and professional affiliations. The college's faculty and staff are here to support you in achieving your academic goals and are available to you should you have any questions. If you would like to speak with someone, please contact my office for a referral.

Sincerely,

Melanie Dixon
Interim Vice President Student Services
Folsom Lake College
(916) 608-6713



Student Discipline Appeal Form

REQUEST FOR DISCIPLINE APPEAL HEARING

Attached are my statement of appeal and other evidence I would like to be considered in a hearing regarding the decision of student disciplinary action taken by the Folsom Lake College Discipline Officer on _____.
Date of Action

Print name

Student ID#

Signature

Date

In accordance with LRCCD Regulation 2441, this Request for Appeal Hearing must be received by the college within seven (7) calendar days of the date on which the notice of disciplinary action was served.

Once this form has been received, you will be contacted to schedule an appointment for an appeal hearing.

Please send to

Mr. Bryon Bell
Vice President, Student Services
Folsom Lake College
10 College Parkway
Folsom, CA 95630
BellB@flc.losrios.edu

Notice to Faculty of Discipline Process Completion

October 21, 2016

Dear Prof. _____,

This letter is to inform you that the student discipline process I initiated in response to your Referral for Student Code of Conduct Violation, submitted on _____ concerning _____ has been completed.

While students' legal rights to privacy do not allow me to share the outcome of the discipline process in great detail, I can advise you that the student has been:

- Placed on warning/advised of consequences for another incident
- Probation via verbal or written reprimand
- Advised, issued a warning, and will return to your class following our consultation
- Dropped from your class **with** notation (student to initiate drop)
- Directed to support services for assistance
- Placed on an improvement plan as a condition for enrollment
- Suspended
- Student is enrolled at FLC for Fall 2015

My goal during the discipline process is to provide students with appropriate information related to their behaviors or actions that led to their Student Conduct Referral, to suggest strategies to keep them from repeating those behaviors, and to outline consequences should further Student Conduct violations occur.

If you have any questions or concerns related to this outcome, or if you would like to discuss this matter further, please feel free to contact me by email at Melanie.Dixon@flc.losrios.edu or by telephone at 916-608-6653.

Sincerely,

Melanie Dixon
Interim Vice President, Student Services
Student Discipline Officer
Folsom Lake College