

# CITRUS COMMUNITY COLLEGE DISTRICT STUDENT SERVICES

## AP 5520                    STUDENT DISCIPLINE PROCEDURES

**References:**                    Education Code Sections 66017, 66300, 72122, 76030 et seq., and 76120; California Penal Code Section 626.4

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

These Administrative Procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

### **Definitions:**

<b>District</b>	The Citrus Community College District.
<b>Student</b>	Any person currently enrolled as a student at the District or in any program offered by the District.
<b>Instructor</b>	Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.
<b>Interim Suspension</b>	Exclusion of the student by the Dean of Students for good cause from one or more classes for a period of up to ten (10) consecutive days of instruction.
<b>Disciplinary Suspension</b>	Exclusion of the student by the Dean of Students for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the District for one or more terms.
<b>Expulsion</b>	Exclusion of the student by the Board of Trustees from the District.
<b>Removal from Class</b>	Exclusion of the student by an instructor for the day of the removal and the next class meeting.
<b>Written or Verbal Reprimand</b>	An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the District. A record of the fact that a verbal reprimand has been given may become part of a student's record at the District for a period of up to one year.

- Withdrawal of Consent to Remain on Campus** Withdrawal of consent by the Dean of Students for any person to remain on campus in accordance with California Penal Code Section 626.4 where the Dean of Students has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.
- Business Day** Unless otherwise provided, business day shall mean a day Monday to Friday, excluding public holidays and weekends, during which the District is in session and regular classes are held.

**Penalties:**

**A. Reprimand**

A reprimand records that a student's conduct in a specific instance does not meet the District's standards. A reprimand may be oral and/or in writing. A reprimand serves as a warning that continued conduct of the type described in the reprimand may result in additional disciplinary action against the student including, but not limited to, suspension or expulsion. A reprimand shall be considered in matters pertaining to the student's future violations of the District's standards. Written reprimands may become part of a student's permanent record at the District. A verbal reprimand is recorded in the student's disciplinary record for a period of one year.

**B. Disciplinary Probation**

Disciplinary probation shall be a trial period during which time the District will impose disciplinary conditions upon the student. At the completion of the trial period, the District shall determine whether the student has satisfied the disciplinary conditions and, based on whether those conditions have been satisfied, return the student to good standing or impose additional disciplinary measures. Disciplinary probation may consist of removal from all District organization offices, denial of privileges of participating in all District or student sponsored activities including public performances, or both, and may be imposed upon an individual student or group(s) of students. Disciplinary probation may be imposed for a period not to exceed one year. If a student is found to have committed a subsequent violation of the Standards of Student Conduct while on probationary status, the student's probationary status shall be considered in the determination of the penalty imposed for the subsequent violation. Records of disciplinary probation will be retained by the Dean of Students.

Records of disciplinary probation will not become part of the student's permanent disciplinary record, unless the student fails to meet the disciplinary conditions imposed during that disciplinary probation.

**C. Removal from Class by Instructor (Education Code Section 76032)**

An instructor may order a student removed from his or her class for the day of the removal and the next class meeting. The instructor shall immediately report the

removal to the Division Dean who will then promptly notify the Dean of Students. The Division Dean shall arrange for a conference between the student and the instructor regarding the removal. At the request of the instructor or the student, the Division Dean shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the Division Dean from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal. Records of removal by the instructor will be retained by the Dean of Students. A student who has been removed from class by an instructor may make up missed assignments with the permission of the instructor.

**D. Disciplinary Suspension**

A disciplinary suspension is the involuntary removal of a student for good cause. Disciplinary suspension serves as a penalty against the student for repeated, continued, and/or serious violations of the Standards of Conduct. Disciplinary suspensions shall be initiated by the Dean of Students. The duration of the disciplinary suspension from one or more classes may be from one day to four (4) semesters. A suspended student may be prohibited from occupying any portion of the campus and be denied participation in any or all District activities. Record of the disciplinary suspension shall be a part of the student's permanent disciplinary record. In every case of disciplinary suspension, the Dean of Students shall immediately contact the student's instructors and Campus Safety. Students placed on disciplinary suspension shall not have the right to make up missed assignments in any classes.

**E. Interim Suspension (Education Code Section 66017)**

The Dean of Students may order immediate suspension of a student where he or she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.

When an interim suspension has been imposed, the suspended student must be given a reasonable opportunity for a hearing. Depending on the nature of the student's conduct, the hearing shall be conducted in accordance with Sections 4, 5, 6, or 7 of this procedure within that ten (10) school day period. The length of the suspension will be determined in consultation with the instructor in cases involving classroom conduct, when appropriate. In every case of interim suspension, the Dean of Students shall immediately notify, in writing, each of the student's instructors, coaches and/or supervisors, Campus Safety and other District employees directly affected by the incident, that the student has been suspended. Students placed on interim suspension shall not have the right to make up missed assignments in any classes. Nothing in this section shall be interpreted to prohibit the District from expelling a student in accordance with Section 11 below for conduct resulting in an interim suspension.

## **F. Expulsion**

The Board of Trustees may expel a student for "good cause" as that term is defined in Board Policy 5500, in accordance with Section 11 below, when other means of correction have failed to bring about appropriate conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others.

In every case of expulsion, the Dean of Students shall immediately notify in writing each of the student's instructors, coaches and/or supervisors, Campus Safety and other District employees directly affected by the incident. Expelled students shall not have the right to make up missed assignments in any class. A student may be permanently expelled from the District. Re-admittance after an expulsion requires governing board action. Record of the expulsion shall become a part of the student's permanent disciplinary record.

## **G. Non-students**

Admission or re-admission may be denied to any person who, while not enrolled as a student, commits acts which would, were he or she enrolled as a student, be the basis for student discipline. Before the offending individual is denied admission or readmission, he or she may request a hearing before the Dean of Students during which he or she will be afforded the opportunity to demonstrate why he or she should be admitted or readmitted. Such hearing shall be conducted in accordance with the hearing procedures stated in Section 5 below.

## **Student Discipline Procedures and Due Process:**

### **A. Notice to Appear**

Except in cases involving interim suspension, the District shall provide students charged with misconduct a written notice within five (5) business days of the Dean of Students' actual receipt of a complaint regarding that student's conduct. The notice must include a statement of the charges against the student and possible penalties. The notice must include a statement explaining the due process procedures. The District may satisfy its duty to notify the student concerning his or her due process procedures by attaching Board Policy 5500 and this Procedure to the notice. The notice must be received at least 24 hours prior to the scheduled hearing.

Notice may be accomplished by any one of the following means: (1) personal delivery to the student during class by a District employee; (2) personal delivery by a District employee at any other location; (3) mailing by certified mail, postage paid and addressed to the last known address of the student; or (4) electronic mail sent to the student's college email and may also be sent to the student's personal email address, if known. A student's refusal to receive or sign a receipt of the notice shall not cause the notice to be defective. A student's failure to provide updated address information to the District shall not cause the notice to be defective so long as the District sends notice to the last known mailing address provided to the District by

the student or to the student's college email.

District employees who initiated the complaint to the Dean of Students shall be informed of all hearing dates. District employees who initiated the complaint to the Dean of Students shall be informed of the resolution of the process following completion of the hearing.

Disciplinary hearings may be held via video conference when deemed appropriate by the District for reasons such as, but not limited to, health and safety, geographical distance, or if required by law.

## **B. Participants and Confidentiality**

All student discipline proceedings shall be confidential and shall be closed to everyone other than those involved in the conduct of the hearing, witnesses only while testifying, and the charged student(s). In compliance with the Family Education Rights and Privacy Act, persons not party to the proceedings shall be informed of the outcome only on a "need to know" basis.

The District may disclose to an alleged victim of any crime of violence or non-forcible sex offense the final results of the disciplinary proceeding conducted by the District against the alleged perpetrator of that crime, regardless of whether the District concluded a violation was committed.

The District employee alleging the student conduct violation, as well as the charged student, are expected to attend any and all hearings. Failure to appear by any of these individuals after due notice shall not, however, result in the cancellation or continuance of the hearing.

The student may represent himself/herself, and has the right to be accompanied by a person of his/her choice, provided that said person is not an attorney and is not acting as a spokesperson for the student. However, the "Student Discipline Committee" (the Committee) may, in its sole discretion, permit the student to be accompanied by an attorney. If the student wishes to be represented by an attorney, a request must be presented not less than five (5) business days prior to the date of the hearing. If the Committee permits the student to be accompanied by an attorney, the District shall also be permitted to be accompanied by an attorney. In the event the Committee permits the student and the District to be accompanied by attorneys, the role of the attorneys shall be limited to providing advice to their respective clients. In no event shall the attorneys present their respective clients' cases to the Committee.

Witnesses shall not be present at the hearing when not testifying, unless all parties and the Committee agree to the contrary.

Students with special communication needs may request, and the District shall provide, additional assistance in order to ensure the student's access to the hearing

process and to ensure the student receives a fair hearing.

In cases involving pending criminal prosecution, the charged student may have an attorney present. The role of the attorney shall be limited to providing advice to the student regarding withholding his or her testimony which might be self-incriminating in future criminal prosecution. If the student is accompanied by an attorney, the District shall also be permitted to be accompanied by an attorney. In the event the student and/or the District are accompanied by attorneys, the role of the attorneys shall be limited to providing advice to their respective clients. In no event shall the attorneys present their respective clients' cases to the Committee.

The hearing shall be recorded by the District either by audio recording or stenographic recording. The official recording shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the hearing is recorded by audio recording, the hearing Committee chair shall, at the beginning of the hearing, ask each person present to identify him/herself by name, and thereafter shall ask witnesses to identify themselves by name. The audio recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the audio recording, which shall be provided within a reasonable time.

All testimony shall be taken under oath; the oath shall be administered by the Committee chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be recorded is not unavailable.

**C. Legal Procedural Arguments**

Arguments by the student concerning the legal (as distinguished from the factual) applicability or legal validity of any provision of these procedures shall not be considered during the hearing into the charge(s). Such arguments shall be presented to the Superintendent/President as part of an appeal of the Committee's decision pursuant to Section 8 below.

Technical departures from these procedures and errors in their application shall not be grounds to void the District's right to discipline a student unless, in the opinion of the Superintendent/President or designee, the error or departure prevented a fair determination of the issue.

**D. Academic Integrity and/or Classroom Conduct – Administrative Hearings**

All issues relating to the following, for which the District seeks to reprimand the student, shall be referred to the Division Dean:

1. disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, District Personnel (BP 5500 Standards of Conduct, Article 12);
2. cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty (BP 5500 Standards of Conduct, Article 13);

3. dishonesty; forgery; alteration or misuse of District documents, records or identification or knowingly furnishing false information to the District (BP 5500 Standards of Conduct, Article 14);
4. persistent, serious misconduct where other means of correction have failed to bring about proper conduct (BP 5500 Standards of Conduct, Article 18);
5. unauthorized preparation, giving, selling, transfer, distribution or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any Board Policy or Administrative Procedure (BP 5500 Standards of Conduct, Article 19);
6. persistent violation of classroom standards of conduct as established by the instructor (BP 5500 Standards of Conduct, Article 21);
7. any other cause not listed above which is identified as "Good Cause" by the Education Code (BP 5500 Standards of Conduct, Article 23).

The consequences for cheating and plagiarism can be as mild as a warning or as serious as expulsion. In response to allegations, an instructor may give a warning, a reprimand, and/or "zero" grade on the assignment or exam in question. The instructor may remove the student from class for up to two consecutive class periods. For academic integrity violations, the instructor may take any or all of the following actions:

Promptly discuss the incident regarding the lack of academic integrity with the student outside of class, document the incident, email the Division Dean, and complete the Student Conduct Violation Form.

1. The instructor has the authority to give a lower or failing grade for the assignment in question, but not to award a failing course grade for one incident of cheating or plagiarism, unless failing the assignment is significantly weighted to cause the student to also fail the course. A Grade Consequence Letter should be provided to the student and include course title, date/time/nature of incident, the sanction, and the process for appeal.
2. Report the incident regarding the lack of academic integrity if there is a grade consequence to the Division Dean and Dean of students.
3. If the instructor feels uncomfortable addressing the student alone, a meeting should be set up with the student and Division Dean to address disciplinary actions.

If there is evidence of serious or repeated violations, and if the instructor seeks to suspend the student for more than two days or expel the student from the District, then a separate, formal hearing process, contained in accordance with AP 5520, Section 7 should be initiated.

The Division Dean may, but is not required to, conduct an administrative hearing into the matter within five (5) business days of the complaint. In the event the

Division Dean elects to conduct an administrative hearing, the individual(s) bringing the allegation(s) shall present the case. The Division Dean shall permit the student to present his or her opposition to the allegations included in the complaint. The Division Dean shall render his or her decision based on the evidence presented. Notwithstanding this hearing procedure, the Division Dean shall have the right to issue a formal reprimand unilaterally and without a hearing or send the student an Academic Dishonesty Warning Letter as the disciplinary action.

If the District seeks to suspend or expel the student, the District may not access the administrative hearing process contained in this section. Instead, the District must initiate the separate formal hearing process contained in Section 7 below.

#### **E. Violations Not Related to the Instructional Process – Dean of Students Hearings**

All matters regarding student discipline other than those involving issues of academic integrity and/or classroom conduct addressed in Section 4 above, shall be heard and decided by the Dean of Students a dean unless (1) special circumstances as defined in Section 6 below exist, or (2) the Dean of Students determines expulsion may be in order.

During the hearing, the Dean of Students shall present the student with the complaint and the student shall have a reasonable opportunity to personally answer all charges. The staff member initiating the charges may also be present if he or she desires. Each party shall be permitted to introduce evidence and/or present witnesses.

Hearings shall not be conducted according to the technical rules of evidence. Any relevant evidence shall be considered if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might prevent the admission of such evidence in a civil action. The Dean of Students shall determine the relevance, probative value, and materiality of evidence offered at the hearing. The Dean of Students may also determine each witness's competency and length of testimony.

The Dean of Students may instruct and question the witness(es). The Dean of Students must make direct inquiries whenever there is any confusion, uncertainty, or lack of clarity as to the witness's statements. The student shall be permitted to cross-examine District witnesses. In cases of student sexual misconduct subject to Title IX, the student discipline procedure shall include cross-examination between complainant and respondent at a live hearing (in-person or virtual). The cross-examination procedure does not allow for respondent and complainant to address relevant questions to each other directly.

The District shall be permitted to cross-examine the student's witnesses. Cross-examination should be limited to subjects presented in that witness's direct

examination. The Dean of Students may dismiss any witness who fails or refuses to comply with his or her instructions. All testimony shall be taken under oath; the Dean of Students shall administer the oath. Written statements of witnesses under penalty of perjury shall not be used unless the Dean of Students finds that the witness is unavailable to testify.

The Dean of Students may determine that requiring live testimony of a proposed witness would subject that person to unreasonable risk of psychological or physical harm. After such determination, the Dean of Students may permit that witness to provide a written statement under penalty of perjury in lieu of testifying at the hearing.

The District bears the burden of proof and must introduce substantial evidence to support the charges against the student.

The Dean of Students shall review the matter and may issue a reprimand, impose disciplinary probation, or impose disciplinary suspension. Within ten (10) business days following the close of the hearing, the Dean of Students shall prepare and shall transmit, in writing, the decision for disposition of the case to: (1) the Office of the Superintendent/President; (2) the charged student; and (3) the staff member originating the action. The decision shall include specific factual findings regarding the accusation(s), and shall include specific conclusions regarding whether any specific section of the Standards of Conduct was violated. The student shall have the right to appeal the decision in accordance with Section 8 below.

**F. Possible Expulsion and Special Circumstances – Committee Hearings**

When the Dean of Students determines that the charged student may be subject to expulsion or circumstances exist which make the usual administrative hearing procedure inappropriate, he or she may decide that the charges be heard by the Committee. In the event that the Dean of Students determines that the matter should be heard by the Committee, the hearing shall proceed in accordance with Section 7 below.

The Committee shall consist of the following five individuals: (1) two students appointed by the Associated Students of Citrus College President; (2) two faculty members appointed by the Academic Senate President; and (3) one of the District's deans who will serve as the chair (with the exception of the Dean of Students who will serve as the District representative). The chair shall not have a vote except to break a tie. The chair shall serve as custodian of any evidence until a decision has been rendered. However, no administrator, faculty member, or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

**G. Recommended Order of Events for Student Discipline Committee Hearings**

Committees convened to hear charges for either classroom or non-classroom student conduct violation allegations shall, insofar as is practical, adhere to the following order of events: (1) the District presents its case with an initial summary,

including evidence to be presented, followed by a detailed presentation of the case, (2) the student presents his or her defense, (3) the District presents rebuttal evidence, (4) the District summarizes its case, (5) the student summarizes his or her defense. The penalty will be determined by majority vote of the Committee.

The members of the hearing panel shall be provided with a copy of the accusation against the student and any written responses provided by the student before the hearing begins.

The facts supporting the accusation shall be presented by a District representative who shall be the Dean of Students.

The District representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

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

Unless the hearing panel determines to proceed otherwise, the District representative and the student shall each be permitted to make an opening statement. Thereafter, the District representative shall make the first presentation, followed by the student. The District representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the District representative to prove by the preponderance of the evidence that the facts alleged are true.

Hearings shall not be conducted according to the technical rules of evidence. Any relevant evidence shall be considered if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might prevent the admission of such evidence in a civil action. The Committee shall determine the relevance, probative value, and materiality of all evidence submitted at the hearing. The Committee may also determine each witness's competency and length of testimony.

The Committee has the right to instruct and question the witness(es). The Committee shall probe and make direct inquiries whenever there is any confusion, uncertainty, or lack of clarity as to the witness' statements. The student shall be permitted to cross-examine District witnesses. In cases of student sexual misconduct subject to Title IX, the student discipline procedure shall include cross-examination between complainant and respondent at a live hearing (in-person or virtual). The cross-examination procedure does not allow for respondent and complainant to address relevant questions to each other directly.

The District shall be permitted to cross-examine the student's witnesses. Cross-examination should be limited to subjects presented in that witness' direct examination. The Committee may dismiss any witness that fails or refuses to

comply with the Committee's instructions.

All testimony shall be taken under oath; the Committee chair shall administer the oath. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify.

The Committee may determine that requiring live testimony of a proposed witness would subject that person to unreasonable risk of psychological or physical harm. After such determination, the Committee may permit that witness to provide a written statement under penalty of perjury in lieu of testifying at the hearing.

The District bears the burden of proof and must introduce substantial evidence to support the charges against the student.

The Committee may disclose to an alleged victim of any crime of violence or non-forcible sex offense the final results of a disciplinary proceeding conducted by the institution against the alleged perpetrator of that crime, regardless of whether the institution concluded a violation was committed.

Members of the Committee will draw upon their own knowledge of acceptable standards of conduct in the District community. Members of the Committee are not to be concerned with the constitutionality of the policy and will consider only the evidence that is pertinent to the case.

The Committee may, at any time, grant a continuance of one (1) school day if it determines that doing so would materially enhance its ability to render a fair and accurate judgment.

Within five (5) business days after the conclusion of the case, the Committee Chair shall transmit, in writing, the Committee's decision for disposition of the case to the Office of the Superintendent/President, the charged student, the staff member originating the action, and the Dean of Students. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing.

## **H. Appeal**

### **1. Appeal by the Student**

Within two (2) business days following the receipt, in writing, of the decision, the student may file, with the Office of the Superintendent/President of the District, a written notice of his or her intent to appeal the decision. An intent to appeal may not be filed after the two business-day period. When notice is sent to the student via U.S mail or electronic mail, the written notice of intent to appeal is due within seven (7) days of mailing.

The student shall file with the Office of the Superintendent/President of the District, within three (3) business days following the filing of a notice of intent to appeal, a specific written response to each of the charges.

The student's failure to respond to any given charge constitutes a waiver of the right to appeal that charge. The Superintendent/President has the power to accept, reject, or modify the decision of the Committee. The Superintendent/President shall provide his or her decision in writing to the parties within ten (10) business days of receipt of the decision. With the exception of expulsion, the decision of the Superintendent/President shall be final.

## **2. Appeal by the Staff or Faculty Member**

Within two (2) business days following the receipt, in writing, of the findings arrived at by any of the three aforementioned processes, the charging staff or faculty member may file, with the Office of the Superintendent/President of the District, a written notice of his or her intent to appeal the decision. No appeal notice may be filed after the two (2) business day period.

The staff or faculty member shall file with the Office of the Superintendent/President of the District, within three (3) business days following the filing of a notice of intent to appeal, a specific written appeal.

The Superintendent/President shall consider the appeal and may accept, reject, or modify the decision of the Dean of Students or the Committee. The Superintendent/President shall provide his or her decision in writing to the parties within ten (10) business days following receipt of the appeal. With the exception of expulsion, the decision of the Superintendent/President shall be final.

### **I. Imposition of Disciplinary Action**

After the student or the staff or faculty member has exhausted his or her right of appeal or has chosen to forego further appeal, the appropriate administrator of the District shall impose the disciplinary action specified at the last level of the process.

### **J. Expulsion**

If the Superintendent/President proposes to expel a student, that expulsion shall be reviewed by the Board of Trustees. Once received, the Superintendent/President's recommendation will be placed on the agenda of the next regularly scheduled Board of Trustees meeting. The Board of Trustees shall determine whether to expel a student for cause following a hearing before the Board. The Board shall, unless a request by the student has been made pursuant to this section, hold closed sessions if the Board is considering the suspension of, or disciplinary action or any other action in connection with any student of the District, if a public hearing upon the question would lead to the giving out of information concerning students which would be in violation of state or federal law regarding the privacy of student records.

Before calling a closed session to consider these matters, the Board shall notify the student in writing, by registered or certified mail to the address last on file with the District, by electronic mail sent to the student's college email and may also be sent to the student's personal email address if known, or by personal service, of the intent of the Board to call and hold the closed session. Unless the student, or his or her parent, or guardian requests, in writing, within 48 hours after receipt of the written notice of intention, that the hearing of the Board be held as a public meeting, then the hearing to consider those matters shall be conducted by the Board in closed session.

If the written request is served upon the clerk/secretary of the Board, the meeting shall be public except that any discussion at the meeting that might be in conflict with the right to privacy of any student other than the student requesting the public meeting or on behalf of whom the meeting is requested, shall be in closed session. Whether the matter is considered at a closed session or at a public meeting, the final action of the Board shall be taken at a public meeting and the result of that action shall be a public record of the Board. The decision of the Board shall be final. Any person who has had consent to remain on campus withdrawn who knowingly re-enters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest. [California Penal Code Section 626.4]

**K. Withdrawal of Consent to Remain on Campus**

The Dean of Students may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If consent is withdrawn by the Dean of Students, a written report must be promptly made to the Superintendent/President. The report shall contain: (1) the description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number; and (2) a statement of the facts giving rise to the withdrawal of consent.

If the Superintendent/President or, in the Superintendent/President's absence, the Dean of Students, upon reviewing the report, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, he or she may enter written confirmation upon the report of the action taken by the officer or employee. If the Superintendent/President or, in the Superintendent/President's absence, Dean of Students, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the Dean of Students shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

The person from whom consent has been withdrawn may submit a written request

for a hearing to the Dean of Students regarding the withdrawal within the two-week period of the withdrawal. The request shall be granted not later than seven (7) business days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn.

Any person as to whom consent to remain on campus has been withdrawn who knowingly re-enters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is guilty of a misdemeanor, subject to arrest and/or other legal penalties (California Penal Code Section 626.4).

**Time limits:**

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

Board Approved	07/21/09
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