

STUDENT DISCIPLINARY PROCEDURE

Related Board of Trustees Policy: BP 3.3

Approval: August 2011

Revision:

Student Disciplinary Procedure

College disciplinary proceedings may be instituted against a student charged with violation of a law if the violation occurred at the College or College-sanctioned activities – or was of such nature as to impact the College (which is also a violation of the College’s Student Code of Conduct). Proceedings under this procedure may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

Disciplinary Procedural Steps

1. Filing of Written Complaint

Disciplinary action may be initiated by a complaint in writing filed by any member of the college community, including members of the faculty and the student body.

2. Administrator Receipt of Complaint

The complaint shall be filed with the Director of Student Development or designee.

3. Investigation

The Director of Student Development or designee shall initiate an immediate investigation, gathering signed statements and interviewing appropriate persons.

4. Authority to Require Students to Appear

The Director of Student Development may require any student to appear for an interview, or to give a written statement. Failure to assist the Director of Student Development in this manner may subject the student to disciplinary action for obstruction of justice (failure to comply with the official and proper order of a duly designated college authority or agency). Further a disciplinary hold may be placed on the class attendance, re-enrollment, or record of any student failing to comply with Director of Student Development’s request for an interview or a request for a written statement.

5. Action upon Completion of Investigation; Written Charges

After completing the investigation, the Director of Student Development or designee may:

- Dismiss the complaint, or
- Determine that the complaint is supported by reliable evidence.

If the Director of Student Development or designee determines that the complaint is supported by reliable evidence, he/she may (in their sole discretion):

- Hear the matter;
- Refer the matter to a disciplinary committee

6. Charges; Elements of Due Process

The Director of Student Development or designee shall provide a letter to the student, advising the student of the nature of the charges. To ensure that a student's rights to due process are preserved, the following essential legal elements will be made available to the student:

- Published rules, regulations, and procedures in evidence (current CCC Catalog and/or Student Handbook);
- Written notice of the conduct provision the student is accused of violating, and a summary of the relevant facts;
- A hearing or oral proceeding before an administrative representative or adjudicating body;
- Information regarding witnesses who may give evidence to support the charge(s) and the opportunity to call witnesses in his/her behalf;
- Right to counsel of his/her choosing;
- A written record of the hearing;
- A prompt written decision;
- Information regarding the available appeal procedures.

7. Sanctions

The following sanctions shall be administered for violations of the student Code of Conduct in keeping with this policy, as well as other legal remedies that may apply. More than one sanction, not necessarily in the following order, may be imposed for any single violation:

Warning: An oral or written statement to a student that he/she is violating or has violated the College Code of Conduct and specifying the College rule or regulation, if one, violated and that he/she may be subject to more severe disciplinary action.

Disciplinary Probation: Exclusion from participation in the privilege of extracurricular activities of the College, including the holding of any student office for a period of time not to exceed one year.

Restitution: Required reimbursement for damage to or misappropriation of property. This may take the form of appropriate services or other compensation.

Educational Project: Completion of a project specifically designed to help the student understand why the Code of Conduct violation was inappropriate.

Discretionary Sanctions: Additional sanctions which are consistent with the nature of the offense (such as limited access or administrative restrictions to selected areas/locations of campus sites).

Suspension: Exclusion from attending the College as a student for a definite period of time not to exceed one year.

Dismissal: Termination of student status for an indefinite period. The condition of readmission, if any, will be stated in the order of dismissal.

8. Appeals Procedure

A decision of the Director of Student Development or an appropriate college official may be appealed to the Vice President for Student Services. The appeal must be in writing and must be received by the Office of the Vice President for Student Services within five working days after the decision of the Director of Student Development or designee. The Vice President for Student Services will review the written record and supporting documentation to reach a final determination. The decision of the Vice President for Student Services is final.

9. Disciplinary Committee

If the Director of Student Development or designee refers adjudication of the matter to a disciplinary committee, the Director of Student Development will advise the Vice President for Student Services in writing. The Vice President for Student Services will, within three days of receipt of the Director's notice, appoint a disciplinary committee. The committee will consist of one faculty member, one administrator, and one student. The Director of Student Development will serve as an ex-officio member of the committee and shall serve as the hearing examiner.

The disciplinary committee will conduct a careful and thorough review of all the facts concerning the alleged offense. On the basis of the review, the student may be absolved of the charge or found to have violated a specific college rule or regulation. Recommended disciplinary action, decided by two-thirds vote of the committee membership, may involve all or any combination of the penalties outlined above.

The committee shall complete its work within five working days of appointment. Within two working days of completing the hearing, the committee shall provide a summary of witness statements, the facts presented, and the proposed penalty, if any, to the Vice President for Student Services.

Upon receipt of the witness statements, final summary, and proposed penalty (if any), the Vice President for Student Services shall review such documentation, and reach a determination. Final disciplinary action will be established by the Vice President for Student Services, who shall promptly communicate this information to both the student and the Director of Student Development (or designee). The decision of the Vice President for Student Services is final.

10. Notice to Parents/Guardians of Minors

In the best professional judgment of the Director of Student Development (in consultation with the appropriate Early College Dean), the parent, guardian, or spouse of a minor may be advised of disciplinary action, consistent with the Family Education Rights and Privacy Act (FERPA), and/or the parent, guardian, spouse, or another party may be advised that the student refused to authorize the release of information relative to the institutional discipline imposed.

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