
Administrative Procedure
Chapter 5 – Student Services

AP 5520 STUDENT DISCIPLINE PROCEDURES

References:

Education Code Sections 66017, 66300, 72122, 76030, and 76030 et seq.;
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.

This administrative procedure is 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.

For discipline resulting from a sexual harassment complaint under Title IX, the procedure in AP 3434 Responding to Harassment Based on Sex under Title IX, must be used.

Definitions

District	Long Beach Community College District.
Student	Any person currently enrolled as a student at the District or in any program offered by the District who was also enrolled at the time of the alleged violation of the Standards of Student Conduct.
Non-Student	Any person not currently enrolled as a student at the District or in any program offered by the District. Such individuals are considered members of the general public and are not entitled to the same rights, considerations, or services of a Student.
Instructor	Any academic employee of the District in whose class a Student subject to disciplinary action 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.

Staff	Any individual in a non-academic position with active employment status with the District, including but not limited to classified, management, full-time, part-time, permanent, probationary, limited-term, temporary, and substitute status.
Notification Letter	Written notification that requests that the Student schedule a hearing with the Director or designee to discuss reported claims of conduct violation and that also details the Student's alleged violations.
Hearing	A meeting to discuss reported claims of Student Code of Conduct violations with the Director or designee.
Business Day	Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays.
Summary Suspension (Short-term Suspension)	Exclusion of the Student by the Superintendent-President or designee for good cause from one or more classes for a period of up to ten consecutive days of instruction.
Disciplinary Suspension (Long-term Suspension)	Exclusion of the Student by the Superintendent-President or designee 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.
Expulsion	Permanent exclusion of the Student from the District by the Board of Trustees from all colleges in the District.
Removal from Class	Exclusion of the Student by an Instructor for the day of the removal and the next class meeting.
Written or Verbal Reprimand	An admonition to the Student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a Student's permanent record at the District. A record of verbal reprimand may become part of a Student's disciplinary 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 Student Affairs for any person to remain on campus in accordance with Penal Code Section 626.4 where the Dean of Student Affairs has reasonable cause to believe that an individual has willfully disrupted the orderly operation of the District.

Immediate Disciplinary Actions

When serious violations of college regulations or procedures occur as a result of inappropriate student conduct, the College shall take immediate action to resolve the problem. This action may occur as follows:

- A. **Immediate Interim Suspension** (Education Code Section 66017)
The Superintendent-President or designee may order immediate suspension of a student where he/she/they 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.

- B. **Removal from Class by Instructor** (Education Code Section 76032)
Any Instructor may remove a Student from their class for the day of the removal as well as the next scheduled class meeting. The Instructor shall immediately submit a Public Incident Report to the Office of Student Conduct, and report the removal of the Student to the Superintendent-President, the Division Dean, and the Director of Student Conduct or designee, including the reason for removal, for appropriate documentation by the Office of Student Conduct. Make-up assignments and exams are at the discretion of the instructor.

The School Dean shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the School 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 School Dean from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

If the Student removed by an Instructor is a minor, the Superintendent-President or designee shall ask the parent or guardian of the Student to attend a parent conference regarding the removal as soon as possible. If the Instructor or the parent or guardian so requests, the Division Dean or designee shall attend the conference.

- C. **Removal from Instructional/Student Support Programs or Services by Faculty or Staff** - Any faculty or staff working in an instructional or student support services program, such as the library, student success centers, or the Counseling Office, is authorized to remove a Student from the program or service area where the infraction occurs. The faculty or staff shall immediately submit a Public Incident Report notifying the

Dean of Student Affairs or designee of the removal, including the reason for removal, for appropriate action and documentation.

D. Withdrawal of Consent to Remain on Campus

The Dean of Student Affairs or designee 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/she/they must promptly leave or be escorted off campus. If consent is withdrawn by the Dean of Student a written report must be promptly made to the Superintendent-President.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven 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 10 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 reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (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.

Student Discipline Data Reporting

The Superintendent-President shall develop and provide to the Board for review annually a report of the number of students who were disciplined pursuant to this procedure. This report must disaggregate the students by race, age, gender, or any other characteristic identified by the Board of Trustees.

Disciplinary Sanctions

Violations of these procedures are subject to the following types of disciplinary sanctions to be administered by the appropriate College authorities. The Vice President of Student Services, is responsible for establishing due process procedures that are fair and equitable. Sanctions are listed in degree of severity, but not necessarily in sequential order and may be imposed singly or in combination. A Student has the right to appeal suspensions and expulsions through established due process procedures.

- A. **Warning** - Notice to the Student that continuation or repetition of specified conduct may be cause for other disciplinary action.
- B. **Reprimand** - Notice to the Student in writing that officially recognizes a violation of the Student Code of Conduct or campus rules (see college catalogue). The reprimand admonishes the Student to avoid future infractions in order to avoid additional formal action.
- C. **Probation** - An official disciplinary action which returns the Student to the College based on the Student's promise of appropriate future behavior. Any violation of this promise will mandate further disciplinary action.
- D. **Social Suspension** - Social suspension limits a Student's presence on campus to scheduled class attendance. Loss of other privileges can be set forth in the Notice of Social Suspension for a specified period of time. Written notification of social suspension will specify the reason, terms, and conditions of the suspension to the Student(s) or the president of the student organization involved.
- E. **Disciplinary Suspension** - Disciplinary suspension follows an investigation and determination of responsibility based on due process procedures. It shall be utilized by the Superintendent-President, Dean of Student Affairs or designee, when Students are found responsible for violations of the Standards of Student Conduct when other corrective measures have failed or the seriousness of the violation warrants such action.
- F. **Expulsion** - An expulsion is a long term or permanent denial of all campus privileges including class attendance. The Board of Trustees may expel the Student after a hearing by the Dean of Student Affairs or Vice President for Student Services, or upon recommendation of the Superintendent-President. Permanent expulsion and active prosecution shall automatically result for any student found to be in possession of a firearm on campus.
- G. **Restitution** - Reimbursement for damage or for misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damage.

Due Process

- A. When alleged violations are reported via the Public Incident Report form, the Director of Student Conduct or designee shall initiate a meeting. During the meeting, the Student is notified of their rights and provided with a copy of the College's Student Conduct Procedures, this includes the right to cross-examine the complainant in accordance with procedures outlined by the District.

- B. The Student has the right to timely notification of allegations, as well as the right to be heard. If the Student feels that they have been unfairly accused or mistreated, they have the right to report that behavior during the adjudication process.
- C. If the Student fails to schedule or appear at the meeting within 7 days of first notification via the Notification Letter, the Director or designee may proceed with the adjudication process without the Student.

Conduct Violation Resolution Procedures

Short-term Suspensions, Long-term Suspensions, and Expulsions

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

- **Notification Letter** – The Director of Student Conduct or designee will provide the student with written notice of the alleged conduct warranting the meeting. The written notice will include the following:
 - the specific section of the Standards of Student Conduct that the student is alleged to have violated;
 - a short statement of the facts supporting the allegation;
 - the right of the student to meet with the Director of Student Conduct or designee to discuss the allegation, or to respond in writing;
 - disciplinary sanctions that could be appropriate; and
 - the Notification letter must be provided to the student within 2 days of the date in which the Public Incident Report was received.
- **Meeting** – If the student chooses to meet with the Director of Student Conduct or designee, the meeting must occur no sooner than 3 days (unless requested by the student) after the notification letter is issued. At the meeting, the student must again be notified of the Incident Report information that led to the allegation, and must be given an opportunity to respond verbally or in writing to the allegation.

Short-term Suspension – Within 2 days after the meeting described above, the Dean of Student Affairs shall, pursuant to a recommendation from the Director of Student Conduct or designee, decide to impose a short-term suspension, a lesser disciplinary sanction, or to end the matter. Written notice of the Dean of Student Affairs decision shall be provided to the student by the Office of Student Conduct. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The Dean of Student Affairs decision on a short-term suspension shall be final.

Long-term Suspension – Within 5 days after the meeting described above, the Dean of Student Affairs shall, pursuant to a recommendation from the Director of Student Conduct or designee, decide whether to impose a long-term suspension. Written notice of the Dean of Student Affairs decision shall be provided to the student by the Office of Student

Conduct. The notice will include the right of the student to request an appeal hearing before a long-term suspension is imposed, and a copy of AP 5520 Student Discipline Procedures describing the procedures for the appeal hearing.

Expulsion – Within 5 days after the meeting described above, the Superintendent-President shall, pursuant to a recommendation from the Dean of Student Affairs, decide whether to recommend expulsion to the Board of Trustees. Written notice of the Superintendent-President's decision shall be provided to the student. The notice will include the right of the student to request an appeal hearing before expulsion is imposed, and a copy of AP 5520 Student Discipline Procedures describing the procedures for the appeal hearing.

Time Designation

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

Appeal Hearing Procedures – Request for Hearing.

Within 5 days after receipt of the Superintendent-President or designees decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the Superintendent-President or designee.

Schedule of Hearing

The formal hearing shall be held within 10 days after a formal request for hearing is received.

Appeal Hearing Panel

The appeal hearing panel for any disciplinary action shall be composed of the Dean of Student Affairs, one Student Services manager, and one Academic Affairs manager appointed by the Vice Presidents of Student Services and Academic Affairs.

The Vice Presidents of Student Services and Academic Affairs shall each, at the beginning of each academic year, establish a list of at least five persons who will serve on Student Conduct Appeals panels. Vice Presidents shall appoint appeals panel members from the names on these lists. No Manager 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 an appeal hearing panel.

Appeal Hearing Panel Chair

The Dean of Student Affairs or designee will serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

Appeal Hearing Procedures

The members of the Appeal Hearing Panel shall be provided with a copy of the allegations against the student and any written response provided by the student before the appeal hearing begins.

The facts supporting the allegations shall be presented by the Dean of Student Affairs (DOSA).

The DOSA and the student may call witnesses and introduce oral and written testimony relevant to the facts 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 DOSA and the student shall each be permitted to make an opening statement. Thereafter, the DOSA shall make the first presentation, followed by the student. The DOSA may present rebuttal evidence after the student completes their evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.

Students may represent themselves, and may also have the right to be accompanied by a person of their choice. The student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. This is an educational procedure, therefore, student may be represented by an attorney, but the attorney may not speak on behalf of the student. If the student wishes to be represented by an attorney, a request must be presented to the Dean of Student Affairs, at least five days prior to the date of the appeal hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.]

Appeal Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than 5 days prior to the date of the appeal hearing.

In a closed appeal hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.

The hearing shall be recorded by the District either by tape 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 recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape 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 tape recording.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel 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 tape recorded is not unavailable.

Within 5 days following the close of the appeal hearing, the hearing panel shall prepare and send to the Superintendent-President or designee a written decision. The decision shall include specific factual findings regarding the allegation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary sanction to be upheld or imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original allegation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

Superintendent-President or designee Appeal Decisions

Long-term suspension – Within 3 days following receipt of the hearing panel's recommended decision, the Superintendent-President or designee shall render a final written decision. The Superintendent-President or designee may accept, modify, or reject the findings, decisions and recommendations of the hearing panel. If the Superintendent-President or designee modifies, or rejects the hearing panel's decision, the Superintendent-President or designee shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Superintendent-President or designee shall be final.

Expulsion – Within 5 days following receipt of the hearing panel's recommended decision, the Superintendent-President shall render a written recommended decision to the Board of Trustees. The Superintendent-President may accept, modify, or reject the findings, decisions and recommendations of the hearing panel. If the Superintendent-President modifies, or rejects the hearing panel's decision, he/she/they shall review the record of the hearing and shall prepare a new written decision which contains specific factual findings and conclusions. The Superintendent-President's decision shall be forwarded to the Board of Trustees.

Board of Trustees Decision

The Board of Trustees shall consider any recommendation from the Superintendent-President for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures. (Education Code Section 72122.)

The student shall be notified in writing, by registered or certified mail to the address last on file with the District, or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within 48 hours after receipt of the notice, request that the hearing be held as a public meeting.

Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

The Board may accept, modify, or reject the findings, decisions and recommendations of the Superintendent-President or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final.

The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.

Readiness to Return Clearance

A readiness to return clearance may be required before the Student is readmitted to the college, a particular class or allowed to come onto campus if the Student was removed due to a disciplinary sanction that involved concerns for Students own safety or safety of others. The Dean of Student Affairs or designee, will meet with student to assess and verify any supporting documentation of the following:

- A. All disciplinary sanctions have been fulfilled;
- B. The Student is no longer continuing the behavior(s) which gave rise to the disciplinary action taken against the Student and;
- C. The Student's presence on campus is not a threat to themselves, or others, if the Student's removal was due to the potentiality of the Student harming self or others.

The mental health professional must be licensed by the State of California as a licensed clinical social worker, licensed marriage and family therapist, licensed psychologist, or a licensed psychiatrist, and the Director must verify that the mental health professional is credentialed to render such a professional opinion. The Student shall bear the cost and expense of obtaining a mental health clearance.

Also see AP 3410 Nondiscrimination, AP 3435 Discrimination and Harassment Investigations, BP/AP 5500 Standards of Student Conduct, and AP 5530 Student Rights and Grievances.

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