



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

The purpose of this procedure is to provide uniform procedures to assure due process when a student is charged with a violation of the Standards of Student Conduct. All proceedings held in accordance with this procedure shall relate to an alleged violation of appropriate standards of student conduct. These provisions do not apply to grievance procedures, student organization councils and courts, or residence determination and other academic and legal requirements for admission and retention. Disciplinary measures may be taken by the college independently of any charges filed through civil or criminal authorities, or both. 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.

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

Definitions

- Day – Days during which the District is open for business, excluding Saturdays and Sundays.
- District – The West Hills Community College District
- Eviction – The removal of a student from the Residence Halls.
- Expulsion – Exclusion of the student by the Board of Trustees from all colleges and centers in the district for one or more terms.
- Instructor – Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.
- Long-term Suspension – Exclusion of the student by the Vice President of Student Services/CSSO or designee for good cause from one or more classes and activities of the college for the remainder of the school term, or from all classes and activities of the college for up to two additional semesters.

- Removal from class – Exclusion of the student by an instructor for the day of the removal and the next class meeting.
- Short-term Suspension – Exclusion of the student by the CSSO or designee for good cause from one or more classes for a period of up to ten consecutive days of instruction.
- Student – Any person currently enrolled as a student at any college or in any program offered by the District who is also enrolled at the time of the alleged violation of the Standards of Student Conduct.
- Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the Chancellor, College President or designee for any person to remain on campus in accordance with California Penal Code Section 626.4 where the Chancellor, College President or designee has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.
- Written or verbal reprimand – An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

Disciplinary Procedures

Except in cases where immediate discipline pending a hearing is authorized, the following procedures will apply before disciplinary action is taken to suspend or expel a student:

Notice and Opportunity to Respond

- Notice – The CSSO or designee will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - The specific section of the Standards of Student Conduct that the student is accused of violating.
 - A short statement of the facts supporting the accusation.
 - The right of the student to meet with the CSSO or designee to discuss the accusation, or to respond in writing.
 - The nature of the discipline that is being considered.
 - A clause informing the student of the right to select an adviser of their choice or to request the District to provide an adviser to the student.
- Time limits – The notice must be provided to the student within ten (10) days of the date on which the District knew or should have known the conduct took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within

five (5) days of the date on which conduct occurred which led to the decision to take disciplinary action.

- Meeting – If the student chooses to meet with the CSSO or designee, the meeting must occur no sooner than three (3) days after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

Determination of Discipline

Within five (5) days after the meeting described above, the College President or designee shall decide whether to impose discipline or whether to end the matter.

Discipline may be:

- No discipline;
- Written or verbal reprimand;
- Short-term suspension;
- Long-term suspension; or
- Recommendation to the Board of Trustees for expulsion.

Short-term Suspension –If the College President or designee imposes a short-term suspension, or some lesser disciplinary action, written notice of the College President or designee’s decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The College President or designee’s decision shall be final.

Long-term Suspension or Expulsion – If the College President or designee imposes a long-term suspension or recommends expulsion, the following procedures shall be provided to the student:

- Written notice of the College President’s or designee’s decision shall be provided to the student.
- The notice shall identify the imposed discipline as either a long-term suspension or a recommendation to the Board of Trustees for expulsion.
- The notice shall inform the student of the right to request a formal hearing before a long-term suspension or expulsion is imposed.
- The notice shall include a copy of this administrative procedure describing the procedures for a hearing.

Eviction from Residence Halls – Within five (5) days after the meeting described above, the College President shall, pursuant to a recommendation from the CSSO or designee, decide whether to impose a notice of eviction from on campus housing. Written notice of the College President’s decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before an eviction is imposed, and a copy of this administrative procedure describing the procedures for a hearing.

If eviction is imposed, the residence hall student will have twenty four (24) hours to vacate their room and the residence hall facility at the time of verbal notification. A resident may be asked to vacate the premises immediately if a violation (in the judgment of campus personnel) is severe and warrants immediate dismissal from the Residence Halls. Should the resident, during this twenty four (24) hour period further violate Board policy or college/residence hall rules and regulations, the twenty four (24) hour period will be voided and a maximum of two (2) hours will be given for the resident to vacate their room and the residence hall facility.

Expulsion - Within ten (10) days after the meeting described above, the College President shall, decide whether to recommend expulsion to the Chancellor for recommendation to the Board of Trustees. The College President or designee will provide written notice of this decision to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this administrative procedure describing the procedures for a hearing.

Hearing Procedures

- Request for Hearing – Within five (5) days after receipt of the College President’s or designee’s decision regarding a long-term suspension, expulsion, or eviction the student may request a formal hearing. The request must be made in writing to the College President or designee.
- Schedule of Hearing – The formal hearing shall be held within fifteen (15) days after a formal request for hearing is received.
- Hearing Panel – The hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student.

The College President, the president of the Academic Senate, and the Associated Student Body President shall each, at the beginning of the academic year, establish a list of at least six (6) persons (2 persons each) who will serve on student disciplinary hearing panels. The College President or designee shall appoint the hearing panel from the names on these lists. 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.

- Hearing Panel Chair – The College President or designee shall appoint one member of the panel to 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.
- Hearing Procedures –
 - The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.

- The facts supporting the accusation shall be presented by a college representative who shall be the CSSO or designee
- The college 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 college representative and the student shall each be permitted to make an opening statement of no more than three minutes. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative 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 more likely than not that the facts alleged are true.
- The student may represent themselves, and may also have the right to be represented by a person of their choice except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, the student must submit a request to the Panel Chair not less than five days prior to the date of the 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.
- 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 five (5) days prior to the date of the hearing.
- In a closed 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, digital, electronic, or stenographic recording, and 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. The 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 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 recorded is not considered unavailable.
- Within five (5) days following the close of the hearing, the hearing panel shall prepare and send to the CSSO or designee a written decision. The decision shall include specific factual findings regarding the accusation, 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 action to be 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 accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

Chief Student Services Officer (CSSO) or College President's Decision

- Long-term suspension – Within five (5) days following receipt of the hearing panel's recommended decision, the College President or designee shall render a final written decision. The College President or designee may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the College President or designee modifies or rejects the hearing panel's decision, the College 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 College President or designee shall be final.
- Eviction – Within five (5) days following receipt of the hearing panel's recommended decision, the College President or designee shall render a final written decision. The College President or designee may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the College President or designee modifies or rejects the hearing panel's decision, the College 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 College President or designee shall be final.
- Expulsion – Within five (5) days following receipt of the hearing panel's recommended decision, the College President shall render a written recommended decision to the Chancellor who shall forward the recommendation to the Board of Trustees. The Chancellor may accept, modify or reject the findings, decisions and recommendations. If the Chancellor modifies or rejects the decision, they shall review the record of the hearing and shall prepare a new written decision which contains specific factual findings and conclusions. The Chancellor's decision shall be forwarded to the Board of Trustees.

Board of Trustees Decision

- The Board of Trustees shall consider any recommendation from the Chancellor or designee 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 email and 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 forty-eight 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 Chancellor, the College 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.

Immediate Interim Suspension (Education Code Section 66017)

The College President and/or designee may order immediate suspension of a student where they conclude 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.

Temporary immediate removal of a student from the residence halls may accompany immediate interim suspension, or be ordered independent of suspension, when determined by the College President and/or designee required to protect lives or property and to ensure the maintenance of order of residential living.

Removal from Class (Education Code Section 76032)

Any instructor may order a student removed from their class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the CSSO or designee. The CSSO or designee may arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the CSSO or designee shall attend the conference. Nothing herein will prevent the CSSO or designee from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

In summary:

- An instructor may remove a student from class for that day and the next meeting under rules of student conduct.
- The removal must be immediately reported to the college's Chief Administrative Officer.
- If the student is a minor, the parent/guardian should be requested to attend a conference about the removal, and a college administrator may be involved if requested.
- The student cannot be reinstated into that class during the removal period unless the instructor agrees.

Withdrawal of Consent to Remain on Campus

The College President 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, they must promptly leave or be escorted off campus. If consent is withdrawn by the College President or designee, a written report must be promptly made to the College President or designee.

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 fourteen (14) days from the date upon which consent was initially withdrawn.

Any person as to whom consent to remain on campus has been withdrawn who knowingly 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.

Advisers

A student who receives a disciplinary notification has a right to select an adviser of their choice or to request the District provide an adviser to the student. An adviser, with written permission from the student, shall receive updates along with the student during

the student discipline process and shall participate in the process as an advocate for the student.

The District may use any of the following to fulfill its obligation to provide an adviser to the student:

- A confidential respondent services coordinator
- An agreement with a student-based peer support program
- An agreement with an alumni-based support program

The District shall provide training to the adviser selected by the student or provided by the public postsecondary educational institution. The training shall include information on the District's student discipline procedures and may be provided in an online or in-person format.

Board approval date: 7/27/10

Reviewed/Revised: 8/28/12; 7/24/18; 3/23/26