

## 1.0 Disciplinary Authority

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

## 2.0 Disciplinary Appeals Committee

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

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

### 3.0 General Provisions

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

right to be assisted by an advisor of their choice at their sole cost, which may include an attorney. The advisor shall not be a witness. The advisor may accompany the complainant or respondent to any meeting with an investigator or a College employee or a disciplinary meeting or proceeding. The advisor is a silent and non-participating presence who solely observes and provides support during the investigation and disciplinary process. During proceedings, the advisor may speak only to the party by whom he or she was invited. The advisor may not address the Disciplinary Authority, the Disciplinary Appeals Committee, witnesses, or other participants. Any exceptions to this prohibition will be at the sole discretion of the Disciplinary Authority. The Disciplinary Authority has the right at all times to determine what constitutes appropriate behavior on the part of an advisor.

- 3.6 Sanctions: Sanctions that may be imposed in disciplinary proceedings are the educational consequences for the actions of the student. Sanctions can include, but are not limited to, educational requirements, restitution, oral counseling, written counseling, disciplinary probation, reprimand, suspension, expulsion, or any other sanction that is appropriate under the circumstances of the actions of the student upon whom discipline is imposed. For allegations of sexual assault, domestic violence, dating violence or stalking, the sanctions may include the above choices as appropriate under the circumstances.

#### 4.0 Procedures Preliminary to Disciplinary Action

- 4.1 The Disciplinary Authority shall be notified of an infraction committed by a student. Verbal notification must be followed by a written account within three (3) instructional days.
- 4.2 The student shall be informed by the Disciplinary Authority of the alleged infraction and of the time and place of the investigative meeting with the Disciplinary Authority.
- 4.2.1 If the student cannot be reached in person, this notice may be sent by mail according to Section 3.2 above.
- 4.3 At this investigative meeting, the Disciplinary Authority shall interview the concerned student for the purpose of discussing the alleged misconduct and the disciplinary action, if any, which should be taken.
- 4.3.1 At this meeting the parties shall have the right to present statements, testimony, evidence, and witnesses, except that neither party shall have the right to be represented by an attorney.
- 4.3.1.1 In cases of sexual assault, domestic violence, dating violence and/or stalking, the complainant and the respondent may bring their advisor.
- 4.3.2 This is an informal meeting, and any relevant evidence on which

responsible persons are accustomed to rely may be admitted.

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

## 5.0 Initiation of Discipline

- 5.1 After the investigative meeting, the Disciplinary Authority may initiate disciplinary action by filing a notice of disciplinary action with the Vice President, Student Services and serving such notice on the student charged.
  - 5.1.1 Minors: If the student is a minor, the notice must also be mailed to that parent, guardian or other adult responsible for the minor student as identified in the student's permanent personnel file. This notice is to be mailed to the last known address listed, and shall be mailed in accordance with Section 3.2 above.
- 5.2 The notice of disciplinary action shall contain or include the following:
  - 5.2.1 A copy of the District Policies and Administrative Regulations 2441 and 2442;
  - 5.2.2 The acts or omissions upon which the charges are based;
  - 5.2.3 The grounds for the disciplinary action as contained in the District Policies and Administrative Regulations;
  - 5.2.4 The specific disciplinary action to be imposed;
  - 5.2.5 Notification of suspension, if it is to be imposed, and the reasons for it;
  - 5.2.6 A statement that a suspension and/or expulsion from a College shall include the entire Los Rios Community College District and its Colleges and facilities;
  - 5.2.7 A brief statement affording the student the right to appeal; and
  - 5.2.8 An appeal form, the filling out, signing and filing of which shall constitute sufficient appeal if filed in the prescribed timely fashion.

## 6.0 Appeal

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

of disciplinary action with the Vice President, Student Services.

- 6.2 If the student charged or the parent/guardian fails to appeal the disciplinary action in the prescribed timely manner, the discipline shall be referred to the College President for approval, rejection or modification. Failure to appeal in a timely manner constitutes a waiver of the right to further appeal.
- 6.3 In cases of sexual harassment, discrimination based on sex, sexual assault, domestic violence, dating violence, or stalking, the complainant shall be notified if the student waives his or her right of appeal. Not later than seven (7) calendar days after service of this notice, the complainant may appeal the disciplinary action to the Disciplinary Appeals Committee by filing the completed appeal form enclosed with the notice with the Vice President of Student Services.

## 7.0 Hearing by Disciplinary Appeals Committee

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

through the Disciplinary Appeals Committee. On cross-examination, in addition to questions concerning specific facts or events as related to direct examination of the witness, the credibility of the witness may be ascertained by questions concerning the witness' biases, perceptions, and recollections related to the facts or events at issue.

- 7.6.1 The student may also be called as a witness by the Disciplinary Authority after the student has had an opportunity to present his/her case.
- 7.6.2 The members of the Disciplinary Appeals Committee may ask questions after the parties have completed their questioning.
- 7.7 Each side shall have the opportunity to offer rebuttal evidence and to give a closing argument.
- 7.8 The hearing need not be conducted according to technical rules of court. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.
  - 7.8.1 The Disciplinary Appeals Committee may exclude irrelevant and unduly repetitious evidence.
- 7.9 The Disciplinary Appeals Committee need only find that the facts are established by a preponderance of the evidence. "Preponderance of the evidence" means evidence, when weighed with that opposed to it, had more convincing force and the greater probability of truth.
- 7.10 The hearing may be continued from time to time, and shall be recorded either with a tape recorder or by a stenographic reporter.
- 7.11 At the conclusion of the hearing, the Chair of the Disciplinary Appeals Committee shall prepare a written decision which includes findings of fact and conclusions regarding the issue of whether the act or omission charged occurred, and the type of disciplinary action, if any, it recommends.
  - 7.11.1 This decision shall be completed within ten (10) calendar days of the conclusion of the hearing.

## 8.0 Decision by College President

- 8.1 The decision of the Disciplinary Appeals Committee shall be transmitted to the College President for approval, rejection or modification. Neither the student nor the parent/guardian shall have a right to a hearing by the College President. The decision of the College President shall be mailed to the student. In cases of sexual assault, domestic violence, dating violence and/or stalking, the decision of the College President shall be provided to both the complainant and the respondent at the same time.
- 8.2 If the College President decides to impose a disciplinary suspension, a

disciplinary probation, or a combination of the foregoing, the decision of the College President shall be final, and any discipline imposed shall take effect from and after the date of said decision. Disciplinary suspensions shall apply District-wide.

- 8.3 If the College President decides to recommend expulsion, the College President's decision shall be referred to the Chancellor for action by the Los Rios Community College District Board of Trustees.
- 8.4 Within seven (7) calendar days after receiving the decision from the Disciplinary Appeals Committee Chair, the College President shall notify the students by mail as specified in Section 3.2 above of the decision, and the disciplinary sanction, if any, imposed.
  - 8.4.1 If the College President decides to recommend expulsion, the notice to the student must include a statement that this recommendation may be appealed by a request for appeal, in writing, within seven (7) calendar days from the date of the notice from the College President. Such appeal shall be addressed to the Chancellor, who is the Secretary to the Los Rios Board of Trustees.
  - 8.4.2 Failure by the student to give written notice of appeal to the Chancellor within the seven (7) calendar-day period shall constitute acceptance of the disciplinary sanction imposed.
- 8.5 The District will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the College against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the District will provide the results of the disciplinary hearing to the victim's next of kin, if so requested. In cases of sexual assault, domestic violence, dating violence or stalking, the District shall notify the complainant and the respondent of the result of any disciplinary hearing, any changes to result and when that result becomes final.

## 9.0 Final Decision on Expulsion

- 9.1 A full record of all disciplinary proceedings which are referred to the Chancellor of this District for decision shall be submitted to the Chancellor.
- 9.2 The Chancellor shall review the record and make a recommendation to the Board of Trustees. The Chancellor shall inform the student that the student can request the Board review be conducted in open session. The decision of the Board of Trustees is final.
- 9.3 The Board of Trustees shall notify the student, the President of the College, the Vice President, Student Services, and the Disciplinary Authority, in writing, of its decision within thirty (30) calendar days of the date when Board review takes

place. In cases of sexual assault, domestic violence, dating violence and/or stalking, the decision of the Board of Trustees shall be provided to both the complainant and the respondent at the same time. Such notification to the student shall be in the manner described in Section 3.2 above.

## 10.0 Conditions of Return

- 10.1 Where a student has been suspended and conditions of return have been provided as part of the suspension, the student may submit a petition for reinstatement if they desire to return to the College.
- 10.2 Not later than fourteen (14) calendar days from receipt of the student's petition for reinstatement, the Disciplinary Authority or designee shall notify the student by mail of the Disciplinary Authority's decision.
  - 10.2.1 In the decision, the Disciplinary Authority or designee shall state whether the student will be reinstated and, if not, the decision shall state the reasons for the denial.
  - 10.2.2 Where the petition is incomplete, the student shall be afforded an opportunity to complete the petition and may resubmit it.
- 10.3 In the event the student's reinstatement petition is denied, the student shall have fourteen (14) calendar days from the date of the notice of denial of the student's reinstatement petition to submit an appeal to the College's Chief Student Services Officer setting forth the reasons the student should be reinstated.
  - 10.3.1 Where the College's Disciplinary Authority is the Chief Student Services Officer, the President, or President's designee, shall review the appeal.
- 10.4 No later than fourteen (14) calendar days from receipt of the student appeal, the College's Chief Student Services Officer or President, or President's designee, shall notify the student by mail of the Chief Student Officer's determination of the appeal.
  - 10.4.1 In the decision, the Chief Student Services Officer or President, or President's designee, shall state whether the student will be reinstated and, if not, the decision shall state the reasons for the denial.
  - 10.4.2 The decision of the Chief Student Services Officer or President, or President's designee, shall be final.

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