

**CHAPTER 5: STUDENT SERVICES
ADMINISTRATIVE PROCEDURE NO. 5520**

COLLEGE OF THE SISKIYOU

Procedure Manual

Title:	Student Discipline Procedures
Revision Date:	11/09; April 10, 2014; September 23, 2014; November 10, 2015; November 8, 2016
Responsible Area:	Vice President, Student Services
Responsible Office:	Student Life
Policy Reference:	BP 5035, 5500; Education Code Section 66017, 66300, 72122, and 76030, et seq.; California Penal Code 626.4

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Student Code of 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.

Section included in this procedure use these headings:

- I. Definitions
- II. Authority For Student Code
- III. Expected Conduct
- IV. Sanctions
- V. Discipline Overview
- VI. Discipline Process
- VII. Appeals
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- IX. Expulsion And Degree/Certificate Revocation
- X. Discipline Involving Student Groups
- XI. Interpretation And Revision

I. DEFINITIONS

1. The term “College” means College of the Siskiyous.
2. The term “student” includes all persons taking courses at the College, either full-time or part-time, including persons taking part in community services (fee-based) offerings. Persons who withdraw after allegedly violating the Student Code, are considered “students.” This Student Code does apply at all locations of the College, including the campus in Yreka, California, online courses and College sponsored events.
3. The term “faculty member” means any person serving in an academic position which is not designated as supervisory or management, and includes instructors, consultants, librarians, counselors, health service professionals, and disabled student programs and services professionals.
4. The term “College official” includes any person employed by the College, performing assigned administrative or professional responsibilities.
5. The term “member of the College community” includes any person who is a student, faculty member, College official or any other person employed by the College. A person’s status in a particular situation shall be determined by Designated Administrator.
6. The term “College Friend” is any member of the College community. This individual serves to provide support and cannot provide input at the hearing.
7. The term “College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College.
8. The term “student organization” means any number of students who have complied with the formal requirements for College recognition/registration as a student organization.
9. The term “Student Conduct Board” means any persons authorized by the Designated Administrator to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a rules violation has been committed. The Student Conduct Board shall be composed of one faculty member, one staff member and one student. Each member of a Student Conduct Board shall verify to the Designated Administrator that he/she has had no personal involvement in the matter to be decided and that he/she is prepared to provide an unbiased consideration of the matter. A procedural officer will also be present to assist with the procedural process.
10. The term “College Hearing Officer” means a College administrator (may not be the Student Conduct Administrator) authorized by the Designated Administrator to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a rules violation has been committed. The College Hearing Officer shall verify to the Designated Administrator that he/she has had no personal involvement in the matter to be decided and that he/she is prepared to provide an unbiased consideration of the matter.

11. The term “Student Conduct Administrator” means a College official authorized on a case-by-case basis by the Designated Administrator or his/her designee. This individual may impose sanctions upon any student(s) found to have violated the Student Code subject to applicable appeal processes.
12. The term “Appeals Body” means any person or persons authorized by the Designated Administrator to consider an appeal as described in section VII.
13. The term “shall” is used in the imperative sense.
14. The term “may” is used in the permissive sense.
15. The Designated Administrator is that person designated by the College President to be responsible for the administration of the Student Code of Conduct.
16. The term “policy” means the written Board policies and administrative regulations of the College as found in, but not limited to, the Student Code, Lodge Handbook, the College web page and computer use policy, and Catalogs.
17. The term “Complainant” means any person who submits a charge alleging that a student violated the College’s Student Code. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code of Conduct as are provided to the Complainant, even if another member of the College community submitted the complaint.
18. The term “Accused Student” means any student accused of violating the College’s Student Code of Conduct.
19. The term “Day” means day during which the College is in session and regular classes are held, excluding Saturdays and Sundays.

II. AUTHORITY FOR STUDENT CONDUCT

- A. The Student Conduct Administrator shall determine the composition of Student Conduct Boards and determine which Student Conduct Board or College Hearing Officer, and Student Conduct Administrator shall be authorized to hear each matter. The Designated Administrator shall determine the composition of the Appeals Body.
- B. The Designated Administrator shall develop protocols for the administration of the student conduct system and procedural rules for the conduct of Student Conduct Board or College Hearing Officer Hearings as appropriate to supplement this procedure.

III. EXPECTED CONDUCT

- A. Jurisdiction of the Student Code of Conduct

The Student Code of Conduct shall apply to conduct that relates to College activity or College attendance, including conduct that occurs on College premises and at College sponsored activities. Each student shall be responsible for his/her conduct while on campus or at a College sponsored activity, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment, The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

B. Student Code of Conduct—Rules and Regulations

Refer to Board Policy 5500

C. Violation of Law and College Discipline

1. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of Designated Administrator. Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
2. When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Code, the College may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled within the College community. The College will cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions).

IV. SANCTIONS

A. The following sanctions may be imposed upon any student found to have violated the Student Code:

1. **Warning** - A verbal notice to the student that the student is violating or has violated the College's conduct code and that a continuation or repetition of the conduct may lead to further disciplinary action. This warning should be documented by the individual providing the notice.
2. **Written Reprimand** - A written statement notifying the student that he/she has violated the College's conduct code.

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3. Disciplinary Probation - A written reprimand for violation of a specified provision of the College's conduct code that invokes probation for a designated period of time and includes the probability of more severe disciplinary sanctions if the student violates any provision of the College's conduct code during the probationary period.
4. Loss of Privileges - Denial of specified privileges that do not involve restrictions on class attendance for a designated period of time.
5. Fines - Previously established and published fines may be imposed.
6. Restitution - Compensation for loss, damage, or injury to College property or to instructional materials or instructional equipment if the loss or damage to instructional materials/equipment results from the misconduct of a student. This may take the form of appropriate service and/or monetary or material replacement. Pursuant to Title 5 of the California Code of Regulations, section 59410 and BP 5035, students who fail to provide the required restitution will have their grades, transcripts, diplomas, and registration privileges withheld until the financial obligation to the College is satisfied.
7. Discretionary Sanctions - Work assignments, essays, service to the College, or other related discretionary assignments that are appropriate to remedy a violation of the College's Conduct Code or serve as an educational lesson in response to such a violation.
8. Removal from Class or Instruction-Related Activity – An instructor or a faculty member who is assigned to supervise a class-related activity may remove a student from his/her class or instructional activity for the day of the removal and the next class or activity meeting. The removal shall be reported immediately to the Student Conduct Administrator. The student shall not be permitted to return to the class or the instructional activity during the period of removal without the concurrence of the instructor or the instructional supervisor. Removals shall be considered excused absences provided the student can make up the required course work while subject to removal.
9. Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the Designated Administrator for any person to remain on campus in accordance with California Penal Code 626.4 where the Designated Administrator has reasonable cause to believe that such person has willfully disrupted the orderly operation of campus.
10. Lodge Suspension - Separation of the student from the Lodges for a definite period of time for violation of the terms of the student's lodge agreement or for violation of the College's conduct rules that impact continued presence in the Lodges, after which the student is eligible to return. Conditions for readmission may be specified.

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11. Lodge Expulsion - Permanent separation of the student from the Lodges for continued or serious violations of the student's lodge agreement or for violation of the College's conduct rules.
12. Summary or Interim Suspension - Immediate suspension, pending an opportunity for a hearing within 10 days, where immediate suspension is required to protect lives or property and to ensure the maintenance of order.

In certain circumstances, the Designated Administrator, or a designee, may impose a College or lodge suspension prior to the Student Conduct Hearing.

- a. Interim suspension may be imposed only: 1) to ensure the safety and well-being of members of the College community or preservation of College property; 2) to ensure the student's own physical or emotional safety and well-being; or 3) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.
 - b. During the interim suspension, a student shall be denied access to the lodges and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Designated Administrator or the Student Conduct Administrator may determine to be appropriate.
 - c. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a Student Conduct Hearing, if requested. However, the student and Superintendent/President should be notified in writing of this action and the reasons for the suspension. The notice should include the time, date, and place of a subsequent hearing at which the student may show cause why his or her continued presence on the campus does not constitute a threat.
13. College Suspension - Separation of the student from the College and/or activities of the College for a definite period of time, after which the student is eligible to return. One or more of the following may apply:
 - a. From one or more classes for a period of up to 10 days of instruction.
 - b. From one or more classes for the remainder of the school term.
 - c. From all classes and activities of the community college for one or more terms.
 14. College Expulsion - Permanent separation of the student from the College.
 15. Revocation of Degree or Certificate - A degree or certificate awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree or certificate.

16. Withholding Degree or Certificate- The College may withhold awarding a degree or certificate otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any, if allegations of misconduct concern or affect the student's entitlement to the degree or certificate.

- B. More than one of the sanctions listed above may be imposed for any single violation.
- C. Student Opportunity to Respond. Prior to the issuance of a warning, reprimand, notice of disciplinary probation, or 2-day removal or to any sanction that does not remove the student from College classes or activities, the person issuing the sanction shall determine that the alleged conduct at issue is prohibited by the Conduct Code and provide the student with the opportunity to respond regarding the alleged conduct.

Students who are subject to disciplinary action notice and an opportunity to respond as detailed in Section VII of this procedure.

- D. Whenever a student's record includes information concerning disciplinary action taken by the College, the student shall be allowed to include in his/her student record a written statement or response concerning the disciplinary action.

V. DISCIPLINE OVERVIEW

- A. Warnings or written reprimands may be issued by faculty or by administrative personnel. Where alleged misconduct is more serious or recurring and significant discipline is at issue, such as suspensions, the administration will implement disciplinary processes.
- B. If the conduct is deemed serious or recurring the Student Conduct Administrator is authorized to investigate, or provide for the investigation of allegations, of serious or recurring misconduct and to provide an accused student with the first level of hearing to give the student an opportunity to respond to allegations. The Student Conduct Administrator may impose discipline that shall be final unless the student makes a timely request for a Student Conduct Hearing. The Student Conduct Administrator will arrange for a Student Conduct Hearing with either a Student Conduct Board or a College Hearing Officer. The Student Conduct Hearing provides the student with an opportunity to address the allegations. The hearing body will make findings of fact and recommendations for actions.
- C. If the hearing body finds that the student violated the College's conduct rules and recommends discipline, the Student Conduct Administrator will review the matter. The Student Conduct Administrator can accept the findings and recommendations of the hearing body or review the hearing record and make his/her own findings and a decision regarding discipline.
- D. Recommendations of expulsion, withholding or revocation of a degree or certificate, resulting from a hearing body will be referred for Board of Trustees review, because only the Board can expel a student. (See section IX of this procedure)

VI. DISCIPLINE PROCESS

- A. Any member of the College community may file charges against a student for violations of the Student Code. A charge shall be prepared in writing and directed to the Student Conduct Administrator. Any charge should be submitted as soon as possible after the person filing charges has knowledge of the alleged misconduct.
- B. Removal from a class or program involves the following steps:
- a. The student is informed that he/she is removed from the class or program. If the student refuses to leave, the police may be called.
 - b. A report is submitted to the appropriate Dean or Director.
 - c. The instructor discusses the situation with the Dean or Director to determine an appropriate action. Action may include removal for up to two class meetings or for the remainder of the term.
 - d. If permanent removal is recommended, a Student Conduct Hearing will be scheduled by the Student Conduct Administrator if requested by the student (see “Student Conduct Procedure”). Until the process is completed:
 - The student may not attend class
 - The student may not be dropped from the class or program
- C. The Student Conduct Administrator may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Student Conduct Administrator. Such disposition shall be final and there shall be no subsequent proceedings. Any resolution reached under this provision shall be in writing and shall be binding on the student involved. If the student admits violating College rules, but sanctions are not agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s).
- D. All charges that are not resolved by mutual consent shall be presented to the accused student in written form. The notice shall include a description of the alleged misconduct, the specific provision(s) of the Student Conduct Code that the student is alleged to have violated, a short statement of the facts supporting the accusation, and the hearing meeting details. The notice shall include an overview of these procedures and reference to access for the full text. Nothing prohibits the College from amending the notice as the College deems appropriate.

A time shall be set for a Student Conduct Hearing not less than one (1) nor more than ten (10) calendar days after the student has been notified. Maximum time limits for scheduling of Student Conduct Hearings may be extended at the discretion of the Student Conduct Administrator.

If an accused student, with notice, does not appear for a Student Conduct Hearing, the information in support of the charges shall be presented and considered even if the Accused Student is not present.

If prior to the scheduled hearing, the student provides the Student Conduct Administrator with a satisfactory explanation for the student's inability to attend a scheduled hearing, the Student Conduct Administrator may reschedule the hearing.

- E. Student Conduct Hearings shall be conducted by a Student Conduct Board or by a College Hearing Officer according to the following guidelines:
1. Student Conduct Hearings normally shall be conducted in private. At the beginning of the hearing, the Hearing Chair will administer an oath to all parties who will testify.
 2. The Complainant, Accused Student and their College friend, if any, shall be allowed to attend the entire portion of the Student Conduct Board Hearing at which information is received (excluding deliberations). The Complainant and/or the Accused Student is responsible for presenting his or her own information, and therefore, the College Friend is not permitted to speak or to participate directly in any Student Conduct Hearing. A student should select a College friend whose schedule allows attendance at the scheduled date and time for the Student Conduct Hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor. Admission of any other person, such as an attorney if complex issues are involved, to the Student Conduct Board Hearing shall be at the discretion of the Student Conduct Board or College Hearing Officer and/or the Student Conduct Administrator.
 3. In Student Conduct Hearings involving more than one Accused Student, the Student Conduct Administrator, at his or her discretion, may permit the Student Conduct Hearings concerning each student to be conducted either separately or jointly.
 4. The Complainant, the Accused Student and the Student Conduct Board or College Hearing Office may arrange for witnesses to present pertinent information at the Student Conduct Hearing. The College will try to arrange the attendance of possible witnesses who are members of the College community, if reasonably possible, and who are identified by the Complainant and/or Accused Student at least two weekdays prior to the Student Conduct Hearing. Witnesses will provide information to and answer questions from the Student Conduct Board or College Hearing Officer. Questions may be suggested by the Accused Student and/or Complainant to be answered by each other or by other witnesses. This will be conducted by the Student Conduct Board or College Hearing Officer with such questions directed to the chairperson of the Student Conduct Board or to the College Hearing Officer, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the chairperson of the Student Conduct Board or the College Hearing Officer.
 5. All witnesses will be excluded from the hearing except when they are testifying. No witness who refuses to be recorded may be permitted to testify.

6. Relevant records, exhibits, and written statements may be accepted as information for consideration by a Student Conduct Board or the College Hearing Officer at the discretion of the chairperson or the College Hearing Officer.
 7. All procedural questions are subject to the final decision of the chairperson of the Student Conduct Board or the College Hearing Officer.
 8. At the conclusion of the Student Conduct Board Hearing, all relevant information has been received; the Student Conduct Board or College Hearing Officer shall determine (by majority vote if the Student Conduct Board is used) whether the Accused Student has violated each section of the Student Code which the student is charged with violating.
 9. The Student Conduct Board's or College Hearing Officer's determination shall be made on the basis of substantial evidence that it is more likely than not that the Accused Student violated the Student Code. (i.e. there is a preponderance of evidence.)
 10. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Conduct proceedings.
- F. There shall be a record, such as a digital recording or notes, of all Student Conduct Hearings (not including deliberations). Deliberations shall not be recorded. The record shall be the property of the College. The official recording shall be the only recording made. Students may have access to the tape recording or notes in the college office only (may not be removed).
- G. The Student Conduct Board or College Hearing Officer may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, and/or other witness during the hearing if direct confrontation of witnesses creates an unreasonable risk of psychological or physical harm. Accommodation of such concerns may be addressed by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, digital recording, written statement, or other means, where and as determined in the sole judgment of Designated Administrator to be appropriate. Any testimony that is not subject to the direct examination of an Accused Student shall only be admitted if the witness signs under penalty of perjury that the testimony is true.
- H. The findings of fact and recommendations for action shall be forwarded to the Student Conduct Administrator who shall assign the final sanctions and provide written notification to the Accused Student, and provide a copy the College President.

VII. APPEALS

- A. Findings of fact or a sanction recommended by a Student Conduct Board or College Hearing Officer may be appealed by the Accused Student(s) to the College President within two (2) regular work (M-F) days of the delivery of the findings and recommendations to the student. Such appeals shall be in writing and shall be delivered to the College President or his or her designee.

- B. An accused student may request the Superintendent/President to review findings or a sanction recommended as a result of the Student Conduct Hearing only if the student provides a written statement detailing the following:
 - 1. Due Process:
Specific instances or conduct that the accused student claims resulted in a Student Conduct Hearing that was not conducted fairly in light of the charges and information presented, and that denied the Accused Student a reasonable opportunity to prepare and to present a response to the allegations. Deviations from the designated procedures will not be a basis for sustaining an appeal unless significant prejudice to the accused student results.

 - 2. New Information:
New information, sufficient to alter a factual finding or recommendation not brought out in the original hearing, because such information was not known to the accused student at the time of the original Student Conduct Hearing. Information shall not be considered “new information” if the student could have learned of the information by avenues reasonably available to him/her or if the “new information” is mere conjecture, speculation, or conclusory assertions.

- C. If the Superintendent/President determines that the accused student has met the standard of (1) or (2) above, the President shall order the Student Conduct Administrator to remedy the problem identified by the student. If the problem cannot be remedied the President may order a new hearing following the same process as described for the Student Conduct.

- D. If an appeal is not upheld, the president shall proceed with their review and decision (see section VIII of this procedure).

- E. The decision on appeal shall be reached within five (5) days after receipt of the appeal documents. Copies of the Superintendent/President's appeal decision shall be sent to the student and the presiding officer of the Student Conduct Board or to the College Hearing Officer who conducted the Student Conduct Hearing.

VIII. PRESIDENT'S REVIEW AND DECISION

The Superintendent/President shall accept, modify or reject the findings and recommendations of the Student Conduct Board or College Hearing Officer. If the President modifies or rejects the findings or recommendations, the President shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The President's decision shall be final except as to expulsions or revoking degrees

IX. EXPULSIONS AND DEGREE/CERTIFICATE REVOCATIONS

- A. Expulsions and Degree/Certificate Revocations. If a recommendation is to expel the student, or revoke or withhold a degree, the matter shall be considered by the Board of Trustees at the next regularly scheduled meeting of the Board after receipt of the recommended decision.
- B. When an expulsion has been recommended, the Superintendent/President may suspend the student pending action by the Board. The Board of Trustees shall consider an expulsion recommendation in closed session, in accordance with these procedures. (Education Code Section 72122)
 - 1. The student shall be notified in writing, by registered or certified mail or by personal service, at least three (3) days prior to the meeting, of the date, time, and place of The Board of Trustees meeting.
 - 2. The student may, within forty-eight hours after receipt of the notice, request that the hearing be held as a public meeting.
 - 3. Even if a student has requested that The Board of Trustees consider an expulsion recommendation in a public meeting, The Board of Trustees 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.
 - 4. The Board of Trustees may accept, modify or reject the findings and recommendations of the Student Conduct Board, College Hearing Officer or the Superintendent/President. If the Board modifies or rejects the findings or recommendations, 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.
 - 5. The final action of The Board of Trustees on the expulsion or revocation or withholding of a degree shall be taken at a public meeting, and the result of the action shall be a public record of the District in accordance with obligations related to student education records.

X. DISCIPLINE INVOLVING STUDENT GROUPS

- A. The following sanctions may be imposed upon student groups or organizations:
 - 1. Those relevant sanctions listed in section IV of this procedure.
 - 2. Loss of selected rights and privileges for a specified period of time.
 - 3. Deactivation. Loss of all privileges, including College recognition, for a specified period of time.

- B. Allegations that a student group or organization has collectively violated a rule or student conduct or that a group or organization has violated any terms that authorize the establishment of the group or organization or has violated any conditions of operation shall be initially reviewed by the Student Conduct Administrator who shall have authority to impose sanctions on the group or organization that do not involve penalties lasting longer than the balance of the current term and a subsequent full term. No sanctions shall be imposed until the Student Conduct Administrator has provided the group or organization with a written statement of the allegations and given the group or organization an opportunity to respond In cases where the

Student Conduct Administrator recommends sanctions lasting longer than the balance of the current term and a subsequent full term, the Student Conduct Administrator shall establish a neutral body to hear relevant evidence regarding the allegations. The neutral body shall make recommendations to the President who shall have sole authority to take final action.

XI. INTERPRETATION AND REVISION

- A. Any question of interpretation or application of the Student Code shall be referred to the Designated Administrator or his or her designee for final determination.
- B. The Student Code shall be reviewed every five (5) years under the direction of the Student Conduct Administrator.