

STUDENT DISCIPLINE PROCEDURES

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I. Introduction

This procedure ensures a prompt and fair process for addressing violations of Student Services Procedure 3027 – Standards of Student Conduct while upholding students' due process rights as guaranteed by state and federal constitutional protections. It will be applied equitably and not for the purposes of retaliation. This procedure is not intended to substitute for any criminal or civil proceedings that may be pursued by other authorities.

This 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 complaint of sex discrimination, including sex-based harassment, under Title IX, Human Resources Procedure 1040.09 – Responding to Sexual Harassment Under Title IX must be used.

II. Definitions

A. **Student** – Any person currently enrolled in any college 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. An individual who is not currently enrolled for a specific term but has an active application on file may also be considered a student.

B. **Instructor** – An instructor is 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 another academic employee responsible for

the student's educational program.

- C. **Governing Board** – The Governing Board of the Contra Costa Community College District.
- D. **District** – The Contra Costa Community College District including, but not limited to, its administrative staff and each of its colleges.
- E. **College** – A college operated and maintained by the District.
- F. **Conduct Administrator** – An employee, designated by the President, who is responsible for enforcing the Standards of Student Conduct and implementing Student Discipline Procedures.
- G. **Conduct Meeting** – A student alleged to have violated a standard(s) of student conduct will be invited to a Conduct Meeting with the Conduct Administrator. The Conduct Administrator and the student will review the details of the allegation(s), and the student will have the opportunity to respond.
- H. **Hearing** – A Hearing is a formal proceeding that takes place when a student appeals the Conduct Administrator's decision to impose a long-term suspension or when the recommended sanction is expulsion. The Hearing Authority reviews the record, considers the evidence presented, and determines whether to uphold or modify the disciplinary action.
- I. **Hearing Authority** – The committee or individual responsible for conducting the Hearing, ensuring a fair and impartial process, reviewing all evidence in the record, and issuing a written decision.
- J. **Advisor** – A support person who may accompany the student during a student conduct meeting or a hearing. If requested by the student, the District will provide an advisor. Attorneys may not serve as advisors.
- K. **Preponderance of the Evidence** – The standard by which the Conduct Administrator or Hearing Authority makes a decision. The standard is such that a reasonable person would find it is more likely than not that a behavior occurred and that it violated one or more standards of student conduct.
- L. **Sanction** – A sanction is a formal consequence or corrective measure assigned to a student who has violated a standard(s) of student conduct. Its purpose is to address the misconduct, encourage accountability, and support a safe and respectful campus environment.
- M. **Day** – A college day during which the District is in session and classes are held, excluding Saturdays, Sundays, and holiday breaks, as identified in the academic calendar.

III. Student Rights and Responsibilities

Students have the following rights related to these procedures:

- **Right to report and be informed** – Students may report concerns about behavior and will be informed of any credible reports filed about them.
- **Right to meet with the Conduct Administrator** – Students may attend a meeting with the Conduct Administrator to understand and respond to any allegations.
- **Right to an advisor** – Students may choose to bring an advisor to any conduct-

related meeting or hearing. Students must provide the Conduct Administrator with 24 hours' advance notice if an advisor will be present. The advisor may attend the meeting and counsel the student but may not actively participate or address other meeting attendees. Upon request, the District will provide an advisor.

- **Right to appeal certain sanctions** – Students may appeal disciplinary decisions when the sanction imposed is a long-term suspension, withdrawal of consent to remain on campus, or a recommendation for expulsion.

Students have the following responsibilities related to these student conduct procedures:

- **Participate in meetings and hearings** – Students should attend scheduled meetings and hearings. Active participation allows students to present their perspective and engage in the resolution process.
- **Demonstrate respect for people and processes** – Engage respectfully with all individuals involved and remain engaged in the process until it is complete.
- **Maintain updated information and respond promptly** – Communications regarding conduct matters will be sent to the student's college email address and home mailing address. Students are responsible for regularly checking their email, keeping their mailing address up to date, and responding promptly to all correspondence related to conduct issues.

IV. Notice to Student

When a credible report about an alleged violation of the standards of student conduct is made, the Conduct Administrator will provide written notice to the accused student. The written notice will include:

- 1) the specific section of the Standards of Student Conduct the student is accused of violating;
- 2) a short statement of the facts supporting the accusation;
- 3) the right of the student to meet with the Conduct Administrator to discuss the accusation, or to respond in writing; and,
- 4) the nature of the discipline that is being considered.

If the student is a minor, the Conduct Administrator shall also notify the student's parent or guardian.

V. Student Response and Determination of Responsibility

The student will be provided an opportunity to attend a Conduct Meeting with the Conduct Administrator. The meeting will be scheduled within a reasonable period of time (typically within five (5) days after the notice is provided). At the meeting, the Conduct Administrator and the student will review the details of the allegation. The student will have the opportunity to respond verbally or in writing to the accusation. If the student declines to meet with the Conduct Administrator, does not attend the scheduled meeting, or does not submit a written response, the Conduct Administrator may proceed with the proposed discipline without the student's input.

After considering all the information and evidence presented, including any contributions from the student and any findings from related investigations, the Conduct Administrator will determine whether the student was responsible for violating one or more standards of student conduct.

If the student is found to have violated one or more standards of student conduct, the Conduct Administrator will determine the appropriate sanction(s) to be imposed, taking into account the student's conduct history, the nature and severity of the violation, the impact of the behavior, and any other relevant factors.

VI. Responses to Code of Conduct Violations

The following actions and sanctions may be imposed, individually or in various combinations, on any student alleged or found to have violated the Standards of Student Conduct.

Non-Disciplinary Action – Not Subject to Appeal

- **Warning** – A written or verbal notice to the student that continuing or repeating certain conduct may result in disciplinary action.
- **Removal from Class** – Exclusion of the student from class by an instructor for good cause. The period of removal will not exceed the day of the removal and, if needed, the next class meeting. The instructor should notify the student of the reason for the removal and, if feasible, provide an opportunity for rebuttal or response. Immediately following the removal, the instructor must notify the Conduct Administrator so a Conduct Meeting may be scheduled with the student. During the period of removal, the student shall not be returned to the class without the instructor's concurrence.
- **Supportive Measures** – Measures taken to ensure equal educational access and protect safety. Measures may include transfer of one party or another to different classes, counseling services, or other academic adjustments.
- **No Contact Order** – A no contact order is an administrative directive prohibiting communication or interaction between designated individuals. It may be issued regardless of whether a student has been found to be responsible for a conduct violation. The order prohibits direct or indirect contact of any kind, including physical, verbal, written, electronic, text message, email, and social media. The order also prohibits individuals from using third parties to initiate contact. Any violation of a no contact order constitutes an additional violation of the Standards of Student Conduct.

Disciplinary Action – Not Subject to Appeal

- **Written or Verbal Reprimand** – An admonition to the student to cease from conduct that violates the Standards of Student Conduct. Written or verbal reprimands may become part of a student's permanent record at the college.
- **Restorative Resolution** – Restorative resolutions aim to address the effects of behavior and help reintegrate students into the college community. A restorative resolution requires the full agreement and voluntary participation of the offending student and other involved parties. These resolutions are designed to help the student who violated a standard(s) of conduct recognize the harm caused by their behavior and take steps to repair that harm.
- **Projects or Assignments** – Projects and assignments may include community service, educational projects and essays, service to the college, and other discretionary assignments.
- **Loss of Privileges** – Loss of privileges refers to the restriction of participation in extracurricular activities or access to certain special privileges.
- **Restricted Access to District Property** – The Conduct Administrator has the right to restrict, modify, or limit a student's access to District property, including specific locations and equipment.

- **Restitution** – Reimbursement by the student for damage to or loss of property. Reimbursement may take the form of appropriate service by the student to repair property or otherwise compensate for damage.
- **Hold on Records** – A hold may be placed on a student's account when deemed appropriate, such as during periods of suspension, expulsion, or when a student does not adhere to requirements associated with the disciplinary process or other sanctions.
- **Conduct Probation** – When a student's behavior exceeds the level of a warning or involves repeated misconduct, the Conduct Administrator may place a student on Conduct Probation. This probation is intended to be educational in nature and is distinct from academic probation. While on Conduct Probation, any subsequent violation of the standards of student conduct may lead to additional consequences, including suspension or expulsion.
- **Short-Term Suspension** – The exclusion of the student, for good cause, from one or more classes for a period of up to ten (10) consecutive days of instruction. A suspension imposed at one college shall apply to all colleges within the District.

Disciplinary Action – Subject to Appeal

- **Withdrawal of Consent to Remain on Campus** – The Conduct Administrator may withdraw consent for a person to remain on campus when there is reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus. The withdrawal of consent to remain on campus will not remain in effect for longer than fourteen (14) days. A person subject to a withdrawal of consent may submit a written request for a hearing at any time during the withdrawal period. The hearing shall be scheduled and conducted in accordance with the procedures governing immediate interim suspensions.
- **Immediate Interim Suspension** (Education Code Section 66017) – The Conduct Administrator may order the immediate suspension of a student if they determine that it is necessary to protect lives or property and to maintain order. In cases where an interim suspension is ordered, the time limits specified in these procedures do not apply, and the student will be granted all hearing rights, including the right to a formal hearing if a long-term suspension or expulsion is recommended, within ten (10) days.
- **Long-Term Suspension** – The exclusion of a student, for good cause, from one or more classes for the remainder of the academic term, or from all classes and activities for one or more academic terms. A suspension imposed at one college shall apply to all colleges within the District. Students may submit a written appeal within five (5) days; if the appeal meets the allowable grounds, a hearing will be scheduled.
- **Expulsion** – The permanent exclusion of the student, by action of the Governing Board, from all District colleges. Expulsion may be imposed when other corrective measures have failed to bring about proper conduct or when the student's presence poses a continuing danger to the safety of the student or others. An expelled student is prohibited from enrolling in courses, participating in any college activities or programs, or entering District premises. The Governing Board makes the final determination to expel a student following a college-level hearing and due process.

VII. Notification of Sanctions

The Conduct Administrator will notify the student in writing of any imposed sanctions in a timely manner, generally within five (5) days following the Conduct Meeting. The notification will document the standard(s) of student conduct that the student violated, describe the sanction(s) being imposed, and include all applicable time periods and details needed for the student to comply with the assigned sanctions.

Additional Notification Requirements – Long-Term Suspension

When a long-term suspension is imposed, the written notification to the student shall include:

1. A statement of the allegations, the determination of responsibility, the decision regarding sanction(s), and a description of facts related to the misconduct, including the evidence against the student and the date(s), time(s), and location(s) of the offense(s).
2. A copy of the Student Services Procedure 3027 – Standards of Student Conduct, Student Services Procedure 3031 – Student Disciplinary Procedures, and Board Policy 3012 – Rules and Regulations on Student Conduct.
3. An explanation that the student has the right to appeal the Conduct Administrator's decision. To appeal the decision, the student must submit a written request for an appeal hearing to the Conduct Administrator within five (5) days of the service or mailing of the notification, whichever is earlier. If no request is submitted within this period, the decision becomes final and is no longer subject to appeal.

The request for a hearing must include the specific ground(s) for the appeal. A student may only appeal the Conduct Administrator's decision for the following reasons:

- **New Information** – Important new information has become available that was not reasonably accessible during the original decision.
- **Unfair Sanction** – The sanction or remedy given is not appropriate based on the seriousness of the offense.
- **Unfair Process** – The student did not receive fair treatment during the process (for example, if the process was biased, arbitrary, or unfair).

If the student intends to be accompanied by an advisor or to present witnesses at the hearing, the student's request for a hearing shall include the name(s) and contact information of the advisor and each witness.

4. The notification may also include terms that must be satisfied prior to reinstatement, as deemed necessary or appropriate by the Conduct Administrator.

Additional Notification Requirements – Expulsion

When a recommendation for expulsion is made, the written notification to the student shall include:

1. A statement of the allegations, the determination of responsibility, the decision regarding sanction(s), and a description of facts related to the misconduct, including the evidence against the student and the date(s), time(s), and location(s) of the offense(s).

2. A copy of the Student Services Procedure 3027 – Standards of Student Conduct, Student Services Procedure 3031 – Student Disciplinary Procedures, and Board Policy 3012 – Rules and Regulations on Student Conduct.
3. Information related to the college-level hearing that will be scheduled and the student's right to attend and present evidence.

VIII. Schedule of Hearing

A formal hearing shall be held within ten (10) days of the student's written request for an appeal in cases of long-term suspension, or within ten (10) days of the notification to the student when expulsion is recommended. The Conduct Administrator shall notify the student in writing of the date, time, and location of the hearing.

IX. Hearing Authority

- A. The Hearing Authority will be the Student Conduct Committee ("Committee") or, if appropriate to address extenuating circumstances or time limitations, the College President may elect to assign an Administrative Hearing Officer.
- B. An Administrative Hearing Officer may be a college official or a licensed California attorney with experience in student discipline and due process.
- C. The Committee shall include: one faculty member, one administrator or manager, and one student. A classified professional may also participate in the Committee. The selection process for the Committee will normally occur at the beginning of each academic school year.
 1. The Academic Senate will select a faculty representative and alternate(s). Vacancies will be filled by the Academic Senate.
 2. The Classified Senate will have the option to select a classified representative and alternate(s).
 3. The Associated Student Body will select a student representative and alternate(s). Vacancies of student members shall be filled by the Associated Student Body.
 4. The College President will select the administrative or management representative and alternate(s). The administrative or management representative will serve as the Committee Chair.
 5. Committee members shall notify the Committee Chair if they have a conflict of interest because they are involved in the discipline matter or have a personal relationship with any of the involved parties, and, therefore, are unable to serve as a neutral party.
 6. Alternate faculty, administrative, and student members shall be appointed to ensure that a standing committee can always be convened promptly.

X. Hearing Procedures

- A. Prior to the start of the Appeal Hearing, the Conduct Administrator shall provide the Hearing Authority with a copy of the Notification of Sanctions, the student's written request for an appeal hearing, and any other relevant evidence.

- B. The Chair or Administrative Hearing Officer will call the hearing to order, explain the hearing procedures, and have all Parties introduce themselves.
- C. The Chair or Administrative Hearing Officer shall present the rules governing the hearing and maintain order throughout the proceedings. The Chair is responsible for ensuring that all participants respect the right of others to make statements and that the confidentiality of such statements is preserved.
- D. The Conduct Administrator or designee shall present relevant evidence regarding the alleged misconduct. The evidence presented may include live witness testimony, declarations submitted under penalty of perjury, and documentary evidence. The Hearing Authority will have the opportunity to ask the Conduct Administrator, the accused student, and any witnesses questions.
- E. The accused student may then present any relevant evidence, including live witness testimony, declarations submitted under penalty of perjury, and documentary evidence. The Conduct Administrator or designee and the Hearing Authority will have the opportunity to cross-examine witnesses.
- F. The Conduct Administrator or designee and the accused student may make closing statements. Closing statements shall be limited to five (5) minutes.
- G. The Hearing Authority shall rule on all questions of procedure and admission of evidence. Only relevant material evidence shall be presented to and considered by the Hearing Authority. Irrelevant, immaterial, and/or unduly repetitious evidence shall be excluded. The Hearing Authority shall consider no evidence other than that evidence received at the hearing. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself to support a finding.
- H. Hearings need not be conducted in accordance with strict rules of evidence or the formality of a court hearing.
- I. A student may be accompanied by an advisor of their choosing, at the student's request. The advisor may be present at the hearing and may counsel the student. The advisor may not address the Hearing Authority and shall not be permitted to participate in any way during the hearing except to offer counsel to the student.
- J. The accused student is expected to represent themselves. In rare circumstances, if the Hearing Authority determines that complex legal issues are involved, the student may be permitted to be represented by an attorney. A written request for attorney representation must be submitted to the Conduct Administrator at least five (5) days before the hearing. If attorney representation is approved, the college representative may also request legal counsel.
- K. The Hearing shall be closed to protect the privacy and confidentiality of everyone involved unless the student and District agree in writing to have a public hearing at least five (5) days in advance of the hearing. A closed hearing will be closed to everyone except the following:
- The accused student;
 - The Hearing Authority;
 - An advisor for the student charged, if so desired;
 - The Conduct Administrator or designee;
 - A witness, while presenting evidence; and,
 - An on-campus advisor for a witness while presenting evidence.

- L. An official audio or video recording of the Hearing shall be kept. The record shall be the property of the District. The accused student may review the recording at a mutually agreeable location at the college. The recording is the official record and remains District property. Upon written request, the student may obtain a copy of the recording at their own expense.
- M. An accused student who fails to appear after having been notified of the hearing is deemed to have waived their right to participate. The hearing shall be terminated and the Hearing Authority shall be dismissed. The initial recommendation for disciplinary action shall stand.
- N. Within five (5) days after the hearing concludes, the Hearing Authority shall prepare and send a written decision to the President. The decision shall include findings regarding the accusation and conclusions about whether standards of student conduct were violated. It will also contain a specific recommendation to uphold or modify the disciplinary action imposed by the Conduct Administrator. The decision must be based solely on the hearing record, which consists of the original accusation, the student's written response (if any), and the oral and written evidence presented at the hearing.

XI. College President's Decision

- A. The College President shall reach a decision after reviewing the report submitted by the Hearing Authority. The College President may request more information from the Hearing Authority for further clarification on case details, such as evidence and findings of fact. The College President may uphold the recommendation made by the Hearing Authority or adopt a lesser or different sanction.
- B. A written statement of the decision shall be sent to the student's college email address and via certified or registered mail to the student's last known mailing address within ten (10) days of the College President's receiving the Hearing Authority's recommendation. A copy of the suspension determination or expulsion recommendation, including the reasons for the disciplinary action, shall be placed in the student's permanent disciplinary record (not the transcript).
- C. **Long-Term Suspension** – The decision of the College President to impose a long-term suspension or impose a lesser sanction shall be final and not subject to further appeal.
- D. **Expulsion** – The decision of the College President to recommend expulsion shall be forwarded to the Governing Board through the Chancellor.
- E. In the event that a College President is or will be unavailable for the making of a prompt decision, the College President or Chancellor may appoint an unbiased designee to act on the appeal.

XII. Governing Board Decision – Student Expulsion

The Governing Board shall, with the agreement of the Chancellor, consider any recommendation from a College President or designee for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision. The Governing Board has the sole authority to expel a student.

The Governing 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, at least three (3) days prior to the meeting, of the date, time, and place of the Governing Board's meeting. Written notice shall be delivered via District email and registered or certified mail to the last address on file with the District, or by personal service.

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 requests that the Governing Board consider an expulsion recommendation in a public meeting, the Governing Board will hold any discussions that could conflict with the privacy rights of students other than the student requesting the public meeting in closed session.

Hearing Procedures

1. Before commencement of the hearing, the Governing Board shall review a description of the charges, notices, evidence, findings, and a copy of the proposed decision from the college-level hearing. The Governing Board shall consider no evidence other than that evidence received in the hearing process. The College President or designee shall make a brief statement to the Governing Board, referring to relevant evidence regarding the alleged misconduct.
2. The accused student may then make a brief statement to the Governing Board and present any relevant evidence.
3. The statements shall be limited to twenty (20) minutes.
4. Upon completion of these statements, the Governing Board will have an opportunity to ask questions of both the student and the College President or designee.
5. The Governing Board will conclude the hearing, dismiss the parties, and privately deliberate as to a decision. The Governing Board shall issue a statement of decision to either uphold the College President's decision regarding the expulsion or modify that decision. If the Governing Board decides to modify the decision, it must include legal and factual support for that decision. The Governing Board may also recommend further investigation.

Pursuant to Education Code section 72122, the final action of the Governing Board shall be taken in open session, and the result of that action shall be a public record. The name of the student, however, shall not be released.

The Chancellor's Office will send a written statement of the Governing Board's decision to the student's college email address and via certified or registered mail to the student's last known address within three (3) days of the hearing.

If the Governing Board's decision is unfavorable to the student, the student shall have the right to submit a written statement of their objections to the decision. This statement shall become a part of the student's record.

The decision of the Governing Board is final and not subject to appeal.

XIII. Notification of Law Enforcement

The College President or designee shall, upon suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is situated of any acts of the student which may be in violation of Section 245 of the Penal Code (California Education Code Section 76035).

XIV. Time Limits

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

Education Code, Sections 66017, 66300, 66301, 76033, 72122, 76030-76037, 76220, 76234