Student Conduct Programs should contribute to the teaching of appropriate individual and
group behavior as well as to protecting the campus community from disruption and harm.
The Programs should be conducted in ways that will serve to foster the ethical
development and personal integrity of students and the promotion of an environment that
is in accord with the overall educational goals of the institution. 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.

The Office of Student Conduct and Grievances is responsible for the student conduct and
sanctioning procedures of the college. Inquiries should be directed to the Office of
Student Conduct and Grievances.

STUDENT CONDUCT PROCEDURES AND SANCTIONS

Definitions

District – The Cerritos Community College District.

Day – A day is defined as any day Monday through Friday that all normal College
business is conducted, both in the classroom and in the administrative offices. All
weekend days and College holidays are excluded.

Student – Any person currently enrolled as a student of the District.

Instructor – Any academic employee of the District in whose class a student subject
to discipline is or was 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.
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 Probation – A period on probation that may include, but is not limited to, exclusion of the individual from designated co-curricular activities of the college for a set period of time.

Removal from class – Exclusion of the student by an instructor for the day of the removal and the next class meeting.

Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the President/Superintendent or designee for any person to remain on campus in accordance with California Penal Code Section 626.4 where the President/Superintendent or designee has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Short-term Suspension – Exclusion of the student by the President/Superintendent or designee for good cause from one or more classes for a period of up to ten consecutive days of instruction.

Long-term Suspension – Exclusion of the student by the President/Superintendent or designee for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

Expulsion – Exclusion of the student by the Board of Trustees from the District for one or more terms.

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

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

- Notice – The President/Superintendent or designee will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
  o the specific section of the Standards of Student Conduct that the student is accused of violating.
  o a short statement of the facts supporting the accusation.
  o the right of the student to meet with the Dean of Student Services or designee to discuss the accusation, or to respond in writing.
  o the nature of the discipline that is being considered.
- **Time limits** – The notice must be provided to the student within 20 days of the date on which the administration of the college became aware of the conduct; in the case of continuous, repeated, or ongoing conduct of which the administration of the college has become aware, the notice must be provided within 20 days of the date on which the administration became aware that the conduct occurred which led to the decision to take disciplinary action.

- **Hearing Officer Meeting** – The student is to have a hearing with the Dean of Student Services or designee serving as the district hearing officer. The hearing must occur no sooner than five 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.

- **Short-term Suspension** – Within five days after the meeting described above, the President/Superintendent or designee shall, pursuant to a recommendation from the Dean of Student Services or designee, decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the President/Superintendent’s 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 President/Superintendent or designee decision on a short-term suspension shall be final.

- **Long-term Suspension** – Within five days after the meeting described above, the President/Superintendent or designee shall, pursuant to a recommendation from the Dean of Student Services or designee, decide whether to impose a long-term suspension. Written notice of the President/Superintendent or designee decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before the hearing panel before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing. The request must be made in writing to the Vice President of Student Services or designee.

- **Expulsion** – Within 10 days after the meeting described above, the President/Superintendent or designee shall, pursuant to a recommendation from the Dean of Student Services or designee, decide whether to recommend expulsion to the Board of Trustees. Written notice of the decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before the hearing panel before expulsion is imposed, and a copy of this policy describing the procedures for a hearing. The request must be made in writing to the Vice President of Student Services or designee.

A decision of the Board of Trustees to impose expulsion shall be reached no later than the next regularly scheduled regular meeting of the Board after receipt of the recommended decision.
Written or Verbal Reprimand – May be initiated by any faculty or College manager and sent in writing to the Office of Student Conduct and Grievances. The Disciplinary Officer (Dean of Student Services or designee) shall determine if there exists good and sufficient reason to initiate disciplinary action and the student should be notified of such actions.

Disciplinary Probation – Initiated by the Dean of Student Services or designee. The nature of the misconduct, dates, times, places, and the length of probation shall be placed in writing. Written copies shall be sent to the student and copies filed with the Office of Student Conduct and Grievances.

Removal from Class (Education Code Section 76032): Any instructor may order a student removed from his/her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the Faculty Coordinator for Student Conduct and Grievance and complete a Student Conduct Incident Form. The Faculty Coordinator or designee shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the Faculty Coordinator or designee shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the Faculty Coordinator, or designee from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

Immediate Interim Suspension (Education Code Section 66017): The President/Superintendent or designee may order immediate suspension of a student where he or she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten days.

Withdrawal of Consent to Remain on Campus: The President/Superintendent or designee may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she must promptly leave or be escorted off campus. If consent is withdrawn by the Dean of Student Services or designee, a written report must be promptly made to the President/Superintendent 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 14 days from the date upon which consent was initially withdrawn.

All applicable conditions of a withdrawal of consent to remain on campus, suspension, or expulsion in effect when a break occurs in the conducting of College business (both in the classroom and in the administrative offices) remain in effect during the break unless specifically excepted in writing by the President/Superintendent or designee.

A withdrawal of consent to remain on campus, suspension, or expulsion prohibits both physical presence on the campus and at a facility or activity operated by the College and any type of online or distance education presence or participation in classes, activities, and/or operations of the College.

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).

Clearance to Return – Prior clearance to return to the college (in-person and/or online) may be required. Clearance requirements may include completion of educational or other courses or processes as specified in the sanction decision. This requirement may include confirmation that the individual is ready for the college classroom and/or that the individual’s continued presence on campus is not a threat to himself/herself, others, and/or the property of the District or others.

Hearing Panel

The hearing panel for any disciplinary action subject to hearing by a panel shall be composed of one administrator, two faculty members, and two students.

Unless he or she determines to keep the prior year’s appointees in place, the president of the Faculty Senate, and the President of ASCC shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearing panels. The President/Superintendent or designee shall appoint the hearing panel from the names on these lists plus the Dean of Student Services or designee. 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.

The hearing panel shall be responsible to the President/Superintendent for reviewing and making a recommendation to the President/Superintendent or designee.

Membership of the hearing panel shall include the following:
1. Two members of the instructional staff appointed by the Faculty Senate.

2. Two ASCC Student Court Justices, or two other students who meet the minimum eligibility requirements to hold office in the ASCC if such justices are party to the matter at hand or are otherwise unavailable to serve, appointed by the ASCC Court Chief Justice or by the Associated Students President, if the Court Chief Justice is a party to the matter.

3. The Disciplinary Officer/Dean of Student Services or designee shall serve as the Chairperson of the Hearing Panel, but will not vote except to break a tie.

Procedures for a Hearing, Disposition, and Imposition of Sanctions

1. Written notice of a hearing shall be mailed or delivered to the student. A hearing must be held within ten days of the suspension if the suspension is immediate.

2. Notice shall include date and place of hearing, a statement of all charges, a copy of applicable policies and procedures, the opportunity of the student to appear in person, and the opportunity to present oral and documentary evidence.

3. Hearings shall be conducted in the manner consistent with the orderly conduct of the affairs of the College, and which seems to the hearing panel to be most conducive to the determination of the truth.

4. 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.

5. The facts supporting the accusation shall be presented by a college representative who shall be the Dean of Student Services or designee.

6. The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

7. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

8. Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his/her evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.

9. The student may represent himself/herself, and may also have the right to be represented by a person of his/her 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, a request must be presented 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 that legal counsel to the college participate in his/her place. 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.

10. Hearings shall be closed and confidential unless the student requests that it be open to the public. If more than one student’s case is under consideration, any and all such other students must also request that the hearing be open to the public in
order to make it open to the public. Any such request must be made no less than five days prior to the date of the hearing. Requests contrary to state or federal law or to the safety of the college or participants shall not be approved, subject to appeal to the President/Superintendent or designee.

11. 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.

12. All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded shall not be considered unavailable for the purposes of this section.

13. The hearing shall be recorded by the District either by tape recording or stenographic recording. The official recording shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. 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. Transcripts may be redacted to comply with law, policies, and to protect the privacy and/or safety of individuals.

14. Within five days following the close of the hearing, the hearing panel shall prepare and send to the President/Superintendent 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 sanction 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.

President/Superintendent’s Decision:

**Long-term suspension** – Within five days following receipt of the hearing panel's recommended decision, the President/Superintendent or designee shall render a final written decision. The President/Superintendent or designee may accept, modify, or reject the findings, decisions and recommendations of the hearing panel. If the President/Superintendent or designee modifies, or rejects the hearing panel's decision, the President/Superintendent 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 President/Superintendent or designee shall be final.

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

### Board of Trustees Decision

**Expulsion** – A decision of the Board of Trustees to impose expulsion shall be reached no later than the next regularly scheduled regular meeting of the Board after receipt of the recommended decision.

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

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

The student may, within 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 President/Superintendent and/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.

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

These procedures may change from time to time and may be superseded by current state and federal laws and regulations. Otherwise, the College Catalog, which is updated annually, contains the most recent information regarding student discipline procedures.

Also see BP 5500 titled Standards of Student Conduct
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(Replaces former Cerritos College Policies 4806 and 4806.1)