STUDENT DISCIPLINE PROCEDURES

When a student is charged with disruptive behavior related to a class, lab, or other instructional/student support services setting, and the instructor or supervisor has reasonable proof or documentation and/or the student admits to the violation, the instructor or supervising college authority must complete a clear and detailed report. This includes disruptive behavior as described in Academic Integrity. (See the Student Rights and Responsibilities Handbook.)

Disciplinary options include the following:

1. For violence and other emergencies, especially when the safety of personnel or campus property is in question, 911 should be called immediately.
2. Issuing an oral or written notification and warning the student that further acts of this sort will result in additional disciplinary action.
3. Completing one of the following report forms (available on the Student Affairs website):
   a. Disruptive Student Behavior Report (DSBR)
   b. Academic Dishonesty Report (ADR)
   c. Concern for Student Report (CSR)

For all of the above reports, instructors should make every effort to:
   a. Conference with the student.
   b. Give the student a copy of the report.
   c. Inform appropriate Division Dean.
   d. Send a copy of the report to the Dean of Student Services.

4. Removing the student from the class for one or two class sessions. In this case, the instructor must follow the reporting procedures as stated in Disciplinary Procedures. (See the Student Rights and Responsibilities Handbook.) If the student is a minor, as defined by current law, the instructor shall ask the parent or guardian of the student to attend a parent conference regarding the removal as soon as possible. The Division Dean or Dean of Student Services shall attend the conference if the instructor or the parent so requests. When in question, the Dean of Student Services or the Office of Admissions and Records can help determine the status of a minor.

5. Dropping the student from the class:
   a. Consult with the Division Dean before dropping a student.
   b. Drop the student through WebAdvisor.
   c. To drop a student after the 75% mark of the semester, the instructor:
      i. Must request an administrative drop through his/her administrator.
      ii. Also has the option to issue a grade.
   d. Complete the appropriate report.

Note: Students have the right to appeal by following the procedures outlined in this handbook. (See the Student Rights and Responsibilities Handbook.)
Chapter Five: Student Services and Operations

Referrals to the Dean of Student Services

A student may be referred to the Dean of Student Services by any member of the staff, faculty, or administration.

1. A report shall be completed and submitted to the Dean of Student Services by the employee who wishes to report a student.

2. The person reporting the student must, if possible, inform the student that he/she is sending the report to the Dean of Student Services. If possible, the student must be given a copy of the report.

3. The Dean of Student Services may, depending upon how serious the referral is, speak with the student and other involved staff members and determine which of the following actions to take:
   a. File the report for future reference.
   b. Issue a reprimand and/or warning to the student that continued misconduct may result in serious disciplinary action.
   c. Refer the student to a college or community agency for counseling or rehabilitative treatment.
   d. Refer the student to the Disruptive Behavior Intervention Committee (DBIC).
   e. Suspend the student immediately pending a hearing within ten (10) working/school days. This option may only be invoked where the college determines in its discretion that an immediate suspension is required in order to protect lives or property or to ensure the maintenance of order pending a hearing. In all other cases where disciplinary action is to be taken, the college shall follow the procedures for suspension and/or expulsion in Disciplinary Procedures. (See Student Rights and Responsibilities Handbook.)
   f. Arrange a hearing for suspension or expulsion as set forth in Disciplinary Procedures. (See the Student Rights and Responsibilities Handbook.)

Referrals to Sheriff’s Office, Cabrillo Division

1. For violence and other emergencies, especially when the safety of personnel or campus property is in question, 911 should be called immediately.

2. All serious disruptive behaviors may be referred to the campus Sheriff. If such cases are violations of local, state, or federal law, a student may receive legal consequences in addition to college disciplinary procedures.

3. All Crime Reports or Incident Reports that result from referrals to the Sheriff’s office will be reported to the Dean of Student Services. These reports may serve as the basis for disciplinary action consistent with other procedures stated in this handbook.

Hearing Procedures for Suspension and Expulsion

1. A student may be suspended immediately pending a hearing within ten (10) working/school days only if the Dean of Student Services, or other designee, determines in his/her discretion that an immediate suspension is required in order to protect lives or property or to ensure the maintenance of order pending a
hearing. Otherwise, a hearing must take place before a suspension is issued. The hearing will take place before the Hearing Committee. The student may waive his/her right to a hearing by completing a Waiver of Right to Hearing (see the Student Rights and Responsibility Handbook for this process).

2. The Hearing Committee shall be chaired by one of the Hearing Committee members. For membership, see Hearing Committee section of this policy.

3. The accused student shall be given the right to be represented by a person (advocate) of her/his choice. If the accused chooses to bring an attorney he/she must inform the District with ample time for the District to be represented by an attorney as well.

4. Students being called to a hearing for possible suspension or expulsion may request postponement from the Dean of Student Services. Postponements will not be granted more than twice. In the case of a student who is waiting to go on trial in city or county courts, upon request, postponement will be granted until the courts have concluded the case.

5. No committee member who is proved to be biased in favor of or against the accused student may sit in judgment of the student. The party alleging bias shall have the burden of establishing that bias exists. If such is the case, this could result in postponement of the hearing and extension of suspension if a Committee member needs to be replaced. However, the hearing may proceed, by mutual agreement, without the full four-member panel.

6. The Dean of Student Services shall cause to be delivered to the accused student, by personal service, via certified mail, or in person, a copy of the concerns or complaints against her/him and all other available materials intended to be used against the student. All material shall be delivered at least two (2) days prior to the hearing. Documents submitted after this timeline can be considered. However, the student being accused may request postponement of the hearing if he/she requests more time to review and respond to the documents.

7. The student being accused may submit documents for the Hearing Panel to review but must deliver these at least two (2) working/school days before the hearing to the Dean of Student Services. Documents may be submitted after this timeline; however, doing so may prevent the Hearing Committee from having ample time to thoroughly review the documents.

8. The District shall have the burden of proof.

9. The Hearing Committee is charged with the responsibility of:
   a. Conducting an orderly and expeditious deliberation.
   b. Determining if the charges presented are adequately substantiated.
   c. Making a recommendation for action to the administration based on its findings.

10. The accused student and his/her advocate shall be given the right to be present when testimony and other evidence are being presented to the Hearing Committee. If the Dean of Student Services has determined that the safety of the college is in question, he/she may direct the student to remain off the campus and will arrange for him/her to participate via teleconference. The student and/or the advocate shall be given the opportunity to question adverse testimony.
11. The accused student shall be afforded the right to present his/her defense and to present witnesses and relevant evidence in his/her defense.

12. The final deliberation of the committee must be based solely on the evidence given. The accused shall not be present during the final deliberation. Deliberations of the committee will be held in closed session and the decision of the committee will be communicated to the student within ten (10) school/working days of the hearing.

13. An audio recording shall be kept of the hearing committee proceedings by the Dean of Student Services for a minimum of two (2) calendar years. Access to tapes shall be limited to the parties involved.

14. The decision of the Hearing Committee is advisory to the Dean of Student Services or other designee. The Administration (Dean of Student Services and/or other administrative Designee) will carefully consider the findings and recommendations of the Hearing Committee and make a final decision for disciplinary action.

15. All copies of all proceedings of the Hearing Committee shall be kept in a confidential file by the Dean of Student Services. All proceedings of the committee shall be closed and strictest confidentiality shall be maintained by all participants in the hearing process.

Appeals

1. A student may appeal the decision of the Dean of Student Services or other administrative designee to the Superintendent/President within ten (10) working days of the date the student receives the decision for disciplinary action. The student’s appeal must be presented in writing addressed to the Superintendent/President. The President/Superintendent will respond to the student in writing within ten (10) school/working days. The Superintendent/President may overturn the decision of the Hearing Committee if any of the following conditions can be substantiated satisfactorily:
   a. The right of procedural due process had been denied to the student by any or all of the proceedings.
   b. Compelling new evidence warranting the exoneration of the student is presented.
   c. The judgment of the Hearing Committee was arbitrary and capricious.

2. A student may appeal the Superintendent/President’s decision to the Governing Board within ten (10) school/working days of the date the student received the Superintendent/President’s decision. The Governing Board will review the appeal within 45 days after the next regularly scheduled board meeting and may request a hearing.
   a. All deliberations must occur in closed session to protect the student’s right to privacy.
   b. The student must be notified of the date of the Board’s intent of action in writing.
   c. If the Board calls for a hearing, the student must be informed of his/her right to request that the Board Hearing be open to the public. He/she must make
this request within 48 hours of the notification. The Governing Board must comply with this request.

d. Final action must be taken at a public meeting.

e. The decision of the Governing Board shall be final.

Suspension or Expulsion

In addition to the conditions outlined above, a student may be suspended by the President, Dean or Vice President of Student Services, or other President designee. The Governing Board may expel a student. Suspensions and expulsions may be issued for any of the following reasons related to college attendance or college activity at any time or place. The following is from the California Education Code Section 76033:

1. “Good cause” includes, but is not limited to the following offenses:

   a. Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.

   b. Assault, battery, or any threat of force or violence upon a student or college personnel.

   c. Willful misconduct which results in injury to or death of a student or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District.

   d. The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code.

   e. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the Governing Board.

   f. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

2. Illness, contagious or otherwise, which creates a serious threat to the health of the student or other students and college personnel.

Discipline Related to Online or Distance Education

A student’s conduct in an online learning environment must conform to those acceptable standards for all students as outlined in this handbook. Unacceptable conduct includes, but is not limited to the following:

1. The use of threatening, harassing, sexually explicit language, or discriminatory language or conduct that violates state and federal law and Cabrillo College policy on sexual harassment or discrimination/

2. Disruptive behavior online such as use of profanity, or disrespectful language used in course communication tools such as discussion forums, email, blogs, etc. (See Student Rights and Responsibilities Handbook.)

3. Unauthorized posting or transmitting content that violates state or federal law, or Cabrillo’s Academic Honor Code. (See Student Rights and Responsibilities Handbook.) This includes College policy on academic dishonesty/

4. Violation of the terms of service agreement for course software, including reconfiguring the software, or gaining unauthorized access.
See AP 5530 for the Hearing Committee makeup and process.

Approved by Student Services Council January 18, 2012