

STUDENT DISCIPLINE PROCEDURES AND DUE PROCESS

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct outlined in Board Policy 5500 (http://www.sierracollege.edu/_files/resources/about-us/board/policies/chapter5/Board-Policy-5500.pdf). Each case is handled individually; while due process is always employed, some of the procedures outlined below may not be necessary in every case.

Procedures for Suspension

1. Interim Suspension: Without an initial hearing, the Disciplinary Officer may order an interim suspension of a student where he or she concludes that the interim suspension is required to protect lives or property and to ensure maintenance of order. In such cases where an interim suspension is ordered, a reasonable opportunity will be afforded to the student for a hearing within ten (10) days of imposing the interim suspension. Interim suspension may be for a class or all classes.

2. Suspension from one or more classes, privileges or activities or for the remainder of the school term or for one or more terms. A reasonable opportunity will be afforded the student for a hearing within 10 days. If a minor student is suspended, the parent or guardian shall be notified in writing of the suspension (Education Code Section 76031). A student who has been suspended for the remainder of the school term may be prohibited from being enrolled at any campus or site in the District for the entire period of the suspension.

Procedures for All Other Disciplinary Actions

1. Students accused of alleged misconduct shall be referred to the Disciplinary Officer. The Disciplinary Officer may require a written statement relevant to the alleged misconduct. The Disciplinary Officer has the right to impose disciplinary action based on good cause as set out in Board Policy 5500 following the disciplinary action procedures below.

2. In cases of alleged student misconduct, the Disciplinary Officer or designee shall use all reasonable means to contact the student to notify him or her of the allegations and to provide an opportunity for the student to respond. The Disciplinary Officer shall offer the student the opportunity to respond and address the accusations and/or instances of alleged misconduct verbally or in writing. Students must respond within two (2) days of receiving notice. Failure to respond shall be deemed a waiver of the right to contest any discipline imposed or other action taken.

a. The District will provide the student with written notification of the conduct warranting discipline. The notice shall include the specific section of the Standards of Student Conduct the student is accused of violating, and a short statement of facts supporting the accusation.

3. After considering the student's response and considering all information relative to the issue, the Disciplinary Officer may choose to take any of the following actions:

a. Drop the charges for lack of evidence.

b. Issue a warning.

c. Prohibit the student from intentionally contacting (e.g., by telephone or e-mail), or otherwise disturbing the peace of others specifically named for a specified period of time.

d. Remove a student from one or more classes or activities (sports, student government, field trips, drama events, etc.) for up to ten (10) days. Any decision to remove a student for up to ten (10) days is final and may not be appealed.

e. Recommend expulsion to the Board of Trustees.

f. Any other action the Disciplinary Officer deems appropriate.

Informal Agreement of Resolution

In cases where the Disciplinary Officer determines that an Informal Agreement is appropriate, the accused student will be informed that the Informal Agreement, while not a part of the student's permanent record, is binding. If the student fails to abide by the Informal Agreement, such failure will be regarded as actionable misconduct and may subject the student to disciplinary action.

Removal from Class by Instructor

An instructor may remove a student from class for the day of the removal and the next class meeting (no matter the length or type of class) for any good cause. The instructor shall immediately report the removal to the Disciplinary Officer. If the student removed is a minor, the Disciplinary Officer shall invite the student's parent or guardian to attend a parent conference regarding the removal as soon as possible. If the instructor or parent or guardian so requests, a District administrator shall attend the conference. During the period of removal, the student shall not return to the class from which he or she was removed without the concurrence of the instructor (Education Code, Section 76032). Decisions on such removals shall be final and cannot be appealed.

Failure to Comply with Program-Specific Policies and Procedures

Sierra College offers educational programs and services that require compliance with specific policies, procedures and standards including but not limited to: Nursing, Public Safety, Study Abroad, Health Center, and Residence Life. Students who fail to comply with these policies will be disciplined according to the specific mandates of the program. This does not preclude discipline against students enrolled in those programs and services for other alleged misconduct under these procedures. See AP 5521 (http://www.sierracollege.edu/_files/resources/about-us/board/policies/chapter5/Administrative-Procedure-5521.pdf) Nursing Student Discipline Procedures and Due Process, and AP 5522 (http://www.sierracollege.edu/_files/resources/about-us/board/policies/chapter5/Administrative-Procedure-5522.pdf) Firefighter Academy, Law Enforcement Academy and Emergency Medical Technician Program Student Discipline Procedures and Due Process.

Financial Aid

Any student suspended or expelled from the District shall be ineligible for scholarships, loans, grants, or any other financial aid during the period of suspension or expulsion.

Employment

Any student suspended or expelled from the District shall be ineligible for student employee status with the District for the period of suspension or expulsion.

Fees

No student suspended or expelled shall be refunded or credited any fees paid by and/or for the student.

Deadlines

Failure of the District to meet any of the deadlines specified in this Procedure shall not be construed against the District or result in a finding in favor of the student.

Right to include Statement or Response to Disciplinary Action

Pursuant to Education Code 76233, whenever there is any student record information concerning any disciplinary action taken by the Sierra College Disciplinary Officer in connection with the student, the student shall be allowed to include in such a record a written statement or response concerning the disciplinary action.

Reference: Sierra College Administrative Procedure 5520 (http://www.sierracollege.edu/_files/resources/about-us/board/policies/chapter5/Administrative-Procedure-5520.pdf)