

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. (https://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.

A. Grounds for Student Discipline. The College may impose student discipline for any conduct deemed to constitute willful disruption of the orderly operation of College activities including each of the grounds for discipline set out in Board Policy 5520, and, to the extent not listed in Board Policy 5520, any ground identified in Education Code sections 66017, 66301, 66302, 76030, and any conduct constituting "good cause" within the scope of Education Code section 76033.

B. Types of Student Discipline. Discipline includes reprimand, suspension and expulsion, imposed according to the process described below.

C. Process for Imposing Student Discipline. Students accused of alleged misconduct shall be referred to the Disciplinary Officer. The Disciplinary Officer may require the student to complete a written statement relevant to the alleged misconduct and giving the student's position. 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:

1. Discipline Not Requiring Hearing.

(a) **By Discipline Officer.** The Discipline Officer has authority and discretion, after consideration of available evidence including the student's statement, to impose discipline short of suspension which does not require any due process hearing.

(b) **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.

(c) **Interim (Up to 10 Day) Suspension in Certain Cases.**

2. The following procedures shall apply to discipline, such as suspension, which requires a due process hearing, Subject to the exception for interim suspension, described above, imposition of suspension and similarly severe forms of discipline require that a due process hearing be offered prior to imposition of the discipline. Due process includes the following steps:

(a) **Notice to Student.** If the Discipline Officer elects to proceed with discipline after reviewing (or not receiving) the student response to initial notification, the Discipline Officer shall notify the student of the proposed discipline and offer a due process hearing at which the hearing body (the Student Conduct Committee) will consider the evidence and make a determination of whether discipline shall be imposed.

(b) **Formation of a Student Conduct Committee.** The Discipline Officer shall arrange for the appointment of a Student Conduct Committee to hear the evidence and determine whether to impose discipline.

(c) **Conduct of Hearing and Decision.** At least 48 hours prior to commencement of the hearing, the Discipline Officer shall supply the student with a copy of all the written evidence the Discipline Officer intends to present at the hearing.

(d) **Notice of Decision and Appeal.** Once received from the Committee, the Discipline Officer shall transmit the decision to the student, along with a form for appeal. The student shall then have the right to appeal the decision to the Superintendent/President.

(e) **Expulsion Process.** Expulsion shall be by decision of the Governing Board upon recommendation of the Superintendent/President. Expulsion of a student is the permanent denial of student status and all attending rights and privileges. The District Superintendent/President may recommend expulsion of a student for "good cause" as defined in Board Policy 5500.

(f) **Response to Court Orders.** If an order requested by the College to protect its property or any person lawfully present thereon is issued upon finding of good cause by a court against a student of the College, and the order prevents the student from attending classes and maintaining academic standing, the College may, prior to expiration of the order, require the student to apply for reinstatement after the expiration of the order. Thereafter if the student applies for reinstatement the Governing Board shall conduct a review of the application which considers all of the following issues: the gravity of the offense leading to the court order, the evidence (if any) of subsequent offenses, and the likelihood that the student would cause substantial disruption if he or she is reinstated. After considering review, the Governing Board, or the designee with authority pursuant to Education Code section 76038(f), shall take one of the following actions: Deny reinstatement, permit reinstatement, or permit conditional reinstatement subject to specified conditions.

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.

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 Administrative Procedure 5521 Nursing Student Discipline Procedures and Due Process, and Administrative Procedure 5522 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.

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 - c. Interim (Up to 10 Day) Suspension in Certain Cases.

Reference: Sierra College Board Policy 5500 and Sierra College Administrative Procedure 5520