

**Administrative Procedure**  
Chapter 5 – Student Services

**AP 5520 STUDENT DISCIPLINE PROCEDURES**

**References:**

Education Code Sections 66017, 66300, 72122, 76030, and 76030 et seq.;  
Penal Code Section 626.4

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. 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.

This administrative 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 sexual harassment complaint under Title IX, the procedure in AP 3434 Responding to Harassment Based on Sex under Title IX, must be used.

**Definitions**

District	Long Beach Community College District.
Student	Any person currently enrolled as a student at the District 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.

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responsibility for the Student's educational program.

Staff	Any individual in a non-academic position with active employment status with the District, including but not limited to classified, management, full-time, part-time, permanent, probationary, limited-term, temporary, and substitute status.
Notification Letter	Written notification that requests that the Student schedule a hearing with the Director or designee to discuss reported claims of conduct violation and that also details the Student's alleged violations.

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When serious violations of college regulations or procedures occur as a result of inappropriate student conduct, the College shall take immediate action to resolve the problem. This action may occur as follows:

- A. **Immediate Interim Suspension** (Education Code Section 66017)  
The Superintendent-President or designee may order immediate suspension of a student where he/she/they 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 (10) days.
  
- B. **Removal from Class by Instructor** (Education Code Section 76032)  
Any Instructor may remove a Student from their class for the day of the removal as well as the next scheduled class meeting. The Instructor shall immediately submit a Public Incident Report to the Office of Student Conduct, and report the removal of the Student to the Superintendent-President, the Division Dean, and the Director of Student Conduct or de0 (den)10

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Dean of Student Affairs or designee of the removal, including the reason for removal, for appropriate action and documentation.

**D. Withdrawal of Consent to Remain on Campus**

The Dean of Student Affairs 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/they must promptly leave or be escorted off campus. If consent is withdrawn by the Dean of Student a written report must be promptly made to the Superintendent-President.

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 10 days from the date upon which consent was initially withdrawn.

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).

**Time Limits**

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

**Student Discipline Data Reporting**

The Superintendent-President shall develop and provide to the Board for review annually a report of the number of students who were disciplined pursuant to this procedure. This report must disaggregate the students by race, age, gender, or any other characteristic identified by the Board of Trustees.

**Disciplinary Sanctions**

Violations of these procedures are subject to the following types of disciplinary sanctions to be administered by the appropriate College authorities. The Vice President of Student Services, is responsible for establishing due process procedures that are fair and equitable. Sanctions are listed in degree of severity, but not necessarily in sequential order and may be imposed singly or in combination. A Student has the right to appeal suspensions and expulsions through established due process procedures.

- A. **Warning** - Notice to the Student that continuation or repetition of specified conduct may be cause for other disciplinary action.
- B. **Reprimand** - Notice to the Student in writing that officially recognizes a violation of the Student Code of Conduct or campus rules (see college catalogue). The reprimand admonishes the Student to avoid future infractions in order to avoid additional formal action.
- C. **Probation** - An official disciplinary action which returns the Student to the College based on the Student's promise of appropriate future behavior. Any violation of this promise will mandate further disciplinary action.
- D. **Social Suspension** - Social suspension limits a Student's presence on campus to scheduled class attendance. Loss of other privileges can be set forth in the Notice of Social Suspension for a specified period of time. Written notification of social suspension will specify the reason, terms, and conditions of the suspension to the Student(s) or the president of the student organization involved.
- E. **Disciplinary Suspension** - Disciplinary suspension follows an investigation and determination of responsibility based on due process procedures. It shall be utilized by the Superintendent-President, Dean of Student Affairs or designee, when Students are found responsible for violations of the Standards of Student Conduct when other corrective onpTc

- B. The Student has the right to timely notification of allegations, as well as the right to be heard. If the Student feels that they have been unfairly accused or mistreated, they have the right to report that behavior during the adjudication process.
- C. If the Student fails to schedule or appear at the meeting within 7 days of first notification via the Notification Letter, the Director or designee may proceed with the adjudication process without the Student.

## **Conduct Violation Resolution Procedures**

### **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:

- **Notification Letter** – The Director of Student Conduct or designee will provide the student with written notice of the alleged conduct warranting the meeting. The written notice will include the following:
  - the specific section of the Standards of Student Conduct that the student is alleged to have violated;
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The members of the Appeal Hearing Panel shall be provided with a copy of the allegations against the student and any written response provided by the student before the appeal hearing begins.

The facts supporting the allegations shall be presented by the Dean of Student Affairs (DOSA).

The DOSA and the student may call witnesses and introduce oral and written testimony relevant esnd wrin0 (a)6



unless the witness is unavailable to testify. A witness who refuses to be tape recorded is not unavailable.

Within 5 days following the close of the appeal hearing, the hearing panel shall prepare and send to the Superintendent-President or designee a written decision. The decision shall include specific factual findings regarding the allegation, 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 disciplinary sanction to be upheld or 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 allegation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

### **Superintendent-President or designee Appeal Decisions**

**Long-term suspension** – Within 3 days following receipt of the hearing panel's recommended decision, the Superintendent-President or designee shall render a final written decision. The Superintendent-President or designee may accept, modify, or reject the findings, decisions and recommendations of the hearing panel. If the Superintendent-President or designee modifies, or rejects the hearing panel's decision, the Superintendent-President 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 Superintendent-President or designee shall be final.

**Expulsion** – Within 5 days following receipt of the hearing panel's recommended decision, the Superintendent-President shall render a written recommended decision to the Board of Trustees. The Superintendent-President may accept, modify, or reject the findings, decisions and recommendations of the hearing panel. If the Superintendent-President modifies, or rejects the hearing panel's decision, he/she/they shall review the record of the hearing and shall prepare a new written decision which contains specific factual findings and conclusions. The Superintendent-President's decision shall be forwarded to the Board of Trustees.

### **Board of Trustees Decision**

The Board of Trustees shall consider any recommendation from the Superintendent-President for expulsion at the next regularly scheduled 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 48 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 Superintendent-President 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.

### **Readiness to Return Clearance**

A readiness to return clearance may be required before the Student is readmitted to the college, a particular class or allowed to come onto campus if the Student was removed due to a disciplinary sanction that involved concerns for Students own safety or safety of others. The Dean of Student Affairs or .Dn (i)6 (c (ul)6 (ar) or10 (nt)2 (ai)6 (n)11)6 (.)-l)6 ()2 ([h)10 )]1 .Dn (i)6 (cmdhe)1