
Kern Community College District
Administrative Procedure
Chapter 5 – Student Services

AP 5520 STUDENT DISCIPLINE PROCEDURES

References:

Education Code Sections 66300, 72122, and 76030

NOTE: *This procedure is **legally required, except as specifically noted.** Local practice may be inserted, but **must comply with the standards of due process reflected in this example.***

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.

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.

Definitions:

District – The Kern Community College District.

Student – Any person currently enrolled as a student at any college or in any program offered by the District.

Instructor – Any academic employee of the District in whose class a student subject to discipline is 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.

Short-term Suspension – Exclusion of the student by the District Chancellor 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 District Chancellor 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 all colleges in the District for one or more terms.

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

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.

Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the **[designate authority]** for any person to remain on campus in accordance with Penal Code Section 626.4 where the **[designate authority]** has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Day – Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays.

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 **[designated position]** will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - the specific section of the Standards of Student Conduct that the student is accused of violating.
 - a short statement of the facts supporting the accusation.
 - the right of the student to meet with the **[designated position]** or designee to discuss the accusation, or to respond in writing.
 - the nature of the discipline that is being considered.

- **Time limits** – The notice must be provided to the student within **[number of days]** of the date on which the conduct took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within **[number of days]** of the date on which conduct occurred which led to the decision to take disciplinary action.

- **Meeting** – If the student chooses to meet with the **[designated position]**, the meeting must occur no sooner than **[number of 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 [number of days] after the meeting described above, the District Chancellor shall, pursuant to a recommendation from the [number of days], 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 District Chancellor'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 District Chancellor's decision on a short-term suspension shall be final.

Long-term Suspension

Within [number of days] after the meeting described above, the District Chancellor shall, pursuant to a recommendation from the [designated position], decide whether to impose a long-term suspension. Written notice of the District Chancellor's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.

Expulsion

Within [number of days] days after the meeting described above, the District Chancellor shall, pursuant to a recommendation from the [designated position], decide whether to recommend expulsion to the Board of Trustees. Written notice of the District Chancellor's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.

Hearing Procedures – Request for Hearing

NOTE: Timelines may be locally determined. Five days is usually the minimum notice time accepted by courts.

Within [number] days after receipt of the District Chancellor's decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the District Chancellor or designee.

Schedule of Hearing

The formal hearing shall be held within [number] days after a formal request for hearing is received.

NOTE: The Board of Trustees may hear these matters itself, or may use the services of a hearing officer or a panel. If the hearing panel format is adopted, the following is suggested.

Hearing Panel

The hearing panel for any disciplinary action shall be composed of **[insert composition, such as one administrator, one faculty member and one student.]**

The District Chancellor, the President of the Academic Senate, and the AS president 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 District Chancellor shall appoint the hearing panel from the names on these lists. 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.

Hearing Panel Chair

The District Chancellor shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

Conduct of the Hearing

NOTE: *The hearing must comply with principles of due process, including the right to confront and cross examine witnesses. The following procedure is **legally advised.***

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.

The facts supporting the accusation shall be presented by a college representative who shall be the **[designate position].**

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

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

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 or her evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.

The student may represent himself/herself, and may also have the right to be represented by a person of his/her choice. **[Suggested language: 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 legal assistance. 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.]

Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than **[number of days]** prior to the date of the hearing.

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.

The hearing shall be recorded by the District either by tape recording or stenographic recording, and 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. Tape 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 tape recording.

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 is not unavailable.

Within **[number]** days following the close of the hearing, the hearing panel shall prepare and send to the District Chancellor 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 disciplinary action 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.

District Chancellor's Decision

Long-term suspension

Within **[number of days]** following receipt of the hearing panel's recommended decision, the District Chancellor shall render a final written decision. The District Chancellor may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the District Chancellor modifies or rejects the hearing panel's decision, the District Chancellor 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 District Chancellor shall be final.

Expulsion

Within [number of days] following receipt of the hearing panel's recommended decision, the District Chancellor shall render a written recommended decision to the Board of Trustees. The District Chancellor may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the District Chancellor modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The District Chancellor decision shall be forwarded to the Board of Trustees.

Board of Trustees' Decision

The Board of Trustees shall consider any recommendation from the District Chancellor 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 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 District Chancellor 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.

Immediate Interim Suspension (Education Code Section 66017)

The District Chancellor may order immediate suspension of a student where he/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 (10) days.

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 District Chancellor and the [designated position]. The [designate position] shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the [designated position] 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 [designated position] from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

Withdrawal of Consent to Remain on Campus

The [designate position] 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 [designate position] a written report must be promptly made to the District Chancellor.

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 [number of days, no more than 14 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.

Also see [AP 3410 titled Nondiscrimination](#), [AP 3435 titled Discrimination and Harassment Investigations](#), [BP/AP 5500 titled Standards of Student Conduct](#), and [AP 5530 titled Student Rights and Grievances](#)

NOTE: The language contained in current KCCD Procedure 4F8 is shown as struck below with the recommendation to consider using the red language only (above) vetted by Liebert Cassidy Whitmore.

❖ **From current KCCD Procedure 4F8 titled Student Conduct Hearing Panel Procedures**

Student Conduct Hearing Panel Procedures

~~For the purposes of these Procedures, an Instructional Day is defined as any of the days noted on the official Academic Calendar of the College as an instructional day, excluding Saturdays and Sundays.~~

Student Conduct

~~The Student Conduct Hearing Panel shall only be convened to hear the following cases:~~

- ~~• Cases in which the College President or designee recommends suspension or expulsion of a student for violation of the Student Conduct Policy. (Education Code Sections 66017 or 76030)~~
- ~~• Cases involving suspensions and expulsions in which a student requests a second hearing to appeal his/her alleged violation of the Student Conduct Policy, based on relevant new evidence which exists that was previously unavailable and that would substantially affect the findings of the Hearing Panel. The Hearing Panel Chair of the first hearing shall determine whether new evidence is substantial enough to warrant a second hearing.~~

Student Conduct Charges and Hearing

- ~~1. The College President will determined and publicize which administrative office will receive and administer the following issues:~~
 - ~~• Student conduct charges~~
 - ~~• Student complaints~~
 - ~~• Complaints related to discrimination (see Policy 11C4)~~
 - ~~• Complaints related to sexual harassment (see Policy 11C2)~~
- ~~2. Any employee and/or student of the Kern Community College District may file charges against any student(s) for misconduct. Charges shall be prepared in writing and directed to the College President or designee. Charges should be submitted within ten (10) instructional days after the event takes place. Charges may not be filed after six (6) months from the date of the offense, except under extenuating circumstances.~~
- ~~3. The College President or designee shall within ten (10) instructional days of receiving the charges, conduct an investigation to determine if the charges can be disposed of administratively by mutual consent of the parties involved. Such~~

~~disposition shall be final, and there shall be no subsequent proceedings. All parties involved shall be notified in writing within ten (10) instructional days of the decision.~~

~~If the charges cannot be disposed of by mutual consent, all parties involved shall be notified by the College President or designee of the intent to proceed to a hearing within ten (10) instructional days, and establish a timetable for convening the Student Conduct Hearing Panel.~~

- ~~4. All charges shall be presented to the accused student(s) in written form. A time shall be set for a hearing, within ten (10) instructional days after the student(s) has (have) been notified. For compelling reasons, maximum time limits for scheduling of hearings may be extended for ten (10) additional instructional days at the discretion of the College President or designee.~~
- ~~5. All cases of suspension or expulsion must be accompanied by a prompt hearing held by the Student Conduct Hearing Panel.~~

Student Conduct Hearing Panel and Hearing Process

Panel Composition

- ~~• One (1) or two (2) faculty members appointed by the Academic Senate President~~
- ~~• One (1) or two (2) classified staff members appointed by CSEA or Classified Senate President~~
- ~~• One (1) or two (2) administrators appointed by the College President~~
- ~~• One (1) or two (2) students appointed by the ASB President~~
- ~~• One (1) ad hoc chair appointed by the College President. This Chairperson shall be a non-voting member of the Panel except in the cases of a tie vote.~~

~~Appointments to the Hearing Panel will be made in accordance with established practices and procedures in effect at the colleges within the district.~~

Notification

~~In all student conduct cases before the Hearing Panel, the Chair of the panel or designee shall prepare and personally deliver or mail a written notice to the parties involved, including the Hearing Panel members, not less than ten (10) instructional days prior to the hearing. Notices personally delivered shall be evidenced by a signed receipt. Notices deposited in the United States mail, postage prepaid, return receipt requested, and sent to the last address available in college records, shall be presumed to have been received and read. The notice shall specify the time, date, and place of the hearing and shall include copies of the written complaint or incident report, the Student Conduct Policy, and the Hearing Panel Procedures. The notice shall also include a statement of the specific student conduct violation and the grounds which if proven, would justify sanctions, appraisal of the right to self-representation or representation by another student or staff member and appraisal of the right to present~~

witnesses and to cross-examine witnesses presented. Finally, the notice shall contain a clear request for the student's response as to whether or not he/she wishes to proceed with the hearing, and a clear indication that no response from the student(s) within five (5) instructional days constitutes a waiver of the hearing option.

Preparation

The Chair of the Hearing Panel or designee shall be responsible for making the necessary arrangements for the hearing. Arrangements shall include: scheduling a room, providing for a tape recorder, providing notice to the parties as indicated above, and any other arrangements.

Challenge

The student(s) accused of misconduct may challenge any member of the Hearing Panel for cause. Grounds for cause include: any personal involvement in the situation giving rise to the charge(s), any statement or act indicating that the person could not serve in an impartial manner. Any challenge must be made not less than five (5) instructional days prior to the hearing. Challenges shall be considered by the College President or designee. If a challenge is upheld by the College President or designee, he/she will direct that an alternate be appointed to the Hearing Panel.

Guidelines for Hearing

Hearings shall be conducted according to the following guidelines:

- a. The Chair of the Hearing Panel shall preside over the hearing and make decisions regarding procedures. The Chair's procedural decisions shall be final. In the hearing involving more than one (1) accused student the Chair may conduct separate hearings for each student.
- b. Hearings shall be closed and confidential. All witnesses shall be excluded from the hearing except when testifying. **(Moved from Procedure 4F10(b))**
- c. Admission of any person to the hearing shall be at the discretion of the Chair.
- d. The Chair shall call the hearing to order, introduce the parties, announce the purpose of the hearing, and read the alleged violation(s) aloud.
- e. The accused student(s) shall be given the opportunity to respond to all charges. He/she shall be provided an opportunity to present his/her own defense against the charges and to produce either oral testimony or written affidavits of witnesses on his/her behalf.

The College, the accused, and the Hearing Panel shall have the privilege of presenting witnesses, subject to the right of cross-examination. Witnesses shall only be identified at the hearing.

- f. ~~Formal rules of evidence shall not apply. All relevant evidence is admissible, including, but not limited to, statements of witnesses and relevant documents. The Chair shall decide on these matters.~~

~~Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the Hearing Panel at the discretion of the Chair. Both parties shall be provided the opportunity during the hearing to refute or contest any evidence presented. The Chair will rule on the admissibility of evidence.~~

- g. ~~Right to Representation~~

~~The student(s) and the staff member(s) may represent themselves, or may be represented by another student or staff member.~~

- h. ~~Right to Advisor~~

~~The student(s) have the right to be assisted by any advisor they choose. However, the advisor, while permitted to attend the hearing, shall not be permitted to participate directly in the proceedings. In other words, the advisor shall not be allowed to address the Hearing Panel, cross-examine witnesses, or make arguments on behalf of his/her advisee.~~

- i. ~~Each party shall be afforded the opportunity to make a closing argument.~~

- j. ~~After the hearing, the Student Conduct Hearing Panel shall deliberate in private for the purpose of determining whether the accused has violated the Student Conduct Code sections(s) as charged.~~

- k. ~~The Hearing Panel shall make its decision and/or recommendation(s) based on the preponderance of evidence presented at the hearing. In situations where a consensus cannot be achieved, the decision or recommendation(s) shall be made by a simple majority vote.~~

- l. ~~There shall be a single verbatim record, such as a tape recording, of all testimony before the Hearing Panel. The record shall be the property of the College and/or District.~~

- m. ~~The hearing shall be held whether the accused attends or not so that the charges and supporting evidence become part of the official record.~~

~~Procedures Subsequent to Hearing~~

~~Notifications~~

- a. ~~Within five (5) instructional days of the hearing date, the Hearing Panel shall recommend action to the College President in writing.~~

~~b. Upon receipt of the Hearing panel recommendation(s), the College President shall render a decision within five (5) instructional days and communicate that the decision, in writing, to all parties involved.~~

~~In all cases of suspension, the student(s) shall receive official notice from the College President or designee.~~

~~c. In cases of expulsion, the Chancellor or designee shall recommend action to the Board of Trustees after receiving the College President's recommendation and support documentation, including the Hearing Panel's recommendation and the hearing record.~~

~~After Board action, the Chancellor or designee shall notify the student by registered mail and return receipt requested. The expulsion may be for a specified or unspecified time and shall be from the Colleges, programs, and activities of the District.~~

~~In expulsion for an unspecified time, the student may, after a reasonable time, request the College President to remove the expulsion. If the College President approves the request, he/she shall make that recommendation to the Chancellor or designee who may recommend to the Board that the expulsion be removed. The Chancellor or designee shall notify the student of the Board's action.~~

Appeals

~~Under certain circumstances, the accused has the right to appeal the College President's decision. The appeal may be made on the following grounds only:~~

~~a. The Student Conduct Policy and/or Procedures were violated, and the violation resulted in demonstrable unfairness to the accused; or~~

~~b. Relevant new evidence exists which was previously unavailable and which would substantially affect the findings of the Hearing Panel.~~

~~Appeals must specify the grounds for the appeal and must be submitted in writing to the College President within:~~

~~a. Five (5) instructional days of written notification of the decision when delivered in person with a signed receipt, or~~

~~Eight (8) instructional days of written notification of the decision when sent by registered mail and return receipt requested.~~

~~Following a review, the College President may affirm the findings or sanction(s), remand for a full or partial rehearing, modify the sanction(s), or dismiss the charge(s) against the student(s).~~

~~Within ten (10) instructional days after receipt of the written appeal, the College President shall forward to the student(s) and to all parties involved a written notice of his/her decision regarding the appeal. The decision of the College President is final.~~

Confidential File

Establishment of Confidential File

- ~~a. A confidential file shall be established on all student(s) who have been found to be in violation of the Conduct Code.~~
- ~~b. All reports, records, transcripts, tapes, etc., that are made a part of the hearing shall be retained in the office of the appropriate Vice President and such reports, records, transcripts, tapes etc., made a part of the hearing shall be held confidential, except as required by law.~~
- ~~c. A confidential file shall be established on student(s) involved in District related incidents investigated by campus security and/or law enforcement personnel.~~

~~Approved by Chancellor's Cabinet October 2, 2001~~

~~Revised 12/13/05~~

~~Revised February 14, 2006~~

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). This procedure reflects updates/revisions from the Policy & Procedure Service in June 2013 and April 2014. The language in **black ink** is from current KCCD Procedure 4F8 titled Student Conduct Hearing Panel Procedures approved on October 2, 2001 and revised on December 13, 2005 and February 14, 2006. The language in **blue ink** is included for consideration.

Approved: October 2, 2001

Revised: December 13, 2005; February 14, 2006; _____

(Replaces Procedure 4F8)

Legal Citations for AP 5520

Education Code Sections 66300, 72122, and 76030

66300. The Regents of the University of California, the Trustees of the California State University, and the governing board of every community college district, shall adopt or provide for the adoption of specific rules and regulations governing student behavior along with applicable penalties for violation of the rules and regulations.

The institutions shall adopt procedures by which all students are informed of such rules and regulations, with applicable penalties, and any revisions thereof.

72122. The governing board of a community college district shall, unless a request by the student has been made pursuant to this section, hold closed sessions if the board is considering the suspension of, or disciplinary action or any other action in connection with any student of the community college district, if a public hearing upon the question would lead to the giving out of information concerning students which would be in violation of state or federal law regarding the privacy of student records.

Before calling a closed session of the governing board of the district to consider these matters, the governing board of the district shall, in writing, by registered or certified mail or by personal service, if the student is a minor, notify the student and his or her parent or guardian, or the student if the student is an adult, of the intent of the governing board of the district to call and hold the closed session. Unless the student, or his or her parent, or guardian shall, in writing, within 48 hours after receipt of the written notice of intention, request that the hearing of the governing board be held as a public meeting, then the hearing to consider those matters shall be conducted by the governing board in closed session. If the written request is served upon the clerk or secretary of the governing board, the meeting shall be public except that any discussion at the meeting that might be in conflict with the right to privacy of any student other than the student requesting the public meeting or on behalf of whom the meeting is requested, shall be in closed session. Whether the matter is considered at a closed session or at a public meeting, the final action of the governing board of the community college district shall be taken at a public meeting and the result of that action shall be a public record of the community college district.

The governing board of a community college district may hold closed sessions to consider the conferring of honorary degrees or to consider gifts from a donor who wants to remain anonymous.

76030. Consistent with requirements of due process of law, with the provisions of this article, and with the rules of student conduct adopted by the governing board under Section 66300, the governing board, the president of a community college or the president's designee, or an instructor shall suspend a student for good cause. In addition, the governing board is authorized to expel a student for good cause when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. The suspension or expulsion of a student shall be accompanied by a hearing conducted pursuant to the requirements of Section 66017.

76031. The adopted rules of student conduct may authorize the president of a community college or the president's designee to suspend a student for good cause as follows:

(a) From one or more classes for a period of up to 10 days of instruction.

(b) From one or more classes for the remainder of the school term.

(c) From all classes and activities of the community college for one or more terms.

The adopted rules of student conduct shall prohibit a student from being enrolled in any community college in the district for the period of suspension.

The president of the community college shall report all suspension of students to the governing board or to the district superintendent.

Whenever a minor is suspended from a community college, the parent or guardian shall be notified in writing by the president or the president's designee.

Nothing in this section shall be construed to prohibit the president of a community college or the president's designee from imposing a lesser disciplinary sanction than suspension. A lesser sanction may include, but need not be limited to, verbal or written reprimand, probation, or ineligibility to participate in extracurricular activities.

76032. The adopted rules of student conduct may authorize an instructor to remove a student from his or her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the chief administrative officer for appropriate action.

If the student removed by an instructor is a minor, the college president or the president's designee shall ask the parent or guardian of the student to attend a parent conference regarding the removal as soon as possible. If the instructor or the parent or guardian so requests, a college administrator shall attend the conference. During the period of removal, a student shall not be returned to the class from which he or she was removed without the concurrence of the instructor of the class.

76033. As used in this article, "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 or death to 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.

76034. No student shall be removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or college attendance.

76035. The president or the president's designee at a community college shall, upon the suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is situated of any acts of the student which may be in violation of Section 245 of the Penal **Code**.

76036. Any violation or violations of law, ordinance, regulation, or rule regulating, or pertaining to, the parking of vehicles, shall not be cause for the removal, suspension, or expulsion of a student from a community college.

76037. Nothing in this article shall be construed to limit the authority of a governing board to adopt additional rules and regulations which are not inconsistent with the requirements of this article. These additional rules may, among other things, prescribe specific rules and regulations governing student behavior, along with applicable penalties for violations of the adopted rules and regulations, and may prescribe appropriate due process procedures,

including procedure by which students shall be informed of these rules and regulations.

76120. The governing board of a community college district shall adopt rules and regulations relating to the exercise of free expression by students upon the premises of each community college maintained by the district, which shall include reasonable provisions for the time, place, and manner of conducting such activities.

Such rules and regulations shall not prohibit the right of students to exercise free expression including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges, or other insignia, except that expression which is obscene, libelous or slanderous according to current legal standards, or which so incites students as to create a clear and present danger of the commission of unlawful acts on community college premises, or the violation of lawful community college regulations, or the substantial disruption of the orderly operation of the community college, shall be prohibited.

Penal Code

626.4. (a) The chief administrative officer of a campus or other facility of a community college, a state university, the university, or a school, or an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, may notify a person that consent to remain on the campus or other facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility.

(b) Whenever consent is withdrawn by any authorized officer or employee, other than the chief administrative officer, such officer or employee shall as soon as is reasonably possible submit a written report to the chief administrative officer. The report shall contain all of the following:

(1) The description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number.

(2) A statement of the facts giving rise to the withdrawal of consent.

If the chief administrative officer or, in the chief administrative officer's absence, a person designated by him or her for this purpose, upon reviewing the report, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, he or she may enter

written confirmation upon the report of the action taken by the officer or employee. If the chief administrative officer or, in the chief administrative officer's absence, the person designated by him or her, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

(c) Consent shall be reinstated by the chief administrative officer whenever he or she has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility. In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the two-week period. The written request shall state the address to which notice of hearing is to be sent. The chief administrative officer shall grant such a hearing not later than seven days from the date of receipt of the request and shall immediately mail a written notice of the time, place, and date of such hearing to such person.

(d) Any person who has been notified by the chief administrative officer of a campus or other facility of a community college, a state university, the university, or a school, or by an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to subdivision (a); who has not had such consent reinstated; and who willfully and knowingly enters or remains upon such campus or facility during the period for which consent has been withdrawn is guilty of a misdemeanor. This subdivision does not apply to any person who enters or remains on such campus or facility for the sole purpose of applying to the chief administrative officer for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

(e) This section shall not affect the power of the duly constituted authorities of a community college, a state university, the university, or a school, to suspend, dismiss, or expel any student or employee at the college, state university, university, or school.

(f) Any person convicted under this section shall be punished as follows:

(1) Upon a first conviction, by a fine of not exceeding five hundred dollars (\$500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

(g) This section shall not affect the rights of representatives of employee organizations to enter, or remain upon, school grounds while actually engaged in activities related to representation, as provided for in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government **Code**.