

**Reports of Alleged
Misconduct**

College District faculty and staff will submit an alleged violation or violations of College District policies and procedures, including the rules for student conduct [see FLB], committed by a student to the dean of students within a reasonable time following an alleged incident, not to exceed ten College District business days. The allegations must be submitted in writing, through traditional or electronic means, and must describe the violation and any surrounding facts.

The dean of students or designee will investigate the matter as necessary. If an allegation is deemed to be unfounded, the dean of students or designee will dismiss the allegation and will provide the student written notice that the allegation of misconduct was made against the student and that the allegation was dismissed.

Conference

If, however, the dean of students or designee determines that the allegation warrants further consideration, the dean of students or designee will summon the student for a conference to be held within a reasonable time, not to exceed ten College District business days, following the receipt of the allegation of misconduct.

At the conference, the dean of students or designee will notify the student of the allegation or allegations and provide the student an opportunity to respond.

**Unfounded
Allegations**

After conferring with the student, if the dean of students or designee determines that the student did not commit a violation, the allegation or allegations will be dismissed as unfounded. The student will be provided written notice of the dismissal.

**Misconduct
Warranting a
Penalty**

If the dean of students or designee determines that the student committed misconduct that warrants a penalty, the dean of students or designee will provide the student a written administrative decision with notice of the penalty and the student's right to appeal to the disciplinary appeals committee. A student who accepts the administrative decision rendered by the dean of students or designee will sign an acceptance statement indicating he or she understands the violation(s), penalty or penalties imposed and that by signing the acceptance statement he or she voluntarily waives the right to appeal.

Once the acceptance statement is signed or the deadline for filing an appeal has passed, the administrative decision of the dean of students or designee will be final, binding, and the student will not be allowed to appeal.

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Interim Disciplinary Action	The dean of students or designee may take immediate interim disciplinary action, including suspension pending a hearing, against a student for policy violations if the continuing presence of the student poses a danger to persons or property or an ongoing threat of disrupting the educational environment.
Disciplinary Appeals Committee	The disciplinary appeals committee will be convened on a request of a student appealing the penalty or penalties imposed by the dean of students or designee. The student's request must be submitted in writing within ten College District business days of the date of the dean of students or designee's written administrative decision.
Composition	The disciplinary appeals committee will be composed of at least four College District employees and a minimum of one current College District student, when appropriate. The members of the disciplinary appeals committee and the committee chairperson will be designated according to procedures developed by the designated leadership team member. All members of the disciplinary appeals committee will be eligible to vote during the hearing.
Hearing Notice	The dean of students or designee will notify the student by letter of the date, time, and place for the hearing. Unless the student and the dean of students or designee otherwise agree or unless there are unforeseeable circumstances beyond the College District's control, the hearing will take place within a reasonable time period, not to exceed ten College District business days after the date of the student's request for the hearing or the dean of students or designee's determination that the student should be suspended.
<i>Contents of Notice</i>	The notice will: <ol style="list-style-type: none">1. Direct the student to appear on the date and at the time and place specified.2. Advise the student of his or her rights:<ol style="list-style-type: none">a. To have a private hearing.b. To be assisted by an adviser or legal counsel at the hearing.c. To call witnesses, request copies of evidence in the College District's possession, and offer evidence and agreement on his or her own behalf.d. To make an audio recording of the proceedings, after first notifying the dean of students or designee in advance of the hearing, or, at the student's own expense,

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to have a stenographer present at the hearing to make a stenographic transcript of the hearing.

- e. To ask questions of each witness who testifies against the student.
3. Contain the names of witnesses who will testify against the student and a description of documentary and other evidence that will be offered against the student.
4. Contain a description of the allegations of misconduct in sufficient detail to enable the student to prepare his or her defense against the charges.
5. State the proposed punishment or range of punishments that may be imposed.

Failure to Appear
for Hearing

The disciplinary appeals committee may impose appropriate punishment upon a student who fails without good cause to appear for the hearing; for purposes of assessing punishment, the committee may proceed with the hearing in the student's absence.

Hearing Procedure

The hearing will proceed as follows:

1. The chairperson will read the description of the misconduct.
2. The chairperson will inform the student of his or her rights.
3. The designated official or representative will present the College District's case.
4. The student or representative will present the student's defense.
5. The designated College District official or representative will present rebuttal evidence.
6. The committee members may ask questions of witnesses testifying on behalf of the student or the College District.
7. The designated official or representative will summarize and argue the College District's case.
8. The student or representative will summarize and argue his or her case.
9. The designated official or representative will have an opportunity for rebuttal argument.
10. The committee members will deliberate in closed session. The committee members will vote on the issue of whether or not the student violated College District policies and procedures, including the rules for student conduct.

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11. If the committee finds the student committed misconduct, the committee will determine whether the penalty assessed, or proposed in the case of expulsion, by the dean of students or designee is appropriate and, if necessary, will assess a different or additional penalty.
12. The committee chairperson will communicate the decision and any findings of facts in support of the committee's decision to the student in writing within ten College District business days of the hearing. The notice will include procedures for appealing the committee's decision to the designated leadership team member.

All hearings will be recorded by the College District.

Evidence

Evidence will be handled in accordance with the following:

1. Legal rules of evidence do not apply unless otherwise required by applicable Title IX regulations; the committee chairperson may admit evidence or exclude evidence considered to be irrelevant, immaterial, and unduly repetitious.
2. At the hearing, the College District will be required to prove by a preponderance of the evidence that the charges are true.
3. A student may not be compelled to testify.
4. The committee will determine if a violation has occurred and assess an appropriate penalty based solely on the evidence presented at the hearing.

**Appeal to College
District
Administration**

A student may, within ten College District business days of receiving notice of the disciplinary appeal committee's decision, petition in writing the designated leadership team member to review the decision. The student's petition will state with particularity why the decision is believed to be incorrect. After receiving notice of the appeal, the disciplinary appeals committee chairperson will forward all evidence considered during the hearing, the audio recording of the hearing, and the digest of the hearing, if applicable, to the designated leadership team member.

The designated leadership team member will hold a conference within ten College District business days after the appeal notice is filed, unless there are unforeseeable circumstances beyond the College District's control. At the conference, the student may provide information concerning any documents or information relied on by the committee. The designated leadership team member may set reasonable time limits for the conference. The conference will be audio recorded.

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The designated leadership team member will provide the student a written response, stating the basis of the decision, within ten College District business days following the conference. In reaching a decision, the designated leadership team member may consider the evidence included in the student's petition, provided during the conference, and forwarded by the committee chairperson. The designated leadership team member may act to affirm, modify, remand, or reverse the decision of the disciplinary appeals committee. The designated leadership team member's decision is final and non-appealable, except when expulsion is recommended by the dean of students or designee and/or the disciplinary appeals committee and affirmed by the designated leadership team member.

**District President
Review of
Recommendation for
Expulsion**

Solely in the case where expulsion is recommended and affirmed, a student may appeal to the District President or designee. An appeal to the District President or designee will be held on the request of a student appealing the designated leadership team member's decision and affirmation of expulsion. The request must be submitted in writing within ten College District business days of the designated leadership team member's decision. The College District President or designee may request a meeting with the student prior to issuing a final administrative decision.

The District President or designee will review all recommendations for expulsion, whether or not the student chooses to proceed through the disciplinary appeals process. The designated leadership team member will forward the recommendation for expulsion and evidence to the District President or designee for review and final consideration. The District President or designee may act to affirm, modify, or reverse the recommendation for expulsion. The student will be notified in writing of the District President or designee's decision within ten College District business days. The College District President or designee's decision is final and non-appealable. Unless otherwise specified in writing, expulsion shall have District-wide effect and an expelled student may not enroll for admission to any campus without the District President's approval unless the expulsion has expired by its own terms.

**Petition to Revoke
Expulsion**

Once five calendar years from the date of the College District President or designee's final decision has lapsed, the student may petition to revoke the expulsion.