

Rancho Santiago Community College District
ADMINISTRATIVE REGULATION
Chapter 5
Student Services

AR 5520 Student Discipline Procedures

Reference(s):

Education Codes 66017, 66283 66300, 66301, 72122, 76030, and 76030 et seq.
Penal Code Section 626.4

The Rancho Santiago Community College District (District) is committed to ensuring a safe and productive learning environment, which requires certain expectations for students' conduct with that environment. These expectations are centered on academic integrity and responsibility required of the members of a dynamic academic community. The primary purpose of the Student Discipline Procedures is to support and protect all stakeholders, including students, and to support academic excellence. In addition, the intent of the Student Discipline Procedures is to educate students about their rights, responsibilities and violations per the "Standards of Student Conduct" described in AR 5500.

These procedures provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantee to the students involved the due process rights granted to them by state and federal constitutional protections. The procedures in this administrative regulation 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 regulation is specifically not intended to infringe in any way upon the rights of the 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.

The grievance process for resolving a sexual harassment complaint under Title IX can be found in Administrative Regulation (AR) 3425 Title IX (9) Sexual Harassment.

I. JURISDICTION

Students enrolling in District educational programs assume an obligation to follow state and federal law and District rules and regulations governing the conduct of students.

Students who enroll in those instructional programs in which the District or one of its colleges has affiliations with various outside associations must comply with both the District's or college's policies and procedures, as well as with the outside associations' policies and procedures. This includes but is not limited to students enrolled in Apprenticeship Programs and programs of Cosmetology, Fire Academies, Criminal Justice Academies, Nursing and Water Utility Science.

II. STANDARD OF PROOF

Preponderance of Evidence: This is the standard by which a decision is made by the Student Conduct Officer or Hearing Panel. The “Preponderance of Evidence” Standard means that it is more likely than not (greater than 50%) that the alleged events constituting the student conduct violation occurred. The standard is such that a reasonable person would find it more likely than not that a behavior occurred and that it violated one or more of the standards of student conduct. The Preponderance of the Evidence is the applicable standard for demonstrating facts and reaching conclusions in an investigation conducted pursuant to this administrative regulation.

Students subject to disciplinary proceedings under this procedure shall have the right to be assisted by an adviser of their choice or to request that the District appoint an advisor. The initial notice of the alleged violation provided to the student shall include a statement informing them of this right.

Training materials: Both Advocates (selected by the student) and Advisors (selected by the student or appointed by the District) shall be provided with training materials regarding the District’s adjudication procedures prior to participating in the hearings.

III. DEFINITIONS

A. General

- i. **Administration:** District and/or college officials assigned to manage the day-to-day operations of a college/campus, such as a Chancellor, President, Vice President, Dean, etc.
 1. **Advisor:** An advisor accompanies a student to meetings related to the hearing process and focuses on procedural guidance related to the college’s disciplinary process but may not speak on the student’s behalf. However, the advisor *may* cross-examine on the student’s behalf.
 2. **Advocate:** An advocate accompanies a student to meetings related to the hearing process and focuses on providing emotional support and access to resources during the disciplinary process and may speak on the student’s behalf or cross-examine District witnesses.
- ii. **Behavioral Intervention Team (BIT):** A cross-district team that conducts threat assessments and provides recommendations on potential interventions.
- iii. **CARE Assessment:** A meeting with members of the CARE team, where they will work with the student and other relevant parties to assess the student’s need and inform student of options, services, information, processes, and resources available to them.
- iv. **Crisis Assessment, Response & Evaluation (CARE) Team:** A multidisciplinary group whose goal is to engage in proactive and collaborative approaches to identify, assess, and mitigate risks associated with students, faculty, staff, and visitors exhibiting concerning behaviors or thoughts.
- v. **Complainant:** An individual who is eligible to file a complaint or to report a violation of this administrative regulation. It also includes any person who is reported to have experienced a violation of this administrative regulation in cases where some other person has made a report on that person’s behalf. (moved from ii above)

- vi. **Day:** Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays
- vii. **District:** The Rancho Santiago Community College District, which operates Santa Ana College, Santiago Canyon College, and other educational programs and services. The District is responsible for establishing and enforcing rules of student conduct, ensuring due process, and providing a safe and supportive learning environment for all members of its community.
- viii. **Instructor/Faculty:** Any academic employee of the District in whose class a student subject to discipline is enrolled, or who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.
- ix. **Incident Report (IR):** The centralized reporting and record keeping system used to manage student conduct violations and behaviors of concern.
- x. **RSCCD Board of Trustees (the Board):** The elected governing body of the Rancho Santiago Community College District that is responsible for establishing policies, approving budgets, and providing oversight to ensure the District fulfills its mission of serving students and the community. In matters of student discipline, the Board serves as the final authority on expulsions, acting upon recommendations from the chancellor and college presidents.
- xi. **Respondent:** An individual who is alleged to have violated this Administrative Regulation.
- xii. **Special Requests/Accommodations:** Accommodations may be made upon request for students with disabilities during the conduct process.
- xiii. **Student:** Any person currently enrolled in a class at any college or in any program offered by the District at the time of the alleged violation of the Standards of Student Conduct.
- xiv. **Student Conduct Officer:** Administrator, designated by the college president to process student conduct charges. The Student Conduct Officer will be responsible for processing alleged violations of the Standards of Student Conduct in accordance with these procedures. The president has designated the Vice President of Student Services or designee as the administrator responsible for student conduct procedures. Each campus has a Student Conduct Officer on site.
- xv. **Violence Against Women Act (VAWA):** This is a federal law in response to increasing violence against women in America. The Act has provisions to improve criminal justice responses to sexual assault, domestic violence, dating violence, and stalking, and to increase the availability of services from victims and survivors.
- xvi. **Withdrawal of Consent to Remain on Campus:** The college president or designee has the right to issue a withdrawal of consent of any person to be on campus, in accordance with California Penal Code Section 626.4, when there is reasonable cause to determine that the person has willfully disrupted the orderly operation of the college.

B. Sanctions

- i. **Community Service:** Student performs some act or duty that benefits the campus and/or surrounding community.

- ii. **Educational Sanction:** Sanctions intended to educate students on the effects of their behavior and invoke change in future decision-making.
- iii. **Expulsion:** In conformance with Section 76030 of the Education Code, the Board of Trustees (the “Board”) may 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 continued danger to the physical safety of the student or others. Following proper hearing procedures as defined in this administrative regulation, a college president shall recommend a decision concerning expulsion to the chancellor who shall then recommend a decision to the Board. The Board may impose a lesser disciplinary sanction than expulsion, including, but not limited to probation and/or suspension. If approved by the RSCCD Board of Trustees, the expulsion is permanent.
- iv. **Long-Term Suspension:** Exclusion of the Respondent for good cause from:
 - 1. One or more classes for the remainder of the school term.
 - 2. From all classes and activities of the college for one or more terms.
 - 3. If the period is greater than ten (10) days, a decision regarding suspension shall require a final determination from the college president.
- v. **Interim Exclusion/Withdrawal of Consent:** Pursuant to California Penal Code §626.4, consent for the respondent to remain on District property is withdrawn for up to fourteen (14) calendar days.

This interim action is based on reasonable cause to believe the respondent engaged in conduct that disrupted, or poses an ongoing risk of disrupting, the orderly operation, safety, or educational environment of the college.

District Safety, acting as the designee of the Chief Administrative Officer, is authorized to enforce this exclusion.

During the exclusion period, the respondent is prohibited from entering any District-owned or District-controlled property, facilities or activities.

- vi. **Mental Health Clearance:** Per AR 5201 Standards of Student Health/Mental Health Clearance, a student who is removed from Santa Ana College or Santiago Canyon College as a result of the following may be required to provide documentation from a licensed mental health professional stating that the student will no longer engage in the behavior which gave rise to the student’s removal from campus and that the student’s continued presence on campus is not a threat to themselves or others before the student is readmitted to campus.
 - 1. Inappropriate behavior described in AR 5500 Standards of Student Conduct; and/or
 - 2. Determination by a district safety officer that the student poses a threat to themselves or the general public.

Determinations regarding whether a student poses a threat shall be made by District Safety, in coordination and consultation with the CARE Team to support a comprehensive, student-centered assessment and response.

The mental health professional must be licensed by the State of California and credentialed to render a professional opinion on matters of this nature. Any expenses related to obtaining this mental health clearance shall be the student's responsibility.

Upon receipt of the mental health clearance, the CARE Team shall review the documentation for completeness and credential verification and, with a signed Release of Information, may contact the licensed mental health professional to validate the clearance prior to any determination regarding the student's return to campus.

- vii. **Organizational Sanctions:** Deactivation, loss of recognition, loss of some or all privileges (including use of facilities) for a specified period.
- viii. **Probation:** Probation is a disciplinary action that allows the offender to remain or return to the District with the understanding of expected appropriate future behavior. Probation may include exclusion of the individual(s) from extracurricular activities, which would be set forth in the written notice of probation. The probation would be for a specific period and appropriate notice will be sent to any advisor(s) of student organization(s) involved. Any further violations of the Standards of Student Conduct during this probationary period will result in further, more serious, disciplinary action against the offender.
- ix. **Removal from Class:** Exclusion of the student by an instructor/faculty for the day of the removal and the next class meeting for in person or online registered courses. Instructor/Faculty shall notify the student of the removal and document it via an Incident Report.
- x. **Removal from Department or Program:** Exclusion of the student by a department administrator or Student Conduct Officer for the day of the removal and the next business day. The administrator shall notify the student of the removal and document it via an Incident Report.
- xi. **Restitution:** Reimbursement by the offender(s) for damage(s) or for the misappropriation of District property may take the form of appropriate community service to repair or otherwise compensate for damage(s).
- xii. **Revocation of Degree:** The District reserves the right to revoke a degree previously awarded from the District for serious violations committed by the spring term to graduation.
- xiii. **Short Term Suspension:** Exclusion of the student for good cause from one or more classes for a period of up to ten (10) consecutive days of instruction. Recommendations for suspension will be made upon consultation by the campus CARE Team and/or district BIT. During the suspension period the student is prohibited from being enrolled in or physically present on campus. The college president may impose a lesser disciplinary sanction than suspension, including, but not limited to, a warning, reprimand, probation, restitution, or ineligibility to participate in co-curricular activities or any combination of the listed options.
- xiv. **Warning:** Written notice to the Respondent that continuation or repetition of specific conduct may be cause for other disciplinary action, such as suspension or expulsion from the District.
- xv. **Withholding Diploma:** The District may withhold a student's diploma for a specified period and/or deny a student participation in commencement activities if the student has an allegation pending under AR 3425 Title IX(9)

Sexual Harassment (Interim) or as a sanction if the student is found responsible for the alleged violation.

- xvi. **Withdrawal of Consent to Remain on Campus:** Withdrawal of consent by the college president or designee for any person to remain on campus in accordance with California Penal Code §626.4 where the college president or designee has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.
- xvii. **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 the 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.

IV. **RESOLUTION PROCESS**

The procedures below apply to students that have been identified as allegedly violating the Standards of Student Conduct.

A. Report Assessment

Upon receipt of an Incident Report (IR) of an alleged violation, the Student Conduct Officer will notify the reporting party that the report has been received. The Student Conduct Officer will then initiate a prompt assessment to determine which of the following actions the Student Conduct Officer will take:

- i. Offering supportive measure or wrap-around services; and/or
- ii. Conduct intake with student;
- iii. Initiate informal or formal resolution methods;
- iv. If the reported behavior warrants a short-term suspension, the Student Conduct Officer may immediately impose a short-term suspension for up to ten (10) days. A written notice will be sent to the Respondent immediately.

B. Notification

Upon determination that an alleged violation may have occurred, the Student Conduct Officer will provide written notice of the allegations to the Respondent. This facilitates the Respondent's ability to prepare for the meeting. The notice must be provided to the Respondent within two (2) days of the date the report was received by the Student Conduct Officer. In the case of continuous, repeated, or ongoing conduct, the notice must be provided within two (2) days of the date on which the report was received by the Student Conduct Officer, which led to the decision to take disciplinary action.

In Violence Against Women Act (VAWA) cases, the Complainant is also copied to be given advance notice of when the notification will be delivered to the Respondent.

Amendments and updates to the notification may be made as the process progresses and as more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed, or emailed to the contact information listed on the parties' official campus records. Once received in person or mailed or emailed to the contact information provided on the parties' official campus records, notice shall be presumptively delivered. The student is responsible for providing current contact information in their campus records.

C. Intake: Initial Conduct Meeting

The Student Conduct Officer shall extend an offer to meet with the Respondent. If the Respondent chooses to meet with the Student Conduct Officer, the meeting must occur no later than ten (10) days after the notice is provided. At the meeting, the Respondent must be told the facts leading to the accusation and be given an opportunity to respond verbally or in writing. Specifically, the meeting will:

- i. Acquaint the Respondent with the Standards of Student Conduct,
- ii. Provide the Respondent with the opportunity to state their account of the incident in question and present additional information/evidence,
- iii. Discuss the reported incident, supporting evidence, and alleged violation(s),
- iv. Discuss possible outcomes and disciplinary sanctions.

D. Resolution Methods

The Student Conduct Officer may resolve the matter through informal or formal methods, as described below and throughout this administrative regulation.

i. Informal

1. **Administrative Review:** If the Respondent elects to not participate in the resolution process or does not appear for scheduled meetings, the Respondent shall waive their right to provide a response to the allegations. The Student Conduct Officer will determine findings and issue applicable sanctions based solely on the information provided in the Incident Report.
2. **Restorative Resolution:** Restorative resolutions focus on addressing the impact of the behavior and reintegrating the Respondent into the college community. A restorative resolution requires the full agreement and voluntary participation of the Respondent and other parties involved in the conduct case. Timely restorative resolutions can promote accountability and empower individuals to collaboratively develop customized resolutions that meet their needs, resulting in a written agreement. This may include apologies to the impacted individuals, voluntary mental health counseling, community service, or other supportive services.
3. **Investigation:** If the Respondent denies the allegations, an investigation will be initiated. All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses, obtaining relevant evidence, and identifying sources of expert information as necessary.

ii. Formal

1. **Due Process Hearing:** No Respondent shall be suspended for more than ten (10) days or expelled unless the conduct for which the Respondent is being disciplined is in violation of this administrative regulation or it has been determined that good cause

for suspension or expulsion exists, and the Respondent is afforded the right to due process. For discipline resulting from a sexual harassment complaint under Title IX, the procedure in AR 3425 Title IX (9) Sexual Harassment (Interim) must be used.

If appropriate, the chancellor or designee, prior to the suspension or expulsion of any Respondent, will notify the appropriate law enforcement authorities of the county or city where the college is situated of any acts of the Respondent which may be a violation of Section 245 of the Penal Code. Violations of any law, ordinance, regulation, or rule regulating or pertaining to the parking of vehicles shall not be cause for suspension or expulsion and are not, for the purposes and intent of this administrative regulation, of the class of actions, conduct, or violations upon which due process shall be afforded. However, repeatedly ignoring or consistently violating parking rules, regulations, laws or ordinances may result in vehicles being towed or losing parking privileges.

All parties will have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and witnesses, and to fully review and respond to all evidence on the record. The designated investigating administrator may allow, disallow and/or select individuals who will be included in the process. For actions regarding minor students, parental notification and/or involvement is required.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g. study abroad, summer break and other extraordinary conditions) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx or similar technologies may be used for interviews if determined necessary by the Student Conduct Officer. The District will take appropriate steps to reasonably ensure the security/privacy of remote interviews. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

E. Possible Sanctions

Should a violation of the administrative regulation be substantiated, the District will act through the use of sanctions. Factors considered when determining a sanction may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s),
- The Respondent's disciplinary history,
- Previous allegations or allegations involving similar conduct,
- The need for sanctions/responsive actions to bring an end to the sexual harassment and/or retaliation,
- The need to remedy the effects of the sexual harassment and/or retaliation on the Complainant and the community,
- The impact on the parties,
- Any other information deemed relevant by the Student Conduct Officer.

The sanctions will be implemented as soon as is feasible. The sanctions described in this administrative regulation are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by external authorities.

The following are the possible sanctions that may be imposed upon Respondents or organizations. These disciplinary actions are listed in degree of severity, but not necessarily in sequential order. Disciplinary actions may be imposed singly or in combination. See Section II for definitions:

- Warning
- Removal from Class/Department
- Reprimand
- Community Services
- Probation
- Educational Sanction
- CARE Assessment
- Restitution
- Short-Term Suspension
- Organizational Sanction
- Long-Term Suspension
- Revocation of Degree
- Expulsion

Student concerns related to the Student Code of Conduct that are discussed in CARE/BIT may be referred to the Student Conduct Officer for review.

In cases when an investigation was initiated, notice will be sent to the student three (3) days after the completion of the investigation and determination of findings.

When suspension or expulsion occurs, the Student Conduct Officer will work with Admissions and Records in facilitating an Administrative Drop for the Respondent.

F. Supportive Measures

The District will offer and implement appropriate and reasonable supportive measures to the parties. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the District's education program or activity, including measures designed to protect the safety of all parties or the District's educational environment, and/or deter sexual misconduct and/or retaliation.

The Student Conduct Officer shall promptly make supportive measures available to the parties upon receiving notice of a complaint, if appropriate. At the time that supportive measures are offered, the District will inform the Complainant, in writing, that they may file a formal complaint with the District either at that time or in the future, if they have not done so already.

The Student Conduct Officer shall work with the Complainant to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented.

The District will maintain the privacy of the supportive measures if privacy does not impair the District's ability to provide the supportive measures. The District will act to ensure as minimal an academic/occupational impact on the parties as possible. The District will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical and/or other healthcare services
- Referral to community-based service providers
- Student financial aid counseling
- Altering work arrangements for student employees
- Safety planning
- Providing district safety escorts
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass orders
- Class schedule modifications, administrative drop, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator or Student Conduct Officer

G. Due Process Hearing

A student being considered for long-term suspension or expulsion shall be afforded a due process hearing designated by the chancellor or designee. The chancellor or designee shall provide that a reasonable opportunity for a hearing is afforded to the student within ten (10) days from the date that the written notice of suspension is provided to the Respondent.

The due process hearing panel shall be composed of the following:

- (2) District students (participating students may be enrolled at either Santa Ana College or Santiago Canyon College)
- (1) Administrator/manager
- (1) Faculty member
- (1) Classified staff
- Designated Student Conduct Officer or designee (non-voting member)

The Academic Senate shall designate up to five (5) faculty representatives, and CSEA shall designate up to five (5) classified professional representatives eligible to serve on the student conduct hearing panels. When a hearing panel is convened, the Student Conduct Officer will select panel members from these pools based on the needs of the specific hearing.

No hearing panel member with personal involvement in the matter who is a necessary witness, or who could not otherwise act in a neutral manner, shall serve on the hearing panel. All members will be trained on appropriate District board policies, administrative regulations, and best practices on student conduct due process hearings.

The Student Conduct Officer, or designee, shall appoint one member of the hearing panel to serve as the hearing panel chair. The chair will facilitate the hearing and provide the Student Conduct Officer with the hearing panel's final recommendation.

The Respondent shall be provided adequate written notice, receipt being at least three (3) days before the hearing of the following:

- The time, date, and place set for the hearing.
- The charges to be brought.
- Documentary evidence that will be introduced at the hearing.
- The Respondent's right to appear in person and present their position.
- The Respondent's right, following their written consent, not to appear in person.
- The Respondent's right to cross-examine the District's witnesses if the witness(es) elect(s) to be present.
- The Respondent's right to present evidence or witness(es) on the Respondent's own behalf.

In cases of alleged sexual assault, technical rules of evidence shall not apply. Evidence of relevant sexual history shall be heard at the discretion of the hearing panel. Past sexual history of the alleged victim may not be introduced as part of the testimony, except that the past sexual history of the alleged victim shall be permitted if relevant and subject to the purposes described in California Evidence Code 1103.

The hearing panel shall consider evidence and witness statements from the District and the Respondent. Members of the hearing panel are prohibited from contacting the Respondent or potential witnesses directly prior to the hearing. In the event the Respondent for whom the hearing is held, or other key parties, is not present at the hearing, the hearing panel will proceed without the individual(s). Within two (2) days following the close of the hearing, the hearing panel shall render its recommendation to the Vice President of Student Services (VPSS) for further review and clarification. The VPSS will forward the recommendation to the college president within the same two (2) day period. The college president will review the recommendation within three (3) days and render a decision to the VPSS for notification to the Respondent and will also notify the chancellor for consideration.

A decision to expel the Respondent for good cause will first be recommended by the college president to the chancellor for consideration. If the chancellor supports it, the recommendation will be added to the next board meeting agenda.

If the decision supports a recommendation for expulsion, the suspension will continue until the Board can hear the appeal. If there is no appeal by the Respondent, the suspension will continue until the Board makes the final decision to confirm or deny the recommendation for expulsion.

The Board may accept, modify or reject the chancellor's findings, decisions, or recommendations. If the Board modifies or rejects the recommendation, the board shall review the record of the hearing and shall prepare a new written decision that contains the specific factual findings and conclusions.

If the Board opposes expulsion and does not modify the recommendation, the recommendation shall be final, and the chancellor shall reinstate the Respondent immediately to the same status as existed prior to the hearings.

Upon a final decision, the chancellor's office will notify the Respondent by certified mail of the outcome. If the recommendation is for expulsion, the Respondent will be notified in writing of their right to appeal the decision to the Board. Written notice shall outline the hearing panel's recommendation, the college president's recommendation, the chancellor's recommendation, and the Board's final decision.

V. APPEALS

Students have the right to appeal the findings of the determination and/or imposed sanctions issued by the Student Conduct Officer and/or the outcome of the due process hearing.

A. Sanctions/Suspension

When appealing the outcome issued by the Student Conduct Officer, the Respondent must complete a request for appeal form within five (5) days of the written outcome notice. A completed request for appeal will be forwarded to the VPSS for consideration.

The VPSS will review the appeal and determine the appropriate outcome. A notice of appeal outcome will be sent to the Respondent including the final decision and rationale.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed, or emailed to the parties' district issued email or otherwise approved account. One mailed, emailed and/or received in person, notice will be presumptively delivered. It is the responsibility of the Respondent to provide current contact information in their campus records.

B. Expulsion

Respondents may appeal the recommendation to the RSCCD Board of Trustees before a final decision is rendered. Written notification will be made to the Respondent within three (3) days of receipt of the due process hearing outcome. The recommendation for expulsion will continue until the Board renders their final decision.

The Respondent shall be notified in writing, by registered email or certified mail to the address last on file with the District, or by personal service, of the date, time and place of the Board's meeting at three (3) days prior to the meeting.

The Board shall, unless a request has been made by the Respondent for an open session, hold closed sessions regarding expulsion under the following conditions:

- If a public hearing upon such question would lead to the giving of information concerning the Respondent which would be in violation of Section 76243 of the Education Code.

- If a public hearing upon such question would lead to the disclosure of information concerning any other Respondent which would be in violation of Sections 72122 and 76243 of the Education Code.

Before calling such closed session, the chancellor shall, in writing, by registered email or certified mail, adequately notify the Respondent if they are an adult, or notify the parent or guardian if the Respondent is a minor, of the intent of the Board to call and hold such closed session.

Unless the Respondent, or their guardian if the Respondent is a minor, within three (3) days after receipt of such written notice requests in writing that the hearing be held in open session, the appeal shall be conducted in closed session.

If such written request is served upon the clerk or secretary of the Board, the meeting shall be public except that any discussion at such meeting that might be in conflict with the right to privacy of any other student shall be in closed session. Whether the matter is considered at a closed session or open meeting, final action of the Board shall be taken at a public meeting and the result of such action shall be a public record of the District.

The appeal before the Board shall be a review of the evidence presented to the hearing panel, an opportunity for both sides to present oral argument, and for the Board to ask specific questions to witnesses directly prior to hearing the appeal. The Respondent is encouraged to provide any and all evidence, information, and witness statements they believe will assist the Board's review. New evidence and witnesses may be considered and heard if the Respondent believes the new evidence or witness statements will be helpful for the board to render its decision. The Board may also specifically request the review of additional evidence, supporting documents, relevant reports (including psychological or medical reports), victim impact statements, questions for character witnesses, or any other relevant information the Board deems necessary to make a fair and final decision on the matter before it. In determining the final outcome, the board should consider whether the Respondent elected to participate in the campus due process hearing.

The decision of the Board of the appeal shall be final.

No further hearings on the matter shall be conducted unless there is new information and extraordinary or extenuating circumstances exist on a case-by-case basis, as determined specifically by the chancellor or designee, that a reconsideration of appeal is warranted.

Following a final decision from the Board of Trustees, and upon the happening of extraordinary or extenuating circumstances such as a reconsideration is warranted, if the Respondent desires a subsequent appeal, the Respondent shall petition the administration for a request to reconsider its decision and shall attach or identify any new evidence or witnesses to be considered by the administration. The Respondent is encouraged to provide any and all evidence they believe will assist with the administration's review.

The review will be conducted by a review panel. With the exception of the Student Conduct Officer, all other members of the review panel will consist of members

who did not participate on the due process hearing panel that made the original recommendation to expel the Respondent. The review panel shall be composed of the following:

- (2) District students (participating students may be enrolled at either Santa Ana College or Santiago Canyon College)
- (1) Administrator/manager
- (1) Faculty member
- (1) Classified staff
- Designated Student Conduct Officer or designee (non-voting member)

Appeal review panel composition mirrors the hearing panel composition but must not include the same members.

The review panel will then decide on the merit of the request for reconsideration. If a reconsideration is warranted, the review panel will make the recommendation to the college president. If the college president agrees that a reconsideration is warranted, the college president will make the recommendation to the chancellor for the Board to hear the appeal. If the chancellor approves, the appeal will be placed on the proceeding board agenda for consideration by the Board. The Board's decision will be final. If the Board denies the appeal, any subsequent appeals must be requested within 12 months of the Board's denial and must be due to new information and extraordinary or extenuating circumstances. Administrative procedures for subsequent appeals shall be the same as initial appeals.

Appeal approval considerations shall include, but are not limited to, the following:

- Whether the Respondent has not had any additional violations occur since the expulsion (i.e. has not violated their expulsion by coming on campus);
- Whether the Respondent has expressed remorse for past behavior or has taken accountability for past actions;
- Whether the Respondent has proactively engaged in counseling or other behavior assessment or intervention programs (i.e. anger management);
- Whether the Respondent has provided positive character statements from members of the community;
- Whether impacted parties from the incident are no longer on campus.

For matters on appeal, a simple majority vote is required to overturn or uphold a prior decision.

If the Board denies the request for appeal, the Board may determine a time period in which the Respondent may request a new appeal. The decision of the Board shall be final.

VI. STUDENT RIGHTS

Protected activity under this administrative regulation includes reporting an incident that may implicate this administrative regulation, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this administrative regulation.

Acts of alleged retaliation should be reported immediately to the Student Conduct Officer and will be promptly investigated. The District will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Respondent and any community affiliates are prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this administrative regulation and procedure. The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this administrative regulation and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

Accessibility Rights: RSCCD is committed to making sure that all students can fully understand and take part in the student conduct, Title IX, and civil rights processes.

Available Materials: Any written, digital, or online documents connected to these processes, such as notices, reports, policies, or hearing materials, will be made available in formats that are accessible to students who request them. Examples may include large print, Braille, audio, or screen-reader-ready electronic files.

How to Request: Students who need materials in an accessible format may contact the Office of Student Development. Requests can be made in person, by phone, by email, or through the college's accommodation request process.

Timeliness of Response: The colleges will work to provide accessible versions of documents as quickly as possible. Students are encouraged to submit requests early so that materials can be provided before any scheduled meeting, interview, or hearing.

Collaboration and Support: The Office of Student Development will work in partnership with the Disability Support Program Services (DSPS) office and/or Information Technology staff to make sure requested materials meet accessibility standards and that students are able to fully participate in the process.

With written consent, the Office of Student Development will collaborate with DSPS Office staff to ensure a fair and equitable process for the students involved.

A. Campus Reinstatement

Upon completion of suspension and any imposed sanctions, the Respondent will meet with the Student Conduct Officer before enrolling into classes. The Student Conduct Officer will review the behavior that resulted in their suspension and discuss appropriate support services to ensure the Respondent is successfully reintegrated into the campus.

Additional copies of the following District student policies are available in the District's catalog and the offices of Student Services at both Santa Ana College and Santiago Canyon College:

- Student Code of Conduct
- Sexual Harassment Policy/Complaint Procedures
- Academic Honesty Policy
- Grievance Procedures for Students
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VII. Medical Amnesty / Safe Harbor Provision

The college places the highest priority on the health, safety, and well-being of its students. When a student is in crisis and seeks medical or emergency assistance for themselves or others, the college's first responsibility is to ensure the student receives appropriate care and support. The student's immediate needs will be addressed before any consideration of conduct-related concerns.

A student who seeks assistance under these circumstances will not be immediately subject to disciplinary actions under the Standards of Conduct for violations that are directly related to the situation that prompted the need for help. In lieu of discipline, the college may require the student to participate in educational, counseling, or other supportive interventions as a condition of amnesty.

This provision applies to all students, including those who are victims of, or who are reporting, sexual misconduct or other forms of prohibited conduct. The purpose of this policy is to remove barriers to seeking help and to promote a culture of care, responsibility, and safety within the campus community.

Adopted: April 8, 2024
Revised: October 5, 2026