

AMERICAN RIVER COLLEGE

**GUIDE TO
STUDENT RIGHTS
AND
RESPONSIBILITIES**

- ***Free Expression***
- ***Academic Integrity & Academic Honesty***
- ***Student Conduct***
- ***Student Disciplinary Procedures & Due Process***
- ***Non-Discrimination & Sexual Harassment***
- ***Student Grievance***

AMERICAN RIVER COLLEGE

BUILDING A LEARNER'S COMMUNITY OF ACADEMIC INTEGRITY AND PERSONAL DIGNITY

AS AN INSTITUTION OF HIGHER EDUCATION, American River College is committed to the free exchange of ideas, respect for the contributions and dignity of every person, and to a learning environment in which academic achievement and personal responsibility are both fostered and celebrated.

STUDENTS, FACULTY AND STAFF of American River College benefit from the California Education Code and the Policies and Administrative Regulations of the Los Rios Community College District. The Policies provide the overarching Policy of the district on these subjects while the Administrative Regulations provide the specific processes to carry out these policies. They specify the respective responsibilities of both the students and the college in the following areas:

1. Students' Rights of Free Expression
2. Academic Integrity & Academic Honesty
3. Standards of Student Conduct
4. Student Disciplinary Procedures & Due Process
5. Non-Discrimination & Sexual Harassment
6. Student Grievance Process

PART ONE of this Student Rights & Responsibilities Handbook provides both an overview and the legal specifics for each of these areas.

PART TWO of this handbook provides the detailed Administrative Regulations which ARC and its students are to follow in the interest in building a vibrant, diverse and respectful community of learners. The most current versions of these regulations can be found on the District's website at: <http://www.losrios.edu/legal/GCpolreg.htm>.

IF YOU WOULD LIKE MORE INFORMATION about any of these topics or wish to notify the college of a concern or complaint, please see the next page for ARC administrator appointed as the officer for each respective area.

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American River College does not discriminate on the basis of age, color, creed, disability, marital status, veteran status, national origin, race, or sex.

Availability of Annual Security Report

You may access The Los Rios Community College District's Annual Security Report for American River College. This report includes statistics for the previous three years concerning reported crimes that occurred on-campus; in certain off-campus buildings or property owned by American River College; and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning campus security, such as policies concerning sexual assault, and other matters. The report is distributed /posted by October 1 each year. You can obtain a copy of this report by contacting the Los Rios Police Department at (916) 558-2365 or by accessing the following web site: www.arc.losrios.edu/clery

AMERICAN RIVER COLLEGE RESOURCES FOR STUDENT AND STAFF CONCERNS

The following is a list of staff members who are serving as compliance officers for certain types of complaints, grievances, or disciplinary matters. This list is meant to maximize staff helpfulness to students.

College Equity Officer: Mary Jones

Administration Building

Instruction Office – 484-8405

Serves as first level compliance officer for student and staff complaints/ allegations based on ethnicity, religion, age, sex, (gender), sexual orientation, sex bias, sex stereotyping, color, or physical or mental disability. After initial contact, may refer certain complaints to the appropriate, specialized compliance officer for detailed investigation and resolution. Trains and appoints equity representatives for employee selection committees.

Disciplinary Officer: Manuel Perez

Student Services Building

Student Development Office - 484-8924

Receives and investigates all referrals of student discipline problems. Makes recommendations for disciplinary action on the basis of Board Policy. Presents case to an appeals board if student appeals.

Student Grievance Officer: Brenda Thames

Counseling Center

Counseling Center - 484-8375

Available to all students who feel they have been wronged and wish to file a grievance. Provides grievance procedures and forms. Determines if grievance is grievable. Provides information to Vice President of Student Services, if student appeals.

Sexual Harassment Officer: Mary Jones

Administration Building

Instruction Office - 484-8405

Investigates and attempts to resolve sexual harassment complaints from students and staff as set forth in the LRCCD regulations (R-2423).

Title IX Coordinator: Mary Jones

Administration Building

Instruction Office - 484-8405

Oversees gender equity and insures that equality for women is carried out on campus for staff and students. Responds to and seeks resolution of discrimination complaints based on gender.

504 Coordinator/Americans With Disabilities Act (ADA) Coordinator: Robin Neal

Administration Building

Enrollment Services - 484-8171

Carries out the provisions of the Americans With Disabilities Act. Ensures that students/staff applying for services under this act have proper disability verification. Oversees the campus compliance with ADA regulations.

—PART ONE—

Student Rights & Responsibilities

Students' Rights of Free Expression

All students at American River College are free to exercise their First Amendment rights of written and oral expression, as well as their right to peaceably assemble. The equitable exercise of these rights is protected and guided by Los Rios Community College District Policies and Administrative Regulations. These policies, regulations and the State Education Code prohibit expression which is obscene, libelous or slanderous according to current legal standards, or which incites people so as to create a clear and present danger of unlawful acts.

College staff strive to ensure that each person's voice is heard in a culture of respect for opposing points of view and for the quality of the learning environment. Your professors are responsible for establishing and conveying the norms for communication in their respective classrooms; guidelines for class participation are provided in each course syllabus.

Academic Integrity & Academic Honesty

This section will describe the following elements of academic integrity and honesty:

- Student Learning and Academic Integrity at ARC
- Defining Academic Dishonesty
- Examples of Cheating and Plagiarism
- Examples of Other Academic Dishonesty
- Consequences of Academic Dishonesty

Student learning and academic integrity

The college values academic integrity as an essential component of academic excellence. Students are expected to be truthful and ethical in pursuing their learning and demonstrating their knowledge and skills. Commitment to academic integrity is the responsibility of every student, as well as every faculty and staff member at American River College.

The college community at ARC has the responsibility to make every effort to foster honest academic conduct in the development of its students. Faculty are committed to clearly stating well defined standards that help clarify academic and learning expectations, and specify behavioral manifestations of such expectations in our classrooms, laboratories, co-curricular, and on-line settings.

Defining academic dishonesty

Academic dishonesty defrauds all parties who depend upon the integrity of the college, its courses and its degrees and its certificates. Academic dishonesty is an act of deception in which the student claims credit for work or effort of another person or uses unauthorized materials or fabricated information in any academic work. It occurs when students fraudulently attempt to show possession of a level of knowledge or skill that they do not possess.

What you need to know about cheating & plagiarism

Academic dishonesty is a violation of the ARC “Student Standards of Conduct” and will not be tolerated. It diminishes the quality of the scholarship at the college and hurts the majority of students who conduct themselves earnestly and honestly.

Ignorance of these academic and behavioral standards will not absolve any student from being held responsible for them or from any disciplinary action that may result from their actions. The two most common examples of academic dishonesty are 1) cheating; and 2) plagiarism.

Cheating is the act of acquiring or obtaining academic work through fraud, deception, or dishonest acts. Examples:

- Copying in part or in whole from someone else’s test.
- Submitting work presented previously in another course when contrary to directions prohibiting such acts from either course.
- Altering or interfering with grading in the class.
- Using or referring to any sources or materials not authorized by the professor during the quiz, test, or examination.
- Committing other acts that misrepresent one’s own academic work.
- Acting in part or in whole to compromise the integrity of the course examinations/quizzes/projects through replication, duplication, or electronic means.

Plagiarism is representing the work of another person as one’s own work and submitting it to fulfill the academic requirements of the course. Examples:

- Submitting a written paper purchased or obtained from an outside source.
- Representing another’s creation (painting, photo, music composition, computer program, etc.) as your own product and work.
- Incorporating words, passages, ideas of another person’s writing without citing appropriate credit or acknowledgement and representing it as your own.
- Duplicating any previous academic work from another and then submitting them as your own for academic credit.

Other examples of academic dishonesty:

- Forging signatures on Add/Drop slips or altering other college documents.
- Stealing examinations, tests, quizzes, or scoring key for tests.
- Removal of class exams or class assignment projects without instructor approval.
- Altering graded work after it has been returned from the instructor and resubmitting without instructor knowledge or approval.
- Having any other person or student submit academic work in your name.
- Giving your academic work to another student to plagiarize.
- Purposely sharing your paperwork with another student to copy for a test or an assignment especially when it is not a group project or group response to a test.
- Taking a quiz or examination for another person.
- Lying to an instructor or to a college official to improve your grade.
- Accessing the college computer system to change your grades or those of other students.

These lists are merely illustrative of the types of conduct that will not be tolerated. They should in no sense be considered an exhaustive list of prohibited conduct.

Consequences of academic dishonesty

Academic sanctions and penalties may be applied in cases of academic dishonesty depending on the seriousness of the infraction and those grading guidelines specified by the instructor of the class.

You may:

- Receive a failing grade on a test, paper, or examination.
- Have your course grade lowered or possibly fail the course.

In addition to these academic sanctions, disciplinary action may be taken in any case of academic dishonesty. As a violation of the Student Standards of Conduct at ARC, such action will be conducted by referral to the college Disciplinary Officer under the direction of the Vice President of Student Services. Disciplinary action may be imposed, individually or in various combinations on any student found to have violated the Standards of Conduct. *(Please see “Forms of Student Discipline” below.)*

Student Standards of Conduct

The Student Standards of Conduct contained in the District's Administrative Regulations is a statement of the expectations regarding student standards of conduct, both academic and non-academic, at American River College and throughout the Los Rios Community College District. All students are expected to know about these regulations and to obey all laws and district policies that guide them. Students shall be subject to discipline for violation of these laws, policies, and regulations.

Student misconduct may also be subject to other regulations of the district, including but not limited to regulations regarding complaints of harassment and discrimination. Such misconduct may also result in legal penalties associated with local, State, and Federal law enforcement agencies that have legal and cooperative relationships with the District college police.

California Education Code

The California Education Code requires every community college governing board to adopt specific rules governing student behavior along with applicable penalties for violation of such rules and regulations. (California Education Code, sections 66300 and 76030 and following.) Our Governing Board has adopted these rules and they are embodied under the LRCCD Policies and Administrative Regulations.

All students enrolling at American River College assume an obligation to responsibly abide by all college regulations. These regulations are described in the Los Rios Community College District Board of Trustee Policies and Regulation:, Policy and Regulation 2411 (Student Rights and Responsibilities) and Policy and Regulation 2441 (Standards of Conduct) and Policy and Regulation 2442 (Due Process).

Student behavior that violates the standards of good conduct provides "good cause" (reason) for invoking the college discipline process. These standards are contained in the California Education Code, the Los Rios Community College District Policies and Administrative Regulations. Detailed information is provided in Part II of this document, as well as the ARC Catalog and Schedule of Classes for each term.

Student Disciplinary Procedures & Due Process

All students are responsible for their behavior in classrooms, laboratories, extracurricular activities, field trips and at any other time on the ARC campus or one of the college's off-campus locations. Students shall be subject to discipline for violation of any policy, regulation or law of the college, the Los Rios Community College District, or the State of California.

Disciplinary action is justified for "good cause," as defined by the Education Code and described in detail below and in the LRCCD Regulations, Part 2 of this document. All cases of student discipline, including those which faculty may handle to their satisfaction, must be reported to the Campus Discipline Officer and are subject to further action.

Violations of the Student Standards of Conduct include, but are not limited to, the following:

- Continued disruptive behavior, willful disobedience or abuse of college personnel
- Assault, battery, or threat of violence upon a student or college personnel
- Use, sale or possession of a controlled substance and/or alcohol
- Violation of college rules and regulations, including those of student organizations
- Obstruction or disruption of teaching, research, administrative or other college activities
- Dishonesty, such as cheating or plagiarism
- Any computer-related crime as described in section 4.1 of Los Rios Community College District Regulation 2441 (Student Rights and Responsibilities) contained in Part 2 of this document.

Penalties imposed for violation of the Student Code of Conduct may include, but are not limited to, the following:

- Warnings
- Disciplinary Probation
- Loss of college privileges
- Removal from class by a faculty member for up to two class meetings
- Suspension from the college for a period of up to 10 days
- Suspension for the remainder of the term
- Suspension for one or more terms (includes all Los Rios colleges)
- Expulsion (permanent termination of student status in the Los Rios District)

Specific descriptions of these actions are described on the next page. Students are ensured the right of due process prior to any final disciplinary action. This includes the right to written notice of the charges, a hearing prior to the college imposing final discipline, and the right to call witnesses. Due Process, however, does not include the right to representation by an attorney. Students may appeal any action taken by the Campus Discipline Officer.

A student who has committed a crime on the college campus is subject to arrest and prosecution in accordance with the California Penal Code, independently of the ARC discipline process. Criminal proceedings will have no effect on the College Discipline proceedings.

The forms of student discipline follow:

Forms of Student Discipline

1. **Warning-** a written or oral notice to the student that continuation or repetition of certain conduct will result in further disciplinary action.
2. **Disciplinary Probation** is a status imposed for a specific period of time wherein a student must demonstrate his or her conduct conforms to the District standard of conduct as set forth in the District Policies and Administrative Regulations. The conditions may be imposed at the discretion of the President or administrative designee. Misconduct or further violations of any of the conditions imposed during the probation time period will result in more serious disciplinary action such as loss of privilege, suspension, or expulsion.
3. **Loss of college privileges** is the denial of access onto campus and from college regular, extra-curricular, and co-curricular activities within the District. Any further violations of any restrictions or campus regulations will result in more serious penalties such as suspension or expulsion.
4. **Removal** is where a student may be removed from class, office, or college area by the responsible President, administrative designee or an appropriate college administrator; if necessary, it will be conducted with the assistance of the college police.
5. **Suspension** is a separation from the college/ District for a designated period of time after which the student will be eligible to return. A suspension may consist of:
 - a. A period of time from one or two classes by the instructor for a period up to the time the student meets with the campus Discipline Officer or makes the necessary arrangements to do so for a period up to 10 days of instruction.
 - b. From one or more classes for the remainder of the school term.
 - c. From all classes or activities of the college for one or more terms.
6. **Expulsion** is the permanent termination of a student from Student Status by the Governing Board for good cause. The action occurs when other means of corrective disciplinary action fail to bring about proper conduct or when the action is needed to ensure that the presence of the student causing a continuing danger to physical safety of the students, staff, and the college is mitigated. The expelled student is prohibited from participating in any college programs, activities, and from entering the premises of the campus or District.

Non-Discrimination & Sexual Harassment

American River College strives to provide equitable opportunity for all students and employees in an educational environment and work place that is free from unlawful discrimination and sexual harassment. More information about your rights is available in Policies 2423 and 2424 and Administrative Regulations 2423 and 2424. The Administrative Regulations are contained in Part 2 of this handbook or can be obtained from the Campus Equity Officer identified earlier in this document.

Student Grievance Process

Students are afforded an effective informal process for resolving problems and complaints, and for filing a formal grievance in the event that a resolution to the problem cannot be agreed upon.

Here are a few key points and deadlines to know:

- A. Students may not grieve grades unless they demonstrate “there is a mistake, fraud, bad faith, or incompetency” in the giving of the grade. (Education Code , section 76224(a) and Los Rios Community College District Policy 2412),
- B. If a student does not meet the specific grievance timelines, the grievance is deemed waived and may not be pursued further.
- C. The student must seek informal resolution of his or her complaint by meeting with the faculty or other staff member, or that individual’s supervisor, within 10 calendar days of the alleged grievable act.
- D. If informal resolution is not achieved, the student must file a Grievance Form with the ARC Grievance Officer within 5 calendar days of that attempt at resolution. The process must be initiated by the student not later than 25 days after the date of the grievable act.
- E. The college Grievance Officer will review the student’s documentation and interview the student to determine whether the complaint is grievable.
- F. If the Grievance Officer determines that the complaint is not grievable (meaning that sufficient evidence of the alleged wrongdoing is not provided or that the action does not fall within the scope of the grievance process), the student will receive a letter to that effect. The Grievance Officer’s decision on this point is final.
- G. If the complaint is found to be grievable, a hearing will be scheduled. An independent Hearing Officer will be appointed.
- H. The decisions of the Hearing Officer can be appealed to the Chief Student Services Officer. The Chief Student Services Officer’s determination is final.

See details of the grievance process in Part 2 of this document.

—PART TWO—

Administrative Regulations of the Los Rios Community College District

Students' rights to free speech and grievance Student rights and responsibilities [LRCCD Regulation 2411]

1.0 Student Rights

1.1 Student Publications

1.1.1 In preparing student publications, the editorial staff and faculty advisors shall be free from censorship and advance copy approval except as provided by published District policy, statutes, or campus regulation. Student publications shall:

1.1.1.1 Adhere to canons of responsible journalism, such as avoidance of libel, obscenity, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo;

1.1.1.2 state on the editorial page that the opinions expressed are not necessarily those of the College or the student body.

1.2 Support Causes

1.2.1 Students shall have the right to take stands on issues, the right to examine and discuss questions of interest to them, and the right to support causes by orderly means which are in harmony with the regular functioning of the institution.

1.3 Free Assembly

1.3.1 Students shall have the right to hear speakers on any subject and on-campus recognized student organizations shall have the right to present speakers on any subject. In addition, students shall have the right of free assembly on each campus subject to regulations that assure the regular functioning of the institution.

1.3.2 The policies and regulations shall include reasonable provisions for the time, place and manner of conducting these activities, but 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 and other insignia. (Education Code §76120)

1.3.2.1 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 college premises, or the violation of lawful District or college regulations, or the substantial disruption of the orderly operation of the college, shall be prohibited. (Education Code §76120)

1.3.2.2 These regulations shall be published in the college catalog, the student handbook, and by any other means designed to notify and inform affected persons.

1.4 Free to Organize

1.4.1 Students shall have the right to form an organization around any particular interest; this right will include the freedom to organize and to join student organizations subject to published campus and District regulations.

1.5 Voice in Decision Making

1.5.1 Students shall have the right to be informed and participate on all campus matters that can be shown to be directly relevant to them with the exception of staff appointment, evaluation, termination and tenure.

1.5.2 In case of conflict in determining what campus matters are relevant to students, the determination will be made by a campus-designated student, faculty, administrative committee.

1.5.3 In addition, student representatives shall be members of all faculty and administrative committees related to students' concerns; such student representatives shall have a vote as committee members.

1.6 Confidentiality (Education Code §§76242 and 76243)

1.6.1 Students' records will be released only on the written consent of the students or as provided by law.

1.7 Academic Evaluation

1.7.1 Students shall have the right of protection against prejudiced or capricious academic evaluation. At the same time, however, students are responsible for maintaining standards of academic performance established in advance for each course in which they are enrolled.

1.8 Grievance Procedure

1.8.1 Students shall have the right to file a grievance, as outlined in the procedures of the District Student Grievance Policy and Regulations (P-2412, R-2412), in the event of an alleged violation of their rights.

Student Grievance Procedures [LRCCD Regulation 2412]

1.0 Terms and Definitions

1.1 A grievable matter is any alleged action or decision of the Los Rios District or one of its colleges that adversely affects the status of a student or violates the rights of a student as set forth in District Policy (P-2412).

1.2 "Party" shall mean the student and any person(s) alleged to have been responsible for the student's alleged grievance.

1.3 "Student Grievance Officer" means an employee assigned by the Chief Student Services Officer to administer the grievance process.

1.4 As used in these procedures, "Student" includes a person currently enrolled or who was enrolled in one or more credit classes in the immediately preceding semester or who has filed an application for admission to college. A grievance by a student applicant shall be limited to alleged denial of admission.

1.5 Unless otherwise provided, as used in these procedures, "days" shall mean calendar days, provided, however, that days during winter break, spring break and breaks before and after summer sessions shall not be counted as "days."

1.6 A "formal grievance" is a written allegation by a student, filed in the manner prescribed by Section 3.0, alleging that the student was adversely affected by a grievable action of the District or the college.

1.7 "Grievance Form" is a college form which must be filed with the college Student Grievance Officer if a formal grievance procedure is followed. This form is only to be used when attempts at informal resolution have failed.

2.0 Informal Resolution

2.1 A student believing to have been adversely affected by an act of an instructor, administrator, or other staff of the college must make a reasonable, good faith attempt to resolve the matter within ten (10) days of the alleged act. This should be done on an informal basis by discussing the matter either with the staff member involved, or with the staff member's immediate supervisor.

2.1.1 Failure of the student to act within the above-specified ten (10) day period shall constitute a waiver of the right to pursue the matter further.

2.2 If the meeting with the staff member or with the immediate supervisor is not successful in resolving the problem within ten (10) days, the student may file a formal grievance.

3.0 Formal Process

3.1 Within five (5) days of the completion of the informal process, and not later than twenty-five (25) days from the date of the alleged wrongful act, the student may file a formal grievance by submitting a Grievance Form to the college Student Grievance Officer. The name and location of the college Student Grievance Officer and the Grievance Form can be obtained from the office of the Chief Student Services Officer or the Student Grievance Officer.

3.2 The grievance must contain a specific statement of the alleged act of wrong-doing, the name of the person against whom the grievance is filed, the names of any witnesses, and the nature of the relief sought by the grievant.

3.2.1 Relief sought by the grievant shall not include the imposition of disciplinary action on an employee. Formal discipline of an employee is a matter which is exclusively within the prerogative of the District and is confined to the procedures established by law and collective bargaining agreements.

3.2.2 Failure of the student to file the completed grievance form within the above-specified time period shall constitute a waiver of any right to further proceedings.

3.3 Within ten (10) days of the receipt of the grievance, the college Student Grievance Officer will determine whether the issue is grievable under the policies and regulations of the District. If the issue is grievable, a hearing will be scheduled.

3.3.1 Determination as to the sufficiency of grounds for a hearing on a grievance shall be based on the following:

(a) Has the student attempted to resolve the grievance under the informal grievance process in Section 2.0 above?

(b) Have all time lines been met?

(c) Does the grievance contain statements which, if true, would constitute a grievance under Board Policy (P-2412)?

(d) Does the grievant have standing to assert the grievance by (I) being a student at the time of filing the grievance or at the time of the alleged act of wrong-doing; or (II) being an applicant for admission to the college?

3.4 If any of the grounds for grievability stated in Section 3.3.1 above have not been satisfied, the college Student Grievance Officer will notify the student in writing that the grievance has been rejected and state the specific reason(s) for the rejection.

3.5 If the college Student Grievance Officer determines that all the conditions for grievability have been met, the grievance will be referred to the designated hearing officer. At this time the person(s) against whom the grievance is filed shall be notified of the status of the grievance, and shall be given a copy of the formal grievance.

3.5.1 The Hearing Officer shall be appointed by the College President. The hearing Officer shall be an administrator who is not from the area from which the grievance arose, nor from student services.

3.6 Within ten (10) days from appointment, the Hearing Officer will schedule a hearing on the grievance. All parties shall be notified by the Hearing Officer of the time and day of the hearing. If the designated time and day are not convenient for the parties, a mutually agreeable time may be set.

3.7 The hearing will be conducted in accordance with the guidelines set forth below:

3.7.1 All decisions concerning the conduct and procedure of the hearing shall be made by the Hearing Officer and shall be final.

3.7.2 Each party to the grievance may call witnesses and introduce oral testimony and documentary evidence relevant to the issue of the grievance and both parties shall be permitted to question all witnesses of the other side.

3.7.3 Formal rules of evidence shall not apply. All relevant evidence may be admitted.

3.7.4 The burden shall be upon the grievant to prove by a preponderance of the evidence that the facts alleged are true and that a grievance has been established as specified in Section 1.1 above.

3.7.5 Each party shall be presumed not to be at fault.

3.7.6 At the hearing, the grievant and any other party involved in the grievance may be represented or accompanied by another person. The name and status of such a person must be submitted to the Hearing Officer at least two (2) days before the beginning of the hearing. No party may be represented by legal counsel.

3.7.7 Hearings shall be closed and confidential, unless it is the request of all parties that hearings be open to the public.

3.7.8 In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties agree to the contrary.

- 3.7.9 One tape recording of the grievance hearing shall be made by the Hearing Officer, and shall be the only tape recording.
- 3.7.10 The Hearing Officer shall maintain an orderly meeting and permit no person to be subjected to abusive treatment. In this regard, the Hearing Officer may eject or exclude any person who refuses to be orderly.
- 3.8 The Hearing Officer shall deliver a written decision within ten (10) days of the conclusion of the hearing to all parties to the grievance, with copies to the Chief Student Services Officer, the College President and the Assistant Chancellor, Educational Services.
- 3.8.1 The Hearing Officer's decision shall contain a statement of the alleged grievance; a discussion of the evidence introduced by each party together with the Hearing Officer's determination whether the grievant met his or her burden of proof by a preponderance of the evidence; and a recommendation as to which, if any, of the requests for relief sought by the grievant should be granted.
- 3.8.2 The Hearing Officer shall not recommend any relief that violates any employee rights as guaranteed by law or collective bargaining agreement.
- 3.9 Either party to the grievance may appeal the Hearing Officer's decision to the Chief Student Services Officer within five (5) days. Such appeal shall be submitted in writing and shall state specifically the grounds for appeal.
- 3.9.1 Grounds for appeal will be limited to:
- 3.9.1.1 Decision not supported by the evidence.
 - 3.9.1.2 Denial of admission of relevant evidence.
 - 3.9.1.3 Incorrect application/non-application, or interpretation of laws, policies, procedures, etc.
 - 3.9.1.4 Excessive or disproportionate sanctions applied.
- 3.9.2 The Chief Student Services Officer shall review the proceedings and take one or more of the following actions:
- (a)** Affirm the Hearing Officer's decision in whole or in part;
 - (b)** Reverse the Hearing Officer's decision in whole or in part;
 - (c)** Affirm or deny in whole or in part the relief recommended by the Hearing Officer; or
 - (d)** Send the grievance back to the Student Grievance Officer for further consideration.
- 3.9.3 Within ten (10) days after receipt of the appeal documents, the Chief Student Services Officer shall inform all parties to the grievance and the appropriate personnel in the District Office, in writing, of the decision. The decision of the Chief Student Services Officer shall be final.
- 3.10 A student grievance involving a District Office staff member must be submitted in writing to the Assistant Chancellor, Administration and Operations within ten (10) days of the event leading to the grievance. The Assistant Chancellor, Administration and Operations will attempt to resolve the problem by informal means following the pattern set forth in Section 2.0 above.
- 3.10.1 Upon failure of the informal process to resolve the matter, the Assistant Chancellor will determine within five (5) days if the issue is grievable, and if so, shall designate a District Hearing Officer who will conduct a hearing in accordance with Section 3.7 above.
- 3.10.1.1 The decision of the District Hearing Officer shall be consistent with the requirement set forth in Section 3.8 above and shall be delivered in writing within ten (10) days of the conclusion of the hearing to all parties to the grievance with a copy to the Assistant Chancellor.
- 3.11 Either party may appeal the decision of the District Appeal Officer or the District Hearing Officer to the Chancellor, within ten (10) days of the decision on the grounds and in the manner set forth in Section 3.9 above. Failure to file this appeal within the ten (10) day period shall constitute a waiver of this appeal and acceptance of the District decision.
- 3.11.1 The decision of the Chancellor is final.

4.0 Special Provisions

- 4.1 Any time specified in these procedures may be shortened or lengthened by mutual agreement of all parties.
- 4.2 If, at any step of the formal proceedings, the grievant fails to appear, except in the case of emergency, the grievance will be considered to be in default and a request by the opposing party to dismiss the grievance shall be granted.
- 4.3 An informal grievance must be initiated on or before the tenth day of instruction of a new semester when the grievance involves final grades or circumstances surrounding final grades for the preceding semester or summer session.
- 4.4 All decisions must be consistent with the law and the employees' contracts with the District.
- 4.5 No reprisal of any kind shall be taken against any person who participates in the grievance procedure.
- 4.6 In situations when the student's presence in class is a factor which could affect the student's grade or graduation, the instructor must allow the student to continue to attend or provide the student the opportunity to continue the work of the class, unless the student's presence in class adversely affects health and safety.

5.0 Review of Procedures

- 5.1 A student grievance committee consisting of the three (3) faculty senate presidents, or designees; the District Academic Senate President or designee; three (3) student association presidents, or designees; the College Chief Student Services Officer, the Assistant Chancellor, Educational Services and the District General Counsel will convene, as needed, to review this policy. Each member of the Committee shall have one (1) equal vote.
- 5.2 It will be the responsibility of the District Academic Senate President to call the meeting of the review committee.

Discrimination Complaint Procedures

[LRCCD Regulation 2423]

1.0 Discrimination Complaints

1.1 The District and each college will designate annually Equity Officer(s) whose responsibilities will include the investigation and resolution of unlawful discrimination complaints, including complaints of sexual harassment.

1.2 The complaint shall be filed by a student or employee who alleges that he or she has personally suffered unlawful discrimination or by an individual who has learned of such unlawful discrimination in his or her official capacity; for example, a counselor, a supervisor, or an administrator.

1.3 A complaint shall be filed with the State Chancellor or the District or the applicable college.

1.4 The District will provide annual notice of this policy against unlawful discrimination to new employees when they start working, and to all current employees.

1.4.1 Posters which contain the basic legal requirements will be posted in places readily accessible to job applicants, and existing employees.

2.0 Complaint Procedures

2.1 As soon as possible after the alleged incident, the complainant shall notify the appropriate Equity Officer(s) of the alleged discrimination/harassment.

2.2 Following consultation with the Director, Human Resource Operations and Employee Relations, the Equity Officer may reject the complaint if:

2.2.1 it's anonymous;

2.2.2 the most recent incident was more than a year ago or more than one hundred eighty (180) days ago for an employment case;

2.2.3 the complaint does not allege unlawful discrimination;

2.2.4 the complaint lacks adequate information on which to conduct an investigation, in which case, the complaint shall be advised of the defect(s);

2.2.5 identical allegations have already been investigated; or

2.2.6 the case does not merit investigation for any other reason as determined by the Director, Human Resources Operations and Employee Relations pursuant to Title 5 regulations.

2.3 If a complaint does not meet the requirements listed above, the complainant shall be notified and informed of the deficiency.

2.4 If the complaint is accepted, the Equity Officer shall:

2.4.1 advise the complainant that he or she need not participate in informal resolution;

2.4.2 notify the person bringing the charges of the procedure for filing a complaint with the State Chancellor's Office;

2.4.3 advise the complainant that he or she may file a complaint with the Office of Civil Rights of the U.S. Department of Education (OCR);

2.4.4 advise the complainant that he or she may file his or her employment-based complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH) where the complaint is within the jurisdiction of those agencies;

2.4.5 give the complainant a copy of the Los Rios Discrimination Complaint Procedure Policy and Regulation (P/R-2423), and the Sexual Harassment Policy (P-2424), if appropriate; and

2.4.6 undertake efforts to informally resolve the charges if the complainant so desires.

3.0 Informal Process

3.1 If the complainant so desires, the Equity Officer shall hold an informal conference with the complainant within seven (7) days from the date the oral or written complaint is filed. Information about the applicable law and rules shall be presented to the complainant. An effort shall be made to resolve the complaint at the informal level.

3.2 If a resolution of the complaint is not reached or if the complainant disagrees with the recommendation made, then the complainant may follow the resolution procedure outlined in Section 4.0 below.

3.3 This informal procedure shall generally be completed within ninety (90) days.

4.0 Formal Process

4.1 If the complaint is not resolved satisfactorily at the informal stage or if the complainant chooses not to use the informal process, the complainant may file with the appropriate Equity Officer(s) a written statement of the problem and his/her proposed remedy on the form prescribed by the State Chancellor's Office. This form shall be provided to the complainant by the appropriate Equity Officer(s). In any complaint not involving employment, the formal complaint shall be filed no later than one year from the date on which the complainant knew or should have known the facts underlying the allegation of unlawful discrimination or sexual harassment. In any complaint involving employment, the complaint shall be filed not later than 180 days from the date on which the complainant knew or should have known of the facts underlying the allegation of the unlawful discrimination or sexual harassment. [Title 5, Section 59328 (4)(b)].

4.2 The college Equity Officer shall forward the formal complaint and all other pertinent information to the college President immediately upon receipt.

4.2.1 The formal complaint shall be forwarded to the Equity Officer, who will notify the State Chancellor and the complainant that the complaint has been filed and the investigation is being conducted pursuant to Title 5 Section 59334.

4.2.2 A prompt, thorough and impartial fact-finding investigation of the complaint shall be conducted which includes meeting with the alleged discriminator/harasser, interviewing any witnesses to the alleged conduct, and any other person who may be mentioned during the course of the investigation as possibly having relevant information. To the greatest extent possible, confidentiality must be maintained.

4.2.3 This investigation must be completed within ninety (90) days of the receipt of the formal complaint.

4.2.4 The results of the investigation shall be put in a written report which shall include at least all of the following:

4.2.4.1 A description of the circumstances giving rise to the complaint;

4.2.4.2 A summary of the testimony provided by each witness, including the complainant and any witness provided by the complainant in the complaint; and any statement by the alleged discriminator/harasser;

4.2.4.3 An analysis of any relevant data or other evidence collected during the course of the investigation;

4.2.4.4 A specific finding as to whether discrimination or sexual harassment did or did not occur with respect to each allegation in the complaint; and

4.2.4.5 Any other information deemed appropriate by the District.

4.3 Upon completion of the investigation and within the ninety (90) day timeline, the District shall forward all of the following to the complainant:

4.3.1 A summary of the investigative report; and

4.3.2 A written notice setting forth the following:

4.3.2.1 The determination of the College President as to whether discrimination or sexual harassment did or did not occur with respect to each allegation in the complaint;

4.3.2.2 A description of actions taken, if any, to prevent similar problems from occurring in the future;

4.3.2.3 The proposed resolution of the complaint; and

4.3.2.4 The complainant's right to submit a written appeal to the District Board of Trustees within fifteen (15) days of the receipt of the notice, if the complainant is not satisfied with the results of the administrative determination.

4.4 If an appeal is filed, the Board shall review the original complaint, the investigative report, the administrative determination, and the appeal, and shall issue a final District decision in the matter within forty-five (45) days after receiving the appeal.

4.4.1 A copy of the final District decision rendered by the Board of Trustees shall be forwarded to the complainant and to the State Chancellor.

4.4.2 The complainant shall also be notified of his or her right to appeal this decision to the State

Chancellor within thirty (30) days after the Board of Trustees issues the final District decision; or permits the administrative determination to become final by failure to act within forty five (45) days of receipt of the appeal.

5.0 Final Notification to State Chancellor

5.1 Within one hundred-fifty (150) days of receiving a complaint, the District will forward to the State Chancellor the original complaint; the report describing the nature and extent of the investigation conducted by the District; a copy of the notice sent to the complainant (see Section 2.5.5 above); a copy of the final District decision rendered by the Board of Trustees or a statement indicating the date on which the administrative determination became final; and any other information the State Chancellor may require.

5.2 If the District, for reasons beyond its control, is unable to comply with the timelines required under Section 3.1 above, the District may file a written request with the State Chancellor no later than ten (10) days prior to the expiration of the deadline, requesting extension ((California Code of Regulations, Title 5, §59342).

6.0 Documentation

6.1 The Equity Officer shall keep a log of all discrimination/sexual harassment complaints and the resolution thereof.

Student Standards of Conduct & Disciplinary Procedures Standards of Conduct [LRCCD Regulation 2441]

1.0 Authority to Suspend or Expel (Education Code §76030)

- 1.1 The Board of Trustees 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 continuing danger to the physical safety of the student or others.
 - 1.1.1 Expulsion is a permanent termination of student status and all attending rights and privileges from any and all Los Rios District colleges and facilities.
- 1.2 The suspension or expulsion of a student shall be accompanied by a hearing pursuant to the requirements of Education Code §66017.
 - 1.2.1 The hearing must be prompt, unless an immediate suspension is required in order to protect lives or property, or to insure the maintenance of order.
 - 1.2.1.1 In any case, a reasonable opportunity for a hearing must be provided within ten (10) days of the suspension or expulsion.

2.0 Scope of Suspension (Education Code §76031)

- 2.1 *The President of a college*, may authorize the suspension of a student for good cause as follows:
 - 2.1.1 from one or more classes for a period of up to ten (10) days of instruction;
 - 2.1.2 from one or more classes for the remainder of the school term;
 - 2.1.3 from all classes and activities of the college for one or more terms.
 - 2.1.3.1 Any student suspended pursuant to Section 2.1.3 above shall be prohibited from being enrolled in any community college or facility in the District or participating in any class or program in the District for the period of the suspension.
- 2.2 *An instructor* may remove a student from a class for the day of removal and the next class meeting. (Education Code §76032)
 - 2.2.1 Such removal shall be reported immediately by the instructor to the College President or other appropriate college officials.
 - 2.2.2 If the student removed by an instructor is a minor, the parent or guardian of the student shall be requested 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.
 - 2.2.3 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.
- 2.3 Whenever a minor is suspended, the parent or guardian shall be notified in writing.
- 2.4 Nothing in these regulations shall be construed to prohibit the imposition of a disciplinary sanction than suspension.
 - 2.4.1 Such lesser sanctions may include, but need not be limited to, verbal or written reprimand, probation or ineligibility to participate in extracurricular activities.

3.0 Good Cause

- 3.1 As defined in Education Code §76033, 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.

(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.

3.2 Good cause is further defined, but is not limited to, the following:

(a) Violation of college rules and regulations including those concerning student organizations, the use of college facilities, or the time, place and manner of public expression and distribution of materials.

(b) Obstruction or disruption of teaching, research, administrative disciplinary procedures or other college activities, including its community service activity, or of other authorized activities on college-controlled premises.

(c) Theft of or non-accidental damage to property of the college or a member of the college community or campus visitor while on campus or at college-sponsored events.

(d) Unauthorized entry to or use of college facilities.

(e) Dishonesty, such as cheating, plagiarism or furnishing false information to the college, forgery, alteration or misuse of college documents, records or identifications.

(f) Knowing possession or use of explosives, dangerous chemicals or deadly weapons on college property or at a college function without prior authorization of the College President or designated representative.

(g) Use, possession, distribution or being under the influence of alcoholic beverages, narcotics or dangerous drugs on college property or at College-sponsored events.

(h) Soliciting or assisting another to do any act which would subject a student to expulsion, suspension, probation or other discipline pursuant to this policy.

(i) Violation of any order of a college president, notice of which has been given prior to such violation, and which order is not inconsistent with any of the other provisions of this policy. This notice may be given by publication in the college newspaper, by posting on an official bulletin board designated for this purpose or by any other means reasonably calculated to inform students of its provisions.

(j) Attempting to commit an act that would be cause for disciplinary action identified in Sections 3.1 or 3.2 above.

3.3 Whenever any employee is attacked, assaulted or menaced by any student, it is the duty of that employee, and the duty of any person under whose direction or supervision the employee is employed who has knowledge of the incident, to promptly report the incident to the appropriate law enforcement authorities. (Education Code §87014)

3.3.1 Failure to make this report is a misdemeanor.

3.3.2 Any act designed to directly or indirectly discourage or influence a person under a duty to make this report is a misdemeanor.

3.3.3 Any person who assaults or abuses any academic employee in the presence or hearing of a student or college personnel is guilty of a misdemeanor. (Education Code §87708)

4.0 Computer-Related Crimes

4.1 A student may be subject to disciplinary sanctions up to and including dismissal for commission of any computer-related crimes as specified in Section 502 of the Penal Code or as specified in District policies and regulations. Such crimes include, but are not limited to, the following:

(a) Knowingly access and without permission alter, damage, delete, destroy or otherwise use any data, computer, computer system or computer network in order to either (a) devise or execute any scheme or artifice to defraud, deceive or extort, or (b) wrongfully control or obtain money, property or data.

(b) Knowingly access and without permission take, copy or make use of any data from a computer, computer system or computer network, or take or copy any supporting documentation, whether existing or residing internal or external to a computer, computer system or computer network.

(c) Knowingly and without permission use or cause to be used computer services.

(d) Knowingly access and without permission add, alter, damage, delete or destroy any data, computer

software or computer programs which reside or exist internal or external to a computer, computer system or computer network.

(e) Knowingly and without permission disrupt or cause the disruption of computer services or deny or cause the denial of computer services to an authorized user of a computer, computer system or computer network.

(f) Knowingly and without permission provide or assist in providing a means of accessing a computer, computer system or computer network in violation of this section.

(g) Knowingly and without permission access or cause to be accessed any computer, computer system or computer network.

(h) Knowingly introduce any computer contaminant into any computer, computer system or computer network.

5.0 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, or pursuant to Penal Code Section 502 or other laws specifically authorizing such.

6.0 Notification of Law Enforcement Authorities (Education Code §76035)

6.1 The College President or the president's designee 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 Sections 245 or 502 of the Penal Code.

6.2 Every student who, after a hearing, has been suspended or expelled from a Los Rios District college or facility for disrupting the orderly operation of a campus or facility, and as a condition of such suspension or expulsion has been denied access to the campus or facility, or both, for the period of the suspension, or in the case of expulsion for a period not to exceed one (1) year; who has been served by registered or certified mail at the last address given by such person with a written notice of such suspension or dismissal and condition; and who willfully and knowingly enters upon the campus or facility of the institution to which the student has been denied access, without the express written permission of the Chancellor or the College President is guilty of a misdemeanor. (Penal Code §626.2)

7.0 Notification of Student

7.1 A student who has been suspended or expelled from a Los Rios District college or facility shall be served written notice by registered or certified mail at the last address given by such student.

7.2 Whenever there is included in any student record information concerning any disciplinary action taken by the college or District, the student shall be allowed to include in such record a written statement or response concerning the disciplinary action. (Education Code §76233)

8.0 Parking Violations (Education Code §76036)

8.1 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.

9.0 Student Indebtedness

9.1 When a student has not cleared indebtedness to the college after notification has been duly given, any of the procedures listed below may be used:

9.1.1 The student may be suspended until such time as the money is paid or reasonable arrangements to pay have been made with the Business Office.

9.1.2 The student's subsequent registration may be suspended until the money has been paid or reasonable arrangements have been made at the Business Office.

9.1.3 If any request is made for a transcript of the student's academic record, the student shall be notified that the transcript is being held for clearance of indebtedness.

9.1.4 When all collection attempts have failed, the Business Office may proceed by taking the claim to Small Claims Court, if applicable.

9.1.5 Forms for student loan applications shall include a waiver of the statute of limitations.

Due Process

[LRCCD Regulation 2442]

1.0 Disciplinary Authority

1.1 By September 15 of each year, the President of each college shall designate one or more members of the college administrative staff as Disciplinary Authorities.

1.2 It shall be the responsibility of the Disciplinary Authorities to discipline students in the manner prescribed herein.

1.3 Such designations shall be made by written notification to the individuals involved, and by letter directed to the Chancellor.

1.4 The President may from time to time increase the number of Disciplinary Authorities, reduce the number or make new appointments by written notification to the Chancellor.

2.0 Disciplinary Appeals Committee

2.1 There shall be at each campus a standing panel from which one or more Disciplinary Appeals Committees may be appointed. The panel shall be made up of the following:

2.1.1 Five (5) students, enrolled and in good academic standing at the college, whose names are submitted to the College President by the Associated Students' Organization governing body.

2.1.2 Seven (7) faculty members whose names are submitted to the College President by the Academic Senate.

2.1.3 A Disciplinary Appeals Committee shall consist of two (2) students and three (3) faculty members selected from the above panel.

2.1.4 No person shall be a member of the Disciplinary Appeals Committee who is at the same time acting as a disciplinary authority or an interested party.

2.1.5 The standing panel shall be appointed no later than the fifteenth day of September. The College President shall notify each member in writing, and shall send a list of the names of the members to the Chancellor.

2.1.6 The members of the panel shall serve a term of one (1) year, or until their successors are appointed.

2.1.7 Vacancies caused by resignation, death or prolonged illness shall be filled immediately by the President in consultation with the Associated Students' Organization governing body and/or the Academic Senate, as appropriate. Nothing herein shall preclude a member of the Disciplinary Appeals Panel from serving more than one (1) year.

2.2 The President shall select a committee from the above panel when an appeal is filed.

2.2.1 The committee thus selected shall designate one (1) member to act as chairperson.

2.2.2 A quorum shall consist of the majority of the members of a committee.

2.3 All action pursuant to the authority delegated to the Disciplinary Appeals Committee by these regulations shall be taken by a majority of the members thereof.

2.3.1 No member of the committee who has not been personally present at the hearings conducted during an entire appeal shall vote upon any appeal before the committee without consent of both the appellant and the disciplinary authority involved.

3.0 General Provisions

3.1 Confidentiality - Unless the student and the college determine otherwise, proceedings under this policy shall be confidential and all hearings held there under shall be closed to everyone other than the person(s) conducting the hearing, the student(s) charged, and those other persons necessary for the orderly conduct of the proceedings.

3.2 Mail - Whenever these regulations call for or permit a notice or other communication to be delivered by mail, the mailing of such communication by certified mail, postage paid, and addressed to the last known address of the student, shall be deemed to be sufficient compliance with the provision and it shall be presumed to have been received. A student's failure or refusal to sign a receipt of the communication shall not cause service to be defective.

3.3 Technical Departures From the Regulations - Technical departures from the disciplinary regulations and errors in their application shall not be grounds to void the right of the college to take disciplinary action against a student unless, in the opinion of the Chancellor, the technical departure or error prevented a fair determination of the issue.

3.4 These procedures shall not apply to removal of a student by an instructor pursuant to Education Code §76032.

4.0 Procedures Preliminary to Disciplinary Action

4.1 The Disciplinary Authority shall be notified of an infraction committed by a student. Verbal notification must be followed by a written account within three (3) instructional days.

4.2 The student shall be informed by the Disciplinary Authority of the alleged infraction and of the time and place of the investigative meeting with the Disciplinary Authority.

4.2.1 If the student cannot be reached in person, this notice may be sent by mail according to Section 3.2 above.

4.3 At this investigative meeting, the Disciplinary Authority shall interview the concerned student for the purpose of discussing the alleged misconduct and the disciplinary action, if any, which should be taken.

4.3.1 At this meeting the parties shall have the right to present statements, testimony, evidence, and witnesses, except that neither party shall have the right to be represented by an attorney.

4.3.2 This is an informal meeting, and any relevant evidence on which responsible persons are accustomed to rely may be admitted.

4.4 If the student charged does not attend the meeting and fails to make arrangements for another satisfactory time and place prior to the scheduled meeting, the Disciplinary Authority may review the case and initiate disciplinary action without input from the student.

5.0 Initiation of Discipline

5.1 After the investigative meeting, the Disciplinary Authority may initiate disciplinary action by filing a notice of disciplinary action with the Vice President, Student Services and serving such notice on the student charged.

5.1.1 Minors - If the student is a minor, the notice must also be mailed to that parent, guardian or other adult responsible for the minor student as identified in the student's permanent personnel file. This notice is to be mailed to the last known address listed, and shall be mailed in accordance with Section 3.2 above.

5.2 The notice of disciplinary action shall contain or include the following:

5.2.1 A copy of the Los Rios District Policies and Regulations (R-2441) and R-2442;

5.2.2 the acts or omissions upon which the charges are based;

5.2.3 the grounds for the disciplinary action as contained in the policies and regulations;

5.2.4 the specific disciplinary action to be imposed;

5.2.5 notification of suspension, if it is to be imposed, and the reasons for it;

5.2.6 a statement that a suspension and/or expulsion from a college shall include the entire Los Rios Community College District and its colleges and facilities;

5.2.7 a brief statement affording the student the right to appeal; and

5.2.8 an appeal form, the filling out, signing and filing of which shall constitute sufficient appeal if filed in the prescribed timely fashion.

6.0 Appeal

6.1 Not later than seven (7) days after the service of the notice of disciplinary action upon the student or the mailing of said notice to the responsible parent, guardian or adult described above, whichever is later, the student or parent/guardian may appeal the disciplinary action to the Disciplinary Appeals Committee by filing the completed appeal form enclosed with the notice of disciplinary action with the Vice President, Student Services.

6.2 If the student charged or the parent/guardian fails to appeal the disciplinary action in the prescribed timely manner, the discipline shall be referred to the College President for approval, rejection or modification. Failure to appeal in a timely manner constitutes a waiver of the right to further appeal.

7.0 Hearing by Disciplinary Appeals Committee

7.1 If the student or the parent/guardian appeals the notice of disciplinary action in a timely manner, a Disciplinary Appeals Committee shall conduct a hearing upon the charges contained in the notice of disciplinary action. The student involved or his/her representatives if they have appealed, shall be given not less than forty-eight (48) hours advance written notice of the time, date and place of said hearing.

7.2 The Disciplinary Authority recommending the discipline shall be present at the hearing and the student and the parent/guardian shall have a right to be present.

7.3 The hearing will concern itself with the question of whether the alleged act or omission giving rise to the recommended disciplinary action did in fact occur, and if so, what disciplinary action should be recommended.

7.4 At the hearing, the student may represent himself/herself, or may be represented by another person, except that the student shall not be represented by an attorney.

7.5 During the hearing, each party may, at its discretion, make an opening statement, and present witnesses,

documents and other evidence in its behalf. The Disciplinary Authority shall present its case first since it has the burden of proof, except as to matters of defense raised by the student, where the student has that burden.

7.5.1 The opening statement is made to indicate to the committee the case to be offered by that party. The opening statement is not evidence.

7.6 Any witness who is called to testify may be cross-examined by the other party. On cross-examination, in addition to questions concerning specific facts or events as related to direct examination of the witness, the credibility of the witness may be ascertained by questions concerning the witness' biases, perceptions, and recollections related to the facts or events at issue.

7.6.1 The student may also be called as a witness by the Disciplinary Authority after the student has had an opportunity to present his/her case.

7.6.2 The members of the committee may ask questions after the parties have completed their questioning.

7.7 Each side shall have the opportunity to offer rebuttal evidence and to give a closing argument.

7.8 The hearing need not be conducted according to technical rules of court. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

7.8.1 The committee may exclude irrelevant and unduly repetitious evidence.

7.9 The committee need only find that the facts are established by a preponderance of the evidence. "Preponderance of the evidence" means evidence, when weighed with that opposed to it, had more convincing force and the greater probability of truth.

7.10 The hearing may be continued from time to time, and shall be recorded either with a tape recorder or by a stenographic reporter.

7.11 At the conclusion of the hearing, the Chair of the committee shall prepare a written decision which includes findings of fact and conclusions regarding the issue of whether the act or omission charged occurred, and the type of disciplinary action, if any, it recommends.

7.11.1 This decision shall be completed within ten (10) days of the conclusion of the hearing.

8.0 Decision by College President

8.1 The decision of the Disciplinary Appeals Committee shall be transmitted to the College President for approval, rejection or modification. Neither the student nor the parent/guardian shall have a right to a hearing by the College President.

8.2 If the President decides to impose a disciplinary suspension, a disciplinary probation, or a combination of the foregoing, the decision of the President shall be final, and any discipline imposed shall take effect from and after the date of said decision. Disciplinary suspensions shall apply District-wide.

8.3 If the President decides to recommend expulsion, the President's decision shall be referred to the Chancellor for action by the Board of Trustees.

8.4 Within seven (7) days after receiving the decision from the Committee Chair, the College President shall notify the students by mail as specified in Section 3.2 above of the decision, and the disciplinary sanction, if any, imposed.

8.4.1 If the College President decides to recommend expulsion, the notice to the student must include a statement that this recommendation may be appealed by a request for appeal, in writing, within seven (7) days from the date of the notice from the College President. Such appeal shall be addressed to the Chancellor, who is the Secretary to the Los Rios Board of Trustees.

8.4.2 Failure by the student to give written notice of appeal to the Chancellor within the seven (7) day period shall constitute acceptance of the disciplinary sanction imposed.

9.0 Final Appeal of Expulsion

9.1 A full record of all disciplinary proceedings which are referred to the Chancellor of this District for decision shall be submitted to the Chancellor.