

# ADMINISTRATIVE PROCEDURES 5520 STUDENT DISCIPLINE PROCEDURES

Please reference the MSJC web site under "Student Conduct" for any updates and revisions to this policy.

## INTRODUCTION

These procedures will provide a prompt and equitable means to address violations of the Mt. San Jacinto College (MSJC) Standards of Student Conduct (AP 5500), which guarantees to the student(s) involved the due process rights assured them by State and Federal constitutional protections. Community College Districts are required by law to adopt Standards of Student Conduct along with applicable penalties for violations (Education Code Section 66300 and 66301). MSJC has complied with this requirement by adopting governing Board Policy and Administrative Procedures 5500, 5520, and 5530.

The purpose of the administrative procedure is to enact uniform processes throughout MSJC to provide due process to students, who are alleged to have violated the Student Code of Conduct. These Student Conduct Procedures apply to all persons enrolled in any program of instruction or co-curricular offering within the District, including distance education programs. These Student Conduct Procedures do not apply to student grievances, discrimination complaints (including sexual harassment, sex and gender based misconduct complaints), residence determination, or other academic or legal requirements for admission or retention. The Process for sex and gender based complaints is contained in the Nondiscrimination Administrative Procedure (AP 3410) and Prohibition of Sexual Harassment Policy (AP 3430). These procedures also do not apply to withholding of services, such as transcripts, for nonpayment of debts to the District. However, student conduct that constitutes prohibited discrimination may be the basis for Student Conduct action under this procedure. All proceedings held in accordance with these procedures shall relate specifically to an alleged violation of the established Standards of Student Conduct (AP 5500) as outlined in the College Catalog. Student Conduct measures may be taken by the District independent of any charges filed by civil or criminal authorities, or both (Education Code Section 76225.3).

## Definition of Student Conduct Terms

- **Administrator:** The College Superintendent/President or other person or persons designated by him or her.

- **Associate Dean of Student Services:** The Associate Dean of Student Services at the District.

- **Board of Trustees:** The Governing Board of the District.

- **CSSO:** The Vice President of Student Services.

- **Days:** Unless otherwise specified in this policy, the term "day" shall refer to "working day," which shall be defined as any day Monday through Friday on which the college offices are open.

- **Student Conduct Hearing Record:** The Student Conduct Hearing Record shall consist of all the documents and exhibits presented at the Student Conduct Hearing, the recording of that Hearing, the recommendation of

the Hearing Committee, and the College Superintendent/President's, or his or hers designee's, decision and recommendation.

- **Superintendent/President:** The Superintendent/President of MSJC or designee selected by the Superintendent/President to represent him or her in matters of Student Conduct.

- **District, College, or MSJC:** The Mt. San Jacinto College (MSJC) District, including all programs and offerings.

- **Permanent Expulsion:** Expulsion of the student by the Board of Trustees from all campuses in the District permanently.

- **Instructor:** Any instructional or non-instructional faculty member of the District in whose class, counseling session, or library service a student subject to the MSJC Code of Conduct is enrolled, or otherwise engaged in providing services to the student, or another academic employee, who has responsibility for the student's educational program.

- **Student:** Any person currently enrolled as a student on any campus or in any program offered by the District, including both in-person and online.

- **Written Notice:** Written notice to a student pursuant to these procedures shall be sufficient if sent by mail or email, to the last known address of the student currently on file at the College. Notice shall be deemed given on the day of said mailing.

## Grounds for Student Code of Conduct Violation (AP 5500)

Student conduct must conform to District and College rules and regulations. If a Student Code of Conduct violation occurs while a student is enrolled in any program of instruction or co-curricular offering within the District, to include distance education programs, he or she may be subject to Student Conduct Action for one or more of the following causes that must be District related. No student shall be removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity—either curricular or extra-curricular. This section is not intended to limit provisions of federal law, or limit the ability of community college districts to take appropriate action under federal law.

## Types of Student Conduct Action (Sanctions)

One or more of the following Student Conduct Actions may be imposed for violations of the Student Code of Conduct.

**Reprimand:** A verbal or written warning to cease and desist from conduct that has been determined to violate the Standards of Conduct. A record of the fact that a reprimand has been given may be retained as part of the student's discipline record for the period of one year. The reprimand is considered in the event of future violations during the period of retention. It is the student's responsibility to request that the record be removed upon expiration of the period of retention.

**Student Conduct Probation:** Specific period of conditional participation in campus and academic affairs that may involve exclusion from designated privileges or extracurricular activities. If a student violates any condition of probation, or is charged a second time with a violation of the Standards of Student Conduct during the probationary period, it shall be grounds for revocation of the student's probationary status and for further Student Conduct action to be taken in accordance with these procedures.

**Removal from Class by Instructor:** An instructor may remove, for good cause, any student from his or her class for up to two (2) class

sessions. The student shall not return to the class during the period of the removal without concurrence of the instructor, and if required the consent of the CSSO or designee. Nothing herein will prevent the College Superintendent/President or designee or CSSO or designee from recommending further sanctions in accordance with these procedures based on the facts that led to the removal. As used in this rule, "good cause" includes those offenses listed in the Student Code of Conduct. The instructor shall immediately report the removal to the respective Academic Division Administrator, Director of Student Judicial Affairs, and/or to the CSSO or designee. If the student is a minor, the College Superintendent/President or designee shall schedule a conference with the student and the student's parent or guardian regarding the removal. Instructors are not obliged to provide makeup opportunities for class work, including quizzes, tests or examinations, missed during the two (2) class periods of removal (**Education Code 76032**).

**Suspension or Termination of Financial Aid:** In the event a student is suspended for willfully and knowingly disrupting the orderly operation of the campus, this action may result in ineligibility for State Financial Aid, as defined in Education Code Sections 69810 and 69813, for the period of suspension (Education Code Section 69811).

**Immediate Interim Suspension:** The College Superintendent/President or designee, or the CSSO or designee, may order immediate suspension of a student when he or she concludes that immediate interim suspension is required to protect lives or property and to ensure the maintenance of order. A reasonable opportunity shall be afforded the suspended person to have a hearing or adjudication appointment with an administrator within ten (10) days of the time that the CSSO or designee, or the College Superintendent/President became aware of the infraction unless mutually agreed upon by the student and the designated Administrator that more time is required.

In cases where an immediate interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student according to the provisions above.

In the event that a student does not request a hearing within the ten (10) days or contact the College Superintendent/President or CSSO or designee, or Administrator, to establish a mutually agreed upon time for hearing, the District will proceed with a due process hearing twenty-one (21) days after the point that the aforementioned administrators became aware of the infraction with or without the accused student being present. Students placed on Immediate Interim Suspension shall have holds placed on all records and transcripts pending the outcome of the due process hearing (Education Code Section 66017 and 76031)

Instructors are not obliged to provide makeup opportunities for class work, including quizzes, tests or examinations, missed during the period of suspension.

**Short-term Suspension:** Temporary exclusion from student status, or other privileges or activities, for one (1) or more classes for a period of up to ten (10) consecutive days of instruction. Faculty members are not obliged to provide makeup opportunities, including quizzes, tests or examinations, for class work missed during the period of suspension.

**Long-term Suspension:** Temporary exclusion from student status, or other privileges or activities, for the remainder of the current semester and/or one or more terms. Instructors are not obliged to provide

makeup opportunities for class work missed, including quizzes, tests or examinations, during the period of suspension.

If any student is suspended or expelled from MSJC, he or she shall not be present on any of the campuses without authorization from the College Superintendent/President or CSSO or designee and must be escorted by a Campus Safety officer. The student may not attend any official campus sanctioned events or activities during the term of the suspension or expulsion.

**Permanent Expulsion:** Permanent termination of student status. There shall be no right of reconsideration of a permanent expulsion at any time. On its own motion, the Board of Trustees may reconsider such actions at any time.

**Restitution:** Appropriate restitution shall be sought from any student found responsible of theft, vandalism, or willful destruction of District property.

**Educational Sanctions:** Educational sanctions may be assigned instead of, or in addition to those specified in this section at the discretion of the Administrator. Educational sanctions may include, but are not limited to, reflection papers, participation in alcohol or drug education programs, or meeting with college officials.

**Referral:** A student may be referred by the Administrator to any college/ community resource deemed necessary for the assistance of the student.

**Disclaimer:**

The student disciplinary provisions do not apply to:

1. Student Grievance Procedures;
2. Removal by Instructor or Staff of Disruptive Students;
3. State Residence Determination; and,
4. Other academic and legal requirements for admissions, retention, and conferral of degrees or certificates.

Disciplinary sanctions and all documents related to the disciplinary process may be made available upon subpoena or student request.

The facts of any Student Conduct action and the reasons therefore shall be recorded in the student's record subject to access, review, and comment by the student as authorized by the Family Education Rights and Privacy Act (20 USC Section 2332g) and Education Code Sections 76200 through Section 76246. All access or release of such records to members of the public shall also be in accordance with applicable State and Federal laws.

**PROCEDURES FOR ALLEGED STUDENT CODE OF CONDUCT VIOLATIONS:**

**Written Notice:** Within ten (10) days from the time the Administrator is informed of an incident, via a submitted Incident Report, which may constitute an alleged violation of the Student Code of Conduct, the Administrator will provide the student with a written notice via mail or email, including the following:

- The specific section(s) of the Student Code of Conduct which the student is alleged to have violated.
- A short statement of the fact(s) supporting the accusation(s). The right of the student to meet with the CSSO or designee to discuss the accusation, or to respond in writing.
- Contact information to schedule an initial meeting.

- Notice advising the student that a hold may be placed on their account until the matter is resolved.

Written notice to a student pursuant to these procedures shall be sufficient if sent by mail or email to the last known address of the student currently on file at the College. Notice shall be deemed given on the day of said mailing.

**Initial Meeting:** Following notice, an initial meeting will occur between the Administrator and the student. The Administrator shall explain in general the nature of the alleged violations currently available against the student and the student will be informed of the nature of the sanction being considered. The student shall be allowed to respond either verbally or in writing to the allegations. If the student refuses to respond, the Administrator shall so indicate. Every effort shall be made to resolve the matter informally.

**Follow-Up Meeting:** Where there is determined a need by either the student or Administrator to conduct additional investigation regarding the alleged violation(s), a follow-up meeting may occur between the Administrator and the student within ten (10) days of the date on which the initial meeting took place unless an earlier date is mutually agreed upon.

Note: Failure to respond to the Administrator's request for meetings may result in a HOLD being placed on the student's records for not following the direction of a college official.

**Administrator's Discretion:** If, after reviewing the general nature of the alleged violations with the student, the Administrator concludes that a warning or a consequence greater than a warning, up to a suspension of three (3) days or less, the Administrator shall deliver the sanction to the student, and no further action will be taken.

If a suspension of three (3) days or less is an appropriate sanction, the Administrator shall have the authority to hear the matter or, at the Administrator's discretion, refer it to a Student Conduct Hearing Committee.

If the Administrator makes a determination that a sanction more severe than a suspension of three (3) days is appropriate, the student shall be afforded the right to a Student Conduct Hearing in accordance with these procedures and shall be specifically informed of that right (Education Code Section 66017 and 76031).

This determination by the Administrator shall in no way affect the authority of a Student Conduct Hearing Committee to recommend to the Superintendent / President or Designee a sanction more or less severe than the one recommended by the Administrator.

**Student's Discretion:** By accepting the sanction of the Administrator (as described above), the student consents to the Administrator's decision of adjudication rather than having the matter go to a Student Conduct Hearing Committee. The student shall then agree to the imposition of a sanction mutually agreed upon by the student and the Administrator. Where a proposed sanction is greater than a reprimand (verbal or written warning), a student may be afforded the right to a due process hearing.

If the student charged with a Code of Conduct violation desires a Student Conduct Hearing, the student's request for hearing shall be made in writing to the Director of Student Judicial Affairs or the Associate Dean of Student Services within five (5) days of receipt of the Administrator's proposed sanction. The Administrator's proposed sanction(s) shall become the officially enforced sanction(s) should the student fail to

exercise his/her due process rights within five (5) days of receiving the proposed sanction(s). If the student exercises the right to refer the matter to a Student Conduct Hearing Committee, the student shall receive a copy, via mail or email, of the Student Conduct Procedures from the Administrator (AP 5520). The student shall be provided with written notice of the hearing as provided below in the Hearing Procedure. Within twenty-one (21) business days, unless mutually agreed upon by the student and Administrator that more time is required, the matter shall be heard by a Student Conduct Hearing Committee.

**Student Conduct Hearing Committee:** The Student Conduct Hearing Panel. The College Superintendent/President or designee shall, at the beginning of each academic school year, establish a standing panel from which one or more Student Conduct Hearing Committees may be appointed. The panel shall be made up of the following:

- Five (5) students, whose names are submitted to the College Superintendent/President or designee by the Student Government Association (SGA).
- Five (5) faculty members, whose names are submitted to the College Superintendent/President or designee by the College Academic Senate.
- Five (5) administrators and/or staff appointed by the College Superintendent/President, or designee and/or by the College Classified Senate.

From the panel described above, the Designee shall appoint a committee consisting of one student, one instructor, and one administrator to hear each Student Conduct Hearing.

**Hearing Procedure Notice:** In all cases where a hearing before a Student Conduct Hearing Committee is to be held, not less than twenty-one (21) days prior to the hearing, the Administrator shall prepare a written notice to the student via mail or email, to the last known address of the student currently on file at the College. Notice shall be deemed given on the day of said mailing.

Notice shall specify the time and place of the Hearing and contain a statement of the alleged violations against the student. A copy of these procedures shall be enclosed. Notice shall also specify if there is to be an interim exclusion from the College campus pursuant to California Penal Code Section 626.4. Copies of such notice shall be sent to the student's instructors and the College Campus Safety Office.

In the event the recommended sanction includes suspension of State financial aid, the procedure set forth in Education Code Section 69811 shall be followed.

**Hearing Preparation:** The Administrator shall be responsible for making the necessary arrangements for the Student Conduct Hearing. Arrangements shall include scheduling a room, providing for a digital recorder, providing notice to the student as provided in the Hearing Procedures above, notifying members of the Student Conduct Hearing Committee, and any other arrangements deemed necessary.

The Administrator shall be responsible for ensuring that the accused student has access to all documents, and other evidence, no later than four (4) days prior to the hearing. The accused student should be notified, via email, of said availability of evidence in a timely manner.

Either the student or the Administrator may challenge any member of the Student Conduct Hearing Committee for cause. Challenges can be requested of the Director of Student Judicial Affairs or the Associate Dean of Student Services. Any challenge must be made in writing not

later than forty-eight (48) hours prior to the hearing. Grounds for cause include any personal involvement in the situation giving rise to the alleged Student Conduct violation, any verifiable statement made on the matters at issue, or any other act which indicates that the committee member would not act in a neutral manner. If a challenge is upheld, the Associate Dean of Student Services or designee must make an appropriate replacement from the pool described in the Student Conduct Hearing Committee.

Prior to the commencement of the actual hearing, the Student Conduct Hearing Committee members shall receive from the Administrator copies of these procedures, meet in closed session, and select a chairperson. If the committee members cannot reach mutual agreement on a chairperson, the Associate Dean of Student Services or designee shall designate a member to serve as chairperson. The chairperson shall reside over the hearing and rule on all questions of procedure. All rulings of the chairperson shall be final unless overruled by a majority of the committee.

**Right to Representation:** The student may represent himself or herself or may be represented by another person, except that he or she shall not be represented by an attorney or a person acting as an attorney unless the alleged violations include allegations that would constitute a criminal offense under California law. In such case, the student must bare the cost of representation and provide the name and address of the attorney to the Director of Student Judicial Affairs or the Associate Dean of Student Services no later than fourteen (14) days prior to the date of the hearing. The District reserves the right to have legal counsel at disciplinary hearings.

**Conduct of the Hearing Opening:** The chairperson shall call the hearing to order, introduce the participants, and announce the purpose of the hearing.

**Review of Alleged Violations:** The chairperson shall distribute copies of the alleged violations to the members of the committee, read the alleged violations aloud, and ask the student if he or she has received the alleged violations. No alleged violations shall be made other than the specific alleged violations provided to the student at the meeting described in the Preliminary Procedures and on the formal notice letter sent to the student (described in the Hearing Procedure). If the answer is in the affirmative, the hearing shall proceed. If the answer is in the negative, the Administrator may present information to rebut the student's denial of notice. The chairperson shall decide whether or not to proceed with the hearing. If the hearing must be rescheduled, it shall be held within ten (10) days, unless otherwise mutually agreed upon by mutual concurrence of all parties.

**Plea:** The student shall admit or deny each alleged violation. If the student admits to each violation, and wishes to present no information of mitigating circumstances or other defense, the Student Conduct Hearing Committee shall retire to make its decision. If the student denies any or all of the alleged violations, or wishes to present information of mitigating circumstances, the hearing shall proceed.

**Burden of Proof:** The Administrator has the burden of proving each charge by a preponderance of evidence. The student shall be regarded as not responsible of the alleged violations until responsibility is established by the Administrator by a preponderance of evidence. "Established by a preponderance of the evidence" means that the Administrator must persuade the Student Conduct Hearing Committee that it is more probable than not that the alleged violations occurred.

**Arguments:** First the Administrator, and then the student, shall be afforded an opportunity to make or waive an opening statement, i.e., give an outline of the alleged violations and the facts to be proved. The student may reserve his or her opening statement until after the Administrator has finished presenting the case for the College. After the opening statements, first the Administrator, and then the student, shall have the opportunity to present witnesses and other relevant information in support of the case presented.

**Evidence:** The Administrator has the initial burden of producing evidence to prove each charge. The Administrator must present the information in support of the alleged violations first, and then the student must present information to refute the Administrator's evidence. Formal rules of evidence shall not apply. All relevant information is admissible if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs, including but not limited to testimony of witnesses, physical objects, police reports, photographs, copies of documents, and signed and dated declarations of witnesses shown to be unavailable to attend the hearing.

**Exclusion of Witnesses:** Hearings shall be closed and confidential. Only persons participating in the hearing shall be present during the hearing. All witnesses shall be excluded except when testifying. Both the Administrator and the student shall be entitled to call witnesses presented by the other.

A member of the Student Conduct Hearing Committee may ask questions at any time upon recognition by the chairperson. Either side may recall a witness, who again may be questioned by both parties and the committee.

If the Student Conduct Hearing Committee deems that good cause exists, and that a witness would be subject to unreasonable risk of psychological or physical harm, that witness shall be afforded the opportunity to synchronous participation, via video/audio platform in a separate, supported, campus location linked to the hearing room.

**Conclusion:** First the Administrator, and then the student, shall be afforded the opportunity to make or waive a final statement.

**Absence of the Student:** If the student charged does not appear, and no satisfactory explanation for the absence is made at the earliest opportunity, or if the student leaves the Hearing before its conclusion, the Hearing shall proceed without the student, and the Student Conduct Hearing Committee shall reach a decision based on the information presented.

#### **Student Conduct Hearing Committee Decision**

The Student Conduct Hearing Committee shall retire to deliberate with only the members of the committee present. The Student Conduct Hearing Committee shall reach its decision based only upon the record of the Student Conduct Hearing and shall not consider matters outside of that record. Within five (5) days of the Hearing, the chairperson shall deliver a written report giving specific findings of fact as to each charge, and making recommendation(s) for action arrived at by a majority vote of the committee to the Associate Dean of Student Services or designee. The findings of fact shall recite what factual evidence, in the opinion of the Student Conduct Hearing Committee, supported or failed to support each charge. The findings shall further show which, if any, of the alleged violations the committee believes were substantiated. The recommendation(s) for only sanctions listed in this AP (AP 5520) will be considered and shall be specific.

**Associate Dean of Student Services Decision**

Within five (5) days following receipt of the Administrator's recommendation or the Student Conduct Hearing Committee's recommendation, the Associate Dean of Student Services or designee, shall render a final written decision. The Associate Dean of Student Services or designee, shall base his or her decision only upon the information provided by the Administrator or, in the case of a Student Conduct Hearing, the record of the Hearing and the recommendation of the Student Conduct Hearing Committee, and shall not consider matters outside of that record. The Associate Dean of Student Services or designee's decision shall contain specific findings of the facts and conclusions, or shall specifically adopt those contained in the Administrator's recommendation. The Associate Dean of Student Services or designee, may adopt the recommendations made to him or her for action, may adopt a less severe sanction, or may adopt a more severe sanction.

The Associate Dean of Student Services or designee will send a copy of his/her decision to the student and to the Administrator.

The Associate Dean of Student Services or designee shall, in accordance with District policy, notify the CSSO of any decisions to issue a long-term suspension or expulsion of a student.

The CSSO shall inform the Superintendent/President of any decisions to issue a long-term suspension or expulsion of a student.

When the recommendation is the expulsion of a student to the Board of Trustees, the Superintendent/President, CSSO, or designee may suspend the student pending action by the Board of Trustees.

If the recommendation is to expel a student, the College Superintendent/President or CSSO shall promptly recommend such action to the Board of Trustees. Only the Board of Trustees shall be authorized to take such action (See Below).

Any decision by the Board, College Superintendent/President, CSSO, or designee to suspend or expel shall be effective District-wide, including any program of instruction or co-curricular offering within the District, to include distance education programs.

**APPEALS**

Appeals will be considered accordingly. All decisions from the Associate Dean of Student Services can be appealed to the CSSO. Only decisions pertaining to Long-Term Suspension and Expulsion can be appealed to the Superintendent / President following a decision of the CSSO and only decisions pertaining to Expulsions can be appealed to the Board of Trustees (Education Code sections 76030-76031).

**CSSO**

The student or administrator may appeal the final written decision of the Associate Dean of Student Services or designee to the CSSO by filing an appeal with the CSSO's Office. Any such appeal shall be submitted in writing within five (5) days following receipt of the Associate Dean of Student Services or designee's final written decision and shall state specifically the grounds for appeal in a written statement. Appeals shall be based only on the record and recommendation of the Student Conduct Hearing Committee and the final written decision of the Associate Dean of Student Services or designee. The CSSO should consider appeals and Student Conduct actions/appeals within fifteen (15) days of receipt of the

appeal by the CSSO's Office. This will be the final level of appeal for the Administrator.

Failure of the student or administrator to appeal any determination at any step within the specified time limits shall be deemed acceptance by the student or administrator of the last determination rendered.

**Superintendent / President**

The Superintendent / President will only consider appeals of Long Term Suspension or Expulsion.

When sanctions of Long Term Suspension or Expulsion are assigned, the student may appeal the final written decision of the CSSO or designee to the Superintendent/President by filing an appeal with the Superintendent/President's Office. Any such appeal shall be submitted in writing within five (5) days following receipt of the CSSO or designee's final written decision and shall state specifically the grounds for appeal in a written statement. Appeals shall be based only on the record and recommendation of the Student Conduct Hearing Committee and the final written decision of the CSSO or designee. The Superintendent/President should consider appeals and Student Conduct actions/appeals within fifteen (15) days of receipt of the appeal by the Superintendent/President's Office.

Failure of the student to appeal any determination at any step within the specified time limits shall be deemed acceptance by the student or administrator of the last determination rendered.

With the exception of the sanction of Expulsion the decision of the Superintendent / President shall be final and binding on all parties.

**Board of Trustees' Action Pertaining to Expulsion**

The Board of Trustees will only consider action relative to Expulsion or appeals of Expulsion sanctions.

The Superintendent/President or designee shall review the record of the hearing or the Administrator's decision and documents submitted to verify that all procedural steps of the Student Conduct procedures have been completed. If all appropriate steps have been correctly completed, the Board of Trustees shall then be provided with copies of the decision. If prior steps have not been correctly completed, the matter shall be returned to Student Services for completion.

The Board of Trustees shall consider Student Conduct actions at any public meeting held and should do so within forty-five (45) days of receipt of the recommendation by the Superintendent/President.

The Board of Trustees shall, unless otherwise requested by the student involved, consider a recommendation of expulsion in closed session unless a public hearing upon such question would be in violation of Education Code Sections 76240 through Sections 76246 (Protecting the Privacy of Student Records/Release of Directory Information). Before calling such closed session, the Board of Trustees, via the Superintendent/President's Office, shall, in writing, notify the student or the student and his or her parent(s), or guardian (if the student is a minor), via mail or email, of the intent of the Board of Trustees to consider the matter in closed session. Unless the student, or his/her parent(s) or guardian shall, in writing, within forty-eight (48) hours after receipt of such written notice of intention, request that the Board of Trustees consider the matter in a public meeting, in open session, then the hearing to consider such matters shall be conducted by the Board of Trustees in closed session. Whether the matter is considered at a closed session or during open session of a public meeting, the final action of the Board of

Trustees shall be taken at a public meeting and the result of such action shall be a public record.

Upon review, the Board of Trustees will either uphold, modify, remand, or reject the decision of the College Superintendent/President or Designee. The Board of Trustees' action shall be limited to a review of the record of the Administrator's decision or that of the Student Conduct Hearing Committee, and the decisions of the Student Conduct Hearing Committee and the College Superintendent/President or designee as well the grounds for appeal submitted in a written statement. The Board of Trustees is authorized to expel a student for good cause when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others.

The Board of Trustees' action shall be final and binding on all parties.

#### **Miscellaneous**

Whenever the student to be suspended or expelled is under 18 years of age, his/her parent(s) or guardian shall be notified in writing by the Administrator.

Under Suspension or Expulsion of a student for violation of Penal Code 245 (assault with a deadly weapon likely to produce great bodily harm), the Administrator shall first notify the Mt. San Jacinto College Campus Safety Department or appropriate law enforcement agency.

Specified period of suspension may be shortened or lengthened by mutual written agreement of all parties.

The fact of any disciplinary action and the reasons therefore, shall be documented in the student's permanent file, subject to access, review, and comment by the student as authorized by the Family Educational Rights and Privacy Act, 10 U.S.C. 2332g and Education Code §76200 et seq. All access to or release of such records to members of the public shall also be in accordance with State and Federal Law.