



Book	Administrative Procedures
Section	Chapter 5 - Student Services
Title	Student Discipline Procedures
Code	AP 5520
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Legal	Education Code Sections 66017, 66300, 72122, and 76030 et seq.; Penal Code Section 626.4
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The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed to them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies. Any suspected violations determined to be violations of law will be referred to the Riverside County Sheriff's Deputies assigned to MSJC for further action. The Standards of Conduct pertains to student violations only.

An e-mail letter to the student's college provided e-mail account will be the primary means of communicating that a violation has occurred or to schedule meetings, hearings or appeals, and to announce the results of such hearings or appeals. Students are urged to check their college provided e-mail account regularly for official college communications.

These Administrative Procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

Definitions:

- The term "College" means Mt. San Jacinto College.
- The term "District" is the Mt. San Jacinto Community College District.
- The term "student" includes all persons enrolled in courses or programs offered by the District in addition to any person engaged in the matriculation process.
- The term "faculty member" means any person hired by the College to conduct classroom activities, perform professional counselor duties, or perform professional librarian duties.
- The term "College official" includes any person employed by the College performing assigned administrative, professional, or staff responsibilities.

- The term "member of the College Community" includes any person who is a student, faculty member, College official, or any other person employed by the College. A person's status in a particular situation shall be determined by the Superintendent/President.
- Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the Administrator for any person to remain on campus in accordance with California Penal Code Section 626.4 where the Administrator has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.
- The term "College premises" includes all land, buildings, facilities, and other property in the possession of, or owned, used, or controlled by the College or location where a College-sponsored activity is occurring (including adjacent streets and sidewalks).
- The term "organization" means any number of persons who have complied with the formal requirements for College recognition.
- 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.
- The term "Appellate Committee" means any person or persons authorized by the Superintendent/President to determine whether a student has violated the Student Code of Conduct and to recommend imposition of sanctions.
- The term "Administrator" means the College official authorized to impose sanctions upon students found to have violated the Standards of Conduct. The Administrator shall be the Vice President of Student Services or the Director of Student Judicial Affairs. The Superintendent/President may authorize an Administrator to serve simultaneously as an Administrator and the sole member or one of the members of an Appellate Committee. Should a conflict of interest exist between the Administrator and a specific case, the Superintendent/President shall appoint an ad hoc Administrator to handle that specific case.
- The term "Appellate Board" means any person or persons authorized by the Superintendent/President to consider an appeal from an Appellate Committee's determination that a student has violated the Standards of Conduct or from the sanctions imposed by the Administrator.
- A "Certificate of Mailing" is a receipt that provides evidence of the date that mail was presented to the U.S. Postal Service for mailing.
- The term "shall" is used in the imperative sense.
- The term "may" is used in the permissive sense.
- The Vice President of Student Services is responsible for the administration of the Standards of Conduct.
- The Director of Student Judicial Affairs has been designated by the Vice President of Student Services as the college official responsible for the day to day administration of the Standards of Conduct.
- The term "policy" is defined as the written regulations of the College as found in, but not limited to the Board Policy Manual, the Standards of Conduct, Student Handbook, and College Catalogs.
- The term "cheating" includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff; or (4) collaboration with other students that results in a shared intellectual product without the express permission of the instructor of record.
- The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared

by another person or agency engaged in the selling of term papers or other academic materials.

I. Student Discipline Procedures

The Superintendent/President shall establish procedures and designate appropriate staff members with the responsibility for the imposition of discipline on students in accordance with the requirements for due process of the federal and state law and regulations.

A. Notice of Standards of Conduct Violation

1. Written notice shall be submitted to the Administrator that a violation has been committed by filing the "Public Incident Report" form online within five (5) working days of the violation. It can be found at: <http://msjc.edu/conductform>. Complaints submitted through email, voicemail or any other means may not be accepted.

a. Filing a Complaint Mt. San Jacinto College utilizes the Advocate system to process reported violations of the MSJC Standards of Conduct. Students, faculty or staff that believes a student has violated the Standards of Conduct may file a complaint online at <http://www.msjc.edu/conductform>.

2. Violations submitted beyond the five (5) day period will be accepted at the discretion of the Administrator.

3. Persons filing a complaint are responsible for keeping their own records. All information will become the property of the Administrator once filed.

4. Complaints involving classroom misconduct must be accompanied by the instructor's syllabus. Complaints involving academic dishonesty must include all supporting documentation including the instructor's syllabus, the student's work and relevant materials that are a part of the complaint. Internet links or web addresses are not acceptable documentation.

B. Investigation

1. An investigation of the allegations will proceed once all of the relevant paperwork has been received.

2. As a part of the investigation, all parties may be interviewed to clarify or request additional information.

3. A determination will be made by the Administrator whether a violation of the Standards of Conduct has occurred and the appropriate sanctions to be applied.

C. Notice to Student

1. An email will be sent through the Advocate system to the student's college supplied email account, or a letter (verified by a "Certificate of Mailing") will be mailed to the student that a Standards of Conduct violation has been filed when there is a reasonable belief a violation has occurred. The written notice will contain the following: The specific section of the Standards of Student Conduct that the student is accused of violating; a short statement of the facts supporting the accusation; the right of the student to meet with the

administrator to discuss the accusation, or to respond in writing; and the nature of the discipline that is being considered.

2. Written communication may contain a request for a meeting with the Administrator. The student will have five (5) working days from the receipt of the letter to respond.

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

D. Time Limits – The notice must be provided to the student within 10 days of the conduct, in the case of continuous, repeated, or ongoing conduct, the notice must be provided within 10 days of the date on which the conduct occurred which led to the decision to take disciplinary action.

II. Removal by Instructors of Disruptive Students

An instructor may remove a student for "good cause" from his/her class for the day of removal and the next class meeting 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 (Education Code §76033). Removal must be reported to the Administrator, in writing through the Advocate system by the end of the day of such removal. The following procedure should be followed for managing disruptive behavior:

A. Non-Violent Students – First Warning

1. Speak with student privately when appropriate about his/her behavior and about the standards in your class. Inform the student that such behavior will not be tolerated in the future and could lead to a suspension from class. Advise the student that the behavior and subsequent suspension may lead to further action by the Administrator.

2. If the behavior continues at a subsequent session, the faculty member has the authority to inform the student to leave that class session and the next class session. The student is responsible for any assignments or work missed as a result of the suspension.

a. The faculty member must inform the Administrator in writing through the Advocate systems of his/her action and the facts leading up to his/her action by the end of the day.

b. The Administrator may require a student conference for continued class attendance.

c. If the student will not leave the classroom, the instructor should contact the MSJC Campus Safety Office at (951) 639-5188 (all campus sites) or by dialing extension 7777 from within the college phone system.

B. Violent or Threatening Students College personnel, faculty or students that are in eminent physical danger should call MSJC Campus Safety Office immediately at (951) 639-5188 (all campus sites), by dialing extension 7777 from within the college phone system or 911.

III. Removal by Staff of Disruptive Student

Any administrator/management/supervisory staff member of Mt. San Jacinto College who supervises a service area has the authority to remove a student from that area for that day and the next day 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 or the orderly operations of the College. The manager shall submit a written report to the Administrator through the Advocate system when a student is removed. This authority is comparable to the instructor's authority (Education Code, §76032) to remove a student for interfering with the educational process.

IV. Summary Ten-Day Suspension

The Superintendent/President, or designated authority, may order immediate exclusion from campus and/or classes for a period not to exceed ten (10) days when it is determined that immediate suspension is required to protect lives or property and to ensure the maintenance of order (Education Code §66017). A student may be summarily suspended for good cause prior to a conference or hearing. Ten-day suspension is designed to provide an opportunity for investigation, to serve as a means of relieving tension of the student body due to a serious infraction of the Standards of Conduct, or to remove a threat to the well-being of the students and/or the good order of the College which would prevent the continued normal conduct of the academic community.

V. Initiating Student Discipline Procedures

All proceedings held in accordance with these procedures shall relate specifically to an alleged violation of the adopted Standards of Student Conduct AP 5500.

A request for disciplinary action may be initiated by any faculty, student, or College employee and shall be made to the Administrator in writing through the Advocate system on the appropriate online forms. Electronic communication or verbal reports are not acceptable.

The Administrator will then take any action deemed appropriate under the circumstances. The Administrator shall determine if any aspect of the student's conduct constitutes good cause to initiate any disciplinary action.

If it is determined there is cause to initiate disciplinary action the Administrator will contact the student through their college supplied email account, or by phone if necessary, notifying the student that an initial meeting is required to discuss the incident that led to the conduct report.

A. 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 measures may be taken by the College independently of any charges filed through civil or criminal authorities, or both.

VI. Disciplinary Actions

If after reviewing the situation with the student the Administrator concludes disciplinary action is appropriate, the Administrator shall submit in writing, and the student will be notified by email through their college provided email account, any of the following types of sanctions.

MSJC follows a process of progressive discipline. Sanctions will normally begin at the lowest level and move to more severe if the behavior continues. However, the Administrator may begin with any level of sanction listed below if the nature of the conduct warrants it. The following sanctions may be imposed upon any student found to have violated the Standards of Conduct:

A. Informal Warning: Faculty or staff may issue a warning to a student either verbally or in writing to cease behavior that is violating the Standards of Conduct. If a Public Incident Report has been filed through the online Advocate system, the administrator may issue an informal verbal warning as the first level of sanction.

B. Formal Written Warning: A written notice that continuation or repetition of misconduct will be cause for future disciplinary action. This formal warning may take the form of a behavior contract agreed to between the student and administrator.

C. Probation: A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation (s) during the probationary period.

D. Loss of Privileges: Denial of specified privileges for a designated period of time.

E. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement. If monetary restitution is levied as a sanction it will also place a hold on the students account until that amount is paid.

F. Discretionary Sanctions: Work assignments, service to the College or other related discretionary assignments (such assignments must have the prior approval of the Administrator).

G. Hold on Records: The Administrator may place a "HOLD" on all of a student's records for a period not to exceed one (1) calendar year.

H. Summary 10-Day Suspension: A student may be summarily suspended for good cause (Education Code, §76033) prior to a conference or hearing. A written Notice of 10-Day Summary Suspension (Education Code §76031), and the reasons for such Summary 10-Day Suspension will be emailed to the student if the student was not provided a written copy of the summary suspension form by the campus police at the time of the incident. Immediate exclusion from campus and/or classes for a period not to exceed ten (10) days by the Superintendent/President, the Administrator or designated authority, when it is determined that immediate suspension is required to protect lives or property and to ensure the maintenance of order.

I. Suspension: A suspended student is barred from occupying any portion of the campus or buildings, from contacting or talking with specific students, faculty or staff members, or from taking a specific class or classes, and may be denied all College privileges, including attendance, for a specified period of time from one (1) day up to two (2) years. Conditions for re-admission to the college may apply.

J. Expulsion: Permanent separation of the student from the College. If an Appellate Committee or the administrator recommends expulsion, it shall require the concurrence of the Vice President of Student Services and the Superintendent/President, who shall recommend that the Board of Trustees approve the expulsion.

K. SUMMARY OF CIVIL AND CRIMINAL PENALTIES FOR VIOLATION OF FEDERAL COPYRIGHT LAWS

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement. Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, sections 504 & 505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense. For more information, please see the website of the U.S. Copyright Office at www.copyright.gov.

More than one of the sanctions listed above may be imposed for any single violation.

Disciplinary sanctions and all documents related to the disciplinary process may be made available upon subpoena or student request. The student's confidential record will be expunged of disciplinary actions other than College suspension or College expulsion based upon regulations and time lines provided in the Education Code and in Title 5 of the California Code of Regulations.

The following sanctions may be imposed upon groups or organizations:

- A. Those sanctions listed above under Disciplinary Actions, A through E.
- B. Deactivation: Loss of privileges including College recognition, for a specified period of time.
- C. In each case in which an Appellate Committee determines that a student has violated the Standards of Conduct, the sanction(s) shall be determined and imposed by the Administrator. In cases in which persons other than or in addition to the Administrator have been authorized to serve as the Appellate Committee, the recommendation of all members of the Appellate Committee shall be considered by the Administrator in determining and imposing sanctions. The Administrator is not limited to sanctions recommended by members of the Appellate Committee.

VII. Disciplinary Appeal Process

Sanctions, 10-Day Suspensions, Long-term Suspensions, and Expulsions. (Students may not appeal warnings.)

Before any disciplinary action to sanction, suspend, or expel a student is taken, the following procedures will apply.

A. Hearing and Disciplinary Appeal Procedures

1. Notification of Charges

Students charged with violations of the Standards of Conduct shall be notified through their college supplied email account that they are required to meet with the Administrator to discuss such alleged violations and any disciplinary action that may or will result if such charges are found to be true. The student will be given five (5) days from the receipt of notification of the charges. Any and all charges will be applied as if the student was notified and all relevant sanctions will be applied.

2. Preliminary Meeting

The meeting with the Administrator shall consist of the following:

- a. The student will be given a copy of the Standards of Conduct.
- b. The student will be given a written statement of the alleged violation(s).
- c. The student will be given a reasonable opportunity to answer each alleged violation(s).
- d. The student will be informed of any possible disciplinary action(s) that may be taken.
- e. The student will be provided written notice through their college supplied email account of further meetings if the Administrator deems such action necessary.
- f. The student will be provided written notice through their college supplied email account of his/her right to appeal any adverse decision of the Administrator to the Disciplinary Appeal Committee for a hearing on the matter.

3. Administrator's Actions

If, after reviewing the situation with the student, the Administrator concludes that disciplinary action is appropriate, the Administrator shall deliver in writing through their college supplied email account one or more of the following types of disciplinary action, unless the Administrator and the student agree to another appropriate disciplinary action:

- a. Verbal Warning
- b. Written Warning
- c. Behavior Contract
- d. Probation
- e. Loss of Privileges
- f. Restitution
- g. Discretionary Sanctions
- h. Hold on Records
- i. Summary Suspension
- j. Suspension
- k. Expulsion

4. Time Limit for Appeal to Disciplinary Appellate Committee

From the date the student is notified of the Administrator's decision, any request for a hearing before the Appellate Committee must be in writing and delivered to the office of Student Services. The student's request must be either mailed to the Administrator, postmarked within ten (10) days of notice of the decision of the Administrator, or hand-delivered by the student or designee and received and receipted by the Administrator within ten (10) days from the date of notification to the student of the Administrator's decision.

The letter notifying the student of the Administrator's decision will be sent through their college supplied email account. The Administrator is deemed to have notified the student of his/her decision on the date the email notification is sent through the Advocate system.

In the event that the student requests a hearing before the Appellate Committee, the Administrator may suspend such disciplinary action until such requested hearing is completed. A suspension of disciplinary action shall be in writing, signed, and dated by the Administrator. The Administrator may suspend a Summary 10-Day Suspension in cases where a hearing or meeting has taken place before the 10 days is completed and other sanctions have been put in place, or where further sanctions were determined to be unwarranted.

5. 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 or expulsion 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.

VIII. Appellate Appeal Procedure

A. The Hearing Panel There shall be an on-campus standing panel from which one or more Appellate Committees may be appointed. The panel shall be made up of the following:

Group 1: All students enrolled in nine (9) or more units with a cumulative grade point average of 2.0 or better.

Group 2: All tenured, contract certificated or regular faculty personnel except those designated as management.

Group 3: All full-time, classified, and classified management personnel with the exception of the Vice President of Student Services or designee.

From Group 1, the Student Government Association (SGA) President, or SGA Advisor if the President is unavailable, shall appoint one student and one alternate; from Group 2, the President of the Academic Senate shall appoint one certificated personnel and one alternate when appropriate, or in the alternative, the President of the Classified Senate shall appoint one classified non-management employee and one alternate; and from Group 3, the Superintendent/President shall appoint one management person and one alternate.

B. Committee Composition

The hearing shall be convened by the Vice President of Student Services or designee. The Vice President of Student Services shall introduce the members of the Appellate Committee. All members of the Appellate Committee, including alternates, are required to maintain confidentiality concerning all aspects of the hearing that could reasonably identify the students and allegations set forth. Any violation of confidentiality will cause the committee member to be prohibited from the committee for an unspecified period of time. The Vice President of Student Services or Administrator may recuse any committee member if a conflict of interest exists.

C. Selection of Committee Chairperson

The Vice President of Student Services or designee shall designate a member to serve as Chairperson. The Chairperson shall preside over the hearing and make rulings as to its conduct. The chairperson shall have the privilege of voting on all issues. Non-voting committee members: Vice President of Student Services and the Administrator.

D. Right to Representation

The student or Administrator may represent himself or herself or may be represented by an attorney. If represented by an attorney, the student or Administrator shall notify the Vice President of Student Services, in writing, of that fact no later than fifteen (15) days prior to the date of the hearing. The Appellate Committee may then be provided District legal counsel. Such counsel may sit with the Appellate Committee in an advisory capacity but shall not be a member of the Committee nor vote with it.

E. Scope of Appellate Committee Hearing

All hearings will be closed to the general public and are considered to be confidential (see "Committee Composition"). In a closed hearing, witnesses shall not be present at the hearing when not testifying unless all parties and the panel agree to the contrary.

The hearing shall be recorded by the District either by tape, video, or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape or video recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify himself or herself by name, and thereafter shall ask witnesses to identify themselves by name. The recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the recording.

Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify.

The Appellate Committee shall limit the scope of their appeal hearing to the following:

1. Did the evidence support the findings of the Administrator?
2. Was the disciplinary action levied by the Administrator within the range of disciplinary actions delineated in the Standards of Conduct Policy?

F. The Hearing

1. Opening: The Committee meets to hear an appeal of disciplinary action against said student by the College and to take action as it deems appropriate within the scope of authority as defined in the Standards of Conduct Policy.

2. The Chairperson shall distribute copies of the charges and disciplinary action taken.

3. Plea: The student shall admit or deny each charge. If the student admits each charge and wishes to present no evidence of mitigating circumstances or other defense, the Committee shall retire to make its decision. If the student denies any or all of the charges or wishes to present evidence of mitigating circumstances, the hearing shall proceed.

4. Burden of Proof and of Producing Evidence: The student has the burden of proving the evidence did not support the Administrator's findings and/or the Administrator acted outside the scope of his/her authority or arbitrarily in imposing the appealed disciplinary measure. The student may present evidence in support of his/her position, and then the Administrator may present evidence to refute such evidence.

5. Arguments: First the student and then the Administrator shall be afforded an opportunity to make or waive an opening statement. The Administrator may reserve his/her opening statement until after the student has presented his/her evidence. After the opening statements, first the student and then the Administrator shall have the opportunity to present witnesses and other relevant evidence.

6. Evidence

a. Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though the matter was not covered in the direct examination; to rebut the evidence against him/her. If the student does not testify in his/her own behalf, he/she may be called and examined as if under cross-examination.

b. The hearing need not be conducted according to technical rules relating to evidence and witnesses, except as hereinafter provided. 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, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining the evidence but shall not be sufficient to support a finding unless it would be admissible over objection in civil actions, or if it is a signed and dated written declaration of a witness who is

shown to be unavailable. Irrelevant and unduly repetitious evidence shall be excluded.

7. Hearings: Hearings shall be closed to the general public and confidential. All witnesses shall be excluded before and after testifying unless the Administrator, the student, and the committee agree to the contrary, except neither the student nor the Administrator and their respective attorneys, if any, shall be excluded. Both the Administrator and the student shall be entitled to call witnesses and to question witnesses presented by the other. Any member of the 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.

8. Recording: The Hearing shall be recorded in accordance with the following procedures:

a. All oral testimony shall be recorded. If a person called upon to give oral testimony refuses to consent to being recorded, they may not testify at the Hearing.

b. At the beginning of every Hearing, all parties present for the Hearing shall orally identify themselves by name for the -recording.

c. The Committee Chairperson shall instruct all parties present for the Hearing to identify themselves when speaking and instruct all present that only one person is to speak at a time so the tape-recording will be understandable.

d. Only one -recorder shall be allowed at the Hearing. No other recording device shall be allowed.

When the presentation of evidence is concluded, the Appeal Hearing Committee's deliberations shall be confidential and closed to all parties. The Appeal Hearing Committee's deliberations shall not be -recorded. Only those Committee members present throughout the entire Hearing may vote on the decision.

The conduct file, including digital recordings, and all documents, shall be retained in a secure location on campus for a period of four (4) years. The student(s) involved in the appeal may have access, upon request, to the files and recordings through the Director of Student Judicial Affairs. The individual making the request pursuant to Board Policy or Administrative Procedure shall pay the costs of any copies requested.

9. Absence of the Student and/or the Administrator: If the student and/or the Administrator do not appear and no satisfactory explanation for the absence is made at the earliest opportunity, or if the student and/or the Administrator leave the hearing before its conclusion, the hearing shall proceed without the absent party, and the Committee shall reach a decision based on the evidence presented.

10. Conclusion: First the student and then the Administrator shall be afforded the opportunity to make or waive a closing argument. The Committee shall retire to deliberate with all of the members of the Committee present and may include the legal advisor when appropriate. The Committee shall reach its decision based only upon the record of the hearing and shall not consider matters outside of that record. Within five (5) days of the hearing, the Chairperson shall deliver to the Vice President of Student Services, or designee, the student, and the Administrator, their written decision arrived at by a simple majority of the Committee. The Appellate Committee's notification of their decision to the student and the Administrator will be made by email through the Advocate system within fifteen (15) days of the hearing date. The Appellate Committee is deemed to have mailed such letter on the date so declared.

11. The student may include a written statement or response concerning the disciplinary action for inclusion in the student's record.

12. Any disciplinary action in connection with any alleged sexual assault or physical abuse, or threat of sexual assault, or any conduct that threatens the health and safety of the alleged victim, the alleged victim of that sexual assault or physical abuse shall be informed within ten 10 days of the results of the disciplinary action and the results of any appeal. The alleged victim shall keep the results of that disciplinary action and appeal confidential. All materials distributed to the Appellate Committee will be collected and destroyed. The decision of the Appellate Committee is binding on all parties.

G. Appeal to the Superintendent/President

Either the student or the Administrator may appeal the decision of the Appellate Committee to the Superintendent/President by filing an appeal with the Superintendent/President. Any such appeal shall be made in writing and either mailed, postmarked evidencing the date of such mailing, or hand-delivered, received and receipted by the Superintendent/President within ten (10) working days of the mailing of the decision by the Committee and shall state specifically the grounds for appeal. Appeal shall be based only on the record of the Appellate Hearing. Both the student and the administrator may submit written statements on appeal. No personal appearances will be made before the Superintendent/President. The decision will be based upon the record. The Superintendent/President shall report his/her decision to all relevant parties including the Board of Trustees within fifteen (15) working days of receiving the appeal request.

The Superintendent/President's notification of his/her decision to the student will be by United States Mail, or other common carrier, which shall include a Certificate of Mailing. The Superintendent/President is deemed to have mailed such letter on the date so declared.

H. Appeal to the Board of Trustees

Either the student or the Administrator may appeal the decision of the Superintendent/President to the Board of Trustees by filing an appeal with the Superintendent/President. Any such appeal shall be made in writing and either mailed, postmarked evidencing the date of such mailing, or hand-delivered, received and receipted by the Superintendent/President within ten (10) working days of the mailing of the decision by the Superintendent/President and shall state specifically the grounds for appeal. Any appeal shall be based only on the record of the Appellate

Hearing. Both the student and the Administrator may submit written statements on appeal. No personal appearances will be made before the Board of Trustees. The decision will be based upon the record.

The Board of Trustees shall consider appeals at any regularly scheduled public meeting held within thirty (30) working days of receipt of the appeal by the Superintendent/President.

The Board of Trustees shall consider the matter in closed session. Before calling such an executive session, the Board of Trustees shall, in writing, by registered or certified mail, notify the student and the Administrator of the intent of the Board of Trustees to call and hold such executive session. 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.

The Board of Trustees' review shall be limited to the record of the Appellate Hearing, and the decision of the Superintendent/President.

The Board shall not consider any evidence outside the record. The Board of Trustees' action shall be final and binding on all parties.