

STUDENT ACTIVITIES

FK
(LOCAL)

Student Activities

The ~~executive vice president or designee senior vice president of academic, workforce, and enrollment services~~ will develop procedures regarding the sponsorship or sanction of student activities and related requirements consistent with the mission and objectives of the College District.

Athletics

The District President will ultimately be responsible for, and will exercise appropriate control over, the College District's intercollegiate athletics program.

**Reports of Alleged
Misconduct**

College District faculty and staff will submit an alleged violation or violations of College District policies and procedures, including the rules for student conduct [see FLB], committed by a student to the dean of students within a reasonable time following an alleged incident.

For the purpose of this policy, “a reasonable time” means within ~~ten~~ fifteen College District business days of ~~the an~~ an alleged incident. In the case of scholastic dishonesty, “a reasonable time” means within fifteen College District business days of the date the instructor discovers the alleged scholastic dishonesty. If scholastic dishonesty is alleged, the instructor has the option to also report allegations of scholastic dishonesty discovered in previous assignments completed by the student for the same course within the same semester. or, in the case of scholastic dishonesty, within ten College District business days of the date the instructor reviews the assignment in question. The allegation(s) must be submitted in writing, through traditional or electronic means, and must describe the violation(s) and any surrounding facts.

The dean of students or designee will investigate the matter, as appropriate.

Exception

Reports of sex discrimination or sexual harassment will be submitted in accordance with DIAA or FFDA, as appropriate.

Dismissal of
Allegation

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

**Notification
Conference**

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

At the notification conference, the dean of students or designee will inform the student of the allegation(s) and provide the student an opportunity to respond and submit applicable documentation or evidence for consideration by the dean of students or designee.

“Not Responsible”
Administrative
Decision

After conferring with the student, if the dean of students or designee determines the student did not commit a violation, the student will be found not responsible and will not be issued a disciplinary penalty under FM. The student will be provided written notice of the “Not Responsible” administrative decision. A “Not Responsible” administrative decision from the dean of students or designee will be final and binding.

DISCIPLINE AND PENALTIES
DISCIPLINE PROCEDURE

FMA
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Informal Resolution If the dean of students or designee determines that addressing the allegation(s) informally is more appropriate, the dean of students or designee will recommend an informal resolution of the allegation(s). The dean of students or designee may recommend behavioral directives to support compliance with the College District's *Student Code of Conduct*. If the student agrees to comply with all recommended behavioral directives, the dean of students or designee will issue an Informal Resolution Agreement and the student will not be issued a disciplinary penalty under FM. As part of the Informal Resolution Agreement, the student will be required to sign an Acknowledgement Statement indicating the student will comply with the *Student Code of Conduct* for the designated time or for the remainder of their attendance at the College District. Once the Acknowledgment Statement is signed, the Informal Resolution Agreement will be final, binding, and the student will not be allowed to appeal the informal resolution.

Formal Administrative Decision and Misconduct Warranting a Disciplinary Penalty If the dean of students or designee determines the student committed misconduct that warrants a penalty or penalties under FM, the dean of students or designee will provide the student a written administrative decision with notice of the penalty or penalties and the student's options, including the right to appeal to the Disciplinary Appeals Committee (DAC).

Student Chooses to Appeal the Administrative Decision If the student chooses to appeal the administrative decision of the dean of students or designee, they must submit the Disciplinary Appeal Request Form contained in the administrative decision documents on or before the tenth College District business day following the administrative decision. Once the deadline for filing an appeal has passed, the administrative decision of the dean of students or designee will be final, binding, and the student will not be allowed to appeal that decision. The student will be expected to comply with all disciplinary penalties and obligations set forth in the administrative decision.

Student Chooses to Accept the Administrative Decision A student who chooses to accept the administrative decision rendered by the dean of students or designee will sign an Acceptance of the Administrative Decision Statement indicating they understand:

1. The *Student Code of Conduct* violation(s),
2. The disciplinary penalty or penalties imposed, and
3. That by signing the Acceptance of the Administrative Decision Statement they voluntarily waive the right to appeal.

The Acceptance of the Administrative Decision Statement must be signed no later than ten College District business days following

the administrative decision. Once the Acceptance of the Administrative Decision Statement is signed, the administrative decision of the dean of students or designee will be final, binding, and the student will not be allowed to appeal that decision. The student will be expected to comply with all disciplinary penalties and obligations set forth in the administrative decision.

Student Chooses to Take No Action

If the student does not sign the Acceptance of the Administrative Decision Statement or submit the Disciplinary Appeal Request Form by the stated deadline, the administrative decision of the dean of students or designee will be final, binding, and the student will not be allowed to appeal that decision. The student will be expected to comply with all disciplinary penalties and obligations set forth in the administrative decision.

Scholastic Dishonesty Violations

If the student was found responsible for a scholastic dishonesty violation, as defined in the College District's *Student Code of Conduct*, the student may also receive a scholastic penalty in the course where the scholastic dishonesty took place. The faculty member will determine the appropriate scholastic penalty, which may range from a grade of zero on the assignment to failing the course. [See FLB and FM.]

Interim Disciplinary Action

The dean of students or designee may take immediate interim disciplinary action including, but not limited to, temporary immediate suspension pending a hearing, against a student for policy violations if the continuing presence of the student poses a danger to persons or property or an ongoing threat of disrupting the educational environment.

Disciplinary Appeals Committee (DAC)

The Disciplinary Appeals Committee (DAC) will be convened at the request of a student appealing the formal administrative decision and/or disciplinary penalty or penalties imposed by the dean of students or designee. The student's request must be submitted in writing within ten College District business days of the date of the dean of students or designee's written administrative decision. Upon receipt of the student's request for appeal and under reasons designated by the DAC, the DAC may recommend that the matter return to an informal resolution by the dean of students or designee prior to the scheduling of the DAC appeal hearing.

Composition

The DAC will be composed of at least three College District employees and a minimum of one current College District student, when appropriate. To hold an appeal hearing, a quorum of three DAC members must be met. The members of the DAC and the committee chairperson will be designated according to procedures developed by the designated leadership team member. All members chosen to serve on the DAC appeal hearing panel will be eligible to vote on the issue of whether or not the student violated

College District policies and procedures, including the rules for student conduct, and whether the student should receive an appropriate disciplinary penalty or penalties.

DAC Appeal
Hearing Notice

The dean of students or designee will notify the student by letter of the date, time, and place for the DAC appeal hearing. Unless the student and the dean of students or designee otherwise agree or unless there are unforeseeable circumstances beyond the College District's control, the DAC appeal hearing will take place within a reasonable time period, not to exceed ten College District business days after the date of the student's request for the appeal hearing. The dean of students may extend the College District's ten-day timelines within this policy by sending written notice to the parties of the extension.

*Contents of
Notice*

The notice will:

1. Direct the student to appear on the date and at the time and place specified.
2. Advise the student of their rights to:
 - a. Have a private appeal hearing.
 - b. Be assisted by an adviser or legal counsel at the appeal hearing.
 - c. Call witnesses, request copies of evidence in the College District's possession, and offer evidence and agreement on their own behalf.
 - d. Make an audio recording of the proceedings, after first notifying the dean of students or designee in advance of the hearing, or, at the student's own expense, to have a stenographer present at the appeal hearing to make a stenographic transcript of the appeal hearing.
 - e. Ask questions of each witness who testifies against the student.
3. Contain the names of witnesses who will testify against the student and a description of documentary and other evidence that will be offered against the student.
4. Contain a description of the allegation(s) of misconduct in sufficient detail to enable the student to prepare their defense against the charges.
5. State the proposed disciplinary penalty or range of disciplinary penalties that may be imposed.

DISCIPLINE AND PENALTIES
DISCIPLINE PROCEDURE

FMA
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Failure to Appear
for DAC Appeal
Hearing

The DAC may impose an appropriate disciplinary penalty or penalties upon a student who fails without good cause to appear for the appeal hearing. For purposes of assessing an appropriate disciplinary penalty or penalties, the DAC may proceed with the appeal hearing in the student's absence.

All DAC appeal hearings will be recorded by the College District.

DAC Appeal
Hearing Procedures

The appeal hearing will proceed as follows:

1. The chairperson or associate chairperson will read the description of the alleged misconduct.
2. The chairperson or associate chairperson will inform the student of their rights.
3. The dean of students or designee will present the College District's case.
4. The student or representative will present the student's defense.
5. The dean of students or designee will present rebuttal evidence.
6. The DAC members may ask questions of witnesses testifying on behalf of the student or the College District.
7. The dean of students or designee will summarize and argue the College District's case.
8. The student or representative will summarize and argue their case.
9. The dean of students or designee will have an opportunity for rebuttal argument.
10. The DAC members will deliberate in closed session. The DAC members will vote on the issue of whether or not the student violated College District policies and procedures, including the rules for student conduct, and whether the student should receive an appropriate disciplinary penalty or penalties.
11. If the DAC finds the student committed misconduct, the DAC members will determine whether the disciplinary penalty assessed, or proposed in the case of recommendation for expulsion, by the dean of students or designee is appropriate and, if necessary, will assess a different or additional penalty.
12. The DAC chairperson or associate chairperson will communicate the decision and any findings of facts in support of the DAC's decision to the dean of students or designee in writing

within ten College District business days of the appeal hearing. The dean of students or designee will notify the student in writing within ten College District business days of the appeal hearing of the DAC's decision and the disciplinary penalty or penalties imposed, if any. The notice will include procedures for accepting the DAC's decision or appealing to the designated leadership team member.

Evidence

Evidence will be handled in accordance with the following:

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

**After the Appeal
Hearing**

The dean of students or designee will notify the student in writing, within ten College District business days of the appeal hearing, of the DAC's decision and the disciplinary penalty or penalties imposed, if any. The notice will include procedures for accepting the DAC's decision or appealing to the designated leadership team member.

**Appeal to the
Designated
Leadership Team
Member**

A student may, within ten College District business days of receiving notice of the Disciplinary Appeal Committee's (DAC's) decision, petition in writing the designated leadership team member to review the decision. To initiate the appeal to the designated leadership team member, the student must submit the Disciplinary Appeal Request Form contained in the DAC's decision documents on or before the tenth College District business day following the DAC's decision. The student's petition will state with particularity why the decision is believed to be incorrect.

After receiving notice of the appeal, the DAC chairperson or associate chairperson will forward all evidence considered during the appeal hearing, the audio recording of the appeal hearing, and the digest of the appeal hearing, if applicable, to the designated leadership team member.

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

The designated leadership team member will provide the student a written response, stating the basis of the decision, within ten College District business days following the conference. In reaching a decision, the designated leadership team member may consider the evidence included in the student's petition, provided during the conference, and forwarded by the DAC chairperson or associate chairperson.

The designated leadership team member may act to affirm, modify, remand, or reverse the decision of the DAC. The designated leadership team member's decision is final and non-appealable, except when expulsion is recommended by the dean of students or designee and/or the DAC and affirmed by the designated leadership team member.

After the Appeal

The designated leadership team member or designee will notify the student in writing within ten College District business days of the appeal of the decision and the disciplinary penalty or penalties imposed, if any. The notice will include procedures for accepting the designated leadership team member's decision or appealing to the District President or designee solely in those cases where expulsion is recommended and affirmed.

**District President
Review of
Recommendation for
Expulsion**

Solely in the case where expulsion is recommended and affirmed, a student may appeal to the District President or designee. An appeal to the District President or designee will be held on the request of a student appealing the designated leadership team member's decision and affirmation of expulsion. The appeal request must be submitted in writing within ten College District business days of the designated leadership team member's decision. To initiate the appeal to the District President or designee, the student must submit the Disciplinary Appeal Request Form contained in the designated leadership team member's decision documents on or before the tenth College District business day following the designated leadership team member's decision.

The District President or designee may request a meeting with the student prior to issuing a final administrative decision.

The District President or designee will review all recommendations for expulsion, whether or not the student chooses to proceed through the disciplinary appeals process. The designated leadership team member will forward the recommendation for expulsion and evidence to the District President or designee for review and final consideration. The District President or designee may act to affirm, modify, or reverse the recommendation for expulsion.

The student will be notified in writing of the District President or designee's decision within ten College District business days. The District President or designee's decision is final and non-appealable. Unless otherwise specified in writing, expulsion will have College District-wide effect, and an expelled student may not enroll for admission to any campus without the District President or designee's approval unless the student's petition to revoke the expulsion is approved [see Petition to Revoke Expulsion].

**Petition to Revoke
Expulsion**

Once five calendar years from the date of the District President or designee's final decision have expired, the student may petition to revoke the expulsion. To initiate the expulsion revocation process, the student must complete the Expulsion Revocation Form and return it to the dean of students or designee.

If the petition to revoke the expulsion is approved by the District President or designee, the student will be required to meet with the dean of students or designee prior to returning to the College District. Once the meeting with the dean of students or designee is concluded, the student will be allowed to return to all College District campuses and will be considered to be in good disciplinary standing.

If the petition to revoke expulsion is not approved by the District President or designee, the student's expulsion will remain in effect and the student will not be allowed to return to the College District.

**Administrative
Decisions Related to
a Crime of Violence
or Non-Forcible Sex
Offense**

Upon written request, the College District will disclose to the alleged victim of a crime of violence or non-forcible sex offense, as those terms are defined under the *Clergy Act*, the report on the results of any disciplinary proceeding and/or appeal(s) conducted by the College District against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the College District will treat the alleged victim's next of kin as the alleged victim.