

**AP 5231 STANDARDS OF STUDENT CONDUCT***Violations*

***The College shall create a list of offenses that constitute “good cause” for discipline that could result in the removal, suspension, expulsion or other sanctions of a student. No student shall be removed, suspended, expelled or sanctioned unless the conduct for which the student is disciplined is related to college activity or college attendance. As used in this policy, “good cause” includes, but is not limited to, the following offenses:***

- A. Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or open and persistent defiance of the authority of, or persistent abuse of, college personnel.
- B. Assault, battery, or any threat of force or violence upon a student or college personnel.
- C. Willful misconduct which results in injury or death to a student or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the college.
- D. The use, sale, offer to sell, possession or furnishing of, or presence under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code. The Governing Board may authorize students to serve alcoholic beverages at college-sponsored events.
- E. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the Governing Board.
- F. Persistent disruptions or serious misconduct including inordinate demands for time and attention in the classroom, from administrative staff or at campus activity, including, but not limited to, abuse of the disciplinary process, where other means of correction have failed to bring about proper conduct.
- G. Committing or attempting to commit robbery or extortion.
- H. Causing or attempting to cause damage to district property or to private property on campus.
- I. \*Academic dishonesty, including, but not limited to cheating, plagiarism, or using other individuals to take course or placement exams.
- J. Dishonesty; forgery, alteration, or misuse of College documents, records, or identification, or knowingly furnishing false information to the college.
- K. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other College activities, including but not limited to, its community services functions or of other authorized activities on College premises.
- L. Verbal harassment, physical abuse or hazing or discriminatory behavior based on race, sex, (i.e., gender), sexual orientation, religion, age, national origin, disability, or any other status protected by law, on or off College premises, of the person or property of any member of the College community or members of his or her family or the threat of any such physical abuse at any College authorized or governed activity.
- M. Stealing or attempting to steal district property or private property on campus, including, but not limited to the theft or abuse of computer time or knowingly receiving stolen district property or

private property on campus.

- N. Unauthorized entry upon or use of College facilities.
- O. Violation of College policies or campus regulations, including, but not limited to, campus regulations concerning student organizations, use of College facilities, gambling and hazing, or the time, place and manner of public expression.
- P. Computer-related crimes or unauthorized, abusive or inappropriate use of campus computers, computer networks and computer software, including violations of software licensing agreements.
- Q. Failure to comply with directions of College officials acting in the performance of their duties, or failure to identify oneself for just cause when requested to do so by College officials acting in the performance of their duties.
- R. Lewd, indecent or obscene conduct on College-owned or controlled property, or at College-sponsored or supervised functions.
- S. Unauthorized use of listening or recording devices on campus or at College-sponsored activities.
- T. Attendance at any session of any class by a student or person who is not officially enrolled in that class, except with the prior permission of the instructor of the class.
- U. Possession, sale or otherwise furnishing any firearm, knife, explosive, dangerous chemical or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a district employee, which is concurred in by the Superintendent/President or designee. Students may possess a facsimile firearm if they are an authorized participant in an educational event related to college activity or college attendance.
- V. Sexual assault, acquaintance or date rape, sexual activity without mutual and expressed consent at any College authorized or governed event.
- W. Engaging in speech or other expression intended to insult or use of "fighting" words or non-verbal symbols directed at an individual's age, sex, race, color, disability, religion, sexual orientation, or national/ethnic origin which is obscene, libelous or slanderous, or which by their very utterance or expression are likely to incite a violent reaction as to create a clear and present danger of the commission of unlawful acts on college premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.
- X. Attempting, soliciting or assisting another to do any act which would subject a student to expulsion, suspension, or other discipline pursuant to this policy.
- Y. Committing sexual harassment as defined by law or by District policies and procedures, which may include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, that is sufficiently severe, persistent or pervasive to limit the ability of a member of the college community (student, faculty, staff) to participate in or benefit from an education program or activity, or to create a hostile or abusive educational environment.
- Z. Stalking or repeatedly following or harassing another person through conduct composed of a series of acts that seriously alarm, annoy, torment, or terrorize in a manner that threatens to place that person in reasonable fear for his or her safety or the safety of his or her immediate family.

\* Violations of Standard "I" will be resolved according to the Governing Board's adopted " Academic Integrity Policy (BP 5231.6)"

**5231.1 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.

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 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.

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.

**5231.1.1 Removal by Instructors of Disruptive Students**

An instructor may remove a student for good cause from his or 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 Section 76030-32]. Removal must be reported to the Dean, Educational Programs responsible for student discipline hereafter referred to as "Administrator," in writing, within one day of such removal. The following procedure should be followed for removing a disruptive student from class:

**A. Non-Violent Students**

1. Speak with student privately after class about his or 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. Also, inform the student that his or her lack of adherence to class standards in the future will be reported to the College Administration.
2. If behavior continues at a subsequent session, the faculty member has the authority to tell the student to leave that class session and the next class session.
  - The faculty member must inform the Administrator in writing of his/her action within one day.
  - The Administrator may require a student conference for continued class attendance.
  - If the student will not leave the classroom, call Security for assistance.

**B. Violent or Threatening Students**

Call Security immediately (965-0582, extension 2400). Security will call the police or the crisis team, if needed.

**5231.2 Removal by staff of Disruptive Student**

Any management/supervisory staff member of SBCC 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. The staff member shall submit a written report to the Administrator, upon

each removal. This authority is comparable to the instructors' authority (Ed. Code 76030-37) to remove a student for interfering with the educational process.

### **5231.2.1 Withdrawal of Consent to Remain on College Property**

Any management/supervisory staff member may notify any person who is not a student for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus or college facility that consent to remain on campus or at a college facility has been withdrawn. If the person is on campus or at a college facility at the time, he or she must promptly leave or be escorted off campus or from the college facility. If the management employee or designee withdraws consent, a written report must be promptly made to the Administrator. The report shall contain all of the following:

- (1) The description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number.
  
- (2) A statement of the facts giving rise to the withdrawal of consent.

If the Administrator, upon reviewing the report, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, he or she may enter written confirmation upon the report of the action taken by the management employee. If the Administrator does not confirm the action of the management employee or designee within 24 hours after the time that consent was withdrawn, the action of the management employee shall be deemed void and of no force or effect.

In no case shall consent be withdrawn for longer than ten (10) days from the date upon which consent was initially withdrawn.

The person from whom consent has been withdrawn may submit a written request for a hearing with the Administrator on the withdrawal within the period of the withdrawal. The request shall be granted not later than ten (10) days from the date of receipt of the request. The hearing with the Administrator will be conducted in accordance with the provisions of this procedure.

Any person to whom consent to remain on campus or at a college facility has been withdrawn who knowingly reenters the campus or college facility during the period in which consent has been withdrawn, except to come for a meeting or hearing to which he or she has been invited to attend by the Administrator or designee, is subject to arrest. [Penal Code Section 626.4]

### **5231.2.2 Immediate Short-term Suspension**

The Superintendent/President, or designated authority, may order immediate exclusion from campus and/or classes for a period not to exceed 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 Section 66017]. A student may be summarily suspended for good cause without a conference or hearing. Short-term 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 Student 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.

### **5231.2 Initiation of Disciplinary Action**

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

A request for disciplinary action may be initiated by any faculty, student or College employee and shall be made of the Administrator in writing. 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.

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.

### ***5231.3 Definitions of Terms***

District - The Santa Barbara Community College District

Student - Any person currently enrolled as a student or in any program offered by the District.

Instructor - Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other employee who has responsibility for the student's educational program.

Administrator - The Dean, Educational Programs (Student Support Services ), or other administrative designee, for credit programs and the Dean, Continuing Education, or other administrative designee, for non-credit programs.

Management/Supervisory Staff Member - Any individual employed and designated by the Superintendent/President as an administrative, management, or supervisory employee.

College Property - any college-owned or controlled property, including off-campus leased facilities and facilities where college sponsored activities take place.

Campus Jurisdiction - No student shall be removed, suspended, expelled or sanctioned unless the conduct for which the student is disciplined is related to college activity or college attendance.

Withdrawal of Consent to Remain on College Property - Withdrawal of consent by the Administrator or any management/supervisory staff member, for any person to remain on campus or at a college facility in accordance with California Penal Code Section 626.4 where any management/supervisory staff member has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or college facility.

Removal from class - Exclusion of the student by an instructor for the day of the removal and the next class meeting.

Removal from Service Area - Exclusion from a service area of the student by a Management/Supervisory staff member for the day of the removal and the next day.

Day - For the purpose of establishing deadlines, a day is any weekday, excluding Saturdays and Sundays, during which the District is in session and regular classes are held.

Warning - Written or oral notice to the student that continuation or repetition of misconduct may be cause for further disciplinary action.

Written or Verbal Reprimand - An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. "Written" reprimands may become part of the permanent student file and is considered in the event of future violations. A record of the fact that a "verbal" reprimand has been given may become part of a student's record at the college for a period of up to one year.

Disciplinary Probation - This action by the Administrator may be imposed upon an individual, group, or groups of students for a period not to exceed one (1) academic year. Repetition, during the probationary period, of conduct that initiated the disciplinary probation or other offences that constitute "good cause" may result in suspension or additional disciplinary action. The Administrator may impose additional sanctions for a specific period of conditional participation in campus and academic affairs, which may involve any or all of the following:

- a. Ineligibility for all College organization offices.
- b. Removal from any College organization office held.
- c. Revocation of the privilege of participating in College and/or student-sponsored activities.
- d. Termination of Federal, State and/or local financial aid.
- e. Barred from occupying any portion of the campus or buildings, or from contacting or talking with specific student, faculty or staff members, and may be denied all College privileges for a specified period of time.

Forfeiture of Fees - Refusal to refund or forfeiture of fees may be imposed whenever the Administrator determines that there is just cause to prohibit such action.

Restitution - Monetary restitution may be imposed whenever college property has been damaged or destroyed and/or whenever college funds have been fraudulently received or used for an unauthorized purpose.

Community Service - The Administrator may require a student to complete a specific number of hours of work or a specific assignment at a designated location either on or off campus.

Hold on Records - The Administrator may place a "hold" on all students' records for a period not to exceed one (1) year.

Participation in Special Program - The Administrator may prescribe mandatory participation in counseling and/or other self-help prevention or treatment programs as a condition of continued enrollment or re-admittance to the college.

Short-term Suspension - Immediate exclusion from campus and/or classes for a period not to exceed 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. A suspended student may be barred from occupying any portion of the campus or buildings, from contacting or talking with specific student, 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. A student may be summarily suspended for good cause without a conference or hearing, but a Notice of Short-term Suspension, the reasons for

such Short-term Suspension, and the opportunity to respond shall be given to the student as soon as possible. The Superintendent/President shall be promptly notified, in writing, of any and all Short-term Suspensions.

Long-term Suspension - Exclusion of the student by the Superintendent/President, or designated authority, for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms. A suspended student may be barred from occupying any portion of the campus or buildings, from contacting or talking with specific student, 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.

Expulsion - The removal of a student by the Governing Board from the College for one or more terms.

#### **5231.4 Sanctions, Short-term Suspensions, Long-term Suspensions, and Expulsions**

Before any disciplinary action listed in C. Administrator's Actions, is taken against a student, the following procedures will apply:

##### **A. Notification of Charges**

Students charged with violations of the Standards of Student Conduct shall be notified 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 notice may be verbal or written and it may be hand-delivered or mailed to the student's address on file in the College's Admissions and Records Office.

##### **B. Preliminary Meeting**

The meeting with the Administrator shall consist of the following:

1. The student will be given a copy of the Standards of Student Conduct.
2. The student will be given a written statement of the alleged violation(s).
3. The student will be given a reasonable opportunity to answer each alleged violation(s).
4. The student will be informed of any possible disciplinary action(s) that may or will be taken.
5. The student will be provided written notice of further meetings if the Administrator deems such further meeting(s) necessary.
6. The student will be provided written notice of his or her right to a hearing before the Disciplinary Hearing Committee for a hearing on the matter before discipline is imposed.

##### **C. 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 one or more of the following types of disciplinary action, unless the Administrator and the student agree to another appropriate disciplinary action:

1. Warning
2. Short-term Suspension

3. Reprimand
4. Disciplinary Probation
5. Long-term Suspension
6. Expulsion
7. Restitution
8. Hold on Records
9. Forfeiture of Fees
10. Participation in Special Program and/or Community Service

**D. Time Limit for Requesting Hearing With Disciplinary Hearing Committee**

**Before any disciplinary action listed above** under C. 3-10 (Reprimand, Disciplinary Probation, Long-Term Suspension, Expulsion, Restitution, Holds on Records, Forfeiture of Fees, Participation in Special Program or Community Service) is taken the student will have the right to request a hearing before the Disciplinary Hearing Committee.

From the date the student is notified of the Administrator's decision, any request for a hearing before the Disciplinary Hearing Committee must be in writing and delivered to the office of the Executive Vice President, Educational Programs . The student's request must be either mailed to the Executive Vice President, Educational Programs, 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 Executive Vice President, Educational Programs 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 shall include a declaration of mailing, made by the Administrator or designee, specifying the date of mailing such letter. The Administrator is deemed to have notified the student of his or her decision on the date so declared.

In the event that the student requests a hearing before the Disciplinary Hearing Committee, the Executive Vice President, Educational Programs may attempt to resolve the dispute informally prior to establishing a hearing date. In no event shall the Executive Vice President, Educational Programs suspend a Short-term Suspension.

Short-term Suspension is not considered disciplinary action against the student and is not subject to the Disciplinary Appeal process. A student may be summarily suspended for good cause without a conference or hearing. The Superintendent/President shall be promptly notified, in writing, of any Short-term Suspensions required to protect lives or property and to ensure the maintenance of order.

**E. 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 notify the appropriate law enforcement agency.

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

The fact of any disciplinary action, as provided in 5231.4(C)(3) through 5231.4(C)(6), 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.

**5231.5 Disciplinary Appeal Procedure****A. The Hearing Panel**

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

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

Group 2 All tenure track certificated faculty or regular classified personnel except those designated as management.

Group 3 -All full-time, certificated and classified management personnel with the exception of the Executive Vice President, Educational Programs or designee.

From Group 1, the Associated Student Body President shall appoint two students and one alternate; from Group 2, the President of the Academic Senate shall appoint two certificated personnel and one alternate when appropriate, or in the alternative, the President of CSEA, shall appoint two classified employees and one alternate; and from Group 3, the Executive Vice President, Educational Programs, shall appoint one management person and one alternate.

**B. Right to Challenge Committee Composition**

The hearing shall be convened by the Executive Vice President, Educational Programs or designee. The Executive Vice President, Educational Programs shall introduce the members of the Committee. At such time, the Administrator and/or the student shall exercise their rights to challenge the members of the Committee as set out below.

The Administrator and/or the student may each challenge one member of the Disciplinary Hearing Committee as a matter of right. Any member of the Disciplinary Hearing Committee may be challenged for cause. Grounds for cause shall be limited to any personal involvement in the situation giving rise to the disciplinary action, any statement made on the matters at issue, or any other act or statement indicating that person could not act in a neutral manner. Validity of any such challenges shall be determined by the Executive Vice President, Educational Programs. The appropriate replacements shall be appointed from the appropriate group by the Executive Vice President, Educational Programs. Any and all challenges must be made prior to evidence being heard.

**C. Selection of Committee Chairperson**

Upon completion of the challenges, if any, the Committee shall receive copies of these Procedures and meet alone to select a Chairperson.

If the members cannot reach a mutual agreement on Chairperson, the Executive Vice President, Educational Programs 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.

**D. Right to Representation**

The Administrator or student may represent himself or herself or may be represented by an attorney. If represented by an attorney, the Administrator or student shall notify the Executive Vice President, Educational Programs in writing of that fact no later than three (3) days prior to the date of the hearing.

The Disciplinary Appeal Committee may be provided legal counsel. Such counsel may sit with the Disciplinary Appeal Committee in an advisory capacity but shall not be a member of the Committee nor vote with it.

**E. Scope of Disciplinary Hearing Committee Hearing**

The Disciplinary Hearing 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 Student Conduct Policy?

**F. The Hearing**

1. Opening - The Committee meets to hear whether proposed disciplinary action against the student by the College is deemed appropriate within the scope of authority as defined in the Standards of Student Conduct Policy.
2. The Chairperson shall distribute copies of the charges and the proposed 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 Administrator has the burden of proving the evidence supports the Administrator's findings. The student may present evidence in support of his or her position, and then the Administrator may present evidence to refute such evidence. The student has the burden of proving that the Administrator acted outside the scope of his/her authority or has been arbitrary in posing the disciplinary measure.
5. Arguments - First the Administrator and then the student shall be afforded an opportunity to make or waive an opening statement. The student may reserve his or her opening statement until after the Administrator has presented his or her evidence. After the opening statements, first the Administrator and then the student shall have the opportunity to present witnesses and other relevant evidence.
6. Evidence
  - a. Oral evidence shall be taken only on oath or affirmation.

- b. 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 impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her. If the student does not testify in his or her own behalf, he or she may be called and examined as if under cross-examination.
  - c. 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 in itself 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. Closed Hearings - Hearings shall be closed to the general public and confidential and 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.

The hearing shall be recorded. The recording may be used by the President and/or the Governing Board in the case of an appeal.

8. Absence of the Administrator and/or Student - If the Administrator and/or the student do not appear and no satisfactory explanation for the absence is made at the earliest opportunity, or if the Administrator and/or the student 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.
9. Conclusion - First the Administrator and then the student 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 Executive Vice President, Educational Programs or designee, the student, and the Administrator, their written decision arrived at by a simple majority of the Committee. The Disciplinary Hearing Committee's notification of their decision to the student and the administrator will be by United States Mail which shall include a declaration of mailing specifying the date of mailing such letter. The Disciplinary Hearing Committee is deemed to have mailed such letter on the date so declared.

The decision of the Disciplinary Hearing Committee is binding on all parties unless appealed pursuant to paragraph G, below.

- G. Appeal to the Superintendent/President - Either the student or the Administrator may appeal the decision of the Disciplinary Hearing 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 Disciplinary Hearing. Both the student and the administrator may submit written statements on appeal. No personal appearances will be made before the Superintendent/President.

The Superintendent/President shall report his/her decision to all relevant parties including the Governing Board 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 which shall include a declaration of mailing specifying the date of mailing such letter. The Superintendent/President is deemed to have mailed such letter on the date so declared.

- H. Appeal to the Governing Board - Either the student or the Administrator may appeal the decision of the Superintendent/President to the Governing Board 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 Disciplinary Hearing. Both the student and the Administrator may submit written statements on appeal. No personal appearances will be made before the Governing Board. The Governing Board's review shall be limited to the record of the Disciplinary Hearing, and the decision of the Superintendent/President. The Board shall not consider any evidence outside the record

The Governing Board 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 Governing Board shall consider the matter in closed session. Before calling such a closed session the Governing Board shall, in writing, by registered or certified mail, notify the student and the Administrator of the intent of the Governing Board to call and hold such closed session. The final action of the Governing Board shall be taken at a public meeting and the result of such action shall be a public record.

The Governing Board's action shall be final and binding on all parties.

***Revised by Governing Board: 8-21-03***