As part of MiraCosta's culture of care, this procedure is designed to support student success. As a community college, all stakeholders, including students, have responsibilities to ensure a safe and productive learning environment. The purpose of this document is to outline the rights and responsibilities of our students, who are all members of the MiraCosta College community. The purpose of these student conduct procedures is to provide a prompt and clear means to address alleged violations of the MiraCosta College Standards of Student Conduct, which guarantees students the due process rights afforded by state and federal laws. This procedure will be used in a fair manner and not for purposes of retaliation. It is not intended to serve as a substitute for criminal or civil proceedings that may be initiated by other agencies. Rather, this is an educational and developmental approach that is designed to uphold students' rights and ensure safety throughout our community.

The superintendent/president has designated the dean of student affairs as the administrator responsible for student conduct procedures.

DEFINITIONS

G. Student rights and responsibilities meeting: The due process meeting by which an allegation of a violation of the standards of student conduct is addressed by the student conduct administrator with the responding party.
H. Appeal hearing: The meeting that addresses a responding party's request for appeal of a finding of responsibility and/or appeal of a resolution.
I. Preponderance of the evidence: The standard by which a decision is made by the student conduct administrator or the hearing administrator. The standard is such that a reasonable person would find it more likely than not that a behavior occurred and that it violated one or more of the standards of student conduct.
J. Advisor: A support person who may accompany the student during a student rights and responsibilities meeting or an appeal hearing.
K. Witness: Any person with direct knowledge of the incident who may be invited to participate in the student conduct process.
L. Reporting party: The person who reports behavior that may be in violation of the standards of student conduct. The reporting party may be different than the impacted party.
M. Impacted party: A person who is commonly known as a victim or survivor of a reported behavior that is in violation of the standards of student conduct.
N. Responding party: A student reported to be in possible violation of the standards of student conduct.
O. Resolution: Commonly known as a sanction, the resolution serves as the outcome assigned to the responding party when a student is found responsible for a violation of the standards of student conduct.
P. *In absentia:* When a student does not schedule or attend a student rights and responsibilities meeting or appeal hearing, the student conduct administrator or hearing administrator may make a determination in the absence of the responding party.
Q. Expulsion hearing: The hearing held by the board of trustees to address a recommendation for expulsion.
R. Behavioral Intervention Team: Designated employees of the district who work to assess, prevent, intervene, and respond to situations that may pose a threat to the campus community or require consultation with a multidisciplinary team.

STUDENT RIGHTS

Students have the right to report concerns about behavior, and also have the right to be

Students also have the right to bring an advisor with them to the student rights and responsibilities meeting, appeal hearing, and/or expulsion hearing. If the student chooses to bring a lawyer to serve as their advisor, the student must inform the student conduct administrator no later than five (5) days prior to the meeting or hearing date, so that the district may make accommodations to have their own legal counsel attend the meeting as well.

Students also have the right to request reasonable accommodations. This request must be made in writing to the assigned student conduct administrator in advance of the student rights and responsibilities meeting and/or appeal hearing. The student conduct administrator will review the request and consult with appropriate parties if needed to determine if and how the accommodation request can be fulfilled.

The Family Educational Rights and Privacy Act (FERPA) protects student privacy rights. Student privacy rights are maintained through the student conduct process. Allegations, findings of responsibility, and resolutions remain private to the extent required by law. A record of all cases will be held within the Office of Student Affairs.

To encourage reporting of incidents, students who report policy violations, serve as witnesses, or seek medical aid may be afforded limited amnesty for minor alleged policy violations. If the Student Conduct Administrator determines limited amnesty is applicable, the student will not incur a policy violation, but may be referred to educational meetings or resources for support.

STUDENT RESPONSIBILITIES

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Finding(s) of responsibility will be determined either at the student rights and responsibilities meeting, or at a later date to allow for more consideration, evidence, or witness statements to be shared and reviewed as appropriate at the determination of the student conduct administrator. A finding of responsibility is determined based on the standard of preponderance of the evidence (more likely than not that the behavior occurred and violated a standard of the student conduct). When a finding of responsibility is determined, this information will be shared with the responding party via an in-person meeting, or in writing via email or print form.

If there is a finding(s) of responsibility, the resolution(s) will be determined by the student conduct administrator. The student conduct administrator may consider the responding party's conduct history, the current violation, the impact of their behavior, and other relevant considerations when issuing a resolution.

RESOLUTIONS

When there is a finding of responsibility for a violation of a standard(s) of student conduct, one or more of the following resolutions may be implemented:

Warning: A written warning is issued as a directive to discontinue the behavior in question and other violations of the standards of student conduct. Warnings may be issued to those found responsible for a first time, low-level violation with minimal impact. Following a warning, any other violations of the standards of student conduct will result in an additional resolution.

Educational resolution: An educational resolution may be issued when the student conduct administrator deems it appropriate. Educational resolutions may include reflection papers, research assignments, creation of art pieces, active participation at seminars, trainings, institutes, webinars, or any educational outcome that is deemed cultum20 Td ( )Tj 0.004 T (e)10 (c)4 (sc)4 -30.2 -1.32 Td

Long-Term Suspension: Following a finding of responsibility, a long-term suspension may be implemented. A long-term suspension is exclusion of the student from one or more classes by the student conduct administrator for good cause for the remainder of the school term, or for one or more terms.

If a student wishes to enroll after the completion of a long-term suspension, the student should contact the Office of Student Affairs to request a reinstatement meeting. During the reinstatement meeting, the student conduct administrator, or designee, will meet with the student to review the gravity of the offense, evidence of any subsequent offenses, the likelihood that the student would cause substantial disruption if they are reinstated, and any other relevant matters to make a decision about the student's request for reinstatement. The student conduct administrator may permit conditional reinstatement and specify the conditions under which reinstatement will be permitted (Education Code section 76030).

Expulsion: An expulsion is permanent exclusion of the student from the district by the Board of Trustees (Education Code Section 76030). Following a finding of responsibility, an expulsion may be implemented for good cause when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. Expulsions are notated on student transcripts.

APPEAL PROCEDURES

Students have the right to appeal a student conduct administrator's decision when the decision includes a resolution that is a long-term suspension, withdrawal of consent to remain on campus, and/or a recommendation for expulsion. No other decisions or resolutions can be appealed.

Appeal Procedures: Long-Term Suspension and Withdrawal of Consent to Remain on Campus

The appeal procedures for a long-term suspension and withdrawal of consent to remain on campus follow the same procedure. The responding party may request an appeal of a long-term suspension and/or withdrawal of consent to remain on campus by making a formal appeal hearing request in writing to the student conduct administrator within five (5) days of the issued finding(s) and resolution(s). The written appeal must include the reason for the requested appeal. The student conduct administrator will then present the request to a hearing administrator within five (5) days of receiving the written appeal request.

The hearing administrator will arrange for an appeal hearing to take place in a timely manner. During the appeal hearing, the

person to address the appeal request. If the responding party is not able to meet in person, accommodations can be made to hold the appeal hearing through electronic means, such as video conferencing. The hearing will be audio recorded.

The hearing administrator may review the initial report, the responding party's conduct history, the student conduct administrator's justification for the finding of responsibility and the applicable resolution, the student's transcript, any provided evidence, speak with the responding student, the student conduct administrator, and/or witnesses who have direct knowledge of the incident in question, and review any relevant documentation to determine if the appeal will be granted.

The hearing administrator will explain the rules of the hearing and has final say about what evidence may be submitted and which witnesses may be addressed. Formal rules of evidence and court procedures do not apply. All participating parties will need to agree to tell the truth, the whole truth, and nothing but the truth. The student conduct administrator and the responding party will each be permitted to make an opening statement, limited to five (5) minutes each. Thereafter, the student conduct administrator will be allowed time to address the facts of the case. The student then has the right to respond and address the allegations, and present evidence that supports their appeal. The hearing administrator may ask questions of the responding party and the student conduct administrator. If deemed necessary or appropriate, the hearing administrator may ask questions of the witness(es). The burden is on the student conduct administrator to prove by a preponderance of the

appeal. The student conduct administrator will then present the request to a hearing administrator within five (5) days of receiving the written appeal review request.

The hearing administrator will arrange for an appeal hearing to take place in a timely manner. During the appeal hearing, the responding party and student conduct administrator will have an opportunity to meet with the hearing administrator in person to address the appeal request. If the responding party is not able to meet in person, accommodations can be made to hold the appeal hearing through electronic means, such as video conferencing. The hearing will be audio recorded.

The hearing administrator may review the initial report, the respondirespoorded.

The board of trustees expulsion hearing will be conducted in closed session unless the responding party, within forty-eight (48) hours after receipt of the notice of hearing, formally requests in writing to the superintendent/president that the hearing be conducted in open session. Even if a responding party has requested the board consider an expulsion recommendation in an open session, the board will hold any discussion that might be in conflict with the right of privacy of any other student, other than the responding party, in closed session (Education Code section 72122).

During the hearing, the president of the board of trustees or a designee will serve as the hearing administrator. The hearing administrator will explain the rules of the hearing and has final say about what evidence may be submitted and what witnesses may be addressed. Formal rules of evidence and court procedures do not apply. All participating parties will need to agree to tell the truth, the whole truth, and nothing but the truth. The student conduct administrator and the responding party will

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As part of MiraCosta's culture of care, this procedure is designed to support student success. As a community college, all stakeholders, including students, have responsibilities to ensure a safe and productive learning environment. The purpose of this document is to outline the rights and responsibilities of our students, who are all MiraCosta College community members. The purpose of the student conduct procedure

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J. Advisor: A support person who may accompany the student during a student rights and responsibilities meeting or an appeal hearing.
K. Witness: Any person with direct knowledge of the incident who may be invited to participate in the student conduct process.
L. Reporting party: The person who reports behavior that may be in violation of the standards of student conduct. The reporting party may be different than the impacted party.
M. Impacted party: A person who is commonly known as a victim or survivor of a reported behavior that is in violation of the standards of student conduct.
N. Responding party: A student reported to be in possible violation of the standards of student conduct.
O. Resolution: Commonly known as a sanction, the resolution serves as the outcome assigned to the responding party when a student is found responsible for a violation of the standards of student conduct.
P. *In absentia:* When a student fails to schedule or attend a student rights and responsibilities meeting or appeal hearing, the student conduct officer or hearing officer may make a determination in the absence of the responding party.
Q. Expulsion hearing: The hearing held by the board of trustees to address a recommendation for expulsion.
R. Behavioral Intervention Team: Designated employees of the district who work to assess, prevent, intervene, and respond to situations that may pose a threat to the campus community or require consultation with a multidisciplinary team.

STUDENT RIGHTS

Students also have the right to bring an advisor with them to the student rights and responsibilities meeting, appeal hearing, and/or expulsion hearing. If the student chooses to bring a lawyer to serve as their advisor, the student must inform the student conduct officer no later than five (5) days prior to the meeting or hearing date, so that the district may make accommodations to have their own legal counsel attend the meeting as well.

Students also have the right to request reasonable accommodations. This request must be made in writing to the assigned student conduct officer in advance of the student rights and responsibilities meeting and/or appeal hearing. The student conduct officer

withdrawal of consent to remain on campus, restricted use of district property, class removal with academic accommodations, interim suspension, or more as deemed appropriate by the student conduct officer.

To protect lives, property, or to ensure the orderly operations of the district, the student may be suspended for an interim period of ten (10) days (Education Code section 66017). In the event of an interim suspension, the student rights and responsibilities meeting shall be held within ten (10) days of the notice of interim suspension. Reasonable opportunity, such as academic accommodations, may be provided to the responding party during their interim suspension.

STUDENT RIGHTS AND RESPONSIBILITIES MEETING PROCEDURES

When a report about an alleged violation of the standards of student conduct is made to the Office of Student Affairs, the dean of student affairs or their designee will contact the responding party in written form via email at the email address noted in their student account. This email will inform the responding party that a concern about their behavior has been reported and they may be in violation of the district's standards of student conduct. This email will include the following: (i) a short statement of facts alleged in the report, (ii) the standard(s) of student conduct allegedly violated, (iii) the nature of the discipline that is being considered, and (iv) information about student conduct procedures and how to schedule a student rights and responsibilities meeting.

Students must arrange a student rights and responsibilities meeting within ten (10) days of the issued notice. Arrangements to hold the student rights and responsibilities meeting outside of the ten (10) day period can be arranged, but must be done so with the approv up 10)oj 0.007 (es)4 (a)gl u 6 (eged0 (d i (bu)10 ((ond)101 bu0 (ay)4 ( )]TJ T* [(o2c -0.00

If there is a finding(s) of responsibility, the resolution(s) will be determined by the student conduct officer. The student conduct officer may consider the responding party's conduct history, the current violation, the impact of their behavior, and other considerations when issuing a resolution.

RESOLUTIONS

When there is a finding of responsibility for a violation of a standard(s) of student conduct, one or more of the following resolutions may be implemented:

- Warning: A written warning is issued as a directive to cease the behavior in question and other violations of the standards of student conduct. Warnings may be issued to those found responsible for a first time, low-level violation with minimal impact. Following a written warning, any other violations of the standards of student conduct will result in an additional resolution.

- Educational resolution: An educational resolution may be issued when the student conduct officer deems appropriate. Educational resolutions may include reflection papers, research assignments, creation of art pieces, active participation at seminars, trainings, institutes, webinars, or any educational outcome that is deemed culturally relevant, equity-minded, proportionate and relevant to the behavior and/or impact of the reported behavior. Educational resolutions shall not be of cost to the responding party and shall not conflict with attendance at class requirements. The purpose of educational resolutions is to help students deepen their understanding of their behavior from a new perspective, learn about the impact of their behavior, identify their values and goals, or support their learning.

- Restorative resolution: Restorative resolutions focus on addressing impact of behavior and reintegrating responding parties into the community. A restorative resolution requires the full agreement and voluntary participation of the responding party and other parties involved in the case, including but not limited to reporting parties and impacted parties. Restorative resolutions are designed to assist the responding party with identifying the impact or harm that was caused by their behavior, and provide a means for the responding party to repair that harm or impact as an active member of the community. Restorative resolutions should be timely in response. A responding party has the right to request a restorative resolution for consideration, and a student conduct officer retains the right to not issue a restorative resolution should they deem it inappropriate for the situation.

- No contact order: A no contact order is an administrative directive that may be implemented without a finding of responsibility for a violation of the standards of student conduct. The no contact order between two or more parties prevents any contact between the parties (physical or otherwise, including, but not limited to verbal, written, electronic, text message, email, and social media). Additionally, the parties may not request contact with the other through a third party. A

violation of a no contact order will result in an additional violation of the standards of student conduct.

- Restricted access to district property: The student conduct officer has the right to restrict, modify, or limit a responding party's access to district property, including specific locations and equipment.
- Withdrawal of Consent to Remain on Campus: The student conduct officer has the right to issue a withdrawal of consent of any person to be on campus, in

permit conditional reinstatement and specify the conditions under which reinstatement will be permitted (Education Code section 76030).

- Expulsion: An expulsion is permanent exclusion of the student from the district by the Board of Trustees (Education Code Section 76030). Following a finding of responsibility, an expulsion may be implemented for good cause when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. Expulsions are notated on student transcripts.

APPEAL PROCEDURES

Students have the right to appeal a student conduct officer's decision when the decision includes a resolution that is a long-term suspension, withdrawal of consent to remain on campus, and/or a recommendation for expulsion. No other decisions or resolutions can be appealed.

Appeal Procedures: Long-Term Suspension and Withdrawal of Consent to Remain on Campus

The appeal procedures for a long-term suspension and withdrawal of consent to remain on campus follow the same procedure. The responding party may request an appeal of a long-term suspension and/or withdrawal of consent to remain on campus by making a formal appeal hearing request in writing to the student conduct officer within five (5) days of the issued finding(s) and resolution(s). The written appeal must include the reason for the requested appeal. The student conduct officer shall present the request to a hearing officer within five (5) days of receiving the written appeal request.

The hearing officer will arrange for an appeal hearing to take place in a timely manner. During the appeal hearing, the responding party and student conduct officer will have an opportunity to meet with the hearing officer in person to address the appeal request. If the responding party is not able to meet in person, accommodations can be made to hold the appeal hearing through electronic means, such as videog t0 (app)i0 (er)6.9 ( )-9.9 (i)5.9 (n)10

may ask questions of the responding party and the student conduct officer. If deemed

After the hearing, the board of trustees will deliberate. The board may accept, modify, or reject the student conduct officer's recommendation for expulsion. The board shall take action in open session and the result of the action shall be public record. The name of the student will not be released in public record unless required by law (Education Code section 72122).

The Office of Student Affairs will notify the responding party of the decision in writing within five (5) days of the hearing. If the student is expelled by the board of trustees, the student will be permanently excluded from enrolling at the district. The decision is final.

REFERENCES

Education Code Sections 66017, 66300, 66301, 72122, 76030-76037, 76234

B. The hearing to appeal a long-term suspension will be conducted by an academic administrator who is not involved with the incident that caused the decision to suspend. The student may bring an advocate to the hearing. If the advocate is an attorney, the vice president, student services, must be notified at least five (5) days in advance of the formal hearing so that college legal representation may also be present. The vice president, student services, or designee will present the case for suspension and the student will be provided an opportunity to respond and provide evidence in support of the appeal. If attorneys are present, they may provide advice to the people they represent, but they are not part of the formal hearing and will not participate unless invited to do so by the academic administrator in charge of the hearing.

1. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in hearings. Relevant evidence, including hearsay, is admissible if it is the type of evidence that reasonable members of the college community would rely upon in the conduct of their affairs. The academic administrator conducting the hearing shall have the discretion to determine admissibility of evidence.

2. The academic administrator in charge of the hearing makes a decision based on a preponderance of the evidence, which is whether it is more likely than not that the accused student violated the MiraCosta Community College District code of conduct for students.

C. The hearing will be audio-recorded.

D. The academic administrator will notify the student within five (5) days of the formal hearing whether or not the suspension will be upheld.

E. If the suspension is upheld, the student may make a final appeal in writing to the college superintendent/president who will respond in writing within five (5) days. The decision of the college superintendent/president is final.

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Suspension from a Class or College Office by a Faculty Member or Staff Member (Education Code section 76032)

A faculty or staff member may remove a student from a class or from an office for the day of the removal and one (1) additional day of class or of office privileges. The removal of the student must be reported to the vice president, students, or designee immediately. The vice president, student services, or designee will meet with the student to determine whether or not the student will be returned to the class or regain office privileges and under what circumstances reinstatement will be possible. If the behavior that caused the removal is egregious, the vice president, student services, or designee may determine that the student should be suspended from the class, office, or the district.

Nonstudent Removal

College Police may notify any person who is willfully disrupting the orderly operation of college classes or activities that permission to remain on campus has been withdrawn. The person may be issued an order to stay away from all MiraCosta Community College District sites for up to seven (7) calendar days from the date on which permission to remain on campus was withdrawn. Any person violating a stay-away order will be subject to arrest (Penal Code section 626.6).

Exception to Due Process—Athletic Rules Violations

Athletes who violate rules of the Pacific Coast Athletic Conference, the California Community College Athletic Association, or the MiraCosta College Athletic Department may be suspended immediately from intercollegiate competition.

A. A student athlete may appeal the suspension in writing to the Director of Athletics within ten (10) days of the suspension. The Director of Athletics will uphold,

I. Written or verbal reprimand: An admonition to the student to cease and desist from conduct determined to violate the MiraCosta College Student Code of Conduct. A record of the fact that a verbal reprimand has been given may become part of a student's discipline record at the college for a period of up to one year.

J. Nonstudent removal: Withdrawal of consent by the College Police for any person to remain on campus, in accordance with California Penal Code §626.4, where the College Police have reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

K. Days: Unless otherwise stated in this document, the term “days” refers to calendar days.

Student Suspensions and Expulsions and Nonstudent Removals

Short -term Suspension

If the Vice President, Student Services, or designee determines that a student is a danger to himself/herself or others, the student may be suspended for a period of ten (10) days during (c)14uio6.03 03u0.78 -1p8 (o6aC)6 (os)4 (t)2 (a C)6 (ol)6 (l)6 (eg)10 (e i)6 (s)4 (i)16

B. The student may request a meeting (c)1ith the Vice President, Student Services, o1p8 (o6)]TJ T* [(d the meeting, the studentcll be presented (c)1ith the information (c)14uiaused theo6 decision to suspend and will be given pportunity to respond to the accusation. If the susp sn is lifted o1 Pr (si)7 (d)6 (e)12 (n)6 (t, S)6 (tu)12 (d)6 (e)4 (n)10 (t)7 (Se)6 (rv)4 (ic)10 (es,)4 (or)7 (a)4 (es)4 (ul)6 (t)12 (of)2 (suspension up to ten (10) is final.

Long- term Suspension

If the Vice President, Student Services, or designee determines that a student disciplinary infraction requires a long-term suspension, the student will be notified in person or in writing (c)1ithin ten (10) days of the incident that the Vice President intends to impose a long-term suspension, (c)14uio6 may ast from eleven (11) days up to one (1) calendar year.

A. A student facing a long

administrator who is not involved with the incident which caused the decision to suspend. The student may bring an advocate to the hearing. If the advocate is an attorney, then the Vice President, Student Services, must be notified at least five (5) days in advance of the formal hearing so that college legal representation may also be present. The Vice President, Student Services, or designee will present the case for suspension and the student will be provided an opportunity to respond and provide evidence in support of the appeal. If attorneys are present, they may provide advice to the people they represent, but they are not part of the formal hearing and will not participate unless invited to do so by the academic administrator in charge of the hearing.

1. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in hearings. Relevant evidence, including hearsay, is admissible if it is the type of evidence that reasonable members of the college community would rely upon in the conduct of their affairs. The academic administrator conducting the hearing shall have the discretion to determine admissibility of evidence.

2. The academic administrator in charge of the hearing makes a decision based on a preponderance of the evidence, that is, whether it is more

Vice President, Student Services, or designee will present the case f TRgg1Saseside

A faculty or staff member may remove a student from a class or from an office for the day of the removal and one (1) additional day of class or of office privileges. The removal of the student must be reported to the Vice President, Student Services, or designee immediately. The Vice President, Student Services, or designee will meet with the student to determine whether or not the student will be returned to the class or regain office privileges, and under what circumstances reinstatement will be possible. If the behavior which caused the removal is egregious, the Vice President, Student Services, or designee may determine that the student should be suspended from the class, office, or the college.

Nonstudent Removal

College Police may notify any person who is willfully disrupting the orderly operation of college classes or activities that permission to remain on campus has been withdrawn. The person may be issued an order to stay away from all MiraCosta sites for up to seven (7) days from the date on which permission to remain on campus was withdrawn. Any person violating a stay-away order will be subject to arrest (Penal Code §626.6).

Exception to Due Process—Athletic Rules Violations

Athletes who violate rules of the Pacific Coast Athletic Conference, the California Community College Commission on Athletics, or the MiraCosta College Athletic Department may be suspended immediately from intercollegiate competition.

A. A student athlete may appeal the suspension in writing to the Director of Athletics within ten (10) days of the suspension. The Director of Athletics will uphold, modify, or rescind the suspension within ten (10) days of receiving the appeal.

B. If the Director of Athletics upholds the suspension, the student athlete may make a final appeal in writing to the Vice President, Student Services, whose written response to the student athlete will be final.

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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 afforded 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 §76120, and will not be used to punish expression that is protected.

The superintendent/president has designated the Vice President, Student Services, as the administrator responsible for student-discipline procedures.

Definitions

A. The College: The MiraCosta Community College District (commonly referred to as MiraCosta College).

B. Student: Any person currently enrolled as a student at any site or in any program offered by the college.

C. Faculty member: Any academic employee of the college in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

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D. Short-term suspension: Exclusion of the student from the college by thj EMC de (i)6 (pl)]TJ 0

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H. Written or verbal reprimand: An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. 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.

I. Withdrawal of consent to remain on campus: Withdrawal of consent by the MiraCosta College Campus Police for any person to remain on campus, in accordance with California Penal Code §626.4, where the MiraCosta College Campus Police have reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

J. Short-term suspensions, long-term suspensions, and expulsions: Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

1. Notice: The Vice President, Student Services, or designee will provide the student with written notice of the conduct warranting the discipline. The written notice will be sent by both regular and certified mail and will include the following:

a. The specific section of the Standards of Student Conduct that the student is accused of violating.

b. A short statement of the facts supporting the accusation.

c. The right of the student to meet with the Vice President, Student Services, or designee to discuss the accusation or to respond in

disciplinary action. The Vice President, Student Services, or designee's decision on a short-term suspension shall be final.

N. Long-term suspension: Within five (5) days after meeting with a student facing disciplinary action, the Vice President, Student Services, or designee shall decide whether to impose a long-term suspension. Written notice of the decision of the Vice President, Student Services, or designee shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed and a copy of the procedures for a hearing.

O. Expulsion: Within five (5) days after meeting with a student facing disciplinary action, the Vice President, Student Services, or designee shall decide whether to recommend expulsion to the Board of Trustees. Written notice of the Vice President, Student Services, or designee's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed and a copy of the procedures for a hearing.

Hearing Procedures

A. Request for hearing: Within five (5) days after receipt of the decision of the Vice President, Student Services, or designee regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the Vice President, Student Services, or designee.

B. Schedule of Hearing: The formal hearing shall be held within ten (10) days after a formal request for hearing is received, unless there is a compelling reason for a delay, such as illness, unavailable witnesses, etc.

C. Hearing panel: The hearing panel for any disciplinary action shall be composed of an academic administrator, one faculty member, and one student senator. The Vice President, Student Services, or designee, the president of the Academic Senate, and the Associated Student Government president shall each, at the beginning of the academic year, establish a list of at least five (5) persons who will serve on student-disciplinary-hearing panels. The Vice President, Student Services, or designee shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member, or student who has any personal involvement in the matter to be deccoidentpersonalmi 7.85 0 Td 0 Td an sses, leasd

The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted. Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by a preponderance of the evidence that the facts alleged are true.

The student may represent him/herself and may also have the right to be represented by a person of his or her choice. If the student wishes to be represented by an attorney, a request must be presented not less than five (5) days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel, but shall not be a member of the panel nor vote with it. Hearings shall be closed and confidential, unless the student requests that it be open to the public. Any such request must be made no less than five (5) days prior to the date of the hearing.

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 college either by audio recording or stenographic recording, and this 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 audio recording, the hearing-panel chair shall, at the beginning of the hearing, ask each person present to identify him/herself by name, and thereafter shall ask witnesses to identify themselves by name. Any audio recording shall remain in the custody of the college at all times, unless released to a professional-transcribing service. The student may request a copy of the audio recording.

Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be audio recorded is not unavailable.

Within five (5) days following the close of the hearing, the hearing panel shall prepare and send to the Vice President, Student Services, or designee a written decision. The decision shall include specific factual findings1.15 Td(hear)-4 (on)10 (pr)7 (es)4 (e)10 ((di)6 ae14 (t)r

Superintendent/President's Decision

A. Long-term suspension: Within ten (10) days following receipt of the hearing panel's recommended decision, the Vice President, Student Services, or designee shall render a final written decision. The Vice President, Student Services, or designee may accept, modify, or reject the findings, decisions, and

Immediate Interim Suspension (Education Code §66017)

The Vice President, Student Services,

receiving it and inform the student in writing of his/her decision. A student may make a final appeal in writing to the Vice President, Student Services, within ten (10) days of the Athletic Director's decision. The final decision will be sent by the Vice President, Student Services, within ten (10) days of receiving the final appeal, with a copy forwarded to the superintendent/president.