Interpretation of Regulations: Disciplinary regulations for the College District are set forth in writing in order to give students general notice of prohibited conduct. The regulations should be read broadly and are not designed to define misconduct in exhaustive terms.

Inherent Authority: The College District reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community.

STUDENT PARTICIPATION

Students are asked to assume positions of responsibility in the College District Student Conduct System in order that they might contribute their skills and insights to the resolution of disciplinary cases. Final authority in disciplinary matters, however, is vested in the College District administration and in the Board.

STANDARDS OF DUE PROCESS

All students are entitled to fair and equitable proceedings in determining whether a violation of College District policy occurred. An investigation may include, but is not limited to, conducting interviews, reviewing student records, and gathering and examining other relevant documents or evidence. Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding, unless significant prejudice to a respondent, complainant, if any, and/or the College District may result.

ACCOUNTABILITY

Students may be accountable to both civil and criminal authorities and to the College District for acts that constitute violations of law and this code. College District disciplinary action with respect to any act or omission on the part of the student shall proceed during the pendency of criminal or civil proceedings and shall not be subject to challenge on the ground that criminal or civil charges involving the same incident have been dismissed or reduced. Students who participate in a college course at any College District location, off-site or through distance learning, shall be subject to the Student Code of Conduct.

DISCIPLINARY PROCEEDINGS INVESTIGATION, CONFERENCE, AND COMPLAINT

When the Designated Administrator (DA) directly responsible for student affairs or discipline receives information that a student has allegedly violated a published college regulation or policy, the DA or a designated investigator shall investigate the alleged violation, which may, but is not required to, include a discussion with a student. [See FLB(LOCAL)]

In the event of an allegation of sexual misconduct, the DA shall coordinate with the College Title IX coordinator and the appropriate College District departments to apply the investigative, disciplinary, and disposition procedures governing sexual misconduct as set

forth in College District rules and regulations. [See DIA series and FFD series]

Unless the alleged violation is grounds for suspension, a student may dispute the award of a failing grade based upon scholastic dishonesty under FLDB(LOCAL), GRADE DISPUTE RESOLUTION. The student shall receive an incomplete grade until final disposition of the matter under this code.

The College District reserves the right to pursue disciplinary action against a student for an alleged violation of College District regulation or policy as long as the student remains within the jurisdiction of the College District.

After completing the investigation, the DA may:

1. Dismiss the allegation for failing to allege facts sufficient to indicate that a violation of policy more likely than not occurred.
2. Proceed administratively, which includes a notice to appear, conference, and disposition.
3. Upon appeal, prepare a complaint based on the alleged violation for use in disciplinary hearings along with a list of witnesses and documentary evidence supporting the allegation.

The DA will notify the complainant, if any, and the student against whom the complaint was filed (the respondent) of the disposition of the complaint. The respondent may appeal, in writing, to the President of the College or his or her designee within five business days after disposition. The President of the College or the designee shall review the basis of the DA's decision and issue a determination within ten business days; neither the President of the College nor his or her designee shall conduct a new investigation. A student is ineligible to appeal if the penalty imposed by the DA is less than suspension.

The College District reserves the right to pursue interim remedies up to and including suspension upon receiving notice of an alleged violation of a College District policy or regulation when there is reasonable evidence that the continued presence of the student on College District property or premises poses a substantial threat to himself or herself, others, or the stability and continuance of normal College District functions or operations. A student who is suspended on an interim basis shall be given an opportunity to appear before the college president or a designee within five business days from the effective date of the interim suspension. A hearing with the college president shall be limited to the following issues only:

1. The reliability of the information concerning the student's conduct, including the matter of his or her identity; and

2. Whether the conduct and surrounding circumstances reasonably indicate that the student's continued presence on College District property or premises poses a substantial threat to himself or herself, to others, or to the stability and continuance of normal College District functions or operations.

After the hearing, the College President or his or her designee may, at his or her sole discretion, modify the interim suspension as reasonably necessary to protect the respondent, complainant, if any, the public, and/or the College District.

No person shall search a student's personal possessions for the purpose of enforcing this code unless the student's prior permission has been obtained or unless a law enforcement officer conducts the search as authorized by law.

NOTICE TO APPEAR

The DA shall notify a student regarding an alleged violation of this code by letter, e-mail, or personal delivery. If notice is provided by letter, the letter shall be sent by certified mail, return receipt requested, and addressed to the student at his or her last known address. If notice is provided by e-mail, the notice shall be e-mailed to the student's designated e-mail address.

The notice shall direct a student to appear at a specific time and place not less than five business days after the date of the notice, unless the student can show good cause as prescribed below. The notice shall describe the alleged violation in general terms and cite the published college regulation or policy that is the subject of the alleged violation.

The DA has authority to impose restrictions up to and including disciplinary sanctions upon a student if the student fails, without good cause, to comply with notice to appear.

DISPOSITION

At a conference with a student in connection with an alleged violation of this code, the DA shall provide the student with a copy of this code and discuss administrative disposition of the alleged violation.

The following shall apply:

1. If a student accepts the administrative disposition, the student shall sign a statement that he or she understands the charges, his or her right to a hearing or to waive same, the penalty or penalties imposed, and that he or she waives the right to appeal. The student shall return the signed form by 5:00 p.m. of the first business day following issuance of the administra-

tive disposition. Failure to return this form shall constitute a waiver of the student's right to appeal. A student is ineligible to appeal if the penalty imposed by the DA is less than suspension.

2. If a student refuses administrative disposition of the alleged violation, such refusal shall be noted by the DA and acknowledged in writing by the student. A student refusing administrative disposition may request to pursue the disciplinary hearing process under FMA(LOCAL). Where the alleged violation could result in suspension or expulsion, a request for hearing shall be granted. In all other cases, whether a request for hearing is granted is at the sole discretion of the DA.

3. Administrative disposition means:

   a. The voluntary acceptance of the penalty or penalties provided in this code.

   b. Other appropriate penalties administered by the DA.

   c. Without recourse by the student to hearing procedures provided herein.

The DA shall prepare an accurate, written summary of each administrative disposition and send a copy to the student against whom the complaint was made (the respondent) (and, if the student is a minor, to the parent or guardian of the student), to the director of campus security, to the complainant, if any, and to other appropriate officials.