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OPERATING PROCEDURE

Procedure Number/Name:	050.037.001 – Student Conduct Disciplinary Due Process Hearing Procedures
Associated Rule Number/ Name:	050.037.000 – Withdrawal from a Class
Responsible Department:	Student Services

Overview

This is the procedure for formal and informal disciplinary due process hearings.

Areas of Responsibility

Students, Vice President of Student Services

Operating Procedure Details

Disciplinary charges may be initiated against a student by another student, faculty, staff member or a non-campus person.

A complaint must be in writing, signed and presented to the Vice President of Student Services who will investigate and take appropriate action.

A student charged with violating a college policy shall be given notice in person or by certified, return receipt mail to meet with the chief student services officer or designee at a specific time, date and place for a conference regarding a charge of misconduct.

In the case of a minor student, such notice shall go to the parent or guardian. Failure on the part of the student to meet with the Vice President of Student Services or designee, as requested, may result in a decision being made in the student's absence. The student shall be notified of the decision by certified mail.

During investigation of the charges, the status of the student shall not be altered nor shall his/her right to be present on the campus and to attend classes be suspended except for reasons related to the safety and well-being of student, faculty, staff or college property, or which relate to or interfere with the orderly operation of the college, as judged by the Vice President of Student Services.

OPERATING PROCEDURE

No disciplinary sanction as serious as expulsion, suspension, disciplinary probation or disciplinary warning shall be imposed unless the student has been notified of the charges against him/her and the nature and source of the evidence. A student subject to these sanctions will be allowed to present his/her case to an appropriate college official and to have an advisor of his/her choice present. Advisors are not permitted to present the case but may advise the student.

Both the college and the student may seek legal advice at their own expense, but to avoid an adversarial situation, neither the college nor the student will be represented by a lawyer during the college process. The student may withdraw from college of his/her own volition at any time during the disciplinary process.

Informal Hearings

Informal hearings are held when alleged misconduct is of a less severe nature. The Vice President of Student Services or designee shall conduct an informal hearing with the student. At such time the college official will:

1. Review the charges with the student;
2. Review the possible disciplinary action that may be taken if found to be true;
3. Provide the student an opportunity to respond to the charges.

The college official will inform the student of the decision within two school days of the conference. The decision of the college official can be appealed through the college grievance process. Examples of possible action include:

1. Dismissing the charge;
2. Reprimanding the student;
3. Ordering restitution;
4. Placing the student on disciplinary probation;
5. Ordering a summary suspension prior to a formal hearing; or
6. Reporting the incident to local law enforcement officials.

Formal Hearings

Formal hearings are held in cases where alleged misconduct could result in such disciplinary action as final expulsion, indefinite or long-term suspension from the college. The student's status pending the hearing will be determined by the Vice President of Student Services.

OPERATING PROCEDURE

The written notice of the formal hearing shall inform the student of:

1. The policy or regulation alleged to have been violated in sufficient detail to allow the student to prepare a defense;
2. The possible disciplinary action to be taken;
3. The right not to be compelled to testify against oneself;
4. The right to a hearing as established under these disciplinary procedures;
5. The right to examine the evidence and to ask questions of witnesses appearing and testifying against him/her, and to offer witnesses and evidence in his/her behalf. Such evidence must be requested three school days before the hearing. The chief student services officer may determine under particular circumstances that written testimony and student witnesses will not be made available when issues of harassment/intimidation are involved;
6. The student may have an advisor of his/her choice. The name and address of the advisor shall be provided no later than three school days prior to the hearing. The advisor is not permitted to speak at the college hearing;
7. The right to enter a plea of "guilty" or "not guilty" within three school days after the charge; and
8. A plea of "not guilty" shall be entered and a hearing date set if the student fails to enter a plea within three school days.

Hearing Session

The purpose is to review all the facts and to consider both written and oral testimony in an effort to determine whether or not college policy has been violated and whether or not the student should be disciplined; and if so, what disciplinary action should be taken.

1. The hearing will not be open to the public or members of the college community except those asked to give testimony.
2. Those present in the hearing room will be the chief student services officer, who will act as the hearings officer, the student's advisor and the student involved in the action. In addition, witnesses will be interviewed individually and be absent from the hearing room during the time of other witness testimony.
3. The chief student services officer will ask questions in an effort to understand the facts and to determine the strength and credibility of testimony. The student against whom the disciplinary charges have been made may question the witness. The hearings officer may determine under particular circumstances that written

OPERATING PROCEDURE

testimony and student witnesses will not be made available when issues of harassment and intimidation are involved.

4. After reviewing available information on the case, the hearings officer will afford the student an opportunity to make his/her final comments before a decision is made. The hearings officer will give his/her conclusions and decision in writing within five school days following the hearing.

Further Information

Vice President of Student Services
gcifuentes@cgcc.edu
541-506-6010

References

1. CGCC Administrative Rule 050.037.000 – Student Conduct
2. CGCC Board Policy 5500 – Standards of Student Conduct

Forms

None