

**SAN FRANCISCO COMMUNITY COLLEGE DISTRICT
ADMINISTRATIVE PROCEDURE MANUAL**

Title: STUDENT DISCIPLINE	Number: AP 5.17
Legal Authority: California Education Code Sections 66300, 66301, 72122, 76030, 76031, 76032, 76033, 76034, 76035, 76036, 76037 and 78907	

A. Delegation of Authority

The Chancellor delegates the development and functional oversight of the Student Discipline procedure to the Vice Chancellor of Student Development. The Vice Chancellor of Student Development shall administer and oversee the Student Discipline Procedure and shall designate and supervise the Disciplinary Officer's implementation and enforcement of this procedure. The Disciplinary Officer must not have a conflict of interest.

B. Purpose

This procedure is designed to provide City College of San Francisco with uniform standards to assure due process when an alleged violation of the Code of Student Conduct occurs. Due process is a student's right to notice of the violation and a fair and impartial opportunity to be heard.

C. Procedure

1. Notice of Violation

Alleged violations of the Code of Student Conduct shall be reported to the Disciplinary Officer as soon as possible; the violations should be documented on a Code of Student Conduct Violation Notice form found on the Student Affairs & Wellness website of City College of San Francisco. If a written notice is not warranted, the District Employee observing or reporting the misconduct may issue an oral warning to a student who is violating the Code of Student Conduct.

2. Immediate Removal or Suspension

Immediate removal or suspension may be necessary as described below, but such removal or suspension does not constitute discipline that will be recorded on student's permanent record.

a. Immediate Removal or Suspension by the Disciplinary Officer: The Disciplinary Officer will conduct a preliminary assessment of any Code of Student Conduct Violation Notices and/or police reports and may consult with Chief of Campus Police. If a student poses an immediate threat to health or safety of students or employees, the student may be immediately removed for up to two (2) days without proceeding through the disciplinary procedure. If the Disciplinary Officer finds that the student poses an imminent threat to the health and safety of the college community, the student may be temporarily removed or temporarily suspended. A student who has been immediately removed or suspended may request and shall be provided a reasonable opportunity for a Disciplinary Conference within ten (**10**) business days of the removal or temporary suspension. In extraordinary or egregious cases (e.g., criminal or Title IX allegations), the

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Disciplinary Officer may extend the length of a temporary removal or interim suspension pending the outcome of a District-initiated investigation.

b. Immediate Classroom Removal by an Instructor: If an instructor determines that a student poses an imminent threat to the health and safety of students, employees or others, an instructor may remove the student from the class for up to two (2) class meetings, including the day of the removal. If the student does not leave as directed, the instructor shall immediately call for Campus Police assistance to facilitate the removal. Any police involvement shall be immediately reported to the Disciplinary Officer. The instructor shall send a Code of Student Conduct Violation Notice to the Disciplinary Officer. This notice shall specify the circumstances that led to the removal.

c. Immediate Removal by an Administrator: If a student poses an imminent threat to the health and safety of students or employees in a lab, facility or center, a department, school or center administrator may remove a disruptive student for up to two (2) days, including the day of the removal. If the student does not leave as directed, the administrator shall immediately call for campus police assistance to facilitate the removal. Any police involvement shall be immediately reported to the Disciplinary Officer. The administrator shall send a Code of Student Conduct Violation Notice to the Disciplinary Officer. This notice shall specify the circumstances that led to the removal and may include statements written by Classified Staff members and students who witnessed the violation. Classified Staff members who witness the violation should report the violation to a supervisor/administrator immediately. The supervisor/administrator shall determine whether an immediate removal is necessary. If a Classified Staff member believes immediate removal is warranted and the administrator or supervisor is not present, then the Classified Staff member should contact Campus Police to facilitate removal. If the supervisor is not an administrator, it is the supervisor's responsibility to notify the appropriate administrator or Department Chair as soon as possible even if the removal already took place.

d. Removal by Campus Police: If a student poses an imminent threat to the health and safety of students, employees or others, the Campus Police shall immediately conduct a threat assessment. The threat assessment will include a determination by the Chief of Campus Police or designee to issue a "Withdrawal of Consent to Remain on District Property" up to fourteen (14) business days based on Penal Code section 626.4. A copy of this consent withdrawal, along with any police reports, shall be sent to the Disciplinary Officer as soon as possible. A student who has been immediately removed or suspended may request and shall be provided a reasonable opportunity for a Disciplinary Conference within ten (10) business days of the removal or temporary suspension. The Disciplinary Officer, after consulting with the Chief of Police, may permit the student to return to the District.

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3. Conference with the Disciplinary Officer

- a. **Notice:** If an immediate temporary removal or Immediate Interim Suspension has not been ordered, the Disciplinary Officer shall, within twenty **(20)** business days of the alleged violation of the Code of Student Conduct, notify the student of the alleged violation, stating the general nature of the violation and advising of the requirement for a conference with the Disciplinary Officer. Depending on the nature and seriousness of the alleged violation(s), the Disciplinary Officer may place the student on interim suspension pending the completion of any investigation.
- b. **Investigation:** Prior to the Disciplinary Conference, the Disciplinary Officer may investigate the matter by interviewing witnesses of the alleged violation(s) and may consult with college officials and representatives, including but not limited to the Chief of Campus Police, the Title IX Officer, the General or Deputy General Counsel, the Student Health Service Director, for assistance in assessing and investigating the allegation(s).
- c. **Disciplinary Conference:** At the Disciplinary Conference, the Disciplinary Officer shall inform the student of the allegation(s) and the specific violations of the Code of Student Conduct. The student shall be given an opportunity to respond to, refute and/or question the allegation(s); to provide his/her account of the allegations(s); to present evidence and the names and contact information of witnesses to substantiate or corroborate his/her account. The student may also choose to remain silent. Depending on the nature and seriousness of the allegation(s), the Disciplinary Officer may ask college officials and representatives to attend the Disciplinary Conference. In addition, depending on the nature and seriousness of the allegation(s), the student may be advised of, in advance of the Disciplinary Conference, an opportunity to bring an advocate and any witnesses. **(Note:** To remain impartial in suspension or recommended expulsion cases, the Vice Chancellor of Student Development may not attend the Disciplinary Conference since students in such cases may choose to appeal sanctions of suspension or recommended expulsion to him/her.) At the conclusion of the Disciplinary Conference, the Disciplinary Officer may postpone imposing any sanctions in order to investigate the allegation(s) further.

4. Disciplinary Sanctions

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- a. Within ten (10) business days of the completion of the Disciplinary Conference, the Disciplinary Officer may dismiss the allegation of the misconduct or may impose any of the following sanctions:
- **Warning:** A written or oral statement to the student that the student has violated the Code of Student Conduct.
 - **Reprimand:** A written notice by the Disciplinary Officer that the student has violated Code of Student Conduct issued and placed in the student's college disciplinary record.
 - **Restriction:** Limitation of a student's access to specified campus classes, resources, services, events or facilities for a specific period of time.
 - **Restitution:** Reimbursement to the District for damage(s) to property or for misappropriation of funds.
 - **Disciplinary Probation:** A period of observation and/or conditional participation in campus and academic affairs, activities or events. This period should not exceed one (1) calendar year. The Disciplinary Officer may require that the student meet specific conditions for being removed from disciplinary probation status. The Disciplinary Officer may reduce the length of probation upon a showing of good cause by the student.
 - **Removal from an Academic Program:** Temporary or permanent exclusion from a specified academic program at the College.
 - **Removal from a Class, Activity or Site:** Temporary or permanent removal from a specific class (or classes as necessary), activity, lab or location.
 - **Suspension:** Exclusion of the student from all district classes, activities, programs and locations for a definite period of time (one or more semesters). The Disciplinary Officer may require that the student meet specific conditions to have the suspension status lifted; the Disciplinary Officer may also reduce the length of suspension upon a showing of good cause by the student or the length of the suspension may be extended for good cause.
 - **Expulsion:** Permanent, indefinite exclusion of a student from all district classes, activities, services, programs and locations.

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- b. With the exception of a warning, all of the above disciplinary sanctions become part of the student's college disciplinary record.
- c. With the exception of an expulsion approved by the Board of Trustees, the Disciplinary Officer may impose conditions for any or all of the above sanctions.
- d. The following disciplinary sanctions are not appealable: warning; reprimand; disciplinary probation; restriction; restitution; removal from an academic program; suspension from specific classes, activities, programs, labs or locations.

5. Request for an Appeal Hearing in Cases of Suspension or Recommended Expulsion

- a. If the Disciplinary Officer imposes a suspension or recommends expulsion, the Disciplinary Officer shall advise the student of a right to request an appeal hearing by either a Hearing Officer or a Hearing Panel. A written request for appeal must be submitted no later than five (5) business days after the Disciplinary Officer imposes a suspension or recommends an expulsion. The following disciplinary sanctions are not appealable: warning; reprimand; disciplinary probation; restriction; restitution; removal from an academic program; suspension from specific classes, activities, programs, labs or locations.
- b. The student is entitled to have the appeal heard within ten business days of the request for a hearing. If the student does not appeal a suspension, then the suspension will be considered final. If the student does not appeal an expulsion recommendation, the recommendation for expulsion shall be submitted to the Chancellor for presentation to the Board of Trustees for final action. Alternatively, the Chancellor may elect to reduce the expulsion to a lesser sanction.
- c. The student must state the grounds of the appeal. The student must choose to have the appeal heard by a Hearing Officer or by a Hearing Panel.
- d. The grounds for an appeal of suspension are limited to new information, errors in statements of fact or violations of a student's due process rights.

- **New Information:** Information sufficient to alter a factual finding or recommendation not raised during the Disciplinary Conference

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because such information was not known to the student at the time of the original Disciplinary Conference. Information shall not be considered new if the student could have learned of the information by avenues reasonably available to the student.

- **Errors in Statements of Fact:** Factual evidence or information that is inaccurate, misleading or misinterpreted.
- **Due Process:** Specific instances or conduct that the accused student claims resulted in a disciplinary process that was not conducted fairly in light of the allegations and information presented and/or that the student was denied a reasonable opportunity to prepare and to present a response to the allegation(s).

- e. Within **14** business days of receipt of a Request for an Appeal Hearing, a written notice of an Appeal Hearing will be sent to the student and shall include the following: the date, time, and place of the hearing and a statement of the charges against the student. The Notice of Appeal Hearing will include the name of the Hearing Officer or the names of the Hearing Panel members, depending on which form of appeal was chosen by the student.
- f. The student shall have the right to inspect tangible evidence prior to the appeal hearing.

6. Appeal Hearing

- a. The Hearing Officer shall be the Vice Chancellor of Student Development or a designee who shall not be the Disciplinary Officer.
- b. The Hearing Panel shall be composed of three members, one person from each of the following groups:
 - 1. one faculty member, not in the department or otherwise involved in the matter, appointed by the Academic Senate;
 - 2. one administrator, not involved in the matter, appointed by the Vice Chancellor of Student Development;
 - 3. one classified staff member, not in the department or otherwise involved in the matter, appointed by the Classified Senate or one student, not involved in the matter, appointed by the Associated Students Executive Council.
- c. The Hearing Officer or the Hearing Panel shall issue a written decision to the student within ten (**10**) business days following the day of the appeal hearing. The Hearing Panel shall operate by majority vote.

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- d. The Hearing Officer or Hearing Panel may sustain the recommended sanctions imposed by the Disciplinary Officer (suspension or recommended expulsion) or overrule the sanctions in whole or in part. If the Hearing Officer or Hearing Panel recommends expulsion, the matter will be submitted to the Chancellor for presentation to the Board of Trustees for final action. Alternatively, the Chancellor may elect to impose a lesser sanction.
- e. The student has no further appeal of a suspension.

7. Consideration by the Board of Trustees in Cases of Recommended Expulsion

- a. If the Chancellor supports the expulsion recommendation, the Board of Trustees shall hear the matter at the next regularly scheduled Board meeting or within 45 days of presentation to the Chancellor, whichever is sooner. Until the matter is heard by the Board of Trustees, the student will continue to be placed on suspension status pending expulsion.
- b. The Board of Trustees may hear the matter in closed session and issue a final decision in writing (action item by the Board of Trustees). The Board of Trustees may exonerate the student; expel the student; or recommend that the Disciplinary Officer impose a reduced disciplinary sanction.
- c. The decision of the Board of Trustees is final.
- d. The Disciplinary Officer shall notify the student of the decision of the Board of Trustees by sending the student a written notice.

8. Denial of Admission to Students Due to Misconduct at another Community College

- a. The Disciplinary Officer may deny admission to an applicant who has been expelled from a community college within the previous five years for one of the offenses listed in Education Code 76038 if the Disciplinary Officer finds that the applicant poses a continuing physical danger to the students and employees of the District.
- b. A student who is denied admission under this section shall have the right to appeal the decision to the Vice Chancellor of Student Development.

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