

STUDENT COMPLAINT PROCESS

San José City College provides all students an equitable means of seeking appropriate remedy for grievances related to grade appeals process, complaints regarding a faculty or staff member, misconduct between students, sexual harassment, or sexual assault complaints. Forms to submit such complaints may be found on the SJCC website at www.sjcc.edu (<http://www.sjcc.edu/>).

State Complaint Process

Most complaints, grievances or disciplinary matters should be resolved at the campus level. This is the quickest and most successful way of resolving issues involving a California Community College (CCC). Students are encouraged to work through the campus complaint process first before escalating issues to any of the following resources. Issues that are not resolved at the campus level may be presented:

To the Accrediting Commission for Community and Junior Colleges (ACCJC) at <http://www.accjc.org/complaint-process> if your complaint is associated with the institution's compliance with academic program quality and accrediting standards. ACCJC is the agency that accredits the academic programs of the California Community Colleges.

To the CCC Chancellor's Office by completing the complaint form does not concern CCC's compliance with academic program quality and accrediting standards. If your complaint involves unlawful discrimination, to the Chancellor's Office website at: <http://cccco.edu/> Nothing in this disclosure should be construed to limit any right that you may have to take civil or criminal legal action to resolve your complaints. The California Community Colleges Chancellor's Office (CCCCO) has provided this disclosure to you in compliance with the requirements of the Higher Education Act of 1965, as amended, as regulated in CFR 34, Sections 600.9 (b) (3) and 668.43(b). If anything in this disclosure is out of date, please notify:

California Community Colleges Chancellor's Office (CCCCO)
1102 Q St., Suite 4550
Sacramento, CA 95811-6549

Student Code of Conduct & Expectations for Student Behavior

Student conduct is governed by rules designed to preserve both individual and community freedoms. The individual student, in order to learn and grow, must enjoy freedom of expression and action. The academic community, if it is to properly serve the student, must enjoy freedom from disruption. Students enrolling in the College assume an obligation to conduct themselves in a manner compatible with the College's function as an educational institution, and in accordance with the Student Code of Conduct.

Student Code of Conduct in compliance with SJECCD Board Policy 5500

I. Introduction

The Student Code of Conduct is a statement of the San Jose Evergreen Community College District's expectations regarding student standards of conduct, both academic and nonacademic. Students are expected to obey all laws and District policies and regulations. Students shall be subject to discipline for violation of these laws, policies, and regulations. Student misconduct may also be subject to other regulations of the

District, including but not limited to regulations regarding complaints of harassment and discrimination.

II. Definitions

For the purpose of these Rules and Regulations, the following words and terms are defined as follows:

1. "Student" shall mean all persons enrolled in any courses at the colleges in the district, regardless of where courses are taught, whether they are enrolled full-time or part-time, for credit or non-credit or not-for credit or contract education, and whether or not they are planning to earn a degree, certificate of achievement or other certification. Persons who are enrolled in online or hybrid courses are also considered students. Persons who are not officially enrolled for a particular term, but who have been admitted to the college and enroll in courses from time to time, and have a continuing relationship with the college are considered students.
2. "Governing Board" shall mean the Governing Board of the San José Evergreen Community College District.
3. "District" shall mean the San José Evergreen Community College District, including but not limited to its administrative staff and each of its colleges.
4. "College" shall mean a college operated and maintained by the District.
5. "Member of the College Community" shall mean the District Trustees, the academic, support staff, and administrative personnel of the District, the students of the District and any other person while on District or college property or at a District or college function or activity.
6. "Day" shall refer to a college instructional day unless otherwise noted.
7. "Good Cause" includes, but is not limited to the following offenses:
 - a. Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the 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 district.
 - d. The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code.
 - e. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the governing board.
 - f. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
 - g. Sexual assault, defined as actual or attempted sexual contact with another person without that person's consent, regardless of the victim's affiliation with the community college, including, but not limited to, any of the following:
 - i. Intentional touching of another person's intimate parts without that person's consent or other intentional sexual contact with another person without that person's consent.
 - ii. Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent.
 - iii. Rape, which includes penetration, no matter how slight, without the person's consent, of either of the following:

1. The vagina or anus of a person by any body part of another person or by an object.
 2. The mouth of a person by a sex organ of another person.
- h. Sexual exploitation, defined as a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, regardless of the victim's affiliation with the community college, including, but not limited to, any of the following:
- i. Prostituting another person.
 - ii. Recording images, including video or photograph, or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent.
 - iii. Distributing images, including video or photograph, or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure and objected to the disclosure.
 - iv. Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

III. Grounds for Disciplinary Action

Students shall conduct themselves consistent with the Student Code of Conduct while on campus or participating off campus in online or hybrid courses, or at college sponsored events or programs, including but not limited to field trips, student conferences, debate competitions, athletic contests, student organization-sponsored events, and international study programs, regardless of location. Students shall also conduct themselves consistent with the Student Code of Conduct in any matter related to college activity or attendance. Students shall be suspended or expelled only for good cause.

The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student.

- Causing, attempting to cause, or threatening to cause physical injury to another person.
- Possession, sale, or otherwise furnishing any firearm, knife, explosive 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 College President or designee.
- Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code Sections 11053 et seq., 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.
- Committing or attempting to commit robbery or extortion.
- Causing or attempting to cause damage to District property or to private property on campus.
- Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
- Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
- Sexual assault or sexual exploitation regardless of the victim's affiliation with the District.
- Committing sexual harassment as defined by law or by District policies and procedures.
- Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.
- Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.
- Willful misconduct that results in injury or death to a student or to District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
- Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
- Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty is addressed in the respective college catalog.
- Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.
- Unauthorized entry upon or use of District facilities.
- Lewd, indecent or obscene conduct or expression on District-owned or controlled property, or at District sponsored or supervised functions.
- Engaging in expression which is obscene, libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises, or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District.
- Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any District policy or administrative procedure.

IV. Types of Disciplinary Action

Warning

A warning is a written or oral notice to the student that continuation or repetition of certain conduct may result in further disciplinary action.

Restitution

Restitution is reimbursement by the student for damage to, loss of or misappropriation of property. Reimbursement may take the form of appropriate service by the student to repair property or otherwise compensate for damage.

Projects and Assignments

Projects and assignments may include educational projects, service to the college, and other related discretionary assignments.

Disciplinary Probation

Probation is a status imposed for a specific period of time in which a student must demonstrate their conduct conforms to District standards of conduct as set forth in these regulations. Conditions may be imposed at the discretion of the President's designee. Misconduct during the probationary period or violation of any conditions of the probation may result in more serious disciplinary action, such as loss of privileges, suspension, or expulsion.

Loss of Privileges

Loss of privileges is the denial of extracurricular activities or other special privileges for a designated period of time. Violation of any conditions or campus regulations during the period of sanction may result in far more serious disciplinary action, such as suspension or expulsion.

Removal

Removal of a student from class by an instructor or with the assistance of Police Services, if necessary.

Suspension

Suspension is a separation from the District for a designated period of time after which the student will be eligible to return. A suspension may consist of:

1. a period of time from one or more classes for a period up to ten (10) days of instruction;
2. from one or more classes for the remainder of the school term; and
3. from all classes or activities of the college for one or more terms for up to three years.

Expulsion

Expulsion is the permanent termination of student status by the Governing Board 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. A student who is expelled is prohibited from participating in any college activities or programs and from entering District premises.

Revocation of Degree or Certification

A degree or certificate awarded from the college may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining a degree or certification, or for other serious violations committed by a student prior to graduation.

V. Reciprocity of Sanctions

During a period of suspension or expulsion, a student shall not be enrolled in any other college within the District. Disciplinary actions or sanctions shall apply to the student at all District colleges.

VI. Conduct Related to College

After a hearing the President or the President's designee may impose an immediate suspension on a student when such action is required in order to protect property, safety, and to ensure the maintenance of order on the campus or at a campus function.

No student may be removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or college attendance.

VII. Record of Disciplinary Action

In accordance with Education Code section 76220, Community College Districts shall establish, maintain and destroy student records according to regulations adopted by the Board of Governors of the California Community Colleges. The President's designee will create a record of disciplinary actions, along with relevant supporting documents and evidence. Consistent with the Family Educational Rights and Privacy Act (FERPA) this record shall be maintained as a confidential student education record and may not be released without the permission of the student, except as permitted by law and policy. The student shall have a right to inspect the record and to challenge the contents. Disciplinary records shall be retained in a manner consistent with state law, and will be destroyed following the third college year after the college year in which it originated.

In accordance with Education Code section 76234, whenever there is included in any student record information concerning any disciplinary action taken by the college or District in connection with any alleged sexual assault or physical abuse or any conduct that threatens the health and safety of the alleged victim, the alleged victim of the sexual assault or physical abuse shall be informed within three (3) days of the results of any disciplinary action by the college and the results of any appeal.

VIII. Removal by Instructor

An instructor, for good cause, may remove a student from his or her class for the day of the removal and the next class meeting. (Ed. Code § 76032 and 76033.) Such actions may be grounds for an instructor to remove the student on the day of the incident and the next session if warranted. "Good Cause" as described in Section III.

Behaviors **not** considered "good cause" include, but are not limited to:

- Poor hygiene
- Strange behavior
- Bad manners
- Students' attire, unless the student is revealing themselves inappropriately or in an obscene way – SJECCD does not employ a student Dress Code
- Instructors may not at any time drop a student from their class for "bad behavior"

Instructors may dismiss a student from class for any of the above listed "good causes" for up to two class sessions (the day of the incident and the next class session) without further authorization. Instructors should complete the approved online report and inform their area dean. Instructors who have met with the student to discuss their behavior, removed the student from two (2) class meetings/sessions, and are still having difficulty with the student should schedule an appointment with the Director of Student Development for an administrative meeting to determine further actions.

Faculty and staff are encouraged to keep written notes of any incidents, meetings, class/lab removals, and other communications, to document the case for disciplinary action.

Additional information about the Student Code of Conduct and Student Due Process can be found on the SJECCD website.

Procedures Before the Removal

1. The instructor shall notify the student of the instructor's consideration of the removal from class and the reasons for the proposed removal.
2. The instructor may remove the student from the classroom immediately. Under normal conditions, the instructor should permit the student an opportunity to present a rebuttal to the accusation or otherwise offer relevant comment on the proposed removal. There need be no delay between the time notice is given to the student and the time of such a review.
3. The instructor shall decide whether or not to proceed with the proposed removal after hearing the student's explanation and considering all of the information relative to the issue. There need be no delay between the time notice is given to the student and the removal.
4. The decision may be given to the student either orally or in writing.
5. The instructor's decision is final and may not be appealed.

Procedures After the Removal

1. Immediately following the removal, the instructor must notify their dean and Director of Student Development of the removal.
2. The instructor may request that the student meet with the dean or Director of Student Development, prior to returning to class.
3. During the period of removal, the student shall not be returned to the class without the concurrence of the instructor.

IX. Student Discipline Procedures

The purpose of this procedure is to provide a prompt and equitable means to address violations of the

Standards of Student Conduct (BP 5500), 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.

Definitions (in alpha order):

Day – Days during which the District is in session and regular classes are held, excluding

Saturdays and Sundays.

Designee – employee (i.e., class instructor, police officer, DOSDA, DOSL, Vice President) appointed by the College President.

DOSDA – Director of Student Development and Activities (title at San Jose City College)

DOSL – Director of Student Life (title at Evergreen College)

District – The San Jose-Evergreen Community College District.

Expulsion – Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms.

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 academic employee who has responsibility for the student's educational program.

Long-term Suspension – Exclusion of the student by the College President or designee 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.

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

Short-term Suspension – Exclusion of the student by the College President or designee for good cause from one or more classes for a period of up to ten consecutive days of instruction.

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

VPSA – College Vice President of Student Affairs.

Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the College President, VPSA, or the District Chief of Police for any person to remain on campus in accordance with California Penal Code Section 626.4 where the College President, VPSA, or Chief of Police has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

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 a student's permanent record at the college. 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.

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:

- Notice – The VPSA or DOSDA/DOSL will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - the specific section of the Standards of Student Conduct that the student is accused of violating.
 - a short statement of the facts supporting the accusation.
 - the right of the student to meet with the DOSDA/DOSL or designee to discuss the accusation, or to respond in writing.
 - the nature of the discipline that is being considered.
- Time limits – The notice must be provided to the student within 15 Days of the date on which the conduct took place;
- in the case of continuous, repeated or ongoing conduct, the notice must be provided within 15 Days of the date on which conduct occurred which led to the decision to take disciplinary action.
- Meeting – If the student chooses to meet with the DOSDA/DOSL, the meeting must occur no sooner than 5 Days after the notice is provided. At the meeting, the student must again be told the facts

leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

Short-term Suspension – Within 15 Days after the meeting described above, the College President shall, pursuant to a recommendation from the VPSA or DOSDA/DOSL decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the College President or designee's decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The College President or designee's decision on a short-term suspension shall be final.

Long-term Suspension – Within 15 Days after the meeting described above, the College President shall, pursuant to a recommendation from the VPSA or designee, decide whether to impose a long-term suspension. Written notice of the College President's decision 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 this policy describing the procedures for a hearing.

Expulsion – Within 10 Days after the meeting described above, the College President shall, pursuant to a recommendation from the VPSA, decide whether to recommend expulsion to the Board of Trustees. Written notice of the President'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 this policy describing the procedures for a hearing.

Hearing Procedures – Request for Hearing.

Within 10 Days after receipt of the College President's decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the College President or designee.

Schedule of Hearing – The formal hearing shall be held within 10 Days after a formal request for hearing is received.

Hearing Panel – The hearing panel for any disciplinary action shall be composed of one representative from the Academic Senate, one representative from classified staff, one from the Associated Student Government ("ASG"), and one administrator assigned by the College President.

The College President, the president of the Academic Senate, CSEA, and the ASG president shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearing panels. The College President shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member, classified staff member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

Hearing Panel Chair – The College President shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

Conduct of the Hearing

The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.

The facts supporting the accusation shall be presented by a college representative who shall be the DOSDA/DOSL.

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 their evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.

The student may represent themselves, and may also have the right to be represented by a person of their choice, except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a written request must be presented not less than five 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 7 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 District either by tape recording or stenographic recording, and 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 tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. 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 tape recorded is not unavailable.

Within 10 Days following the close of the hearing, the hearing panel shall prepare and send to the College President a written recommendation. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The recommendation shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The recommendation shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the

written response, if any, of the student, and the oral and written evidence produced at the hearing.

College President's Decision:

Long-term suspension – Within 10 Days following receipt of the hearing panel's recommendation, the College President shall render a final written decision. The College President may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the College President modifies or rejects the hearing panel's recommendation, the College President shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the College President shall be final.

Expulsion – Within 10 Days following receipt of the hearing panel's recommendation, the College President shall render a written recommended decision to the Board of Trustees. The College President may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the College President modifies or rejects the hearing panel's recommendations, they shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The College President's decision shall be forwarded to the Board of Trustees.

Board of Trustees Decision: The Board of Trustees shall consider any recommendation from the College President for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures (Education Code Section 72122).

The student shall be notified in writing, by registered or certified mail or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within forty-eight hours after receipt of the notice, request that the hearing be held as a public meeting.

Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

The Board may accept, modify or reject the findings, decisions and recommendations of the College President and/or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final.

The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.

Immediate Interim Suspension (Education Code Section 66017): The College President may order immediate suspension of a student where they conclude that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the

right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.

Removal from Class (Education Code Section 76032): Any instructor may order a student removed from his/her class for the day of the removal and the next class meeting. The instructor shall immediately report via email to the DOSDA and the Department Dean the name and ID number of the student as well as the date and details of the incident. The DOSDA/DOSL shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the DOSDA/DOSL shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the

DOSDA/DOSL from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

Withdrawal of Consent to Remain on Campus: The College President, the VPSA, or the District Chief of Police, may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she must promptly leave or be escorted off campus.

If consent is withdrawn by the VPSA or Chief of Police, he or she shall submit a written report to the College President as soon as possible including (1) a description of the person from whom consent was withdrawn, and (2) a statement of facts giving rise to the withdrawal of consent. If the College President (or designee in the President's absence), upon reviewing the report, finds that there was reasonable cause to believe the person willfully disrupted the orderly operation of the campus or facility, he or she may enter written confirmation on the report of the action taken by the VPSA or the Chief of Police. If the College President (or designed in the President's absence) does not confirm the action of the VPSA or Chief of Police within 24 hours after the time that consent was withdrawn, the action of the VPSA or Chief of Police shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

The person from whom consent has been withdrawn may submit a written request to the VPSA for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than 14 Days from the date upon which consent was initially withdrawn.

Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code Section 626.4).

Time Limits: Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.