

The purpose of this procedure is to provide a prompt and equitable means to address violations of the MiraCosta College Student Code of Conduct, which guarantees to the student or students involved the due-process rights afforded by state and federal laws. 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.

The superintendent/president has designated the Vice President of 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, online, or in any program offered by the district.
- C. Faculty member: 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.
- D. Removal from Class: Exclusion of the student by a faculty member for the day of the exclusion and the next class meeting or, if the exclusion is from an online class, for a period of time that equates to two (2) class sessions.
- E. Short-term suspension: Exclusion of the student from the college by the Vice President of Student Services, or designee for good cause for a period of up to ten (10) consecutive days during which MiraCosta is in session.
- F. Long-term suspension: Exclusion of the student from the college by the Vice President, Student Services, or designee for good cause for a period of eleven (11) days during which MiraCosta College is in session up to one calendar year.
- G. Expulsion: Permanent exclusion of the student from the college by the Board of Trustees.
- H. Disciplinary Probation: A letter indicating a reason for the action being taken and specifying that any violation of the MiraCosta College Student Code of Conduct may result in suspension from the district.

- I. Written or verbal reprimand: An admonition to the student to cease and desist from conduct determined to violate the MiraCosta Community College District 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. Non-student removal: Withdrawal of consent by the MiraCosta College District 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 district.
- K. Days: Unless otherwise stated in this document, the term "days" refers to days when MiraCollege Community College District is in session.

Student Suspensions, Expulsions, and Non-Student Removals

Short-term Suspensions

If the Vice President of 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 which MiraCosta College is in session (Education Code §66017).

1. The student will be notified either in person or in writing by the Vice President of Student Services or designee of the reason for suspension within ten (10) days of the event which caused the decision to suspend.
2. The student may request a meeting with the Vice President of Student Services or designee. The meeting will be held within ten (10) days of the student request. At the meeting, the student will be presented with the information which caused the decision to suspend and will be given an opportunity to respond to the accusation. If the suspension is lifted or modified as a result of the meeting, the student will be notified in writing by the Vice President of Student Services or designee. The decision of the Vice President of Student Services or designee for a suspension up to ten (10) days is final.

Long-term Suspension

If the Vice President of 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 within ten (10) days of the incident that the Vice President intends to impose a long-term suspension which may last from eleven (11) days up to one (1) calendar year.

1. A student facing a long-term suspension has the right to request a formal hearing

before a long-term suspension is imposed. The request must be submitted in writing to the Vice President of Student Services or designee within ten (10) days of receipt of notice of intent to impose a long-term suspension. The hearing will take place within ten (10) days of the student request.

2. The hearing to appeal a long-term suspension will be conducted by an academic 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 of 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 of 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.
 - a. 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.
 - b. The academic administrator in charge of the hearing makes a decision based on a preponderance of the evidence that is whether it is more likely than not that the accused student violated the MiraCosta Community College District Code of Conduct for students.
3. The hearing will be audio-recorded.
4. The academic administrator will notify the student within five (5) days of the formal hearing whether or not the suspension will be upheld.
5. If the suspension is upheld, the student may make a final appeal in writing to the college president who will respond in writing within five (5) days. The decision of the college president is final.

Expulsion

If the Vice President of Student Services or designee determines that a student violation of the MiraCosta Community College District Student Code of Conduct is so egregious that it warrants expulsion from MiraCosta College, the student will be notified in writing of the intention to expel within ten (10) days of the incident. While an expulsion decision is pending, the student will be suspended from the college.

1. If the student wishes to appeal the decision of the Vice President of Student Services or designee to recommend to the Board of Trustees expulsion, he or she must request a formal hearing in writing to the Vice President of Student Services within ten (10) days of receipt of the notice of intent to expel.
2. The hearing for an appeal of an expulsion decision will be held within fifteen (15) days. The hearing will be conducted by an academic administrator who is not involved with the incident which caused the decision to expel. The student may bring an advocate to the hearing. If the advocate is an attorney, then the Vice

President of 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 of Student Services or designee will present the case for expulsion 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.

- a. 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.
 - b. The academic administrator in charge of the hearing makes a decision based on a preponderance of the evidence that is whether it is more likely than not that the accused student violated the Code of Conduct for students.
3. The hearing will be audio-recorded.
4. The academic administrator will notify the student within five (5) days of the formal hearing whether or not a recommendation for expulsion will be forwarded to the college president. The college president may support, modify, or reject the recommendation for expulsion. If the president supports the recommendation for expulsion, the recommendation will be forwarded to the Board of Trustees for action within thirty (30) days of the president's decision.
5. The Board of Trustees will consider a recommendation for expulsion at the next regularly scheduled meeting after receipt of the recommendation from the college superintendent/president. The Board will consider an expulsion recommendation in closed session unless the student has requested that the matter be considered in a public meeting (Education Code §72122). The student will be notified in writing by certified mail at least three (3) days prior to the Board meeting at which the expulsion recommendation will be considered. The notification will include the date, time, and place of the Board meeting. The student may request that the hearing be held as a public meeting. The request must be in writing to the college superintendent/president and must be made at least forty-eight (48) hours prior to the meeting. If, despite the request for a public hearing, a right to privacy conflict occurs, the Board may conduct the expulsion hearing in closed session. The Board may accept, modify, or reject the recommendation for expulsion, and the decision of the Board is final. The Board decision shall be announced at a public meeting.
6. If the student is expelled by the Board of Trustees, he or she will be permanently excluded from enrolling at MiraCosta College.

Suspension from a Class or College Office by a Faculty Member or Staff Member (Education Code §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 of Student Services or designee immediately. The Vice President of 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 of Student Services or designee may determine that the student should be suspended from the class, office, or the district.

Non-Student Removal

Campus 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 §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.

1. 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.
2. If the Director of Athletics upholds the suspension, the student athlete may make a final appeal in writing to the Vice President of Student Services whose written response to the student athlete will be final.