



AP 5520 Student Discipline Procedures

References:

NWCCU Standard 2.C.3
ORS 341.290(2)

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, 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 will not be used to punish expression that is protected.

For discipline resulting from a sexual harassment complaint under Title IX, the procedure in AP 3434 Responding to Harassment Based on Sex under Title IX, must be used.

Definitions:

Day – Days during which College is in session and regular classes are held, excluding Saturdays and Sundays.

Expulsion – Exclusion of the student by the Board of Education from the College for one or more terms.

The College – Clatsop Community College.

Instructor – Any academic employee of the College 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 President 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 President or Lead Academic Officer for good cause from one or more classes for a period of up to 10 consecutive days of instruction.

Student – Any person currently enrolled as a student at any college or in any program offered by the College who was also enrolled at the time of the alleged violation of the Standards of Student Conduct.

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.

Removal from Class

Any instructor may order a student removed from his/her/their class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the President and the Lead Academic Officer. The Lead Academic Officer shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the Lead Academic Officer shall attend the conference. Nothing herein will prevent the Lead Academic Officer from recommending further disciplinary procedures in accordance with these procedures based on the facts, which led to the removal.

Time Limits

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

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 Lead Academic Officer 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 Lead Academic Officer 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 10 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 5 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 Lead Academic Officer 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 5 days after the meeting described above, the President shall, pursuant to a recommendation from the Lead Academic Officer, 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 President'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 President's decision on a short-term suspension shall be final.

Long-term Suspension

Within 10 days after the meeting described above, the President shall, pursuant to a recommendation from the Lead Academic Officer, decide whether to impose a long-term suspension. 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 a long-term suspension is imposed, and a copy of this policy and accompanying procedure describing the process for a hearing.

Expulsion

Within 10 days after the meeting described above, the President shall, pursuant to a recommendation from the Lead Academic Officer, decide whether to recommend expulsion to the Board of Education. 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 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 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 Board of Education may hear these matters itself, or it may use the services of a hearing panel or hearing officer. The hearing panel, if any, for any disciplinary action shall be composed of one administrator, one faculty member, and one student.



Conduct of the Hearing

The Board of Education, members of the hearing panel, or hearing officer 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 President.

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 Board of Education, hearing panel, or hearing officer 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 his/ her 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 himself/herself/themself and may also have the right to be represented by a person of his/her/their choice.

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 10 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 College either by tape recording or stenographic recording. The official recording 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 College 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 President a written decision. 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 decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision 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.

President's Decision:

Long-term suspension

Within 10 days following receipt of the hearing panel's recommended decision, the President shall render a final written decision. The President may accept, modify, or reject the findings, decisions, and recommendations of the hearing panel. If the President modifies, or rejects the hearing panel's decision, the 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 President shall be final.

Expulsion

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

Board of Education's Decision

The Board of Education shall consider any recommendation from the **President** for expulsion at the next regularly scheduled meeting of the Board of Education after receipt of the recommended decision.

The Board of Education may accept, modify, or reject the findings, decisions and recommendations of the President or the hearing panel. If the Board of Education modifies or rejects the decision, the Board of Education 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 of Education shall be final.



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

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