

*Assisting Students in Distress*

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**Resource Guide  
for  
Merced Community College District  
Administration, Faculty and Staff**

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# **INTRODUCTION**

**As employees of Merced College, we are constantly interacting with students. At times you may encounter a student whose behavior is inappropriate, disruptive, or troublesome.**

**Some students will have chronic problems that may affect their lives on a regular basis. Other students will experience serious and painful crises in their lives or situational frustrations, pressures, or conflicts. There will also be students experimenting with, abusing, and/or addicted to alcohol and/or other drugs.**

**All of these circumstances may interfere with students' learning processes and alter their behavior. Sometimes it is difficult to distinguish why someone is acting differently, and what they are trying to achieve or express through their behavior.**

**These guidelines are designed to give you some techniques in dealing with distressed or difficult students. It will hopefully offer you some reassurance in recognizing that you are not alone in any situation. Resources are available throughout this document.**

# CRISIS INTERVENTION GUIDELINES

A crisis situation occurs when the student feels unable to cope with the circumstances of his or her life. The more helpless the individual feels, the greater the crisis.

## *A psychological emergency occurs when a person is:*

- Suicidal
- Homicidal
- Gravely Impaired
  - Confusion
  - Extreme hyperactivity
  - Hallucinations
  - Not in control of his/her behavior
  - Disoriented
- Danger to Others (Stalking, Domestic Violence, etc.)

## *When to refer a student:*

- The problem or request for information is beyond your level of competency.
- You fear for the safety of the student, yourself, and/or others.

## CRISIS INTERVENTION PROCEDURE

*Situations can present in many different ways. This manual is meant to serve as a guide; however, you will need to exercise your best judgment in obtaining the appropriate level of intervention.*

*It is always best to proceed on the side of caution.*

### IMMEDIATE THREAT

*If you believe someone may pose an immediate threat to themselves or others, or is gravely disabled, immediately call*

*Campus Police at 386-6600 (Merced), 769-5749 (Los Banos), activate the emergency button on your "Campus Shield" App on your cell phone or computer, or dial 911.*

#### Be Prepared To:

Provide your name, exact location, the nature of emergency, and phone number.  
Stay on the line for directions.

### NO IMMEDIATE THREAT

*Refer students to:*

*Student Health Services/Personal Counseling:*

*384-6045 (Merced)*

*386-6716 (Los Banos)*

## CRISIS INTERVENTION GUIDELINES (cont.)

### Off Campus Events/Courses:

- If you experience an emergency and require immediate assistance dial 911 or activate the **Emergency** button on your Campus Shield App on your cell phone or computer.
- If a situation is disturbing and you are unsure how to proceed call Campus Police at 386-6600 (Merced Campus) 7am-11pm M-F, for guidance.
- Follow up with your area Dean and/or VP as soon as possible, regardless of the action taken.

### Until help arrives:

- **Listen: Avoid any physical contact and allow student to talk.**
- **Assist: Provide a quiet atmosphere; minimize environmental stimulation; dismiss class if necessary.**
- **Recognize: Know your limitations.**

*Campus Police and/or Student Health Services Professionals, as available, will make an assessment and will take action as necessary to protect the health and safety of the student and other persons.*

# **GUIDELINES FOR HANDLING SPECIFIC SITUATIONS**

The following pages will provide information regarding specific crisis situations and ways to manage those situations. *Employees are strongly encouraged to be familiar with these guidelines prior to a crisis situation occurring.*

**Situations addressed include:**

- **VERBALLY AGGRESSIVE AND POTENTIALLY VIOLENT STUDENTS**
- **DEPRESSED STUDENTS**
- **SUICIDAL STUDENTS**
- **ANXIOUS STUDENTS**
- **SUBSTANCE ABUSING STUDENTS**
- **STUDENTS WHO ARE OUT OF TOUCH WITH REALITY**
- **STALKING AND CYBERSTALKING**

# THE VERBALLY AGGRESSIVE & POTENTIALLY VIOLENT STUDENT

Aggression can take many forms ranging from very subtle and passive acts to violent outbursts. Aggression is often the result of being frustrated and feeling out of control. It is important to remember that the student is generally not angry with you personally, but is angry at their world, and you may be the object of pent-up frustrations. Some of the most difficult situations involve dealing with potential danger to self or others, especially when the danger is associated with aggressive behavior. Aggressive behavior occurs in many contexts and varies from verbal abuse to severe physical abuse. In most situations it is difficult to predict aggression until the person's behavior changes. For example, (a) a person could be quiet, reserved, hard working, and intelligent but prone to hostile, aggressive outbursts; (b) a person could have social resentment, a lack of moral inhibitions, suspiciousness, and intermittent explosive episodes; (c) another person could have rigid control of his/her emotional expressions, an inability to verbally express him/herself and over-controlled responses to hostility, but sporadic and extremely assaultive episodes; or (d) a person with no history of violence may have aggressive outbursts that occur only in association with substance intoxication or substance withdrawal or (e) a person may be fixated on violent or inappropriate videos, writings, etc.

## *When you encounter a verbally aggressive or potentially violent student:*

### *DO:*

1. First determine if you feel safe with the student. If you feel unsafe, remove yourself from the situation and call Campus Police at 386-6600 (Merced), 769-5749 (Los Banos), activate the **Emergency** button on your Campus Shield App on your cell phone or computer, or dial 911.
2. Remain in an open area, preferably with an exit door near you.
3. Allow the student to vent their thoughts and feelings, if safe to do so.
4. Stay calm and attempt to control the situation by clearly setting limits and addressing the issue of concern. Clearly explain the behaviors that are acceptable and unacceptable.
5. If the student remains aggressive, tell him/her to make an appointment with you after he/she has calmed down.
6. Contact Campus Police to report the situation.
7. Debrief the situation with your Supervisor or Area Dean, and document the incident.
8. When appropriate, report the incident to the Vice President of Student Services, your area Vice President, and the Behavioral Intervention Team.

### *DO NOT:*

1. Remain in a place that you do not feel is safe.
2. Engage in a screaming match.
3. Make promises you cannot keep.
4. Ignore warning signs that the person's anger is escalating.
5. Threaten, dare, taunt or back a student into a corner.
6. Allow yourself to be backed into a corner.
7. Touch the student or crowd his/her personal space.
8. Meet alone with the student.

***NOTE: ANY threat of violence is to be reported to Campus Police immediately.***

## THE DEPRESSED STUDENT

Depression is a pervasive problem in our society and does not discriminate demographically. Depression differs from feeling sad or struggling with life events. Depression has symptoms of significant duration and severity. The most common features of depression are:

- feeling empty, hopeless, helpless, worthless and unloved
- a deep sense of sadness and emotional pain
- the inability to experience pleasure in many activities
- irregular sleeping and eating patterns
- difficulty concentrating, retaining information and making decisions
- fatigue
- social isolation

Some depressed students experience agitation, anxiety, and intense anger. Others have recurrent thoughts of destruction and are preoccupied with death. Some desire to escape the pain through suicide. Fortunately, depression responds to treatment, and most of those treated show improvement. (Refer to **Crisis Intervention Guidelines** and **The Suicidal Student** if you feel the student is suicidal).

When dealing with a depressed student:

### DO:

1. See the student in private, if possible.
2. Validate the student's feelings and experience.
3. Listen to the information the student is sharing.
4. Be supportive and express your concern about the situation.
5. Be directive and concise about a plan of action.
6. Initiate the action plan, such as having the student call from your office for a counseling appointment, if the student is open to it.
7. Encourage the student to contact Student Health Services at 384-6045 (Merced), 386-6716 (Los Banos) to schedule a Personal Counseling appointment. Provide the student with the number to and location of Student Health Services.
8. Be willing to consider a request for, or offer an accommodation (e.g., extension on a paper, exam or project) if you feel it is appropriate.
9. **Ask the student if they have thoughts of hurting him/herself (do not be afraid to ask this question). If the answer is yes, call Campus Police immediately for further evaluation. If possible, please do not leave the student unattended.**

### DO NOT:

1. Ignore the student.
2. Minimize the situation.
3. Say, "I know how you feel".
4. Argue with the student.
5. Bombard the student with "fix it" solutions or advice.
6. Provide too much information for the student to process and retain.
7. Expect the student to stop feeling depressed without some form of intervention.
8. Assume the family knows about the student's depression.
9. Chastise student for poor work performance.
10. Force the student to make a Personal Counseling appointment.



## THE SUICIDAL STUDENT

Suicidal states are temporary and usually associated with major depression, a combination of acute anxiety and severe depression, post-traumatic stress disorder and bipolar disorder. Suicidal persons tend to give clues to those around them. Most people who have attempted suicide discussed their intent to do so with someone around them. The initiation of the suicidal event is likely to be triggered by a major life stress such as a loss or threat of loss (e.g. death of family/friend, end of a significant relationship, flunking out of school).

### Some indicators of potential suicidal behavior include:

- talk of ending things (e.g. quitting school, work)
- giving things away
- taking care of unfinished business
- statements of hopelessness
- a lift in depression or surge of energy
- a fixation with death or violence
- neglecting personal appearance and hygiene
- obtaining a weapon or other means to hurt themselves (i.e., prescription medications)

Individuals with a specific plan and means (medication, knives, or gun) to carry out the plan have a high level of lethality.

### DO:

1. When possible, see the student in private.
2. Remain calm.
3. Take the student seriously and acknowledge the threat as a serious plea for help.
4. Listen to the student and respond with concern and care.
5. Reassure the student that you will help him/her find psychological care.
6. Call Campus Police for evaluation 386-6600 (Merced) or 769-5749 (Los Banos).

### DO NOT:

1. Minimize the situation. All threats need to be handled as potentially lethal.
2. Argue with the student about the merits of living.
3. Be afraid to ask the student about his/her intent and /or plans of suicide.
4. Agree to be bound by confidentiality.
5. Over commit yourself and not be able to deliver what you promise.
6. Allow friends to take care of the student without getting a professional opinion.
7. Leave the student alone until help arrives.

### III. THE SUICIDAL STUDENT (cont.)

If a potentially suicidal individual is identified, immediate intervention is required.

#### CONTACT:

##### *Campus Police*

**386-6600 (Merced)**

**769-5749 (Los Banos)**

##### *Student Health Services:*

**(209) 384-6045 (Merced)**

**(209) 769-5749 (Los Banos)**

and/or

**Merced County Behavioral Health & Recovery Services Crisis Line**  
**(24hrs) at (209) 381-6800.**

or **Dial 911**

#### **SUICIDE CRISIS HOTLINES (24 HOURS):**

**1-800-784-2433**

or

**1-800-273-8255**

## IV. THE ANXIOUS STUDENT

Some students may have generalized anxiety, which can impact their ability to perform academically by affecting concentration, memory, the processing of information, the ability to recall information, and the ability to comprehend. Others may struggle with a specific type, such as performance anxiety, that can affect an oral presentation, or test taking anxiety, that impacts the ability to perform on a test. Others may experience a variety of different anxiety disorders.

### Some symptoms of anxiety include:

- intense tension or fear when there is no danger
- feelings of losing control
- a sense of doom
- confusion
- excessive worry
- irrational thoughts
- catastrophic thinking
- avoidance behavior
- hyper-vigilance
- physical agitation
- inability to sleep and eat

It is not uncommon for students with a great deal of anxiety to experience a panic attack. A panic attack is an overwhelming sense of dread and fear and is the extreme result of feeling anxious. Some of the physiologic and psychological components of general anxiety and a panic attack are:

- Rapid heartbeat
- Difficulty concentrating
- Sweating
- Choking
- Fear/Worry
- Cold, clammy hands
- Memory distortions
- Chest pain or discomfort
- Dizziness
- Trembling or shaking

**In the event of a suspected panic attack, contact Campus Police at 386-6600 (Merced), 769-5749 (Los Banos); Student Health Services at 384-6045 (Merced), 386-6716 (Los Banos), or dial 911 if unsure as to cause of symptoms.**

## **THE ANXIOUS STUDENT (cont.)**

**When you encounter a student who you suspect is struggling with an anxious condition,**

### **DO:**

- 1. Talk to the student in private, when possible**
- 2. Remain calm**
- 3. Manage the situation in a soothing, supportive manner**
- 4. Focus on the relevant information**
- 5. Respectfully help the student focus on items that can be addressed**
- 6. Speak in an explicit, concrete and concise manner**
- 7. Assist the student in developing an action plan**
- 8. Contact or refer the student to Student Health Services or Personal Counseling, 384- 6045 (Merced), 386-6716 (Los Banos).**

### **DO NOT:**

- 1. Make solutions complicated**
- 2. Overwhelm the student with information**
- 3. Argue with irrational thoughts or catastrophic thinking**
- 4. Crowd the person's physical personal space**
- 5. Try to solve all problems presented**
- 6. Devalue the information presented**
- 7. Assume the family knows about the student's anxiety**
- 8. Assume the student will get over his/her anxiety without treatment**

## THE SUBSTANCE ABUSING STUDENT

It is common to find alcohol abusers in college populations also abusing other drugs, both prescription and illicit. Fads and peer pressure affect patterns of use. The effects of alcohol on the user are well known to most of us. Substance abuse problems often come to the attention of faculty when irresponsible, unpredictable behaviors begin to affect the learning process or environment (i.e. drunk and disorderly in class). Because of the denial that exists in most substance abusers, it is important to express your concern in terms of specific changes in behavior or performance rather than in terms of suspicions.

- *NOTE: Being under the influence of alcoholic beverages or an intoxicant of any kind on District property or at college-sponsored events, is against the Standards of Student Conduct and subject to disciplinary actions. If you suspect a student is under the influence of drugs or alcohol, please call Campus Police at 386-6600 (Merced), or 769-5749 (Los Banos), or activate the Emergency button on your Campus Shield App on your cell phone or computer.*

### DO:

1. Discuss the behavior of concern with the student.
2. Address the substance abuse issue if the student is open and willing.
3. Offer support and concern for the student's overall well being.
4. Refer the student to Student Health Services and/or Personal Counseling, 384-6045 (Merced), 386-6716 (Los Banos).

### DO NOT:

1. Convey judgment or criticism about the student's substance abuse.
2. Make allowances for the student's irresponsible behavior.
3. Ignore signs of intoxication in the classroom.

## THE STUDENT OUT OF TOUCH WITH REALITY

Many of the disorders that involve psychotic features have an onset between the late teens and the mid-thirties.

Some of the features of being out of touch with reality are:

- disorganized speech and/or behavior
- increase in odd or eccentric behavior
- inappropriate or no expression of emotion
- expression of erroneous beliefs that usually involve a misinterpretation of reality
- expression of bizarre thoughts that could involve visual or auditory hallucinations
- withdrawal from social interactions
- inability to connect with people
- inability to track and process thoughts that are based in reality

### DO:

1. **Call Campus Police 386-6600 (Merced), 769-5749 (Los Banos), activate the Emergency button on your Campus Shield App on your cell phone or computer, or call Student Health Services at 384-6045 (Merced), 386-6716 (Los Banos). If they are unavailable, contact the Merced County Behavioral Health & Recovery Services Crisis Line at 381-6800 or dial 911.**
2. **Speak to the student in a concrete and direct manner.**
3. **Tell the student the plan for getting him/her to a safe environment, and repeat the plan, emphasizing the safe environment.**
4. **Be aware that the student may show no emotions or intense emotions.**
5. **Be aware that the student may be extremely fearful to the extent of paranoia.**
6. **Be aware that the student may not understand you or understand only pieces of what is being said.**
7. **Be aware that a student in this state may pose a danger to self or others.**
8. **Be flexible in how you proceed with the student.**

### DO NOT:

1. **Crowd the student's personal space.**
2. **Assume the student will be able to take care of him/herself when out of touch with reality.**
3. **Agitate the student.**
4. **Argue with the student's erroneous thought processes.**
5. **Assume the student can understand you.**
6. **Chase after the student who decides to run. Call Campus Police for assistance.**
7. **Allow friends to take care of the student without getting a professional opinion.**
8. **Assume the family knows about the student's condition.**

## **STALKING AND CYBER-STALKING**

**The definition of stalking includes: “willfully, maliciously and repeatedly following or harassing another person and making a credible threat with the intent to place that person in reasonable fear for his or her safety”.**

**Stalking may present in the form of excessive or inappropriate emails, text messages, voicemails, face to face contact, etc.**

**Resources available at <http://www.mccd.edu/safety/save/index.html>.**

**If you or someone you know has been or is a victim of stalking, contact Campus Police immediately at 386-6600 (Merced), or 769-5749 (Los Banos).**

# APPENDIX A-STANDARDS OF CONDUCT

## **Board Policy 5500 – Standards of Conduct**

Reference: [Education Code 66301](#); [Accreditation Standard II.A.7.b](#); [Education Code Section 66300](#)

The Superintendent/President or designee shall establish procedures for the imposition of discipline on students in accordance with the requirements for due process of the federal and state law and regulations.

The procedures shall clearly define the conduct that is subject to discipline, and shall identify potential disciplinary actions, including but not limited to the removal, suspension or expulsion of a student.

The Board shall consider any recommendation from the Superintendent/President for expulsion. The Board shall consider an expulsion recommendation in closed session unless the student requests that the matter be considered in a public meeting. Final action by the Board on the expulsion shall be taken at a public meeting.

The procedures shall be made widely available to students through the college catalog and other means.

## **See Administrative Procedure 5500**

Adopted March 5, 2002

Last Revised October 11, 2016



## ADMINISTRATIVE PROCEDURE 5500 - Standards of Conduct

Reference: [Education Code Section 66300](#)

### Definitions

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.
- Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, 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 which are not essential part of any exposition of academic ideas, or actions, including direct physical contact, verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyber bullying.
- Willful misconduct which results in injury or death to a student or to college 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.
- Dishonesty; forgery; alteration or misuse of college documents, records or identification; or knowingly furnishing false information to the District.
- Unauthorized entry upon or use of college facilities.
- Lewd, indecent or obscene conduct on District-owned or controlled property, or at District-sponsored or supervised functions.

- Engaging in expression which is no essential part of any exposition of academic ideas, and 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 college premises, or the violation of lawful District administrative procedures, 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.
- Engaging and/or committing other crimes on District property or related functions as defined by local, and/or federal laws.

Students who engage in any of the above are subject to the procedures outline in *AP 5520 Student Discipline Procedures*.

Adopted March 5, 2002

Last Revised October 11, 2016

# APPENDIX B-STUDENT DISCIPLINE PROCEDURE

## ADMINISTRATIVE PROCEDURE 5520 - Student Discipline Procedures

**Reference:** [Education Code 76030](#); [Education Code Section 72122](#); [Education Code Section 66300](#)

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 by Education Code Section 76120, and will not be used to punish expression that is protected.

### Definitions

District--The Merced Community College District

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

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.

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

Long-term Suspension-- Exclusion of the student by the Superintendent/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.

Expulsion--Exclusion of the student by the Board of Trustees from all instructional sites in the District 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.

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.

Withdrawal of Consent to Remain on Campus-- Withdrawal of consent by the Vice President, Student Services for any person to remain on campus in accordance with California Penal Code Section 626.4 where the Vice President, Student Services has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Day--Days during which the District is in session and regular classes are held.

### **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 Vice President, Student Services 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 Vice President, Student Services or designee to discuss the accusation, or to respond in writing.
- The nature of the discipline that is being considered.

NOTE: "Notice" may be completed during a preliminary hearing or meeting between the student and the college official after a violation of one or more of the Standards of Conduct has been reported.

#### Time limits

The notice must be provided to the student within a reasonable amount of time (10 instructional days unless an investigation is needed) of the date on which the conduct took place or of the date on which the conduct was reported; in the case of continuous, repeated or ongoing conduct, the notice must be provided within a reasonable amount of time (10 instructional days unless an investigation is needed) of the date on which conduct occurred or of the date on which the conduct was reported which led to the decision to take disciplinary action.

#### Meeting

If the student chooses to meet with the Vice President, Student Services or designee, the meeting must occur within 5 days after the notice is provided, exceptions to this timeline must be mutually agreed upon. 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 Superintendent/President shall, pursuant to a recommendation from the Vice President, Student Services, 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 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 Superintendent/President's decision on a short-term suspension shall be final.

#### Long-term Suspension

Within 10 days after the meeting described above, the Superintendent/President shall, pursuant to a recommendation from the Vice President, Student Services, decide whether to impose a long-term suspension. Written notice of the 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 Superintendent/President shall, pursuant to a recommendation from the Vice President, Student Personnel Services, decide whether to recommend expulsion to the Board of Trustees. Written notice of the Superintendent/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 5 days after receipt of the Superintendent/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 Superintendent/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 administrator or manager, two faculty and two students. The President of the Faculty Senate and the President of ASMC shall, at the beginning of the academic year, establish a list of five persons who will serve on student disciplinary panels. Two faculty and two students will be selected, at random, to serve on a hearing panel. The Superintendent/President shall appoint an administrator/ manager to serve on each panel. No administrator, manager, faculty 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 may serve on the panel.

#### Hearing Panel Chair

The hearing panel shall elect 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 Vice President, Student Services or designee.

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 his or her evidence. The burden shall be on the college representative to prove by substantial evidence that the facts alleged are true.

The student may represent him or herself, and may also have the right to be represented by a person of his or her choice. However, 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 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 5 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 five days following the close of the hearing, the hearing panel shall prepare and send to the Superintendent/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.

#### Superintendent/President's Decision:

##### Long-term suspension

Within 5 days following receipt of the hearing panel's recommended decision, the Superintendent/President shall render a final written decision. The Superintendent/President may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Superintendent/President modifies or rejects the hearing panel's decision, the Superintendent/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 Superintendent/President shall be final.

### Expulsion

Within 5 days following receipt of the hearing panel's recommended decision, the Superintendent/President shall render a written recommended decision to the Board of Trustees. The Superintendent/President may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Superintendent/President modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The Superintendent/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 Superintendent/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 Superintendent/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 Superintendent/President or designee may order immediate suspension of a student where he or she concludes 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 or her class for the day of the removal and the next class meeting. The professor shall immediately report the removal to the area dean. If a removal from class is due to serious behavioral problems and disciplinary action is needed, the dean should notify the Vice President of Student Services and the Vice President of Instruction and the disciplinary procedures described in earlier sections will be followed.

The student will not be returned to the class during the period of removal without the concurrence of the professor. Nothing herein will prevent the Vice President of Student Services from recommending further disciplinary measures in accordance with these procedures based on the facts which led to the removal.

If it is likely that behavior problems may reoccur, but a suspension is not necessary, the area dean shall arrange for a conference between the student and the instructor regarding the removal. The dean shall attend the conference if the instructor and/ or the student requests. Meetings also may be held at the request of the professor or student even if further disciplinary action is not anticipated.

Time Limits:

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

Adopted March 5, 2002

Last Revised October 11, 2016