

Sierra College

ADMINISTRATIVE PROCEDURE

AP 5522

Firefighter Academy, Law Enforcement Academy and Emergency Medical Technician Program Student Discipline Procedures and Due Process

Date Adopted: 4/19/2013

Date Revised: 5/6/2022

Date Reviewed: 5/6/2022

References: Education Code Sections 66017, 66300, 76030-76037, 76233 and 76234; CA Penal Code Sections 245, 626.2 and 626.4; Sierra College Regional Firefighter I Academy Student Manual; Sierra College Law Enforcement Academy Rules and Regulations Handbook, the Sierra College Emergency Medical Technician Course Requirements Handout, the National Society of Executive Fire Officers Firefighter Code of Ethics, the International Chiefs of Police Law Enforcement Code of Ethics and the National Association of Emergency Medical Technicians Code of Ethics

This procedure applies to discipline involving students in the Firefighter Academy, Law Enforcement Academy and Emergency Medical Technician Program (Public Safety Academies). The purpose of this procedure is to provide a prompt and equitable means to address violations of any Public Safety Student Code of Conduct and Expected Student Behaviors and Policies and to address and resolve issues/concerns raised and communicated through Student Incident Report(s). Each case is handled individually; while due process is always employed, some of the procedures may not be necessary in every case.

Depending on the behavior/issue, Public Safety Academy students may also be subject to discipline under District Board Policy 5500, Standards of Conduct, District Board Policy 5515, Honesty in Academic Work, Administrative Procedure 5515, Honesty in Academic Work and Administrative Procedure 5520, Student Discipline Procedures and Due Process. Student discipline administered under District policies and procedures may not necessarily be directly related to the Public Safety Academy Programs, but may still adversely affect the status of a student in a Public Safety Academy Program e.g.: short-term and long-term suspensions and permanent expulsion.

I. Definitions

- A. Deadlines: Failure of the District to meet any of the deadlines specified in this Procedure shall not be construed against the District or result in a finding in favor of the student.
- B. Fees: Students who are suspended or dismissed from a Public Safety Academy Program shall not be refunded or credited any fees paid by and/or for the student.
- C. Notification: Whenever this Procedure calls for or permits notification to be given, current student contact information will be utilized and deemed sufficient for this provision. The District will use reasonable means to transmit notice and communications, using the information provided by the student. It is the student's responsibility to ensure that the District has updated and current addresses and telephone contact information at all times. Personal delivery shall also be deemed compliant with any mailing requirement. Any e-mail sent to the student's last known e-mail address shall be presumed to be received by the student. A student's failure or refusal to sign a receipt to indicate it was received shall not invalidate the contents of the notice. Notification is deemed given at the time an email is transmitted or a telephone call is placed. Student contact is not required.

II. Student Incident Report Process

A student who is alleged to have engaged in unacceptable behavior/action must meet with their faculty, Department Chair, Program Coordinator or Appropriate Educational Administrator to complete a Student Incident Report regarding such behavior/action. The goal of the Student Incident Report is to secure resolution of the behavior/action. All Student Incident Reports may be considered when addressing any additional program violations.

The faculty member, Department Chair, Program Coordinator or Educational Administrator initiating the Student Incident Report will contact the student involved as soon as reasonably practical to allow the student input in the completion of the report. The student must cooperate in the completion of the report and may provide any additional information for consideration. Failure of the student to provide input to the Student Incident Report will not prevent its completion. Failure of the student to cooperate may also result in further disciplinary action, up to and including dismissal from a Public Safety Academy Program.

III. Public Safety Academy Review Committee Disciplinary Process

If the issue outlined in the Student Incident Report is not resolved between the faculty, Department Chair, Program Coordinator or Educational Administrator and the student through the Student Incident Report Process, a referral is submitted to the Public Safety Academy Review Committee. The purpose of the Public Safety Academy Review

Committee is to review the issue and associated documentation and to determine the appropriate action as expeditiously as possible. The referral can be submitted by the faculty, Department Chair, Program Coordinator or Educational Administrator, or the student involved.

- A. The Appropriate Educational Administer of the Public Safety Academy Program shall convene and facilitate the Public Safety Academy Review Committee on the next instructional day that falls on Monday through Friday, when the district is open to the public; following receipt of the Student Incident Report referral. The Public Safety Academy Review Committee shall be comprised of no fewer than three members, one of which must be the Appropriate Educational Administrator.
- B. The Public Safety Academy Review Committee shall consist of:
 1. The appropriate Program Coordinator or Department Chair of a Public Safety Program;
 2. The faculty for the course in which the involved student is enrolled;
 3. Other Public Safety faculty not related to the course (if the Program Coordinator or Department Chair of the Public Safety Program are the faculty for the course in which the involved student is enrolled), and
 4. The Appropriate Educational Administrator.
- C. Procedures for Suspension:
 1. The Public Safety Academy Review Committee shall review the issue documented on the Student Incident Report to determine whether the student will be placed on suspension from the Public Safety Academy Program pending the outcome of the disciplinary process.
 - a. A student who is suspended from specific activities in the program may be given the right to attend other classes during the suspension at the discretion of the Public Safety Academy Review Committee.
 - b. The student will not be returned to any Public Safety Academy Program unless it is determined that the student's participation will not put the program, students, or faculty at risk.
 - c. If a student is returned to the program, every effort will be made to allow the student to make-up any hours missed due to the suspension if it is feasible.
 2. The Appropriate Educational Administrator of the Public Safety Program or designee shall notify the student of the suspension via email and telephone.
 3. A decision for suspension is within the sole discretion of the Public Safety Academy Review Committee and cannot be challenged on appeal.
- D. Disciplinary Actions:
 1. Actions that may be taken by the Public Safety Academy Review Committee may include but are not limited to:
 - a. Drop the issue without further action;

- b. Mandate a Performance Improvement Plan; or
 - c. Program dismissal.
2. The Chair of the Public Safety Academy Review Committee shall notify the student of the Committee's action(s) on the next instructional day when the District is open to the public that falls on a Monday through Friday via email and telephone.
 3. Should the Public Safety Academy Review Committee mandate a Performance Improvement Plan, the student will be required to sign the document. All elements of the Performance Improvement Plan must be successfully completed and/or complied with by the student within the timeframe designated by the Committee. Failure to successfully complete and/or comply with the requirements may result in immediate dismissal from the Academy Program without the possibility of return.
 4. There are behaviors, such as criminal conduct and threat to life and property, that are serious enough to result in dismissal from the Public Safety Academy Program as referenced in the Sierra College Regional Firefighter Academy Student Manual; Sierra College Law Enforcement Academy Rules and Regulations Handbook, and the Sierra College Emergency Medical Technician Course Requirements Handout. Each student is also responsible to comply with the published rules, regulations and standards of conduct of the District as outlined in Board Policy 5500, Board Policy 5515, Administrative Procedure 5515 and Administrative Procedure 5520, as well as all federal, state, and local laws.

IV. Student's Right to Appeal

The only disciplinary action taken by the Public Safety Academy Review Committee that can be appealed by a Public Safety Academy student is a decision to dismiss the student from the Public Safety Program.

- A. A Public Safety Academy student who wishes to appeal the dismissal, must submit a Public Safety Academy Disciplinary Appeal form to the Dean of Student Services on the next instructional day, when the district is open to the public, that falls on Monday through Friday following receipt of the disciplinary action notice.
- B. Once an appeal form is submitted, the Vice President of Instruction and the Appropriate Educational Administrator of the Public Safety Academy Program will be notified of the impending appeal.
- C. Public Safety Academy Disciplinary Appeal forms are in the Academy Student Manuals and are available in electronic form from MySierra.
- D. Failure to submit a Public Safety Academy Disciplinary Appeal form within the designated timeframe and in the manner specified will be presumed to be the student's acceptance of the dismissal.

V. Public Safety Academy Disciplinary Appeal Process

The purpose of the Public Safety Academy Disciplinary Appeal Committee is to review and take action on a Public Safety Academy Student's appeal of a decision made to dismiss them from the Public Safety Academy Program.

- A. The Public Safety Academy Disciplinary Appeals Committee shall consist of three (3) voting members:
 1. District Conduct Officer or designee;
 2. The appropriate Public Safety Program Coordinator, Department Chair, or designee; and
 3. A student appointed by the Student Senate.
- B. The Chair of the Committee shall be the District Conduct Officer or designee.
- C. The hearing will take place on the next instructional day that falls on Monday through Friday, when the district is open to the public; following receipt of the student's filing of the Public Safety Academy Disciplinary Appeal form.
- D. The hearing shall be limited to one meeting.
- E. The chair of the Public Safety Academy Disciplinary Appeals Committee will notify the student of the date, time, and location of the hearing via email and telephone.
- F. The hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself to support a finding. Unduly repetitious evidence may be excluded.
- G. The Appropriate Educational Administrator of the Public Safety Academy Program or designee shall present the findings of the Public Safety Academy Review Committee and be available to answer questions in support of the dismissal action.
- H. The student and the Appropriate Educational Administrator or designee shall have the right to present documents and written and/or oral statements including the testimony of witnesses. Written statements of individuals not present at the hearing must be made under penalty of perjury and must be submitted to the Chair prior to the start of the hearing. If the written statement is disputed by either side, the Chair may continue the hearing and allow the objecting party to secure the attendance of the witness, obtain contradictory evidence, or such other remedy as determined by the Chair.

- I. All proceedings of the Committee shall be closed to everyone other than the Committee members, the Appropriate Educational Administrator or designee, the student involved, and an evidentiary witness while presenting evidence. The student shall not have the right to be represented by an attorney or other advisor during the appeal. All participants shall maintain the strictest confidentiality.
- J. The Committee will consider all available evidence relevant to the appeal. Final deliberations will be conducted with only the Committee members present. The decision shall be by majority vote. The student will be notified of the decision on the next instructional day following the hearing.
- K. The decision of the Public Safety Academy Disciplinary Appeals Committee is final without the ability to appeal to the Superintendent/President or the Board of Trustees.

See Board Policies 5500 and 5515 and Administrative Procedures 5520 and 5515