Campus-Wide Issue/Concern Form

Committee or Individual Chedaka M Grace Date submitted 12-8-08
Signature of Initiator(s) Chedaka M Grace

Provide information, which succinctly but fully discusses the issue/concern (if necessary, add additional pages).

A. Describe the issue/concern: I am concerned about the violation of my rights during the student discipline process. The student discipline officer was not truthful and has a standoffish attitude. The inappropriate conduct of the officer or persons present in the hearing area raised concern. In the hearing process, there were times when bias was present.

B. What do you recommend or suggest solving this issue/concern?

Please see the attached in its entirety. The student discipline officer's conduct warranted a contact to her supervisor who stepped in and granted me my rights.

C. How will this recommendation support the success of SCC students and benefit the campus community?

Please see the attached in its entirety. The whole process has been compromised through the bias of the student discipline officer and spoken numerous concerns about SCC and its ability to provide fair hearings.

Please return this form to the Process Coordinator, Nelle Moffett, RN 221. The Initiator will be notified within 5 working days as to the committee or council that will review this issue/concern.

Official Use Only

Date received by Process Coordinator ___________________________ Tracking #

Date Initiator Notified ___________________________

Forwarded to ___________________________ Date ___________________________

email: gracec@mail.srios.edu
telephone: 916-492-9597 (home)
Cell (707)-704-5000

*Please contact me at your earliest convenience.*
Attention Nelle Moffett, Process Coordinator

This campus wide issue/concern form touches on issues arising from an experience I encountered during the student discipline process. During the month of October, I was subject to allegations that I was “disruptive, disrespectful and threatened a college employee.” A violation of the Los Rios Community College District’s Standards of Conduct R-2441 section 3.1 (a).

I feel my rights have been compromised throughout this process because of a bias of the hearing officer, and obstruction of the discovery process. My concerns involve the following:

**Issue #1 - Students should be able to sign for and pick up documents from campus offices if unique circumstances are present.** (Unique circumstances include but are not limited to: holidays, mail constraints, address provisions)

During the last week of October, the Student Discipline Officer sent a certified letter to my permanent address located in Vallejo, CA. The contents of the letter indicated that a meeting was scheduled for November 3, 2008 at 11:00 a.m. in RN 177. Additionally it states, “Since you did not attend the scheduled meeting, I have no choice but to take a reasonable course of action. You are hereby placed on probation through the end of the Spring 2009 term. Any further incidents of misconduct will be dealt with appropriately and would most likely result in a suspension from the District.”

In an attempt to request to pick up the hard copy of the first letter that I missed, I was met with opposition. The hearing officer repeatedly said, “I will mail it to you.” The reason for the request to pick it up was because of the weekend and the Veteran’s Day holiday. Both of these factors could have prevented me from receiving the requested letter in a timely manner, thus creating a unique circumstance.

My permanent address is in Vallejo, CA. I keep this address because the address in Sacramento is a mailing address. As a college student I prefer to use my permanent address as my primary form of communication to my educational institutions. As a college student, there is always the chance that I will not be at my apartment for long periods of time for various reasons including affordability, and neighborhood concerns among others.

**Recommendations for Issue #1**

I am recommending an amendment that allows the student to pick up a copy of any correspondence that has direct bearing on the initiation of the discipline process. But for the fact that I contacted a supervisor regarding this I would not have been able to pick up the letter I originally requested. When the supervisor got involved, I was able to pick up a copy of the letter by providing my I.D. and signing for it.
How will this recommendation support the success of SCC students and benefit the campus community?

This recommendation supports the success of SCC students and benefits the campus community by staying within the confines of Due Process. Whenever unique circumstances are present it should be weighted on a case by case basis. This reaffirms the campus community that they are not being subject to a discipline officer who is motivated by bias and results in compromising the fairness of the case. Additional benefits include economic savings particularly in postage.

**Issue #2** — Obtaining a copy of the incident report -“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.” LRCCD R-2000 section 7.8

In this case an incident report was involved that contained the allegations that I was “disruptive, disrespectful and threatened a college employee.” I requested a copy of the incident report to keep within my rights of due process for purposes of obtaining any relevant evidence that allows me to refresh my memory and to prepare defenses upon such allegations. Upon my request to obtain a copy of the incident report I was repeatedly told by the hearing officer that I could not get it. Despite citing the aforementioned coupled by the fact that I am a direct party involved in this case, and I had no interest in discovering who the accuser(s) are, I was repeatedly denied.

During the informal hearing, I raised the question of obtaining a copy of the incident report citing that my rights were compromised. At that time, the hearing officer left the room and called the District’s Attorney’s Office. Upon her return, she informed me that I was granted the right to obtain a copy of the incident report and described the process as follows, “I can request a copy of the incident report in writing to the Dean of Enrollment and Student Services, it’s on a case by case basis.”

**Recommendations for Issue #2**

I am recommending the rights of the accused to be expanded to include obtaining a copy of the incident report filed against them with the accuser’s names removed. As a student of Legal Writing courses, petitioner’s and respondent’s are referred to once by their names at the beginning of the report and are referred to as petitioner’s and respondent’s throughout the rest of the document. In this case, the accuser(s) could be referred to as “Doe #1” upon first mention and have a “Hereinafter petitioner, or accuser” clause immediately following. This protects the identity of the accuser but still allows the accused to have a full copy of the incident report with all relevant and pertinent facts that cannot be ascertained by a “summary of allegations” provided by the hearing officer.
How will this recommendation support the success of SCC students and benefit the campus community?

The incident report contains vital information the hearing officer refused to provide. In my case for example, my accuser provided statements that “I answered amicably” and then out of nowhere began to get rude. It further provides that “I demanded to be transferred to someone else.” When I asked what happened after I was transferred to someone else, the incident report provides that the person “hung up.” These vital pieces of information are relevant to prove credibility of the accuser. And they beg a lot of questions. This information was deliberately withheld, thus compromising my right of discovery, and the preparation for the hearing.

**Issue #3 – Accused should have the right to cross-examine their accusers to test the validity of the statements** (concerning issues that could have detrimental impact on a student’s record if disciplinary action is warranted)

In this case, I have been placed on probation through the end of the Spring 2009. During the informal hearing I was not able to cross examine my accusers particularly regarding relevant facts that the person stated I was acting “amicably” and when I requested to be transferred to someone else. The student discipline officer placed herself in a position of having first hand knowledge of the events surrounding this issue. When I tried to ask her questions regarding specific elements she could provide no information on the questions I asked. She just read the statements off the paper.

**Recommendations for Issue #3**

If the allegation warrants disciplinary action and the accused appeals such discipline. I am requesting that the accusers presence to be mandatory at the formal hearing. (The presence will be mandatory for any action outside of a warning). Any allegation that could have detrimental impact on a student’s record such as probation and suspension warrants this opportunity to ensure the punishment is done with a strong foundation. Meaning evidence from both sides have been heard and cross examined if needed. The art of cross examination is designed to confront your accuser by testing validity of statements.

How will this recommendation support the success of SCC students and benefit the campus community?

This recommendation supports the success of SCC students and benefits the campus community by giving all students a fair hearing. While I recognize that the hearings are by a “preponderance of the evidence”, evidence obtained by the accuser and presented by a discipline officer during both the informal and formal hearing process constitutes “hearsay”. The student discipline officer has no direct knowledge of the incident in question nor can they ascertain the full spectrum of the issues. They can neither affirm nor deny any specific fact to the alleged incident(s) on the day in question. This relates back to specific questions I raised about alleged misconduct but there was no details provided surrounding the allegations of my going from
amicable to rude in seconds. Neither was the information available regarding the standard protocol when the caller requests to be transferred to someone else. This relates back to a lack of first hand knowledge of the events in question.

**Issue #4** - Student Discipline Officer’s conduct including maintaining traits of a neutral arbiter by eliminating any forms of bias and maintaining a cordial demeanor to the accused despite what manner of allegations.

While I am thankful for this opportunity, my confidence that this disciplinary process was resolved by a neutral arbiter has been shaken. As previously mentioned, my right to obtain a copy of the incident report was repeatedly denied. Without having first hand knowledge as to whether or not my request was obtainable, the student discipline officer gave me misinformation by stating that I could not have a copy of it. During the meeting, after speaking with the District’s Attorneys office the student discipline officer informed me that I was able to have a copy of the incident report. This is misinformation that should not have been communicated unless she had knowledge prior to responding.

Another incident involved my request to be able to pick up a copy of the first letter requesting my attendance at the informal hearing. She repeatedly denied me this right asserting she will mail it to me. It was only after I notified her supervisor that she allowed me to pick it up. On the day that I picked up the letter she was not very friendly, she did not speak to me despite the fact she made eye contact with me and requested my I.D. prior to giving me the letter. During the meeting I questioned her about these two incidents she claimed that she did not know who I was on the day that I picked up the letter from her office. I found this to be particularly odd because her assistant told her specifically who I was and what I was there to pick up.

When I questioned her about the refusal to allow me to pick up a copy of the letter, she stated that she was going to let me “Pick it up all along.” This statement was untruthful as evidenced by her supervisor having to get involved.

**How will this recommendation support the success of SCC students and benefit the campus community?**

This recommendation will support the success of SCC students and benefit the campus community by ensuring that students who are subject to the discipline process do not experience what I have. In my dealing with her I honestly felt like I had no rights in this process. It seemed like she already had her mind made up by reading the allegations. I feel this preconceived opinion was the foundation of her treatment toward me. It is important that leaders of this process maintain the integrity of this process. Never let a bias interfere with the equitable treatment of the accused. Lastly, never let a personal feeling toward the accused change your duty to be an equitable individual. This only creates uncertainty toward the community you serve.
As previously mentioned the student discipline officer repeatedly refused to allow me to pick up the letter by stating “I will mail it to you.” It was only after her supervisor got involved that she allowed me to pick it up. When I questioned her about her regarding this, she denied it by saying she was going to let me “pick it up all along.” Without the direct involvement of her supervisor I would not have received the letter in time for the hearing. The letter that she mailed came to my house on the same date of the hearing. The mail gets delivered in the afternoon in my neighborhood. Had it not been for her supervisor I would not have received the requested correspondence in a timely manner.

I thank you for taking the time to review my concern(s) in its entirety. It is my hope that a change can be implemented for students who may experience similar obstacles that negate the intent of a fair hearing; anything to the contrary needs to be revisited and should spark change. Please call if you would like to schedule a meeting.

Sincerely,

Chedaka Grace

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