



MARICOPA
COMMUNITY COLLEGES

Office of the
General Counsel
Compliance

REMOVING A STUDENT FROM CLASS: DISRUPTIONS AND DUE PROCESS

This month we will be talking about removing a student from a class for disruptive or otherwise inappropriate behavior and how we can ensure students are given the due process they are owed. We are going to start at the beginning and talk about policy.

[Administrative Regulation 2.3.11 Academic Misconduct](#), defines academic misconduct as “any conduct associated with the classroom, laboratory, or clinical learning process that is inconsistent with the published course competencies/objectives and/or academic standards for the course, program, department, or institution.” Examples of academic misconduct are (c) use of abusive or profane language; and (d) disruptive behavior (including cheating).

[Administrative Regulation 2.5.2 Student Conduct Code](#), defines disruptive behavior as conduct that materially and substantially interferes with or obstructs the teaching or learning process in the context of a classroom or educational setting/ facility, which includes educational or professional internships, clinical placements, or other experiential learning opportunities. Disruptive behavior also includes conduct that materially interferes with or obstructs college business operation.

Both the academic misconduct policy and the student code of conduct permit a faculty member to temporarily remove (which is defined as for one class period) a student from class for displaying disruptive behavior in the classroom. The Student Conduct Code further permits a college official responsible for administration of the Student Conduct Code to direct a student to leave the college premises and allows either party to summon college police to remove a student from a classroom or the college premises if they refuse to leave. Both policies also invoke the Student Conduct Code if a student could be removed for more than one class period.

Now, why do we have 2 policies that essentially outline the same behavior and intervention? One answer is due process.

Students are owed due process (fundamental fairness) whenever they face a deprivation of the right to their education but the level of due process depends on how significant the potential deprivation. For example, if a student's deprivation is being removed from one class period, the deprivation is quite low. This means the level of due process can meet the deprivation. If the student faces possible class failure or suspension for instance, this is a pretty significant deprivation and a higher level of due process is warranted.

Due process consists of three basic things—notice, an opportunity to present your side of the story in a meaningful way, and a decision based on the evidence that is not arbitrary and capricious. These three things

will always be required regardless of the level of deprivation. What we mean by the level of due process is the formality of the process. This is what will vary based on the potential deprivation.

So, when a student engages in disruptive behavior in a class that warrants removal for one class period, due process is satisfied when the faculty member notifies the student that they are being disruptive and if they do not stop, they will be asked to leave the classroom--here, the student is being put on notice of conduct that violates college policy as well as the behavioral expectations of the class (as outlined in the syllabus). Next, the student is able to respond to the disruption charge—this usually happens in real time and is pretty informal. Lastly, the faculty member can make the decision to remove the student—the decision should be based on the evidence and should be fair. Due process is satisfied.

Another example would be an allegation of cheating. If a faculty member suspects a student is engaged in cheating on a test, the student is owed due process before an action is taken, such as failing the student. In this case, there should be notice of the allegation of cheating. This can be done verbally, but in writing is preferred. There needs to be proper investigation and an opportunity for the student to respond to the allegations (verbally or in writing) before a decision is made. The investigation does not need to be protracted, but it must occur before a decision is made and sanctions imposed.

Academic Consequences: Any student found by a faculty member to have committed academic misconduct may be subject to the following academic consequences, based on the faculty member's judgment of the student's academic performance:

1. Warning - A notice in writing to the student that the student has violated the academic standards as defined in 1.A
2. Grade Adjustment - Lowering of a grade on a test, assignment, or course.
3. Discretionary assignments - Additional academic assignments determined by the faculty member.
4. Course Failure - Failure of a student from a course where academic misconduct occurs.

Academic misconduct investigations and determinations are not typically maintained in a student's education record because it is often associated with a specific class and only the grade in the class is maintained. This is not true for investigations into alleged violation of the student conduct code.

The due process owed a student when there are allegations of violations of the student conduct code is actually prescribed in the policy. Due process here includes receiving a formal, written notice of the allegations/complaint and has 5 days after the initial meeting to write a response to the allegations. There is a fair and impartial investigation conducted and the student is able to have an advisor assist during the process. After the investigation, there is a formal determination made and then sanctions are imposed. The student then has the right to appeal the determination.

Disciplinary Consequences under the Student Code of Conduct: Outcomes of a student code of conduct violation are:

1. Written Warning
2. Disciplinary Probation
3. Loss of Privileges
4. Restitution

5. Discretionary Sanctions (such as apology letters)
6. Behavioral Requirement
7. College Suspension
8. College Expulsion
9. Degree/Certificate Revocation

Luckily, each college has conduct administrators who conduct investigations and ensure students receive due process.

Circling back to classroom disruptions, there are best practices for confronting disruptive behavior. Best practices involves four steps.

STEP 1: Ask the student to speak with you privately.

This can occur during or after class but it is best to do so at a time when it will be least disruptive to the rest of the class (during a break, during group work time, following class). In most cases, we recommend speaking with the student during or immediately following the same class in which the behavior occurred. This should happen in a private location – one where others will not overhear you.

STEP 2: Inform the student of the problem behavior.

In most cases, it is best to express concern without judgment. An example might include: “I wanted to speak with you because I noticed during class that you [describe behavior].” Focus on the behavior and the impact of the behavior. An example might include, “When I see you [describe behavior], I find it very distracting. I think other students might be distracted as well and find it hard to focus on what is being shared.” It is appropriate to ask the student for their response to what you have shared.

STEP 3: Inform the student of your expectations for his or her behavior going forward.

This can done simply be reiterating that the behavior described cannot happen going forward. In most cases, however, it is best to frame this part of the conversation in terms of what you WANT the student to do. For example, “Going forward, it will be important for you to save some of your comments until we have an opportunity for group discussion.” You should also ask the student to explain what transpired from their point of view—this is where they present their side of the story.

STEP 4: Ask the student if he or she can abide by your expectations going forward.

Often neglected, this last step is used to ensure that the student received the message and understands that you plan to hold the student accountable. It also offers the student an opportunity to object and share his or her own concerns. An example here might include, “Does what I’m sharing sound reasonable to you? Do you think you can continue in class without [describe behavior]?”



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