PROTECTION OF RIGHTS

Nothing in this procedure is intended to deny students who come within its scope appropriate “due process”. Students have the right to be informed of the charges, the nature of the evidence supporting the charges, and to have a meeting with the faculty member, Vice President of Instruction, or other decision-makers. Students have the right to appeal any decision resulting from such a meeting.

1. Academic sanctions may be appealed through the Vice President of Instruction in accordance with the Students' Problem Resolution Process.
2. Administrative sanctions resulting in disciplinary suspension or expulsion can be appealed through the Student Discipline Procedures. (Student Discipline Procedures, AP5520) (Education Code 66017).

Standards of Student Conduct

Reference: Education Code Section 66300 and BP 5500

Gavilan College is dedicated to promoting a harmonious learning and social environment characterized by mutual respect for all our students, staff and community. A student enrolling at Gavilan College assumes an obligation to act in a manner compatible with the college's function as an educational institution. Students and visitors are expected to obey all federal laws that pertain to behavior on a college campus or at a campus-sponsored event.

The following standards of conduct represent reasonable expectations of student behavior and violations shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student.

1. Causing, attempting to cause, or threatening to cause physical injury to another person.
2. 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 writing by the Superintendent/President of the College.
3. The manufacture, 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.
4. Committing or attempting to commit robbery or extortion.
5. Causing or attempting to cause damage to district property or to private property on campus.
6. Stealing or attempting to steal district property or private property on campus, or knowingly receiving stolen district property or private property on campus.
7. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
8. Committing sexual harassment as defined by law or by District policies and procedures.
9. Engaging in harassing or discriminatory behavior based on race, sex (i.e., gender), religion, age, national origin, disability or any other status protected by law.
10. 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.
11. Disruptive behavior, willful disobedience, habitual profanity or vulgarity or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
12. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
13. Dishonesty; forgery; alteration or misuse of college documents, records or identification; or knowingly furnishing false information to the District.
14. Unauthorized entry upon or use of college facilities.
15. Lewd, indecent or obscene conduct on District-owned or controlled property, or at District-sponsored or supervised functions.
16. Engaging in expression 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.
17. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

Students who engage in any of the above are subject to the procedures outlined in Student Discipline Procedures (Administrative Procedures 5520, Education Code section 66300, 71222, 76030.)

Student Discipline Procedures

Reference: Education Code Section 66300, 71222, 76030, AP5520

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct (BP5500). The procedure guarantees the student or students involved the due process rights extended to them by state and federal constitutional protections. The procedure will be used in a fair and equitable manner, and it is not extended to substitute for criminal or civil proceedings that may be initiated by other agencies.

In all disciplinary actions the student will be notified of the nature of the charges against him/her, that he/she is given a fair opportunity to refute them, and that the institution will not be arbitrary in its action.

DISCIPLINARY ACTIONS AND PROCEDURES

The type of sanction rendered for a violation of the Standards of Conduct shall be determined by the appropriate college officials or committee. Penalties are listed in the degree of severity, but not in chronological administration. They are:

1. Admonition: An oral statement to student offender who has violated college rules.