

STANDARDS OF STUDENT CONDUCT

Standards of Student Conduct

*Reference: Education Code Sections 66300, 66301 and BP 5500
(Board approval pending)*

The following conduct 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 by the Superintendent/President of the District.
3. 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.
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 District.
8. Sexual assault or sexual exploitation regardless of the victim's affiliation with the District.
9. Committing sexual harassment as defined by law or by District policies and procedures.
10. 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.
11. Engaging in intimidating conduct or bullying against another

student through words or actions, including direct physical contact, verbal assaults, such as teasing or name-calling, social isolation or manipulation, and cyberbullying

12. Stalking, defined as a pattern of conduct by a student with intent to follow, alarm, or harass another person, and which causes that person to reasonably fear for his or her safety, and where the student has persisted in the pattern of conduct after the student has been told to cease the pattern of conduct. Violation of a restraining order shall constitute stalking under this policy.
13. Willful misconduct which results in injury or death to a student or to District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
14. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, District personnel.
15. Academic dishonesty, such as but not limited to: cheating, plagiarism (including plagiarism in a student publication).
16. Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.
17. Unauthorized entry upon or use of District facilities.
18. Lewd, indecent or obscene conduct or expressions on District-owned or controlled property, or at District-sponsored or supervised functions.
19. 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.
20. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
21. 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.

For additional information contact the Office of the Vice President of Student Services.

Student Discipline Procedures

Reference: Education Code Section 66300, 72122, 76030, AP5520 (Board approval pending)

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.
2. **Warning:** Notice to student, oral or in writing, that continuation or repetition of wrongful conduct may be cause for additional disciplinary action. Written warnings may be considered in the event of future violations.
3. **Reprimand:** Written statement of violation of a specified regulation including the possibility of more severe disciplinary action. Reprimands may be considered in the event of future violations.
4. **Disciplinary action:** Exclusion from participation in privileges or extracurricular activities as set forth in the notice of disciplinary action.
5. **Restitution:** Reimbursement by the student for misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damage.
6. **Removal from class:** [Education Code Section 76032] An instructor may remove a student from his/her class when the student has interfered with the instructional process. Duration will be for the day of the removal and the next class meeting.
 - a. Instructors must complete the Student Removal from Class form and submit the form to the area dean.
 - b. The dean shall arrange for a conference

between the student and the instructor regarding the removal. If the instructor or the student requests, the dean shall attend the conference.

- c. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the dean from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.
7. **Summary suspension:** A summary suspension is for the purpose of investigation. It is the means of relieving the campus of tension due to serious misconduct, removing a threat for the well-being of students, or removing a student or students whose presence would prevent the continued normal conduct of the college community. Summary suspension is limited to that period of time necessary to ensure that the investigation is accomplished. This summary suspension shall not exceed ten (10) school days.
 8. **Disciplinary suspension:** Exclusion from classes and other privileges or activities as set forth in the notice of suspension for definite period of time. Conditions for readmission will be stated in the notice of suspension.
 - • A short term suspension is exclusion from one or more classes for a period of up to ten (10) consecutive school days.
 - • A long-term suspension is exclusion from one or more classes for the remainder of the school term, or from classes and activities of the college for one or more terms.
 9. **Expulsion:** Termination of student status for an indefinite period. The conditions of readmission, if permitted, shall be stated in the order of expulsion.

ADMINISTRATIVE CORRECTIVE MEASURES FOR MISCONDUCT

1. **Immediate interim suspension** [Education Code Section 66017]: The President of the College 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 immediate interim suspension has been ordered, the time limits contained in these procedures shall not apply. The right to a Disciplinary Appeal Hearing (when a long-term suspension or expulsion is recommended) will be afforded to the student within ten (10) school days of the disciplinary action.
2. **Withdrawal of consent to remain on campus:** The Vice President of Student Services or designee may notify any person for

whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If consent is withdrawn by the Vice President of Student Services a written report must be promptly made to the President of the College. The person from whom consent has been withdrawn may submit a written request for a Disciplinary Appeal Hearing within ten (10) school days of the withdrawal. The hearing will be conducted in accordance with the provisions of this procedure relating to Immediate Interim Suspensions. In no case shall consent to remain on campus be withdrawn for longer than twenty (20) school days from the date upon which consent was initially withdrawn. Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest. [Penal Code Section 626.4]

the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

6. **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. A college representative who shall be the Vice President of Student Services shall present the facts supporting the accusation.
 - a. The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
 - b. 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.
7. **Representation:** The student may represent him or herself, and may also have the right to be represented by a person of his or her choice. 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 (5) school 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.
8. **Confidentiality:** 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 five (5) school days prior to the date of the hearing.
 - a. 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.
 - b. 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

DISCIPLINARY APPEAL HEARING PROCEDURES

1. **Request for hearing:** Within five (5) school days after receipt of the 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 President of the College or designee. Appeals are only heard for long-term suspensions and expulsions.
2. **Schedule of hearing:** The formal hearing shall be held within five (5) school days after a formal request for hearing is received.
3. **Composition of the hearing panel:** The hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student.
4. **Selection of the hearing panel members:** The president of the college, the president of the Academic Senate, and the ASGC president shall each, at the beginning of the academic year, establish a list of at least five (5) persons who will serve on student disciplinary hearing panels. The president of the college shall appoint the hearing panel from the names on these lists. However, no administrator, 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 shall serve on a hearing panel.
5. **Hearing panel chair:** The president of the college shall appoint 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

tape recording, the hearing panel chair shall, at the beginning of the hearing, ask people 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.

- c. 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.
9. **Decision:** Within ten (10) school days following the close of the hearing, the hearing panel shall prepare and send to the president of the college 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.

APPEAL PROCESS AFTER HEARING PANEL DECISION

Long-term suspension: Within ten (10) school days following receipt of the hearing panel's recommended decision, the president of the college shall render a final written decision. The president of the college may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the president of the college modifies or rejects the hearing panel's decision, the president of the college 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 president of the college shall be final.

Expulsion: Within ten (10) school days following receipt of the hearing panel's recommended decision, the President of the College shall render a written recommended decision to the Board of Trustees. The president of the college may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the president of the college 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 president of the college

decision shall be forwarded to the Board of Trustees.

The Board of Trustees shall consider any recommendation from the president of the college 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 (3) school 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 President of the College 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.

