1. INTRODUCTION

COMMUNITY college districts are required by law to adopt standards of student conduct along with applicable penalties for violation. (Education Code Section 66300.) The purpose of this policy is to provide uniform procedures to assure due process when a student is charged with a violation of these standards.

Copies of this document are available in the Associated Student Body Office, the Counseling Office, the Library, and the Office of Vice-President of Student Affairs.

December 3, 1984
2.1 VIOLATION

Student conduct must conform to college rules and regulations. Violations of such rules and regulations, for which students are subject to disciplinary action, include, but are not limited to, the following:

1. Dishonesty, including, but not limited to cheating, plagiarism, or knowingly furnishing false information to the college;

2. Forgery, alteration, or misuse of college documents, records, or identification;

3. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other college activities, including, but not limited to its community service functions, or of other authorized activities on or off college premises;

4. Physical abuse of any person on district owned or controlled property or at college sponsored or supervised functions or conduct which threatens or endangers the health or safety of any such person;

5. Theft of or damage to property of the college or a member of the college community or campus visitor;

6. Unauthorized entry to or use of college supplies, equipment, and/or facilities;

7. Violation of college regulations concerning student organizations, the use of college facilities, gambling, and hazing, or the time, place, and manner of public expression.

8. The use, sale, or possession on campus of, or presence on campus under the influence of, narcotics, other hallucinogenic drugs or substances, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code.
9. Disorderly, disruptive, lewd, indecent, or obscene conduct or expression on college owned or controlled property or at college sponsored or supervised functions;

10. Failure to comply with directions of college officials acting in the performance of their duties; or failure to identify oneself for just cause when requested to do so by college officials acting in the performance of their duties;

11. Possession or use of alcoholic beverages on district owned or controlled property, or at college sponsored events, or appearances on campus or at college sponsored events while under the influence of alcohol;

12. Possession or use of unauthorized firearms or other dangerous weapons on district owned or controlled property.

13. Continued willful and disruptive behavior, habitual profanity or vulgarity, or open and persistent defiance of the authority if, or persistent abuse of, college personnel.

14. Assault or battery upon a student, upon college premises or while under the authority of college personnel, or continued abuse of college personnel, assault or battery upon college personnel, or any threat of force or violence directed toward college personnel.

15. Willful misconduct which results in injury or death to a student or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the district.

16. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the governing board.

17. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
2.2 REMOVAL BY INSTRUCTORS

Pursuant to the authority contained in Education Code sections 76030-37, the Board of Trustees permits an instructor to remove a student from his or her class for the day of removal and the next class meeting. Removal must be immediately reported in writing to the Superintendent/President and Vice-President of Student Affairs. A student may be removed if he/she has interfered with the instruction process.
3. STUDENT DISCIPLINE PROCEDURES
(NOT APPLICABLE TO REMOVAL BY INSTRUCTOR: SEE 2.2)

3.1 SCOPE

All proceedings held in accordance with these procedures shall relate specifically to an alleged violation of the college's standards of student conduct (see item 2.2).

These discipline provisions do not apply to:

1. Grievance procedures,
2. Residence determination or
3. Other academic and legal requirements for admission and retention.

These procedures do not apply to removal by instructors under item 2.2).

Disciplinary measures may be taken by the college independently of any charges filed through civil or criminal authorities, or both.

3.2 DEFINITIONS OF STUDENT DISCIPLINE TERMS

3.2.1 Warning

Written or oral notice to the student that continuation or repetition of misconduct may be cause for further disciplinary action.

3.2.2 Reprimand

An admonishment or warning that becomes part of a student's file and is considered in the event of future violations. A written censure for violation of specific regulations.

1. May be initiated by any faculty or college employee and sent in writing to the Vice-President of Student Affairs.

2. The Vice-President of Student Affairs shall determine if there exists good and sufficient reason to initiate disciplinary action and student should be notified of such action.
3.2.3 **Disciplinary Probation**

Specific period of conditional participation in campus and academic affairs, which may involve any or all of the following:

1. Ineligibility for all college organization offices.
2. Removal from any college organization office held.
3. Revocation of the privilege of participating in college and/or student-sponsored activities.

3.2.4 **Suspension**

Temporary exclusion from a student status, or other privileges or activities, for a specified period of time.

3.2.5 **Expulsion**

Is defined as the removal of a student from any and all classes of the college. Permanent termination of student status.

1. Only the Governing Board of the college may expel students for "Good Cause" when other means of correction fail to bring about proper conduct of a student.
2. The duration of the expulsion may be indefinitely.
3. The expulsion is noted in the permanent file of the student.
4. Readmittance after expulsion requires Governing Board action.
3.2.6 Administrator

The College Superintendent/President or other person or persons designated by him or her to maintain order, handle disciplinary questions on campus, or represent the college before a Disciplinary Hearing Committee.

3.2.7 Days

Days during which college is in session and regular classes are held, including summer session days, and excluding Saturdays and Sundays, unless otherwise specified in the procedures.
4. HEARING AND DISCIPLINARY PROCEDURES
(NOT APPLICABLE TO REMOVAL BY INSTRUCTOR: SEE 2.2)

4.1 NOTIFICATION OF HEARING

Students charged with alleged violations of the Standards of Student Conduct will be provided with written notice to meet with the Administrator or his designated representative, for a conference regarding the basis for possible disciplinary action. The notice should normally be given at least one day prior to the scheduled appointment.

The meeting with the Administrator shall contain the following:

1. A statement regarding his/her rights.
2. A written statement of charges to the student.
3. A reasonable opportunity at the meeting for the student to personally answer the charges.
4. Notification to the student of disciplinary action(s) that may be or will be taken.
5. Written notification to the student of further meetings if deemed necessary by the Administrator.
6. Written notification to the student of his/her right of appeal to the Disciplinary Appeal Committee.
7. A copy of the Standards of Student Conduct will be given to the parties involved.

4.2 DISCIPLINARY ACTION

If, after reviewing the situation with the student, the Administrator concludes that a disciplinary action is appropriate, the Administrator shall deliver one or more of the following types of disciplinary action.

4.2.1 Warning

Written or oral notice to the student that continuation or repetition of misconduct may be cause for further
disciplinary action.

4.2.2 Reprimand

Action placing on record (in the student's cumulative folder) that a student's conduct in a specific instance does not meet the standards expected at the college. A person receiving an oral or written reprimand by the Administrator is thereby notified that continued conduct of the type described may result in further disciplinary action against the student.

4.2.3 Disciplinary Probation

Disciplinary action resulting in any one or more of the following:

1. Ineligibility for all college organization offices.

2. Removal from any college organization office held.

3. Revocation of the privilege of participating in college and/or student-sponsored activities.

4. Termination of state and/or local financial aid.

This action by the Administrator may be imposed upon an individual, group, or groups of students for a period not to exceed one (1) academic year. Repetition, during the probationary period, of conduct resulting in disciplinary probation may be cause for suspension or other disciplinary action.

4.2.4 Suspension

Disciplinary action denying all campus privileges for a specified period of time. A suspended student may be barred from occupying any portion of the campus and may be denied all college privileges including class attendance for a specified, limited period of time. There shall be two classes of suspension. The first, "summary suspension" is to protect the school from the immediate possibility of disorder or threat to the safety of students. The second, "disciplinary suspension", serves as a penalty against the student as a result of the failure of his conduct to meet
standards expected at the college.

4.2.4.1 **Summary Suspension**

Summary suspension shall be limited to only that period of time necessary to insure that the purposes of the summary suspension are accomplished. In no case shall such suspension exceed ten (10) days.

1. The Superintendent/President, Vice-President of Student Affairs, or other staff members designated by the President, may summarily suspend a student when he deems this action necessary for the safety and welfare of the college.

2. A summary suspension is to provide opportunity for investigation, to serve as a means of relieving the tension of student body due to the serious infraction of the student behavior standards, or to remove a threat to the well-being of the students and/or the good order of the college which would prevent the continued normal conduct of the academic community.

3. A summary suspension is not considered disciplinary action against the student.

4. The Superintendent/President shall also be notified promptly in writing of all suspensions.

5. The student shall be notified in writing a notice of the summary suspension, reasons for the action, copy of the materials relied upon, and the opportunity to respond.

6. Should it appear necessary for the summary suspension to continue in effect for over an extended period, steps should be taken promptly and not later than two (2) days after the commencement of the summary suspension, to institute a disciplinary suspension which shall take effect not later than ten (10) days after the effective date of the summary suspension.
4.2.4.2 Disciplinary Suspension

The administrator may suspend a student for good cause (E.C. 76033):

1. From one or more classes, for up to 10 days of instruction.
2. From one or more classes for the remainder of the school term.
3. From all college classes and activities for one or more terms.
4. Before suspending a student for 10 days or fewer, the Administrator must:
   a. Give the student oral or written notice of the charge against him or her,
   b. Furnish an explanation of the evidence against him or her, if the student denies the charges, and
   c. Give the student an opportunity to present his or her side of the situation.

4.2.5 Expulsion

Expulsion requires formal action taken by the Board of Trustees. The board may expel:

1. When other means of correction fails to bring about proper conduct, or
2. When presence of the student causes a continuing danger to the physical safety of the student or others.

4.2.6 Time Limit for Appeal to Disciplinary Appeal Committee

Any request for a hearing before a Disciplinary Appeal Committee must be in writing and delivered to the administrator within forty-eight (48) hours of that administrator's decisions.
4.2.7 Miscellaneous

1. Whenever the student to be suspended or expelled is under 18 years of age, his/her parents or guardian shall be notified in writing by the administrator.

2. Upon suspension or expulsion of a student for violation of Penal Code 245 (assault with a deadly weapon likely to produce great bodily harm), the administrator shall notify the appropriate law enforcement agency.

3. The fact of any disciplinary action and the reasons therefore shall be recorded on the student's records subject to access, review, and comment by the students as authorized by the Family Educational Rights and Privacy Act (20 USC Section 2332g) and Education Code Section 76200 et seq. All access or release of such records to members of the public shall also be in accordance with applicable state and federal law.

4. Specified times may be shortened or lengthened by mutual concurrence of all parties.
5. APPEAL PROCEDURE

(NOT APPLICABLE TO REMOVAL BY INSTRUCTOR: SEE 2.2)

5.1 THE HEARING PANEL

There shall be on campus a standing panel from which one or more Disciplinary Appeal Committees may be appointed. The panel shall be made up of the following:

1. All full-time students (enrolled in 12 or more units).

2. All full-time, certificated personnel except those designated as management.

3. All full-time, certificated management personnel with the exception of the Vice-President of Student Affairs or designee.

5.2 THE DISCIPLINARY APPEAL COMMITTEE

From the panel described above, the Associated Student Body President shall appoint two students, the President of the Academic Senate shall appoint two certificated personnel, and the Superintendent/President shall appoint one certificated, management person.

Either the student or the Administrator may challenge any member of the Disciplinary Appeal Committee for cause. Any challenge must be made in writing not later than one (1) day prior to the hearing. Grounds for cause include any personal involvement in the situation giving rise to the disciplinary problem, any statement made on the matters at issue, or any other act or statement indicating that a person could not act in a neutral manner. The validity of the challenges shall be determined by the College President. The appropriate replacements will be appointed by the appropriate group.

Prior to the commencement of the actual hearing, the Disciplinary Appeal Committee members shall receive from the Administrator copies of these procedures, meet alone, and select a chairperson. If the members cannot reach mutual
agreement on chairperson, the College President shall designate a member to serve as chairperson. The chairperson shall preside over the hearing and make rulings as to its conduct.

5.3 RIGHT TO REPRESENTATIVE

The student may represent himself or herself or may be represented by another person. If that representative is an attorney, the student shall notify the Administrator and the committee, in writing, of that fact no later than three (3) days prior to the date of the hearing. The Disciplinary Appeal Committee may then request legal counsel from the District Legal Services. Such counsel may sit with the Disciplinary Appeal Committee in an advisory capacity but shall not be a member of the committee nor vote with it.

5.4 THE HEARING

5.4.1 Opening

The chairperson shall call the hearing to order, introduce the participants, and announce the purpose of the hearing, e.g., "this committee meets to hear an appeal of disciplinary action against __________ and to make findings of fact and recommendations for action to the Board of Trustees if needed.

5.4.2 Charges and Disciplinary Action

The chairperson shall distribute copies of the charges and disciplinary action taken.

5.4.3 Plea

The student shall admit or deny each charge. If the student admits each charge, and wishes to present no evidence of mitigating circumstances or other defense, the committee shall retire to make its decision. If the student denies any or all of the charges, or wishes to present evidence of mitigating circumstances, the hearing shall proceed.
5.4.4 Burdens of Proof and of Producing Evidence

The Administrator has the burden of proving that each charge is true. The student shall be regarded as innocent of the charges until the contrary is established by the Administrator by a preponderance of the evidence. "Established by a preponderance of the evidence" means that the Administrator has the initial burden of producing evidence to prove each charge. The Administrator must present the evidence in support of the charges first, and then the student must present evidence to refute the Administrator's evidence.

5.4.5 Arguments

First the Administrator, and then the student, shall be afforded an opportunity to make or waive an opening statement, i.e., give an outline of the charges and the facts to be proved. The student may reserve his/her opening statement until after the Administrator has finished presenting the case for the college. After the opening statements, first the Administrator, and then the student shall have the opportunity to present witnesses and other relevant evidence in support of the case.

5.4.6 Evidence

Formal rules of evidence shall not apply. All relevant evidence is admissible, including but not limited to testimony of witnesses, physical objects, police reports, photographs, copies of documents, and signed and dated declarations of witnesses shown to be unavailable.

5.4.7 Closed Hearings

Hearings shall be closed and confidential and all witnesses shall be excluded when testifying unless the Administrator and the student, and the committee, agree to the contrary. Both the Administrator and the student shall be entitled to call witnesses and to question witnesses presented by the other. A member of the committee may ask questions at any time upon recognition by the chairperson. Either side may recall a witness, who again may be questioned by both parties and the committee.

The hearing shall be recorded. The recording may be used by the Superintendent/President and/or the Board of Trustees in case of an appeal.
5.4.8 Absence of the Student

If the student charged does not appear, no satisfactory explanation for the absence is made at the earliest opportunity, or if the student leaves the hearing before its conclusion, the hearing shall proceed without the student, and committee shall reach a decision based on the evidence presented.

5.4.9 Conclusion

First the Administrator, and then the student, shall be afforded the opportunity to make or waive a closing argument. The committee shall retire to deliberate with only the members of the committee present. The hearing committee shall reach its decision based only upon the record of the hearing and shall not consider matters outside of that record. Within 5 days of the hearing, the chairperson should deliver to the College President, the student, and the Administrator a written report giving specific findings of fact as to each charge, and making recommendations for action arrived at by a majority vote of the committee.

The committee may adopt the Administrator's recommendations for action, may adopt a less severe sanction, or may adopt a more severe sanction.

The College President may accept or modify downward the recommendation of the committee.

The College President will report his recommended action to the Board of Trustees.

5.5 APPEAL TO THE BOARD OF TRUSTEES (NOT APPLICABLE TO REMOVAL BY INSTRUCTOR: SEE 2.2)

Either the student or the Administrator may appeal the decision of the Disciplinary Appeal Committee to the Board of Trustees by filing an appeal with the College President. Any such appeal shall be submitted in writing within five (5) days following receipt of the Disciplinary Appeal Committee's decision and shall state specifically the grounds for appeal. Appeal shall be based only on the record of the Disciplinary Appeal Committee. Both the student and the Administrator may submit written statements on appeal. No personal appearances will be made before the Board of Trustees. The decision will be based upon the record.
The College President shall review the record of the hearing and the documents submitted to verify that all prior steps of these disciplinary procedures have been completed. The Board of Trustees shall then be provided with copies of the decision, with all documentation and related data.

The Board should consider student disciplinary appeals at any regularly scheduled public meeting held within forty (40) school days of receipt of the appeal by the College President's Office.

The Board shall, consider the matter in executive session. Before calling such an executive session of the governing board of the district to consider these matters, the governing board of the district shall, in writing, by registered or certified mail or by personal service, if the student is a minor, notify the student and his parent or guardian, or the student if the student is an adult, of the intent of the governing board of the district to call and hold such executive session. The final action of the governing board of the school district shall be taken at a public meeting and the result of such action shall be a public record of the school district. (Education Code Section 72122.)

Upon review, the Board will either confirm, modify, or reject the decision of the Disciplinary Appeal Committee. The Board's action shall be limited to a review of the record of the hearing committee, and the decision of the hearing committee, and the Board shall not consider any evidence outside that record. The Board's action shall be final and binding on all parties.