ARTICLE 4400 STUDENT CONDUCT, ACTIVITIES AND PROGRAMS

AR 4410 Rules for Student Conduct

1. Rules for Student Conduct

Students enrolling in the college assume an obligation to conduct themselves in a manner compatible with the college's function as an educational institution. Misconduct or "good cause" for which students are subject to discipline falls into the following categories:

A. Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel. [E.C. §76033(a)]

B. Assault, battery or any threat of force or violence upon a student, college personnel. [E.C. §76033(b)]

C. Sexual harassment, sexual assault, including, but not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

D. Willful misconduct which results in injury or death to a student, college personnel or college visitor or which results in cutting, defacing, or other injury to any real or personal property owned by the District. [E.C. §76033(c)]

E. The use, sale, or possession on campus of, or presence on campus or at any college sponsored event, under the influence of, any controlled substances without prescribed direction of a licensed medical authority or any poison classified as such by Schedule D in Section 4160 of the State of California Business and Professions Code. [E. C. §76033 (d)]

F. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the Board of Trustees. [E. C. §76033 (e)]

G. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct. [E.C. §76033 (f)]

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

I. Forgery, alteration, or misuses of college documents, records, or identification.

J. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other college activities, including, but not limited to, community service functions, or other college authorized activities.

K. Theft of or damage to property of the college or of a member of the college community or campus visitor.
L. Willful or blatant misuse of email or other inappropriate forms of communication towards faculty, staff or students including but not limited to phone, voicemail, written notes and any form of electronic communication.

M. Unauthorized entry to or use of college supplies, equipment including computer hardware, and licensed software, and/or facilities.

N. Violation of college policies or of campus regulations, including, but not limited to, campus regulations concerning student organizations, the use of college facilities, responsible computer use policy, or the time, place, and manner of public expression, library procedures, college bills and debts, or residence.

O. Disorderly conduct or lewd, indecent, or obscene conduct or expression on college-owned or controlled property or at college-sponsored or supervised functions.

P. Failure to comply with directions of college officials acting in the performance of their duties.

Q. Possession or use of alcoholic beverages on the campus property, at any college-sponsored event, or presence on campus or at any college-sponsored event while under the influence of alcohol.

R. Illegal possession or use of firearms, explosives, dangerous chemicals or other weapons on college property or at college-sponsored activities.

S. Stalking: The act or crime of willfully and repeatedly following or harassing another person in circumstances that would cause a reasonable person to fear injury or death especially because of expressed or implied threats.

T. Hate crimes or hate incidents: A hate crime or hate incident is any act or attempted act directed against a person(s) based on the victim's actual or perceived race, nationality, religion, sexual orientation, disability or gender. The difference between a hate incident and a hate crime is that a hate incident is a non-criminal act.

U. Any other offense set forth in the State of California Education Code which constitutes "good cause."

No student shall be removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or attendance. [E.C. §76034]

2. **Disciplinary Sanctions to Enforce Adequate Standards of Student Conduct** [E.C. §76030, 76031, 76032]

Disciplinary sanctions include, but are not limited to, verbal or written reprimand, disciplinary probation, removal from class, ineligibility to participate in extracurricular activities, temporary disciplinary holds, suspension, and expulsion. Repeated and/or multiple infractions may lead to a greater disciplinary sanction.
When the term "College Disciplinarian" is used, it shall refer to the Superintendent/President or designee.

School day shall be defined as Monday-Friday except holidays.

If a written report is placed in the student's disciplinary file, the student shall have the right to inspect and appeal the information as specified in Education Code Section 76232.

A copy of this administrative regulation shall be made available to students upon request.

A. Written Reprimand

(1) A written reprimand, issued by the College Disciplinarian, serves to place in the disciplinary records (not the academic records) a statement that the student has not met the standards of conduct as set forth in Section 1 of this administrative regulation.

(2) A student receiving a written reprimand shall be notified that:

a. the reprimand serves only as a warning that continued conduct of the type described in the written reprimand may result in further disciplinary action against the student;

b. such records are not part of a student's academic record at the college and that the disciplinary records will be destroyed three years after the date of the reprimand;

c. the student has an opportunity to write a response to the reprimand and that the response shall be placed on record with the reprimand; and

d. with respect to reprimands, there shall be no hearing or appeal to the Student Conduct Appeals Committee.

B. Disciplinary Probation

(1) A student who fails to meet the standards of conduct as set forth in Section 1 of this administrative regulation may be placed on disciplinary probation by the College Disciplinarian. The student shall be notified in writing that continued conduct of the type described in a "notice of probation" will result in a greater sanction. The notice of disciplinary probation must include:

a. the sanction to be imposed. The sanction must be authorized by this administrative regulation.

b. the period of time the student is to be on probation. This period may not exceed one year.

(2) A student placed on disciplinary probation shall be notified that the notice of probation is not a part of the student's academic record at the college and that all probationary files will be destroyed three (3) years after the end of the probationary period.
(3) Before the disciplinary probation is imposed, the student shall have the right to pursue the Hearing and Appeal Process as set forth in Section 2, F of this administrative regulation.

C. Removal from Campus Activities

(1) Removal from Class [E.C. §76032]

a. An instructor is authorized to remove a student from class for cause for the day of the incident and the next class meeting. The instructor shall immediately report the removal to the College Disciplinarian. During the period of removal, a student shall not be returned to the class without the concurrence of the instructor.

b. If the student requests, the College Disciplinarian shall hold a conference with the student and other appropriate personnel regarding the removal from class.

c. If the student removed is a minor, the parent or guardian shall be notified in writing by the College Disciplinarian.

d. With respect to removal from class, there shall be no hearing or appeal to the Student Conduct Appeals Committee.

(2) Removal from Extra-Curricular Activities [E.C. §76030]

a. The College Disciplinarian may remove a student from extracurricular activities for a period not to exceed one (1) year. One or more of the following may be imposed for "good cause" as set forth in Section 1 of this administrative regulation:

   (1) Removal from all college organization offices;
   (2) Ineligibility to participate in or attend all college-sponsored activities, including public performances;

   Nothing in this administrative regulation shall restrict the College Disciplinarian from imposing lesser sanctions than those described.

b. Before removal from the above-mentioned activities is imposed, the student shall have a right to pursue the Hearing and Appeal Process as set forth in Section 2, F of this administrative regulation.

D. Temporary Disciplinary Holds

A disciplinary hold prevents a student from conducting any transactions with the college, such as enrollment and fee payment, use of library privileges or any other college business.
The College Disciplinarian may place a temporary disciplinary hold on a student’s college record to:

(1) enforce a suspension or expulsion after the appeal process has been exhausted and the suspension or expulsion becomes final. The College Disciplinarian may remove a temporary disciplinary hold after a student has served a suspension provided that the Student Conduct Appeals Committee reviews and approves the student’s petition to be readmitted.

(2) enable the College Disciplinarian to conduct a thorough investigation of an alleged violation of the Student Conduct Code. In such cases, the College Disciplinarian shall remove the temporary disciplinary hold

   a. as soon as the investigation is complete and the student in question is exonerated, or
   b. when the student enters the appeal process. In such cases the College Disciplinarian may opt to lift temporarily the disciplinary hold to enable the student to conduct a specific transaction with the college, while the appeal process is underway.

E. Suspension [E.C. §76031, 66017]

(1) The College Disciplinarian is authorized to suspend a student for "good cause" as set forth in Section 1 of this administrative regulation.

(2) The period of suspension may be:

   a. For a period of up to ten (10) days of instruction from one or more classes.
   b. For the remainder of the school term from one or more classes.
   c. For one (1) or more terms from all classes and activities of the college.

(3) Whenever a minor is suspended, the parent or guardian shall be notified in writing by the College Disciplinarian.

(4) Before a suspension is imposed, the student shall have the right to pursue the Hearing and Appeal Process as set forth in Section 2, F of this administrative regulation, except that an interim suspension may be imposed by the College Disciplinarian where an immediate suspension is required in order to protect lives or property and to insure the maintenance of order pending a hearing.

The student may be immediately suspended by the College Disciplinarian provided that as soon as is practical, the College Disciplinarian shall hold a formal conference with the student and shall present a clear statement of the charges.

A reasonable opportunity shall be afforded the suspended student for an appeals committee hearing within ten (10) school days. [E.C. §66017]
5. The College Disciplinarian shall, upon the suspension of any student, notify the appropriate law enforcement authorities of any acts of the student which may be in violation of Penal Code Section 245 (assault with a deadly weapon or instrument). [E.C. §76035] In the case of a criminal prosecution by the district attorney, the college will suspend the student indefinitely until the criminal case is resolved. The College Disciplinarian will review the facts and make a determination whether sanctions are applicable.

F. Hearing and Appeal Process

(1) Conference

a. Students charged with misconduct shall be provided with written notice to meet with the College Disciplinarian or designee for a formal conference regarding the basis for possible disciplinary action. Such notice shall include a directive that the student must contact the Office of the College Disciplinarian to schedule a conference.

b. The conference shall include:
   (1) a written statement of the facts, charges, and evidence upon which possible disciplinary action would be based; and
   (2) a reasonable opportunity for the student and advocate to present his/her version of the incidents leading to the proposed disciplinary action and any evidence in support of said version.

c. Following an investigation of the evidence and allegations, the student shall be given written notice of the disciplinary action to be taken, if any. Such notice shall include:
   (1) a statement of the specific facts and charges upon which the disciplinary action is based;
   (2) a copy of the disciplinary rules of the District which relate to the alleged violation; and
   (3) a statement that the student has the right to file with the office of the College Disciplinarian a Notice of Intention to Appeal the decision to the Student Conduct Appeals Committee and that such notice must be filed within forty-eight (48) hours (two school days) following receipt of the notice of disciplinary action.

d. The student shall be deemed to have accepted the disciplinary action, unless within forty-eight (48) hours (two school days) following written notice of the specific facts and charges, the student files with the College Disciplinarian written Notice of Intention to Appeal.
e. Within five (5) school days after filing a Notice of Intention to Appeal, the student shall file with the College Disciplinarian a written response to the charges. Only charges to which the student responds may be reviewed by the Appeals Committee.

(2) Student Conduct Appeals Committee and Procedures

a. Statement of Purpose
   (1) The committee is established to hear appeals of students regarding decisions made by the College Disciplinarian.
   (2) Specifically, the committee will hear appeals concerning disciplinary action involving removal from extra-curricular activities, suspensions, and expulsions.

b. The Student Conduct Appeals Committee shall consist of seven members, appointed annually. These shall be:
   (1) Two (2) students appointed by the Associated Students President;
   (2) Two (2) faculty members appointed by the Academic Senate President;
   (3) Two (2) classified employees appointed by the Classified Senate President; and
   (4) One (1) academic manager appointed by the Superintendent/President who will chair the committee and only vote in the case of a tie.

Four of the seven members constitute a quorum, and at least one (1) student, one (1) faculty member, one (1) classified employee, and one (1) manager must be represented. Decisions of the committee shall be made by simple majority vote.

c. Time Frame
   The committee shall convene for an appeal hearing not sooner than six (6) school days and preferably not more than ten (10) school days after receiving the notice of intent to appeal. The student shall be given written notice of the time and place of the hearing. If the student fails to appear for the hearing, the decision of the College Disciplinarian shall stand.

d. Hearing Order
   (1) At the beginning of the hearing, the designated college management member, or attorney or college representative, shall present the college case, first with an initial summary that includes the evidence to be presented, followed by a detailed presentation of the findings, including presentation of evidence and witnesses. The student and/or attorney or representative may cross-examine the college’s witnesses, and examine the evidence.
   (2) Next, the student or his/her attorney or representative shall present his/her case, including any evidence or witnesses. The college’s representative may cross-examine the student’s witnesses, and examine the evidence.
(3) Examination and cross-examination must be limited to issues and matters relevant to the case.

(4) The designated college management member, attorney or representative may present a closing argument summarizing the college’s findings.

(5) The student or his/her attorney or representative may present closing argument, summarizing his/her case.

(6) The committee may question witnesses but should limit its inquiries to eliminating confusion, uncertainty or lack of clarity in the witness’ statements.

(7) All hearings shall be tape recorded, except closed deliberations.

e. Evidence

The committee may review any relevant evidence presented during the hearing. The committee is not required to give validity to any written testimony/evidence if the witness or writer of the evidence does not personally appear at the hearing. Hearsay evidence is admissible but no decision may be made based solely on hearsay.

f. Rights of the Committee

The basic rights of the committee shall include, but not be limited to the following:

(1) The committee has the right to decide:
   (a) Relevance
   (b) Materiality
   (c) Competency
   (d) Number of witnesses
   (e) Time allocation

(2) The committee has the right to:
   (a) Instruct the witness
   (b) Question the witness
   (c) Examine the evidence

On failure of the witness to follow directions, the committee may dismiss the witness.

g. Rights of the Student

(1) The student may, with the permission of the hearing committee, have a translator or qualified interpreter if the student’s command of the English language prevents him from being able to fully participate in the proceedings.

(2) The student may have legal counsel or representation, but must notify the College Disciplinarian at least forty-eight (48) hours (two school days) prior to the hearing.

h. Decisions

(1) The Student Conduct Appeals Committee shall have the power to accept, reject or modify the decision of the College Disciplinarian, but in no case shall impose a more stringent sanction.
(2) Decisions should include:
   (a) Findings of facts (what the student did);
   (b) Conclusions (with relation to the rules of conduct);
   and
   (c) A decision (disciplinary action affirmed, rejected, or modified)

i. In the hearing, the committee should decide the following issues:
   (a) Does the alleged act constitute a violation of the Student Conduct Code?
   (b) Did the student involved commit the act with which he/she is charged?
   (c) If the acts are found to have been committed by the student, and are also found to constitute a violation of the Student Conduct Code, were there any “attendant circumstances” shown in mitigation and/or in aggregation?
   (d) The facts in each individual case shall be considered when making a determination on the appropriateness of the sanction imposed.

j. The decision of the Student Conduct Appeals Committee shall be sent to the student and the Superintendent/President in writing within six (6) school days of the hearing. This decision shall include the findings and conclusions of the Student Conduct Appeals Committee.

(3) Readmission of suspended students

a. Any student who has served a suspension for a period of at least one (1) full term, shall submit a petition for readmission to the Office of the College Disciplinarian. The petition for readmission shall document the steps that the student has taken since the suspension to eliminate the behavior that caused the suspension. Said petition shall be completely separate, apart and in addition to any procedures required by the Admissions and Records Office.

b. Within ten (10) school days of the petition for readmission submittal, the Student Conduct Appeals Committee shall review the petition for readmission to determine whether the student has made reasonable adjustment in the behavior or that the student has received the appropriate guidance, counseling and/or attention necessary to avoid the behavior that brought about the suspension.

c. The Student Conduct Appeals Committee may request a hearing with the student to ascertain whether the student’s claim regarding the behavioral adjustment is accurate. The student shall be notified of the date, time and place of the hearing within ten (10) school days of the petition for readmission submittal. The student may present further evidence or documentation in support of his/her claim. The College Disciplinarian shall notify the student within five (5) school days of the committee’s decision. The Student Conduct Appeals Committee may:
(1) approve the student’s request to be readmitted with a statement to include conditions of re-admission, if any.

(2) deny the student’s request to be readmitted due to lack of supporting evidence and/or documentation indicating that a behavioral adjustment has occurred.

(4) Appeal of Committee Decision

Within forty-eight (48) hours (two school days) after receiving the written decision of the Student Conduct Appeals Committee, the student may request a review of the decision by the Superintendent/President. A copy of said request shall be sent to the College Disciplinarian. The student shall state in writing the grounds for review, basing the request upon one or more of the following provisions:

a. The required procedures have not been followed and that the student has been demonstrably damaged; and/or
b. There is insufficient evidence to support the committee decision; and/or

c. The penalty imposed is inappropriate.

(5) Superintendent/President Review

Within thirty (30) school days of receipt of the request for review, the Superintendent/President shall review the decision of the Student Conduct Appeals Committee, the basis upon which it was made, and the student’s appeal based on 4.(a), (b) and/or (c). The Superintendent/President has the sole authority to:

a. Adopt the recommended discipline of the Student Conduct Appeals Committee;
b. Modify or reduce the discipline recommended by the Student Conduct Appeals Committee; or

c. Reverse the discipline recommended by the Student Conduct Appeals Committee.

The decision of the Superintendent/President shall be communicated to the student in writing, and a copy sent to the College Disciplinarian. Said decision of the Superintendent/President is final.

G. Expulsion [E.C. §76030]

A student may be expelled by the Board of Trustees for "good cause" as set forth in Section 1 of these rules. Expulsion is authorized when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the safety of the student or others.

The process for the final decision of Expulsion will be as follows:
(1) The student is notified by letter that the College Disciplinarian is making a recommendation of expulsion to the Superintendent/President. The letter notifies the student of a right to a hearing before the Student Conduct Appeals Committee as described in Section 2, F. 2.

(2) If the student does not respond to the College Disciplinarian within five (5) school days, the sanction, recommendation for expulsion will be forwarded to the Superintendent/President.

(3) If the student contacts the College Disciplinarian for a hearing the student shall be given written notification of his or her hearing rights, which shall include:
   a. a statement that the student is entitled to a hearing before the Student Conduct Appeals Committee to determine whether the student should be expelled;
   b. the date and place of the hearing;
   c. a statement in writing of the specific facts and charges upon which the proposed expulsion is based;
   d. a copy of the disciplinary rules of the District which relate to the alleged violation; and
   e. a statement that the student has the right to appear in person and/or be represented by an attorney or other counsel of the student's choice, to inspect and obtain copies of documents to be used at the hearing, to question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the student's behalf, including witnesses.
   f. a statement that the college will be represented by its attorney, counsel or other designee.

(4) The College Disciplinarian shall forward the results of the hearing to the Superintendent/President if it recommends expelling the student.

(5) The Superintendent/President or designee may recommend to the Board of Trustees that a student be expelled. Before the Superintendent/President or designee makes such a recommendation, the student has the right to attend a formal conference, before the Superintendent/President, which shall include:
   a. A written statement of the specific facts, charges, and evidence upon which the proposed expulsion is based;
   b. A reasonable opportunity for the student to present his/her version of the incidents leading to the proposed expulsion and any evidence in support of that version.

(6) The Superintendent/President’s decision to recommend to the Board of Trustees that a student be expelled shall be based upon evidence presented at the expulsion hearing, the conference, or the facts of the case as presented by the College Disciplinarian.
(7) The Board of Trustees’ decision to expel a student shall be based upon evidence presented at the expulsion hearing, the conference, or the facts of the case as presented by the College Disciplinarian.

(8) The Superintendent/President or designee shall, upon the expulsion of any student, notify the appropriate law enforcement authorities of any acts of the student which may be in violation of Penal Code Section 245 (assault with a deadly weapon or instrument) [E.C. §76035] and additional code sections. The recommendation for expulsion will be submitted to the Board of Trustees for action at its next meeting.

(9) Whenever a minor is expelled, the parent or guardian shall be notified in writing by the College Disciplinarian within five (5) school days.

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