

**Coast Community College District**  
**BOARD POLICY**  
Chapter 3  
Educational Programs and Student Relationships

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## **BP 3902 Student Code of Conduct and Disciplinary Procedures**

The Coast Community College District has special interests and purposes essential to its effective functioning as an educational institution. These include (a) the opportunity for students to attain their educational objectives, (b) the creation and maintenance of an intellectual and educational atmosphere throughout the District, and (c) the protection of the health, safety, welfare, property, and human rights of all members of the District community and the property of the District itself. The Coast Community College District has a clear responsibility in the area of student conduct to protect and promote the pursuit of its goals.

The Coast Community College District Policy Regarding Student Code of Conduct and Disciplinary Procedures sets forth those acts which constitute unacceptable conduct. All alleged violations of this policy may result in referral to the College Administrator charged with enforcing this policy.

The Coast Community College District reserves the right, for educational purposes, to review any action taken by civil authorities regarding students. Students are expected to adhere, and will be held accountable for adhering to all federal, state and local laws, in addition to all District policies and regulations not set forth herein.

A student of the Coast Community College District accepts the responsibility to conform to all District rules and regulations. Failure to meet this obligation will justify appropriate disciplinary actions including, but not limited to, expulsion, suspension, disciplinary probation, or reprimand. Although the District will make every reasonable effort to make the District's rules and regulations available, students are responsible for becoming familiar with them.

This policy applies to all students, and also applies to:

- a. applicants for offenses committed as part of the application process;
- b. applicants for offenses committed on campus and/or while participating in District-related events or activities that take place following a student's submittal of the application through his or her official enrollment;
- c. individuals who participate in a District-sponsored program; and
- d. former students for offenses committed while a student.

If specified in the campus regulations, this policy shall also apply to conduct that occurs off campus and that would violate student conduct and discipline policies or regulations if the conduct occurred on campus, or where the conduct occurs within a reasonable distance from the campus and such conduct disrupts or interferes with the educational mission of the campus.

This policy is not applicable to matters that are subject to Title IX (sex discrimination), or Section 504 (handicap), student grievance procedures, residence determination and academic matters, including, but not limited to, admission and enrollment decisions, the assignment of classes or grades, and probation, suspension or dismissal for academic reasons.

## 1. **THE USE OF "WILL" AND "SHALL"**

In this policy, "will" and "shall" are used in the mandatory sense.

## 2. **DEFINITIONS**

In addition to and in some cases as a supplement to the terms defined elsewhere in this policy, the following defined terms shall have the meanings set forth in this section for purposes of this policy.

- 2.1 "Attorney" means any person who is admitted to practice law in the State of California.
- 2.2 "Board" means the Governing Board of the Coast Community College District.
- 2.3 "Campus Appeal Advisor" means a current student or employee of the Coast Community College District who at the student's request accompanies the student and advises him at a hearing before the Student Discipline Appeal Committee.
- 2.4 "Chancellor" means the Chancellor of the Coast Community College District or his/her designee.
- 2.5 "Class" means any activity sponsored by the District including, but not limited to, courses, lectures, labs, field trips, club activities and Student Government activities, and any other student sponsored activity.
- 2.6 "College" means any college of the Coast Community College District.
- 2.7 "College Disciplinary Administrator" means the College official(s) designated by the College President to administer this policy.
- 2.8 "College President" means the President of the College or his/her designee.
- 2.9 "Day" means days when classes are in session at the college at which this policy is being applied unless otherwise stated herein.
- 2.10 "Weapon" means any instrument or weapon, the use of which is likely to cause bodily injury, including, but not limited to, a blackjack, sling shot, billy, sandclub, sandbag, metal knuckles, any dirk, dagger, switchblade knife, pistol, revolver, or any other firearm, any knife having a blade longer than 3-1/2 inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club or any instrument used in an assault on a member of the College community.
- 2.11 "Designee" means a District official appointed to fulfill responsibilities indicated in this policy.

- 2.12 "District" means the Coast Community College District and its member colleges.
- 2.13 "District Property" means all real, personal and intellectual property owned, controlled, used, or occupied by the District including property physically removed from any college, the District office, or any place that is the site of a District-approved function.
- 2.14 "Hazing" means any behavior engaged in by one or more students which causes, or is likely to cause, bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to another student. For purposes of this policy, hazing also has the meaning set forth in California Penal Code Section 32050.
- 2.15 "Hearing" means a meeting before the applicable Student Discipline Appeal Committee, District Committee or a Board Meeting related to Student Discipline.
- 2.16 "Instructor" means the faculty member who has responsibility for the overall conduct of a course and ultimate responsibility for the assignment of the grade for the course.
- 2.17 "Interpreter" means a certified court interpreter as defined in Government Code Section 68556.
- 2.18 "Manager" means any person employed by the District as a Manager
- 2.19 "Member of the District Community" means Coast Community College District students, trustees, employees, agents, instructional associate, visitors, representatives, guests of the District and their families, and any persons conducting business with the District.
- 2.20 "Mental Health Professional" means a California licensed clinical psychologist or California board-certified psychiatrist.
- 2.21 "Preponderance of the Evidence" means that the evidence presented by the District has more convincing force than the evidence presented by the student.
- 2.22 "Retention Letter" means a letter from an attorney stating he/she has been retained by a student facing disciplinary proceedings pursuant to this Student Code of Conduct.
- 2.23 "Student" means any person who is enrolled in the District for the academic period in which the misconduct occurred.
- 2.24 "Student Code of Conduct" means the Coast Community College District Policy Regarding Student Code of Conduct and Disciplinary Procedures.
- 2.25 "Student Discipline Appeal Committee" refers to the three (3) member panel defined in Section 7.5.
- 2.26 "Written Notice" means correspondence delivered to addressee by regular first class United States mail to the student's address on file in the College registration office. Mailed notices will be deemed communicated as of five (5) calendar days after mailing. In lieu of delivery by United States mail, written notice may also be effectuated by hand delivery to the person receiving notice. Hand-delivered notices shall be deemed communicated on the day of delivery.

## DISCIPLINARY CODE

### **3. GROUNDS FOR DISCIPLINE**

The following acts are defined by the District to be unacceptable. The list is not all inclusive. The Chancellor and/or College President may add violations to this code as they deem appropriate subject to the provisions of Section 3.50. A student found to have violated any of the following regulations is subject to the maximum sanction of expulsion. Being under the influence of drugs and/or alcohol or the existence of other mental impairment does not diminish or excuse a violation of the Disciplinary Code.

The District may impose discipline for the commission or attempted commission of the following types of violations by students, or for aiding or abetting, inciting, conspiring, assisting, hiring or encouraging another person to engage in a violation of this Policy:

- 3.1 Academic Misconduct. All forms of academic misconduct including but not limited to cheating, fabrication, plagiarism, or facilitating academic dishonesty.
- 3.2 Cheating/Plagiarism. Cheating or plagiarism in connection with an academic program of the District.
- 3.3 Dishonesty. All forms of dishonesty including but not limited to fabricating information, furnishing false information, or reporting a false emergency to the District.
- 3.4 Forgery. Any forgery alteration, or misuse of any District document, record, key, electronic device, or identification, or knowingly furnishing false information to a District official.
- 3.5 Misrepresentation. Misrepresentation of oneself, or of an organization, to be an agent or representative of the District.
- 3.6 Misuse of Identification. Transferring, lending, borrowing, altering or unauthorized creation of District identification.
- 3.7 False Report of Emergency. Knowingly and purposefully, causing, making, and/or circulating a false report or warning of a fire, explosion, crime, or other catastrophe.
- 3.8 Assault/Battery. Assault, battery or any threat of force or violence upon a student or upon a Member of the District Community. This includes, but is not limited to: (a) Inflicting bodily harm upon any Member of the District Community; (b) taking any action for the purpose of inflicting bodily harm upon any Member of the District Community; (c) taking any reckless but not accidental action, from which bodily harm could result to any Member of the District Community; (d) causing a Member of the District Community to believe that the offender or his/her agent may cause bodily harm to that person or any member of his/her family or any other Member of the District Community; (e) inflicting or attempting to inflict bodily harm on oneself.
- 3.9 Physical Abuse. Physical abuse including but not limited to rape, sexual assault, sex offenses, and other physical assault; threats of violence; or any action which results in serious injury or death or other conduct that threatens the health or safety of any person.

- 3.10 Serious Injury or Death. Any action which results in serious injury or death to a Member of the District Community or his/her family.
- 3.11 Threat of Sexual Assault or Sexual Assault. Rape or sexual assault, or the threat thereof, upon a Member of the District Community or his/her family.
- 3.12 Infliction of Mental Harm. (a) Inflicting mental harm upon any Member of the District Community; (b) taking any action for the purpose of inflicting mental harm upon any Member of the District Community; (c) taking any reckless, but not accidental action, from which mental harm to Member of the District Community could result; (d) causing a Member of the District Community to believe that the student or his/her agent may cause mental harm to that person or any member of his/her family or any other member of the District Community; (e) any act which purposefully demeans, degrades, or disgraces any person.
- 3.13 Stalking. Stalking behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the District to seriously alarm, torment, or terrorize the person; and where the threat is additionally determined by the District to serve no legitimate purpose.
- 3.14 Harassment. Verbal or physical abuse, or the threat of physical abuse on or off District Property of any Member of the District Community or members of his/her family.
- 3.15 Sexual Harassment. Sexual harassment against a Member of the District Community. Sexual harassment is defined as (a) verbal harassment, e.g., epithets, derogatory comments or slurs; (b) physical harassment, e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual; (c) visual forms of harassment, e.g., derogatory posters, cartoons, or drawings; (d) unwelcome sexual advances, requests for sexual favors; or (e) an intimidating, hostile, or offensive environment. "Unwelcome conduct" is defined as conduct which the Member of the District Community does not solicit or initiate and which the person regards as undesirable or offensive.
- 3.16 Discrimination. Discrimination against a person on the basis of race, color, religion, national origin, sex, age, disability, veteran status, or sexual orientation, except where such distinction is authorized by law.
- 3.17 Hateful Behavior. Hateful behavior aimed at a specific person or group of people.
- 3.18 Hazing. Participation in hazing or any method of initiation or pre-initiation into a campus organization or other activity engaged in by the organization or members of the organization at any time that causes, or is likely to cause, physical injury or personal degradation or disgrace resulting in psychological harm to any student or other person.
- 3.19 Possession of Weapons. Unauthorized possession, use, storage, or manufacture of explosives, dangerous chemicals, firebombs, firearms, or other destructive devices or weapons.
- 3.20 Narcotics. Unlawful or attempted manufacture, distribution, dispensing, possession,

use, distribution or sale of, controlled substances, dangerous drugs, restricted dangerous drugs or narcotics, as those terms are used in state or federal statutes on District Property or at any District function.

- 3.21 Alcohol. Manufacture, distribution, dispensing, possession, use, distribution, consumption or sale of, or the attempted manufacture, distribution, dispensing, distribution, consumption or sale of alcohol that is unlawful or otherwise prohibited by, or not in compliance with, District policy or campus regulations.
- 3.22 Public Intoxication. Public intoxication or being under the influence of alcoholic beverages on District Property or at any District function.
- 3.23 Smoking. Smoking in an area where smoking has been prohibited by law or regulation of the District.
- 3.24 Theft or Conversion of Property. Theft or conversion of District Property or services, or the property of any person or business on District Property or at a District function, or possession of any property when the student had knowledge or reasonably should have had knowledge that it was stolen.
- 3.25 Possession Of Stolen Property. Possession of District Property, or the property of any other person, when the student knows, or reasonably should know, that the property was stolen.
- 3.26 Destruction of Property. The damaging, destroying, defacing, or tampering with District Property or the property of any person or business on District Property or at a District function, including but not limited to, taking down, defacing, or otherwise damaging District authorized posters, handbills and/or notices posted on District property.
- 3.27 Failure to Repay Debts or Return District Property. Failure to (a) repay debts to the District; (b) return District property; (c) return property of any member of the District community.
- 3.28 Theft or Abuse Of District's Computers Or Electronic Resources. Theft or abuse of District computers and other District electronic resources such as computer and electronic communications facilities, systems, and services. Abuses include (but are not limited to) unauthorized entry, use, transfer, or tampering with the communications of others, and interference with the work of others and with the operation of computer and electronic communications facilities, systems, and services. Use of District computer and electronic communications facilities, systems, or services that violates other District policies or campus regulations.
- 3.29 Violation of Computer Usage Policy. Violation of the District's or College's Computer Usage Policy and/or any of the following:
  - a. Accessing and/or without permission altering, damaging, deleting, destroying, or otherwise using any data, computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
  - b. Accessing and/or without permission taking, copying, or making use of any data from a computer, computer system, or computer network, or taking or copying any

supporting documentation, whether existing or residing internal or external to a computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.

- c. Using or causing to be used District computer services without permission.
  - d. Accessing and/or without permission adding, altering, damaging, deleting, or destroying any data, computer software, or computer programs which reside or exist internal or external to a computer, computer systems, or computer network belonging to or used by the District or any Member of the District Community.
  - e. Disrupting or causing the disruption of computer services or denying or causing the denial of computer services to an authorized user of a computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
  - f. Providing or assisting in providing a means of accessing, without permission, a computer, computer, system, or computer network belonging to or used by the District or any Member of the District Community.
  - g. Accessing or causing to be accessed without authorization any computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
  - h. Introducing any computer contaminant or virus into any computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
  - i. Sending any message using any computer system or network without authorization or sending any message in the name of another person or entity.
  - j. Using any account or password without authorization.
  - k. Allowing or causing to be used an account number or password by any other person without authorization.
  - l. Accessing or causing to be accessed, downloading or causing to be downloaded, pornographic or obscene materials except when accessing a pornographic website which is part of the instructional process or assignment for a class the student is currently enrolled in.
  - m. Use the District's systems or networks for commercial purposes; for example, by performing work for profit with District resources in a manner not authorized by the district.
- 3.30 Trespass and Unauthorized Possession. Unauthorized or forcible trespass on, entry to, possession of, receipt of, or use of any District services, grounds, equipment, resources, properties, structures, vehicles, boats, water craft or facility, including the District's name, insignia, or seal without permission or authorization.
- 3.31 Disruption of Educational Process. (a) Destruction or disruption on or off District Property

of the District educational process(es), including but not limited to interrupting, impeding, obstructing or causing the interruption or impediment of any class, lab, administrative office, teaching, research, administration, disciplinary procedures, District activity or District authorized student activity; (b) administrative process or other District function; or (c) disturbing the peace on District Property or at any District function.

- 3.32 Disruptive Behavior. Disruptive behavior, disobedience, habitual profanity or vulgarity or the open defiance of the authority of or abuse of District personnel.
- 3.33 Disturbing the Peace. Disturbing the peace and good order of the District by, among other things, fighting, quarreling, disruptive behavior, or participation in a disturbance of the peace or unlawful assembly.
- 3.34 Failure to Comply or Identify. Failure to identify oneself to, or comply with the directions of, a District official, employee, policy, law enforcement, or other public official when requested to do so; or resisting or obstructing such District or other public officials in the performance of or the attempt to perform their duties.
- 3.35 Failure to Appear. Failure to appear before a District official when directed to do so.
- 3.36 Disorderly or lewd conduct. Engaging in disorderly or lewd, indecent or obscene behavior on District Property or at a District function.
- 3.37 Unauthorized Use Of Course Materials. Selling, preparing, or distributing for any commercial purpose course lecture notes or video or audio recordings of any course unless authorized by the District in advance and explicitly permitted by the course instructor in writing. The unauthorized sale or commercial distribution of course notes or recordings by a student is a violation of these Policies whether or not it was the student or someone else who prepared the notes or recordings. Copying for any commercial purpose handouts, readers or other course materials provided by an instructor as part of a District course unless authorized by the District in advance and explicitly permitted by the course instructor or the copyright holder in writing (if the instructor is not the copyright holder).
- 3.38 Library Materials. Cutting, defacing, or otherwise damaging or theft of college library or bookstore materials or property.
- 3.39 Continued Misconduct or Repeat Violation. Repeated misconduct or violations of this Policy, when other means of correction have failed to bring about proper conduct.
- 3.40 Failure to Obtain Permits. Participating in an organized protest for which a District permit has not been obtained.
- 3.41 Fighting. Fighting with any other person on District Property or at any District function.
- 3.42 Gambling. Unauthorized gambling on District Property or at any District function.
- 3.43 Unreasonable Demands. Placing repeated, hostile, or unreasonable demands on District staff.
- 3.44 Unauthorized Tape Recording. Tape recording any person on District Property or at any



District function without that person's knowledge or consent.

- 3.45 Unauthorized Use of District Keys. Unauthorized use, distribution, duplication or possession of any keys issued for any building, laboratory, facility, room, or other District Property.
- 3.46 Unauthorized Use of Electronic Devices. Unauthorized use of an electronic device on District property or at any District function, including but not limited to, classes, lectures, labs and field trips.
- 3.47 Unauthorized Use of Property or Services. Unauthorized use of property or services or unauthorized possession of District Property or the property of any other person or business.
- 3.48 Violation of Driving Regulations. Driving unsafely on District property or while taking part in any District function, or repeated violation of District parking regulations.
- 3.49 Violation of Health & Safety Regulations. Violation of any health, safety or related regulations, rule or ordinance on District property or at any District function.
- 3.50 Violation of Posted District Rules. Violation of any rule or regulation posted on District property by the District or the College, or printed in any District publication.
- 3.51 Violation of Law. Violation of any federal, state or local law on District property, at a District function or involving a member of the District community.

### **DISCIPLINARY PROCEDURES**

The purpose of these procedures is to provide for the orderly administration of the Student Conduct Code consistent with the principles of due process of law. Reasonable deviations from these procedures will not invalidate a decision or proceeding unless actual prejudice to a student may result.

#### **4. NON-APPEALABLE SANCTIONS**

The following sanctions may be imposed for violation of this Student Code of Conduct. These sanctions are not exclusive. In addition to the sanctions set forth below, the College Disciplinary Administrator may impose other sanctions for violation of the Student Code of Conduct as he/she deems appropriate. These sanctions may not be appealed.

- 4.1 Campus Service may be imposed by the College Disciplinary Administrator on any student who violates this Student Code of Conduct. Campus Service shall consist of the student performing some act or duty that is of benefit to the campus community.
- 4.2 Disciplinary Probation consists of Written Notice to the student by the College Disciplinary Administrator that the student has violated this Student Code of Conduct and that for a specified period of time, imposed by the College Disciplinary Administrator, the student must meet certain conditions as imposed by the College Disciplinary Administrator. Any subsequent violations of this policy by the student during the term of the probation or the student's failure to comply with any condition of probation imposed by the College Disciplinary Administrator will result in additional

sanctions under this policy.

- 4.3 District Restriction. The College Disciplinary Administrator may for a specified period of time restrict the student's access to parts or areas of the District and/or District Property.
- 4.4 Exclusion From District Activities prohibits the student from participating in any District co-curricular and/or extra curricular activity(ies) for a period to be determined by the College Disciplinary Administrator.
- 4.5 Mental Health Clearance. Mental Health Clearance may be required before a student is readmitted to a particular class or allowed to come onto District Property. The College Disciplinary Administrator must receive a letter from a licensed mental health professional stating that in his/her professional judgment the student will no longer continue the behavior which gave rise to the College Disciplinary Administrator taking disciplinary action against him/her or that the student's continued presence on campus is not a threat to himself/herself or others. The mental health professional must be licensed by the State of California and the College District Administer must verify that the mental health professional is credentialed to render a professional opinion. The student shall bear the cost and expense of obtaining mental health clearance.
- 4.6 Oral Reprimand consists of verbal notice to the student by the College Disciplinary Administrator that the student has violated this Student Code of Conduct.
- 4.7 Restitution requires the student to repay the District or any person for the cost of replacing or repairing any property taken, destroyed or damaged by the student. This student may also be charged a service charge and/or collection fee under the College policy regarding service charges and collection fees.
- 4.8 Restriction from Attendance at District Events. The College Disciplinary Administrator may restrict the student from attending some or all District events for a specified period of time.
- 4.9 Short Term Removal From Class for a period not to exceed two (2) class meetings, may be imposed by any instructor on a student who is disrupting the class or otherwise interfering with the ability of other students in the class to learn. Before removing a student from class, an instructor shall first give or make reasonable efforts to give the student notice of his/her intent to remove the student and a reasonable opportunity for the student to modify his/her behavior. The instructor or program supervisor shall notify the College Disciplinary Administrator, in writing, immediately following his/her removal of a student under this section, with a copy to the Dean of the Academic Unit. The student may not return to the class until the student has met with the College Disciplinary Administrator. The College Disciplinary Administrator shall contact the student to arrange such a meeting.
- 4.10 Short Term Suspension prohibits the student from attending classes or entering onto any District Property for a period of one (1) to ten (10) days as determined by the College Disciplinary Administrator.
- 4.11 The Withholding of Transcripts and/or Other Student Records may be imposed when a student fails to repay debts to the District, return District equipment or make restitution to the District.

- 4.12 Administrative Withdrawal From Class prohibits a student's continued presence in the class if his/her behavior is disruptive of the class and interferes with the ability of other students in the class to learn or in any way endangers himself/herself or others. When this sanction is applied the student will be administratively withdrawn by College Disciplinary Administrator.
- 4.13 Grade Change from a "Withdraw" to a letter grade may be imposed where the College Disciplinary Administrator, together with the instructor, determine this is an appropriate sanction.
- 4.14 Written Reprimand consists of Written Notice to the student by the College Disciplinary Administrator that he/she has determined that the student has violated this Student Code of Conduct.

## **5. APPEALABLE SANCTIONS**

The following sanctions imposed by the College Disciplinary Administrator may be appealed in the manner set forth in Section 7:

- 5.1 Denial of Financial Aid, including but not limited to, scholarships, loans, fellowships, grants-in-aid, or other financial aid given or guaranteed by the State or Federal Government pursuant to Education Code Section 69810 et seq.
- 5.2 Expulsion prohibits the student from attending any classes or registering as a student in the District for an indefinite period of time but not less than ten (10) years. Expulsion prohibits the student from entering onto any District Property without written permission of the District. Expulsion will be imposed immediately upon Board action. When expulsion has been recommended, the student shall be immediately suspended pending Board action.
- 5.3 Long Term Suspension prohibits the student from attending classes, registering as a student or entering onto any District Property without written permission of the College Disciplinary Administrator for a period from eleven (11) days to two (2) years as determined by the College Disciplinary Administrator and/or the College President. Long term suspension may be imposed immediately or at the end of the current term at the discretion of the College Disciplinary Administrator.

## **6. PROCEDURE BEFORE ANY SANCTION IS IMPOSED BY COLLEGE DISCIPLINARY OFFICER**

The following procedure shall be used by the District when seeking to impose any sanction.

- 6.1 Notice. Before imposing any sanction authorized by this policy, the College Disciplinary Administrator shall first give or make reasonable efforts to give the student either oral or Written Notice of the District contention that the student has violated the Student Code of Conduct.
- 6.2 Opportunity For Rebuttal. Within a reasonable period of time following delivery to the student of the notice referred to in Section 6.1 above, the College Disciplinary Administrator shall make reasonable efforts to give the student an opportunity to rebut the accusation or otherwise provide relevant information to the College Disciplinary Administrator regarding the incident(s) which led to the belief by the College Disciplinary

Administrator that the student violated the Student Code of Conduct. There need be no substantial delay between the time notice is given to the student of his/her alleged violation of the Student Code of Conduct and the student's opportunity to rebut such allegation(s) as provided herein.

- 6.3 Decision. After hearing the student's rebuttal or comments and considering all information relevant to the issue, the College Disciplinary Administrator shall then decide whether or not to impose disciplinary action. The decision of the College Disciplinary Administrator may be given to the student either orally or in writing except that the College Disciplinary Administrator must inform the student in writing if the sanction to be imposed is long term suspension, expulsion, or denial of financial aid.

**7. APPEALS PROCEDURE REGARDING LONG TERM SUSPENSION, EXPULSION AND DENIAL OF FINANCIAL AID**

If the College Disciplinary Administrator seeks to impose long term suspension, expulsion or denial of financial aid on the student, the following procedure shall apply:

- 7.1 Notice. Written Notice shall be given to the student, notifying the student of the College Disciplinary Administrator's intent to either suspend him/her or recommend his/her expulsion. Written Notice shall be sent to the student in the manner set forth in Section 10.9 of this policy. If the student is a dependent minor, then a copy of this notice shall be sent to the student's parent or guardian in the manner set forth in Section 10.8.

- 7.2 Content of Written Notice. The written notice required under this section shall include:

- a. A statement of the charges against the student that provide the basis for the sanction sought to be imposed, including a factual description stated with reasonable particularity of the conduct upon which the charges are based.
- b. Notification to the student of his/her right to file an appeal as outlined in Section 8.3 below.
- c. Notification to the student that he/she may be accompanied at the appeal hearing by:
  - i a campus appeal advisor of his/her choice; and
  - ii the student's parent or legal guardian if the student is a dependent minor;
  - iii a court-certified interpreter at his or her own cost.
- d. If a decision to immediately suspend has been reached, the terms of such suspension.
- e. A copy of this policy.

The District may amend this written notice at any time with respect to the above information. In the event that the District amends the notice required by this section and such amendment(s) would require the student to prepare a defense which is substantially different from that required by the prior notice, upon request by the student his/her hearing before the Student Discipline Appeal Committee may be continued for a period up to ten (10) days either by the College

Disciplinary Administrator or the Chairperson of the Student Discipline Appeal Committee.

7.3 Filing an Appeal. The student may accept the discipline imposed by the College Disciplinary Administrator without admitting that he/she engaged in the conduct charged. Should the student not accept the discipline, he/she may file an appeal. The appeal must be in writing and shall be sent by certified mail to the College Disciplinary Administrator's office within (10) days of the date of the notice to the student as set forth in Section 10.9. In the event the student has been immediately suspended or has had his/her privilege to enter or remain on District Property terminated, he/she shall send his/her written appeal to the College Disciplinary Administrator via First Class, United States Mail. Any appeal that is not postmarked within ten (10) days of the letter sent to the student pursuant to Section 7.2, shall be deemed untimely and shall constitute a waiver of the student's right to an appeal under this section.

7.4 Content of Request For Appeal. A student's request for appeal of either expulsion, long term suspension, or denial of financial aid shall be in writing and shall contain the following:

- a. If the student wishes to have a campus appeal advisor accompany him/her to the hearing, the name of the individual he/she has chosen to act as his/her campus appeal advisor;
- b. If the student is a dependent minor and he/she wishes to have a parent or guardian accompany him/her to the hearing, the full legal name, address and telephone number of his/her parent or guardian who will accompany him/her to the hearing;
- c. If the student wishes to have a court-certified interpreter present at the hearing, the student shall in his/her request for appeal, notify the College Disciplinary Administrator that he/she shall be providing an interpreter and indicate what language interpreter he/she is providing pursuant to Section 2.17.
- d. If the student is eligible to have an attorney accompany him/her to the hearing pursuant to Section 7.11(n), the name, address and telephone number of the student's attorney. No later than five (5) days prior to the hearing, the student must have his/her attorney deliver a Retention Letter, including his/her State Bar number, to the College Disciplinary Administrator.

7.5 Student Discipline Appeal Committee. Upon receipt of the written notice of appeal from the student, the College Disciplinary Administrator shall set a meeting of the Student Discipline Appeal Committee within a reasonable time and shall notify the student of the time, place, and membership of the Student Discipline Appeal Committee.

a. Membership of Student Discipline Appeal Committee. The Student Discipline Appeal Committee shall consist of three (3) members: one (1) manager who shall serve as the chairperson; one (1) faculty member; and one (1) student.

b. Selection Process For the Student Discipline Appeal Committee

- i The manager shall be chosen from those District employees employed as managers in the District at the time of the hearing.

- ii Within thirty (30) days of the beginning of the Fall Semester, the Academic Senate of the College shall send a list of at least ten (10) faculty members who will be eligible to serve on a Student Discipline Appeal Committee to the College Disciplinary Administrator. The list shall remain in effect until a new list is provided.
- iii Within thirty (30) days of the beginning of each Semester, the college Student Body President shall submit a list of no fewer than twenty (20) students who will be eligible to serve on a Student Discipline Appeal Committee to the College Disciplinary Administrator. The list shall remain in effect until a new list is provided.
- iv The panel shall be chosen by the College Disciplinary Administrator except that the panel shall not include any person who was a participant in the event, out of which the Disciplinary action arose, nor shall it include any person who has had a past association with the student or any other party to the hearing which could impede the individual's ability to act in a fair and impartial manner.
- v In the event that a member of the Disciplinary Appeal hearing Panel becomes unavailable within three (3) days of the scheduled hearing, the College Disciplinary Administrator shall replace that person with any available person of the same category (administrator, faculty or student) who need not be on the list referred to in paragraphs (1) through (3) of this subsection. The student for whom the appeal is scheduled shall have the opportunity at the beginning of the hearing to challenge the replacement member. The challenge shall be considered by the remaining two members of the panel. If the challenge is upheld, the hearing shall continue with a panel of two persons. If the administrator is removed, the faculty member shall become the panel chair.

c. Challenges To Members of Student Discipline Appeal Committee. Either the student or the District may challenge any member of the Student Discipline Appeal Committee for cause by submitting a written challenge to the College Disciplinary Administrator. Challenges shall be submitted to the College Disciplinary Administrator at the earliest reasonable opportunity, which normally shall be in advance of the hearing. The College Disciplinary Administrator shall make a decision on the challenge, ordinarily within two (2) days. If the College Disciplinary Administrator denies the challenge, the party making the challenge may appeal his/her decision to the Student Discipline Appeal Committee whose decision shall be final. Challenges must be made in writing and must set forth facts which establish that:

- i A member of the Student Discipline Appeal Committee was a participant in the event out of which the disciplinary action arose; or
- ii A member of the Student Discipline Appeal Committee is related to or has had past association with the student or his/her appeal advisor, or another person who has been adversely affected by the events giving rise to the disciplinary action, which past association is of a kind which indicates that a member of the Student Discipline Appeal Committee could not act in a neutral manner.

## 7.6 Persons Permitted To Attend Hearing.

The hearing shall be closed to everyone except the following:

- a. Members of the Student Discipline Appeal Committee.
- b. The student charged.
- c. The College Disciplinary Administrator.
- d. An attorney or other professional, expert, or consultant retained by the District
- e. Representative(s) of the College Safety Department.
- f. A witness, while presenting evidence.
- g. One of the following:
  - i a campus advisor if requested by the appealing student;
  - ii an attorney if permitted under Section 7.11(n).
- h. The student's parent(s) or legal guardian if the student is a Dependent minor.
- i. An interpreter as provided for elsewhere in this policy.
- j. Any District employee as deemed necessary by the College Disciplinary Administrator.
- k. Any person who by law is entitled to take part in or review the proceedings.

7.7 Time Limits Applicable to Hearings

The hearing ordinarily shall be convened within fifteen (15) days from the date an appeal is filed with the College Disciplinary Administrator. The hearing shall be limited to one (1) meeting.

7.8 Authority of the Student Discipline Appeal Committee Chair.

- a. Make all rulings on matters relating to the conduct of the hearing, including matters regarding the relevancy and materiality of evidence.
- b. Maintain an orderly hearing and permit no person to be subjected to abusive treatment. The committee chair may eject or exclude anyone who refuses to be orderly.
- c. Recognize the student charged and the District representative, for the purpose of questioning witnesses or presenting argument, evidence or requests to the committee. The hearing committee may also question witnesses.

7.9 Evidence Presented At The Hearing.

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Only relevant and material evidence shall be presented to and considered by the Student Discipline Appeal Committee. Irrelevant, immaterial and unduly repetitious

evidence shall be excluded. No evidence other than that received at the hearing shall be considered by the Student Discipline Appeal Committee.

#### 7.10 Recording of the Hearing:

- a. An audio tape recording of the hearing shall be kept by the District. The tape will be maintained for at least one (1) year after the conclusion of the hearing and after that time may be erased. No tape recording other than the official record of the hearing shall be permitted.
- b. A student who has filed an appeal under this section and who has personally participated in a hearing before the Student Discipline Appeal Committee, may listen to all or portions of the tape of his/her hearing before the Student Discipline Appeal Committee or, at his/her own expense, the student may receive a copy of said tape provided that use of such a copy shall be limited to subsequent administrative and/or judicial proceedings held in connection with the matter.
- c. The policy of confidentiality shall not preclude the District from taking any action following appropriate procedures against any person or entity on the basis of evidence developed at the hearing.
- d. Any recordings of the proceedings shall be limited to the hearing.

#### 7.11 Conduct of Hearing

- a. The proceedings of the Student Disciplinary Committee shall be confidential.
- b. When the hearing commences, all parties present shall identify themselves and their role for the record.
- c. The procedures for conducting the hearings shall be explained by the College Disciplinary Administrator. The Student Disciplinary Administrator may inform everyone present for the proceedings that the proceedings are confidential.
- d. The College Disciplinary Administrator shall also advise the Student Discipline Appeal Committee of the sanction he/she has imposed on the student and his/her reasons for applying that particular sanction.
- e. The College Disciplinary Administrator shall have up to forty-five (45) minutes, if necessary, to present relevant evidence and witnesses to support the determination by the College Disciplinary Administrator that a violation of Sections 3 and/or 4 of this Student Code of Conduct has occurred.
- f. The student charged may question any witnesses presented by the College Disciplinary Administrator. Members of the Student Discipline Appeal Committee may also question any witness presented by the College Disciplinary Administrator. Questioning by the student or the committee shall not be considered part of the time allotted for presentation of the College Disciplinary Administrator's evidence.
- g. The student charged shall have up to forty-five (45) minutes, if necessary, to present relevant evidence and witnesses bearing on the accusation. The College Disciplinary



Administrator may question any witnesses represented by the student. Members of the Student Discipline Appeal Committee may also question witnesses. Questioning by the College Disciplinary Administrator or the committee shall not be considered part of the time allotted for presentation of the student's evidence

- h. The College Disciplinary Administrator, and then the student charged may make a closing statement to the Student Discipline Appeal Committee. These closing statements shall be limited to a maximum of five (5) minutes each.
  - i. The Student Discipline Appeal Committee chair shall have the authority to extend the time limits established in the foregoing four (4) paragraphs.
  - j. Following these closing statements, any recording of the proceeding shall cease, all persons will be dismissed from the hearing except for the three (3) members of the committee.
  - k. A Campus Appeal Advisor may accompany the student to the hearing. A Campus Appeal Advisor may only advise the student. The Campus Appeal Advisor may not address the Student Discipline Appeal Committee, examine or cross-examine witnesses or in any other way participate in the hearing.
  - l. The student may, at his/her own expense, have an interpreter as defined in Section 2.17 attend the hearing before the Student Discipline Appeal Committee. An interpreter accompanying a student to the hearing before the Student Discipline Appeal Committee must provide evidence of his/her certification as a certified court interpreter to the College Disciplinary Administrator prior to the commencement of the hearing. The interpreter may only interpret for the student.
  - m. If the student is a dependent minor, the student's parent(s) or legal guardian may accompany him/her to the hearing and act on his/her behalf.
  - n. An attorney licensed to practice in California may accompany the student to the hearing only if (1) the student is charged with criminal charges arising from the same incident at issue before the Student Discipline Appeal Committee, or (2) if counsel is in attendance for the District. An attorney accompanying a student at a hearing before the Student Disciplinary Appeal Committee shall only advise the student. The attorney may not make any statements or presentations to the hearing panel, examine or cross-examine any witnesses, or present evidence or any written material to the panel. An attorney accompanying the student to a hearing before the Student Disciplinary Appeal Committee may not in any way disrupt or interfere with the hearing process. Any violation of this section shall result in the removal of the attorney. An attorney shall provide the College Disciplinary Administrator with a Retention Letter confirming that he/she has been retained by the student at least five (5) days before the hearing. The attorney's Retention Letter shall include the attorney's State Bar number.
- 7.12 A student who fails to appear before the Student Disciplinary Appeal Committee after having been notified as provided herein is deemed to have waived his/her rights to all further appeals of the sanctions imposed on him/her. The hearing shall be terminated and the Student Discipline Appeal Committee dismissed.

### 7.13 Exchange of Documents.

The District and the student have a right to receive copies of all documents that are to be presented to the Student Discipline Appeal Committee.

- a. Upon the student's written request, which must be received at least 7 days prior to the hearing, the College Disciplinary Administrator shall provide the student with copies of all documents the College Disciplinary Administrator intends to present to the Student Discipline Appeals Committee. The College Disciplinary Administrator shall make such documents available to the student as soon as practicable before the hearing.
- b. If the student intends to present any documents to the Student Discipline Appeal Committee, he/she shall provide copies of the same to the College Disciplinary Administrator as soon as practicable before the hearing.

### 7.14 Deliberation and Decision

The Student Discipline Appeal Committee shall make its recommendation based on the preponderance of evidence.

Following presentation of evidence, the Student Discipline Appeal Committee shall privately consider the evidence and shall prepare a written report of its recommendation and deliver the same to the College President with a copy to the College Disciplinary Administrator. The report, which shall ordinarily be submitted to the President within five (5) working days of the date of the hearing, shall include the following:

- a. A summary of the facts as found by the Student Discipline Appeal Committee, and a determination that the student did or did not commit the act(s) alleged;
- b. A finding that the act did or did not constitute one of the causes for discipline listed in Sections 3 and/or 4 of this Student Code of Conduct.
- c. A recommendation to the College President as to the appropriateness of the disciplinary sanction imposed on the student by the College Disciplinary Administrator. This recommendation may state:
  - i A finding that the student is innocent and, therefore, a recommendation that no disciplinary action be taken;
  - ii A finding that the student is guilty but that the disciplinary action imposed be lessened
  - iii A finding that the student is guilty and that the disciplinary action proposed is appropriate; or
  - iv A finding that the student is guilty and that a more severe disciplinary sanction be imposed.
- d. The report of the Student Discipline Appeal Committee shall be made available to the student upon request.

#### 7.15 Decision of the College President

The College President shall review the report of the Student Discipline Appeal Committee and may clarify it with one or more members of the committee, or the College Disciplinary Advisor. The President may accept the sanction recommended by the Student Discipline Appeal Committee; may adopt a lesser sanction; or may adopt a more severe sanction.

The President shall normally render the decision within five (5) working days after receipt of the recommendations of the Student Discipline Appeal Committee.

The President shall cause written notification of his/her action to be sent to the student and the College Disciplinary Administrator. The President's decision shall be kept confidential and ends the student's appeal process unless the President has determined that he/she will seek the student's expulsion.

### 8. EXPULSION

In the event the College President has determined that he/she will seek the student's expulsion, the following procedures shall apply.

- 8.1 Recommendation for Expulsion. If the College President wishes to have the student expelled, he/she shall deliver a written recommendation for the student's expulsion to the Chancellor. A copy of the President's recommendation shall be provided to the student or if the student is a dependent minor to his/her parent or guardian in the manner set forth in paragraph 10.8. The College President's recommendation for expulsion shall contain a statement of the charges against the student that provide the basis for his/her request that the student be expelled, including a factual description of the conduct upon which the charges are based, the action(s) taken by the College Disciplinary Administrator and the recommendation of the Student Discipline Appeals Committee.
- 8.2 Review by the Chancellor. The student may appeal the College President's recommendation for expulsion by submitting a letter of appeal via personal delivery, delivery by a professional process server, or by certified mail to the Chancellor's office within ten (10) days of his/her receipt of the College President's recommendation for expulsion. Any letter of appeal must be signed for by the Chancellor's Office. The letter of appeal to the Chancellor shall state the reasons why the student should not be expelled and shall not exceed fifteen (15) pages in length. The student or his/her parent or guardian does not have the right to meet personally with the Chancellor under this procedure.
- 8.3 Chancellor's Decision. In the event the student, or the student's parents or guardians if the student is a Dependent minor, has appealed the College President's recommendation to the Chancellor, the Chancellor shall ordinarily render a decision within ten (10) days of his/her receipt of the student's letter of appeal.
- 8.4 Chancellor's Recommendation to the Board. If the Chancellor has decided to seek the student's expulsion, he/she shall cause to be placed on a Board agenda for action, his/her recommendation that the student be expelled. The Chancellor shall notify the student or the student's parent or guardian if the student is a dependent minor of his/her decision. The Chancellor's notice shall be in writing and delivered pursuant to paragraph

10.9.

8.5 Appeal to the Board of Trustees. The student may appeal the Chancellor's decision to the Board of Trustees by submitting a letter via personal delivery, delivery by a professional process server, or by certified mail to the Chancellor's office stating that the student wishes to appeal to the Board of Trustees. Any letter of appeal must be signed for by the Chancellor's Office. The student's letter of appeal must be post-marked no later than five (5) days from the date of the student's receipt of the Chancellor's letter notifying him of the Chancellor's decision to seek expulsion. For purposes of this Section, the Chancellor's letter to the student notifying him/her of the Chancellor's recommendation for expulsion shall be deemed received by the student five (5) days after mailing from the Chancellor's office.

8.6 Procedure Regarding Appeal to the Board of Trustees.

- a. Upon receipt of the student's letter of appeal to the Board of Trustees, the Chancellor shall notify the student in writing of the date, time and place of the Board meeting at which the Board will consider the Chancellor's recommendation that the student be expelled.
- b. The student may submit a letter, not exceeding fifteen (15) pages in length, to the Board through the Chancellor explaining why he/she should not be expelled. The student may attach to his/her letter any documents he/she wishes the Board to consider. The student shall send these materials to the Chancellor's office. These materials shall be submitted via personal delivery, delivery by a professional process server or by certified mail postmarked at least 15 days before the Board meeting at which the student's expulsion is on the agenda. Any letter of appeal must be signed for by the Chancellor's Office.
- c. The Chancellor shall submit the following documents to the Board prior to the Board acting on his/her recommendation for expulsion:
  - i a copy of the letter provided to the student under Section 8.4 of this policy;
  - ii a copy of the report, if any, of the Student Discipline Appeal Committee;
  - iii a copy of the President's recommendation for expulsion as required under Section 8.1 of this policy;
  - iv a copy of any letters or documents submitted by the student pursuant to Sections 8.2, 8.5 and 8.6 of this policy; and
  - v the Chancellor's recommendation regarding expulsion of the student.
- d. The Board shall consider the documents set forth in Section 8.5 (c)(1)-(5) of this policy in closed session.
- e. Any action by the Board on the Chancellor's recommendation for the student's expulsion shall take place in open session.

8.7 The Board's Decision Regarding Expulsion. The Board's decision shall be final and shall

end the student's appeal process.

8.8 Notification to College Disciplinary Administrator. The secretary to the District's Board of Trustees shall notify the College Disciplinary Administrator in writing of the Board's decision regarding the student's expulsion and shall provide the College Disciplinary Administrator with a copy of the meeting minutes evidencing the Board's action.

8.9 Notification to Student. The College Disciplinary Administrator shall notify the student in writing of the Board's decision regarding his/her status as a student in the District.

## **9. PROCEDURES FOR READMISSION.**

The following procedures shall apply to a student's request for readmission.

9.1 Eligibility For Readmission Following Suspension: A student who has been suspended is eligible to apply for readmission if:

- a. The term of the student's suspension will expire within 30 days.
- b. The student has complied with all the terms and conditions of his/her suspension; and
- c. During the course of the student's suspension, the student has not engaged in any behavior or activity that would be cause for discipline under this Student Code of Conduct if the individual were a District student.

9.2 Procedure For Re-admission Following Long-Term Suspension.

- a. The student seeking readmission must make a written request for readmission to the College Disciplinary Administrator.
- b. The College Disciplinary Administrator may request a meeting with the student seeking readmission to ascertain his/her eligibility for readmission.
- c. Ordinarily, within thirty (30) days of the date of his/her receipt of a written request for readmission, the College Disciplinary Administrator shall decide whether the request should be granted or denied.
- d. The College Disciplinary Administrator shall notify the student of his/her decision in writing and shall, in case of denial, include the reasons for such denial.
- e. A student whose application for readmission has been denied, may not apply for readmission for a period of two (2) years after denial of his/her application.

9.3 Eligibility for Readmission Following Expulsion. A student who has been expelled is eligible for readmission if:

- a. At least ten (10) years have passed since the term of the expulsion has expired; and
- b. During the course of the student's expulsion, the student has not engaged in any behavior or activity that would be cause for discipline under this Student Code of Conduct if the individual were a District student.

9.4 Procedure for Readmission Following Expulsion

- a. The individual seeking readmission must make a written request for readmission to the College Disciplinary Administrator.
- b. The College Disciplinary Administrator may request a meeting with the individual seeking readmission to ascertain his/her eligibility for readmission.
- c. Ordinarily, within thirty (30) days of the date of his/her receipt of a written request for readmission, the College Disciplinary Administrator shall send the application to the College President with a recommendation as to whether the request should be granted or denied.
- d. The individual seeking written readmission may submit any additional information to the College President concerning his/her request.
- e. Within ten (10) days of his/her receipt of the request from the College Disciplinary Administrator, the College president shall make a recommendation regarding the individual's request to the Chancellor.
- f. The Chancellor shall make a recommendation to the Board regarding the individual's request in the form of a Board action item.
- g. The Board shall act on the Chancellor's request.
- h. The secretary to the Board shall notify the College President and the College Disciplinary Administrator of the decision of the Board. The College Disciplinary Administrator shall notify the student in writing.

**10. MISCELLANEOUS:** The following provisions apply to all proceedings under the Student Code of Conduct:

- 10.1 Application of Policy to Conduct of Applicants For Readmission. Readmission may be denied to any person who, while not enrolled as a student, commits such acts which, were he/she enrolled as a student, would be the basis for disciplinary proceedings under this policy. Any conduct for which admission or re-admission may be denied must be District-related.
- 10.2 Confidentiality. Unless the student and the College District agree otherwise, proceedings under this policy shall be confidential except as authorized by law. All hearings held hereunder shall be closed to everyone other than those persons allowed to participate under this policy, except as provided by law.
- 10.3 Criminal Penalty. Any person who has been notified that consent to remain on District Property has been withdrawn and who has not had such consent reinstated and who willfully and knowingly enters or remains upon District Property during the period for which consent has been withdrawn is guilty of a misdemeanor and may be subject to prosecution.
- 10.4 Discipline is District-Wide. Disciplinary action taken at one College shall be in effect at all District Property.

- 10.5 District's Legal Counsel. The District reserves the right to involve its legal counsel in administering or attending these procedures.
- 10.6 Extension of Time Limitations. The time limitations set forth throughout this policy may be extended by the District for good cause and in such case may notify the student. The student may petition the College Disciplinary Administrator for an extension of the time limitations for good cause.
- 10.7 Failure of Student to Participate. Disciplinary procedures under this policy may proceed or continue notwithstanding the failure or refusal of a student to respond, attend, or otherwise participate after having been properly notified of the proceeding as provided herein. A student who fails to attend a meeting or any hearing after having been properly notified shall be presumed to have accepted any disciplinary action taken and his/her non-appearance shall constitute a waiver of his/her rights to appeal.
- 10.8 Dependent Minor Student. If the student is a dependent minor, the student's parents or guardians shall receive copies of all correspondence sent to the student pursuant to this policy. The parent or guardian may act on behalf of the dependent minor student at all proceedings under this policy.
- 10.9 Notices. All written notices required to be given to the student under this policy may be effectuated either by personal delivery or U.S. Mail. Mailed notices shall be sent to the student's address on file in the College Records office. Mailed notices will be deemed communicated as of five (5) calendar days after mailing or as of the day of personal delivery. A copy of all written notices will be maintained on file in the appropriate College office.
- 10.10 Rights of Free Speech and Association. The rights of free speech and association shall be accommodated consistently with the intent of this policy.

Technical Departures From This Policy. Technical departures from this policy and errors in their application shall not be grounds to void the District's right to take disciplinary action against a student; unless the technical departure or error prevented a fair determination of the issue.

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