

AP 5500 STANDARDS OF STUDENT CONDUCT

References:

Education Code Sections 66300 and 66301;
Accreditation Standard II.A.7.b

NOTE: The standards of conduct for students may be included in Board Policy (see BP 5500) or delegated to the Chancellor for inclusion in these Administrative Procedures. If delegated, this procedure is legally required, and the following standards or similar ones are legally advised:

Definitions: The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student.

- Causing, attempting to cause, or threatening to cause physical injury to another person.
- Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a District employee, which is concurred in by the *[designate position]*.
- Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code Sections 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
- Committing or attempting to commit robbery or extortion.
- Causing or attempting to cause damage to District property or to private property on campus.
- Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
- Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
- Committing sexual harassment as defined by law or by District policies and procedures.

- Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.
- Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.
- Willful misconduct that results in injury or death to a student or to District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
- Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
- Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty as defined by [insert local practice].
- Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.
- Unauthorized entry upon or use of District facilities.
- Lewd, indecent or obscene conduct or expression on District-owned or controlled property, or at District sponsored or supervised functions.
- Engaging in expression which is obscene, libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises, or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District.
- Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any district policy or administrative procedure.

Students who engage in any of the above are subject to the procedures outlined in AP 5520 titled Student Discipline Procedures.

❖ **From current CLPCCD Administrative Rules and Procedures 5512 titled Student Conduct and Due Process - Las Positas and Chabot Colleges**

All complaints of alleged misconduct made against a student by any person should be submitted to the Chabot Dean of Students or the Vice President of Student Services at Las Positas College. These complaints must be made in writing, specifying the time, place, and nature of the alleged misconduct. All complaints must be signed. If the Dean or the Vice President of Student Services determines the complaint to be capricious, the complaint may be dismissed.

The Dean of Students at Chabot College or the Vice President of Student Services at Las Positas College shall conduct an investigation of the reported incident as is appropriate. The Dean or Vice President will confer with the accused student for the purposes of advising the student of the report and of the student's rights under college rules and regulations. The Dean or Vice President may also procure information relating to the report from the accused student and other persons, including an assessment of damage to property or injury to persons. Such investigations shall be treated as confidential and shall not be placed in the student's file unless a charge is upheld and a decision is rendered by the Vice President or Dean or designee against the student.

Following investigation, the Dean of Students or Vice President of Student Services will render a decision in writing to the student as well as the person filing the complaint against the student (if appropriate) within five (5) working days. The Dean or Vice President may find that the complaint lacks merit; or deliver a written statement to the accused student formally charging that student with misconduct.

This statement will specify one of the following actions that will be taken in the case:

1. Place on record a verbal or written reprimand.
2. Place the student on probation, temporary exclusion or suspension.
3. Recommend expulsion to the District Board of Trustees via the President of the College and the District Chancellor.
4. Assign the case for further review to a formal Hearing Committee.

The student may do either of the following:

1. Accept the Dean of Students or Vice President's decision.
2. Notify the Dean or Vice President within two (2) working days to initiate a formal hearing.

Procedures for Formal Hearing

1. The Dean of Students at Chabot College or the Vice President of Student Services at Las Positas College shall transmit to the Hearing Committee the case of any student or complainant requesting a formal hearing. **Procedurally**, informal action becomes formal upon the Vice President or Dean convening the Hearing Committee.
2. The Hearing Committee shall be selected as follows:
 - a. Two faculty members appointed by the Faculty Senate President.
 - b. Two students appointed by the Associated Students' President.

c. One person appointed by the President of the college who may be an instructor or a manager other than the Dean of Students or the Vice President of Student Services.

d. Committee members shall select one of their members as Chair.

3. The Hearing Committee shall conduct its proceedings as follows:

a. A summary record shall be provided by the Dean of Students or Vice President of Student Services.

b. The committee shall discuss issues, hear testimony, examine witnesses and consider available evidence pertaining to the charge.

c. Both parties shall have the right to present statements, testimony, evidence and witnesses. The accused person may be represented by counsel or by a person of his/her choice. Each party shall have the right to question witnesses and to hear testimony.

d. The student who is charged is presumed innocent until proven otherwise by the preponderance of the evidence.

e. The committee shall submit its findings of facts and its recommended action to:

1) CHABOT - Dean of Students, a copy to the Vice President of Student Services, College President, the student, and to the complainant involved.

2) LAS POSITAS - the Vice President of Student Services, a copy to College President, the student, and to the complainant involved.

f. The hearing shall be closed to the public unless the student requests from the Dean or Vice President at least two (2) working days in advance that the hearing be public. The Dean or Vice President may refuse such a request if confidentiality must be maintained in order to insure the rights of either party in the dispute.

g. A summary record of the proceedings, if held in closed session, shall be kept in a confidential file by the Vice President of Student Services or the Dean of Students. All applicable guidelines as specified by the Family Education Rights and Privacy Act of 1974 shall be followed regarding student record privacy.

h. All proceedings, from the receipt of the request for a formal hearing to the Dean's or Vice President's rendering and submission to the parties involved of a written decision, are to be handled with deliberate speed and shall be completed within twenty (20) working days.

Final Action

1. The Vice President of Student Services at Las Positas College or the Dean of Students at Chabot College, upon receiving the findings of facts and recommendations of the Hearing Committee, shall render a written decision, which either (a) dismisses the charge, (b) reduces the discipline recommended by the Hearing Committee, or (c) sustains the recommendations of the Hearing Committee. Copies of this decision will be given to the Hearing Committee, the Vice President of Student Services, the President of the college, the student, the complainant and other appropriate administrative officials.

2. If the student is dissatisfied with the decision of the Chabot Dean of Students, a written appeal may be filed with the Vice President of Student Services within two (2) working days after being advised of the Dean of Students decision.

Upon receipt of this appeal, the Vice President shall review the proceedings in consultation with the President of the college, conduct such investigation as is deemed appropriate. If the student is dissatisfied with the decision of Las Positas' Vice President of Student Services, a written appeal may be filed with the College President within two (2) working days after being advised of the Vice President of Students decision. Upon receipt of this appeal, the President shall review the proceedings, conduct such investigation as is deemed appropriate. One of the following actions will be taken:

a. Dismiss the charge.

b. Reduce the recommended sanctions.

c. Concur with the Dean of Students or Vice President of Student Services decision.

3. The decision of the Vice President of Student Services or the President is final in all actions prescribed in this Policy except expulsion, which is a decision of the Board of Trustees.

Pending final action on the charge, the student's status shall not be altered and the person shall be allowed to be present on campus and to attend class. The Dean of Students or the Vice President may rule otherwise if the student's presence is deemed to be of danger to the student or others, or places in jeopardy college functions or property.

Expulsion

If the final recommendation in the case is expulsion from the college, this recommendation is made to the District Board of Trustees, who will make the final decision at the next regularly scheduled Board meeting. The decision of the Board of Trustees regarding expulsion is final.

Policy Definitions

1. The term (District) means Chabot-Las Positas Community College District.
2. The term (College) means Chabot College or Las Positas College.
3. The term "student" includes all persons taking courses at the College, both fulltime and part-time studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the (College) are considered "students".
4. The term "faculty member" means any persons hired by the (College/District) to conduct classroom activities.
5. The term "manager" includes any person employed by the (College/District) performing assigned administrative, professional, or staff responsibilities.
6. The term "agent of the college" includes any person who is a student, faculty member, (College/District) official or any other person employed by the (College).
7. The term "(College) premises" includes all land, buildings, facilities, and other property in the possession of or owned, used or controlled by the (College) including adjacent streets and sidewalks.
8. The term "college community" includes any person who is a student, faculty member, staff, (College/District) official or any other person employed by the (College).
9. The term "organization" means any number of persons who have complied with the formal requirements for (College) enrollment/registration.
10. The term "behavior" includes conduct and expression.
11. The term "hazing" means any method of initiation into a student organization or any pastime or amusement engaged in with regard to such an organization or causes, or is likely to cause bodily danger, or physical or emotional harm, to any member of the college community.
12. The term "deadly weapons" includes any instrument or weapon of the kind commonly known as a blackjack, sling shot, billy club, sand club, sandbag, metal knuckles, any dirk, dagger, switchblade knife, or any knife having a blade longer than five inches, pistol, revolver, or any other firearm, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club.

13. The term "Hearing Committee" means faculty, students and administration, authorized by the college administration to determine whether a student has violated the Student Code and to recommend imposition of sanctions.

14. The term "shall" is used in the imperative sense.

15. The term "may" is used in the permissive sense.

16. The term "Policy" is defined as the written regulations of the (College/District) as found in, but not limited to, the Student Code, and College Catalog.

17. The term "cheating" includes, but is not limited to: fraud deceit, or dishonesty in an academic assignment or using or attempting to use materials, or assisting others in using materials which are prohibited or inappropriate in the context of the academic assignment in questions, such as: copying or attempting to copy from others during an exam or on an assignment, communicating answers with another person during an exam, **preprogramming** a calculator to contain answers or other unauthorized information for exams, using unauthorized materials, prepared answers, written notes, or concealed information during an exam, or allowing others to do an assignment or portion of an assignment for you, including the use of a commercial term-paper service.

18. The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work or another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared; by another person or agency engaged in the selling of term papers or other academic materials.

19. The term designee is the **person(s)** designated by the (College).

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy and Procedure Service and its legal counsel. The language in **black ink** is from current CLPCCD Administrative Rules and Procedures 5512 titled Student Conduct and Due Process - Las Positas and Chabot Colleges issued on March 19, 1996 and revised on January 18, 2000. This document was reviewed by the administrative team on June 4, 2013.

Date Approved:

*(This new procedure replaces current
Administrative Rules and Procedures 5512)*

Legal Citations for AP 5500

EDUCATION CODE SECTIONS 66300, 66301, 76033

66300. The Regents of the University of California, the Trustees of the California State University, and the governing board of every community college district, shall adopt or provide for the adoption of specific rules and regulations governing student behavior along with applicable penalties for violation of the rules and regulations.

The institutions shall adopt procedures by which all students are informed of such rules and regulations, with applicable penalties, and any revisions thereof.

66301. (a) Neither the Regents of the University of California, the Trustees of the California State University, the governing board of any community college district, nor any administrator of any campus of those institutions, shall make or enforce any rule subjecting any student to disciplinary sanction solely on the basis of conduct that is speech or other communication that, when engaged in outside a campus of those institutions, is protected from governmental restriction by the First Amendment to the United States Constitution or Section 2 of Article 1 of the California Constitution.

(b) Any student enrolled in an institution, as specified in subdivision (a), that has made or enforced any rule in violation of subdivision (a) may commence a civil action to obtain appropriate injunctive and declaratory relief as determined by the court. Upon a motion, a court may award attorney's fees to a prevailing plaintiff in a civil action pursuant to this section.

(c) Nothing in this section shall be construed to authorize any prior restraint of student speech or the student press.

(d) Nothing in this section prohibits the imposition of discipline for harassment, threats, or intimidation, unless constitutionally protected.

(e) Nothing in this section prohibits an institution from adopting rules and regulations that are designed to prevent hate violence, as defined in subdivision (a) of Section 4 of Chapter 1363 of the Statutes of 1992, from being directed at students in a manner that denies them their full participation in the educational process, if the rules and regulations conform to standards established by the First Amendment to the United States Constitution and Section 2 of Article 1 of the California Constitution for citizens generally.

76033. As used in this article, "good cause" includes, but is not limited to, the following offenses:

(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.

(b) Assault, battery, or any threat of force or violence upon a student or college personnel.

(c) 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.

(d) The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions **Code**.

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

(f) Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

Accreditation Standard IIA.7.b: Student Learning Programs and Services

7. In order to assure the academic integrity of the teaching-learning process, the institution uses and makes public governing board adopted policies on academic freedom and responsibility, student academic honesty, and specific institutional beliefs or worldviews. These policies make clear the institution's commitment to the free pursuit and dissemination of knowledge.

b. The institution establishes and publishes clear expectations concerning student academic honesty and the consequences for dishonesty.