

AP 5520 STUDENT DISCIPLINE PROCEDURES

References:

Education Code Sections 66300, 72122, and 76030

NOTE: *This procedure is legally required, except as specifically noted. Local practice may be inserted, but must comply with the standards of due process reflected in this example.*

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

These Administrative Procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

Definitions:

District – The Chabot-Las Positas Community College District.

Student – Any person currently enrolled as a student at any college or in any program offered by the District.

Instructor – Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

Short-term Suspension – Exclusion of the student by the Chancellor for good cause from one or more classes for a period of up to ten consecutive days of instruction.

Long-term Suspension – Exclusion of the student by the Chancellor for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

Expulsion – Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms.

Removal from class – Exclusion of the student by an instructor for the day of the removal and the next class meeting.

Written or verbal reprimand – An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the **[designate authority]** for any person to remain on campus in accordance with California Penal Code Section 626.4 where the **[designate authority]** has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Day – Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays.

Short-term Suspensions, Long-term Suspensions, and Expulsions: Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

- **Notice** – The **[designated position]** will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - the specific section of the Standards of Student Conduct that the student is accused of violating.
 - a short statement of the facts supporting the accusation.
 - the right of the student to meet with the **[designated position]** or designee to discuss the accusation, or to respond in writing.
 - the nature of the discipline that is being considered.
- **Time limits** – The notice must be provided to the student within **[number of days]** of the date on which the conduct took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within **[number of days]** of the date on which conduct occurred which led to the decision to take disciplinary action.
- **Meeting** – If the student chooses to meet with the **[designated position]**, the meeting must occur no sooner than **[number of days]** after the notice is provided. At the meeting, the student must again be told the facts leading to the

accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

Short-term Suspension – Within **[number of days]** after the meeting described above, the Chancellor shall, pursuant to a recommendation from the **[number of days]**, decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the Chancellor decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The Chancellor's decision on a short-term suspension shall be final.

Long-term Suspension – Within **[number of days]** after the meeting described above, the Chancellor shall, pursuant to a recommendation from the **[designated position]**, decide whether to impose a long-term suspension. Written notice of the Chancellor decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.

Expulsion – Within **[number of days]** days after the meeting described above, the Chancellor shall, pursuant to a recommendation from the **[designated position]**, decide whether to recommend expulsion to the Board of Trustees. Written notice of the Chancellor's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.

Hearing Procedures – Request for Hearing.

NOTE: *Timelines may be locally determined. Five days is usually the minimum notice time accepted by courts.*

Within **[number]** days after receipt of the Chancellor's decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the Chancellor or designee.

Schedule of Hearing – The formal hearing shall be held within **[number]** days after a formal request for hearing is received.

NOTE: *The Board of Trustees may hear these matters itself, or may use the services of a hearing officer or a panel. If the hearing panel format is adopted, the following is suggested.*

Hearing Panel – The hearing panel for any disciplinary action shall be composed of **[insert composition, such as one administrator, one faculty member and one student.]**

The Chancellor, the president of the Academic Senate, and the AS president shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearing panels. The Chancellor shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

Hearing Panel Chair – The Chancellor shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

Conduct of the Hearing

NOTE: *The hearing must comply with principles of due process, including the right to confront and cross examine witnesses. The following procedure is **legally advised**.*

The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.

The facts supporting the accusation shall be presented by a college representative who shall be the **[designate position]**.

The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his/her evidence. The burden shall be on the college representative to prove by substantial of evidence that the facts alleged are true.

The student may represent himself/herself, and may also have the right to be represented by a person of his/her choice. **[Suggested language: except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel**

may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.]

Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than **[number of days]** prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.

The hearing shall be recorded by the District either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded is not unavailable.

Within **[number]** days following the close of the hearing, the hearing panel shall prepare and send to the Chancellor a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

Chancellor Decision:

Long-term suspension – Within **[number of days]** following receipt of the hearing panel's recommended decision, the Chancellor shall render a final written decision. The Chancellor may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Chancellor modifies or rejects the hearing panel's decision, the Chancellor shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Chancellor shall be final.

Expulsion – Within **[number of days]** following receipt of the hearing panel's recommended decision, the Chancellor shall render a written recommended decision to the Board of Trustees. The Chancellor may accept, modify or reject the findings,

decisions and recommendations of the hearing panel. If the Chancellor modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The Chancellor decision shall be forwarded to the Board of Trustees.

Board of Trustees Decision: The Board of Trustees shall consider any recommendation from the Chancellor for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures (Education Code Section 72122).

The student shall be notified in writing, by registered or certified mail or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within forty-eight hours after receipt of the notice, request that the hearing be held as a public meeting.

Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

The Board may accept, modify or reject the findings, decisions and recommendations of the Chancellor and/or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final.

The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.

Immediate Interim Suspension (Education Code Section 66017): The Chancellor may order immediate suspension of a student where he/she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten days.

Removal from Class (Education Code Section 76032): Any instructor may order a student removed from his/her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the Chancellor and the [designated position]. The [designate position] shall arrange for a conference

between the student and the instructor regarding the removal. If the instructor or the student requests, the [designated position] shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the [designated position] from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

Withdrawal of Consent to Remain on Campus: The [designate position] may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she must promptly leave or be escorted off campus. If consent is withdrawn by the [designate position] a written report must be promptly made to the Chancellor.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than [number of days] from the date upon which consent was initially withdrawn.

Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code Section 626.4).

Time Limits: Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

FROM THE CHABOT COLLEGE WEBSITE:

Student Conduct and Due Process Policy

The Chabot-Las Positas Community College District encourages all students to pursue academic studies and other college-sponsored activities. In pursuit of these goals, the student should be free of unfair or improper action from any member of the academic community. The District accords every student the right or protection. Students, however, are responsible for complying with college and district regulations and for meeting the appropriate college requirements. The Colleges have an obligation to maintain conditions under which the work of the colleges can go forward freely, in accordance with the highest standards of quality, institutional integrity and freedom of expression. In joining the academic community, the student enjoys the right of freedom to learn and shares responsibility in exercising that freedom. A student is expected to conduct himself or herself in accordance with standards of the college.

When a student is charged with misconduct such charge shall be processed in accordance with the district policy and procedure in order to protect the student's rights and the colleges interest. Disciplinary action may be imposed on a student for violation of law, district and college policy and regulations, the Education Code and the Administrative Code. Provisions related to disciplinary action shall be published and available to students, faculty and management staff Student conduct may result in disciplinary action by the college and/or criminal prosecution. It is the policy of the district not to impose student discipline for acts occurring away from the college and not connected with college activities, unless the student's conduct affects the functions of the college.

A. Expulsion, Suspension and Probation of Students

A college student may be expelled, suspended, placed on probation or given a lesser sanction for good cause and in accordance with procedures consistent with due process. Good cause includes, but is not limited to, one or more of the following behaviors which must be related to college activity or attendance:

- Cheating or plagiarism in connection with a college academic program.
- Forgery, alteration or misuse of college documents, records, or identification or knowingly furnished false information to a college representative in connection with the performance of official duties.
- Misrepresentation of oneself or of an organization as an agent of the college/district.
- Obstruction or disruption, on or off campus property, of the college educational process, administrative process, or other college or district function or operation.
- Physical abuse on or off college property of the person or property of any member of the college community or of members of his or her family or the threat of such physical abuse.
- Theft of, or non-accidental damage to, college property, or property in the possession of, or owned by, a member of the college community.
- Unauthorized entry into, unauthorized use of or misuse of college property.
- On college property, the sale or knowing possession of dangerous drugs, restricted dangerous drugs, or narcotics as those terms are used in California statutes.
- Knowing possession or use of explosives, dangerous chemicals or deadly weapons on college property or at a college function.
- Engaging in lewd, indecent, or obscene behavior on college property or at a college function.
- Abusive behavior directed toward, or hazing of a member of the college community.
- Violation of any order of the District Chancellor, College President or designee or notice of which had been given prior to such violation and during the academic term in which the violation occurs. This includes notice by publication in the college newspaper, or by posting on an official bulletin board designated for this purpose, and which order is not inconsistent with any of the other provisions of this section.

- Soliciting or assisting another to do any act which would subject a student to expulsion, suspension, probation, or other sanction pursuant to this article.
- Harassment, including sexual harassment, in violation of state or federal law.
- Discrimination based on race, color, religion, gender, national origin, ancestry, age, marital status, disability, sexual orientation, and/or Vietnam era or special disabled veteran status.
- Commission of a computer-related crime.
- Use of any electronic listening or recording device in any classroom without the prior consent of the instructor, except as necessary to provide reasonable auxiliary aids and academic accommodations to students with disabilities.
- Persistent misconduct where other means of correction have failed to bring about proper conduct.
- Violation of college/district parking and traffic regulations.
- Formation of/or membership in secret organizations.
- Violation of the district/college policy related to time, place and manner of expression.
- Obstruction or disruption of administrations disciplinary procedures, or other college activities, including its community service activity.
- Obstruction or disruption of teaching. Interface with the course of instruction to the detriment of other students, including but not limited to entering the classroom after the class has started and disrupting the lecture or class activities including verbal outbursts that disrupt the instructor's lesson. Failure to comply with the instruction or directives of the course instructor.
- Disruption of classes or other academic activities in an attempt to stifle academic freedom of speech.
- Obtaining a copy of an examination or assignment prior to its approved release by the instructor. Selling or distributing course lecture notes, handouts, examinations or other information provided by an instructor, or using them for any commercial purpose without the express permission of the instructor.
- Unauthorized entry to or use of college facilities, including the possession or duplication of keys to any College/District premises, or unauthorized use of public address systems.
- Unauthorized entry into a file, to use, read, or change the contents or for any other purpose. Unauthorized use of another individual's identification and password. Unauthorized use of phone or electronic devices such as radios, etc. Use of computing facilities to interfere with the work of another student, faculty member or college official. Use of computing facilities to send obscene or abusive messages. Use of computing facilities to interfere with normal operation of the college computing systems. Unauthorized use of the internet. Use of laser pointers anywhere on the college grounds that would cause a disruption of instruction or services, or create a hazard to any individual.
- Failure to present registration/identification card when requested to do so by College Official or other authorized persons.
- Failure to comply with directions of College Officials acting in the performance of their duties.

For purposes of this policy, the following definitions apply:

Member of the district/college community is defined as the Board of Trustees of the Chabot-Las Positas Community College District, academic, non-academic and administrative personnel and students of the district, and other persons while such other persons are on college property or at a college function.

Cheating is defined as 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 question, such as:

copying or attempting to copy from others during an examination or on an assignment;

communicating test information with another person during an examination;

preprogramming a calculator or computer to contain answers or other unauthorized information for exams;

using unauthorized materials, prepared answers, written notes, or concealed information during an examination; and

allowing others to do an assignment or portion of an assignment, including the use of a commercial term paper service.

Plagiarism includes the deliberate misrepresentation of someone else's works and ideas, as one's own, as well as paraphrasing without footnoting the source.

District/college property includes real or personal property in the possession of, or under the control of the Board or Trustees of the Chabot-Las Positas District and all district facilities whether operated by the district or by a district auxiliary organization.

Deadly weapons include any instrument or weapon of the kind commonly known as a blackjack, sling shot, billyclub, sandclub, sandbag, metal knuckles, any dirk, dagger, switchblade knife, pistol, revolver, or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club.

Behavior means conduct and expression.

Hazing means any method of initiation into a student organization or any pastime or amusement engaged in with regard to such an organization which causes, or is likely to cause, bodily danger, or physical or emotional harm, to any member of the college community; but the term hazing does not include customary athletic events or other similar contests or competitions.

B. The President of the college, or the Vice President of Student Services, or the official designee, may impose the following sanctions of students who violate the district/college rules and regulations.

Probation: verbal or written warning.

Temporary Exclusion: removal for the duration of the class period or of the activity.

Suspension: exclusion from all district classes, facilities, privileges and activities for a specified period of time as set forth in the notice of suspension.

Expulsion: a recommendation by the President and District Chancellor to the Board of Trustees to terminate a student's status, including exclusion from all district classes, facilities, and functions.

C. Student disciplinary action may be imposed by:

The Board of Trustees who alone may expel.

The President, the Vice President of Student Services or the official designee may immediately impose an interim suspension in all cases in which there is reasonable cause to believe that such an immediate suspension is required in order to protect lives or property. A student placed on interim suspension shall be given prompt notice of charges and the opportunity for a hearing within the ten (10) days of the imposition of interim suspension. During the period of interim suspension, the student shall not, without prior written permission of the Vice President of Student Services or designee, enter the college campus other than to attend the hearing. Violation of any condition of the interim suspension shall be grounds for expulsion.

An administrator may temporarily exclude the student from college sponsored or supervised activity for the duration of the activity.

An instructor may temporarily exclude the student from class for the remainder of the class period.

PROCEDURES

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

The Vice President of Student Services shall conduct an investigation of the reported incident as is appropriate. The 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 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 against the student.

Following investigation, the 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 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:

Place on record a verbal or written reprimand.

Place the student on probation, temporary exclusion or suspension.

Recommend expulsion to the District Board of Trustees via the President of the College and the District Chancellor.

Assign the case for further review to a formal Hearing Committee.

The student may do either of the following:

Accept the Vice President's decision.

Notify the Vice President within two (2) working days to initiate a formal hearing.

Procedures for Formal Hearing

The Vice President of Student Services shall transmit to the Hearing Committee the case of any student or complaint requesting a formal hearing. Procedurally, informal action becomes formal upon the Vice President or Dean convening the Hearing Committee.

The Hearing Committee shall be selected as follows:

Two faculty members appointed by the Faculty Senate President.

Two students appointed by the Associated Students' President.

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

Committee members shall select one of their members as Chair.

The Hearing Committee shall conduct its proceedings as follows:

A summary record shall be provided by the Vice President of Student Services.

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

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

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

The committee shall submit its findings of facts and its recommended action to the Vice President of Student Services, a copy to the College President, the student, and to the complainant involved.

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

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. All applicable guidelines as specified by the Family Education Rights and Privacy Act of 1974 shall be followed regarding student record privacy.

All proceedings, from the recipient of the request for a formal hearing to the 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

The Vice President of Student Services, 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.

If the student is dissatisfied with the decision of the 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.

Dismiss the charge.

Reduce the recommended sanctions.

Concur with the Vice President of Student Services decision.

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 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

The term (District) means Chabot-Las Positas Community College District.

The term (College) means Chabot College or Las Positas College.

The term "student" includes all persons taking courses at the College, both full-time 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".

The term "faculty member" means any persons hired by the (College/District) to conduct classroom activities.

The term "manager" includes any person employed by the (College/District) performing assigned administrative, professional, or staff responsibilities.

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).

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.

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).

The term "organization" means any number of persons who have complied with the formal requirements for (College) enrollment registration.

The term "behavior" includes conduct and expression.

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.

The term "deadly weapons" includes any instrument or weapon of the kind commonly known as blackjack, sling shot, billyclub, sandclub, 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.

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.

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

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

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.

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.

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.

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 **green ink** was added during the administrative review on June 4, 2013.

Date Approved:

(This is a new procedure recommended by the Policy and Procedure Service and its legal counsel)

Legal Citations for AP 5520

Education Code Sections 66300, 72122, and 76030

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.

72122. The governing board of a community college district shall, unless a request by the student has been made pursuant to this section, hold closed sessions if the board is considering the suspension of, or disciplinary action or any other action in connection with any student of the community college district, if a public hearing upon the question would lead to the giving out of information concerning students which would be in violation of state or federal law regarding the privacy of student records.

Before calling a closed session of the governing board of the district to consider these matters, the governing board of the district shall, in writing, by registered or certified mail or by personal service, if the student is a minor, notify the student and his or her parent or guardian, or the student if the student is an adult, of the intent of the governing board of the district to call and hold the closed session. Unless the student, or his or her parent, or guardian shall, in writing, within 48 hours after receipt of the written notice of intention, request that the hearing of the governing board be held as a public meeting, then the hearing to consider those matters shall be conducted by the governing board in closed session. If the written request is served upon the clerk or secretary of the governing board, the meeting shall be public except that any discussion at the meeting that might be in conflict with the right to privacy of any student other than the student requesting the public meeting or on behalf of whom the meeting is requested, shall be in closed session. Whether the matter is considered at a closed session or at a public meeting, the final action of the governing board of the community college district shall be taken at a public meeting and the result of that action shall be a public record of the community college district.

The governing board of a community college district may hold closed sessions to consider the conferring of honorary degrees or to consider gifts from a donor who wants to remain anonymous.

76030. Consistent with requirements of due process of law, with the provisions of this article, and with the rules of student conduct adopted by the governing board under Section 66300, the governing board, the president of a community college or the president's designee, or an instructor shall suspend a student for good cause. In addition, the governing board is authorized to expel a student for good cause when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. The suspension or expulsion of a student shall be accompanied by a hearing conducted pursuant to the requirements of Section 66017.

76031. The adopted rules of student conduct may authorize the president of a community college or the president's designee to suspend a student for good cause as follows:

(a) From one or more classes for a period of up to 10 days of instruction.

(b) From one or more classes for the remainder of the school term.

(c) From all classes and activities of the community college for one or more terms.

The adopted rules of student conduct shall prohibit a student from being enrolled in any community college in the district for the period of suspension.

The president of the community college shall report all suspension of students to the governing board or to the district superintendent.

Whenever a minor is suspended from a community college, the parent or guardian shall be notified in writing by the president or the president's designee.

Nothing in this section shall be construed to prohibit the president of a community college or the president's designee from imposing a lesser disciplinary sanction than suspension. A lesser sanction may include, but need not be limited to, verbal or written reprimand, probation, or ineligibility to participate in extracurricular activities.

76032. The adopted rules of student conduct may authorize an instructor to remove a student from his or her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the chief administrative officer for appropriate action.

If the student removed by an instructor is a minor, the college president or the president's designee shall ask the parent or guardian of the student to attend a parent conference regarding the removal as soon as possible. If the instructor or the parent or guardian so requests, a college administrator shall attend the conference. During the period of removal, a student shall not be returned to the class from which he or she was removed without the concurrence of the instructor of the class.

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.

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

76035. The president or the president's designee at a community college shall, upon the suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is situated of any acts of the student which may be in violation of Section 245 of the Penal **Code**.

76036. Any violation or violations of law, ordinance, regulation, or rule regulating, or pertaining to, the parking of vehicles, shall not be cause for the removal, suspension, or expulsion of a student from a community college.

76037. Nothing in this article shall be construed to limit the authority of a governing board to adopt additional rules and regulations which are not inconsistent with the requirements of this article. These additional rules may, among other things, prescribe specific rules and regulations governing student behavior, along with applicable penalties for violations of the adopted rules and regulations, and may prescribe appropriate due process procedures, including procedure by which students shall be informed of these rules and regulations.

76120. The governing board of a community college district shall adopt rules and regulations relating to the exercise of free expression by students upon the premises of each community college maintained by the district, which shall include reasonable provisions for the time, place, and manner of conducting such activities.

Such rules and regulations shall not prohibit the right of students to exercise free expression including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges, or other insignia, except that expression which is obscene, libelous or slanderous according to current legal standards, or which so incites students as to create a clear and present danger of the commission of unlawful acts on community college premises, or the violation of lawful community college regulations, or the substantial disruption of the orderly operation of the community college, shall be prohibited.

Penal Code

626.4. (a) The chief administrative officer of a campus or other facility of a community college, a state university, the university, or a school, or an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, may notify a person that consent to remain on the campus or other facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility.

(b) Whenever consent is withdrawn by any authorized officer or employee, other than the chief administrative officer, such officer or employee shall as soon as is reasonably possible submit a written report to the chief administrative officer. The report shall contain all of the following:

(1) The description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number.

(2) A statement of the facts giving rise to the withdrawal of consent.

If the chief administrative officer or, in the chief administrative officer's absence, a person designated by him or her for this purpose, upon reviewing the report, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, he or she may enter written confirmation upon the report of the action taken by the officer or employee. If the chief administrative officer or, in the chief administrative officer's absence, the person designated by him or her, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

(c) Consent shall be reinstated by the chief administrative officer whenever he or she has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility. In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the two-week period. The written request shall state the address to which notice of hearing is to be sent. The chief administrative officer shall grant such a hearing not later than seven days from the date of receipt of the request and shall immediately mail a written notice of the time, place, and date of such hearing to such person.

(d) Any person who has been notified by the chief administrative officer of a campus or other facility of a community college, a state university, the university, or a school, or by an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to subdivision (a); who has not had such consent reinstated; and who willfully and knowingly enters or remains upon such campus or facility during the period for which consent has been withdrawn is guilty of a misdemeanor. This subdivision does not apply to any person who enters or remains on such campus or facility for the sole purpose of

applying to the chief administrative officer for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

(e) This section shall not affect the power of the duly constituted authorities of a community college, a state university, the university, or a school, to suspend, dismiss, or expel any student or employee at the college, state university, university, or school.

(f) Any person convicted under this section shall be punished as follows:

(1) Upon a first conviction, by a fine of not exceeding five hundred dollars (\$500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

(g) This section shall not affect the rights of representatives of employee organizations to enter, or remain upon, school grounds while actually engaged in activities related to representation, as provided for in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government **Code**.