

ATTACHMENT A**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:

1. Cheating or plagiarism in connection with a college academic program.
2. 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.
3. Misrepresentation of oneself or of an organization as an agent of the college/district.
4. Obstruction or disruption, on or off campus property, of the college educational process, administrative process, or other college or district function or operation.
5. 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.
6. Theft of, or non-accidental damage to, college property, or property in the possession of, or owned by, a member of the college community.
7. Unauthorized entry into, unauthorized use of or misuse of college property.
8. On college property, the sale or knowing possession of dangerous drugs, restricted dangerous drugs, or narcotics as those terms are used in California statutes.
9. Knowing possession or use of explosives, dangerous chemicals or deadly weapons on college property or at a college function.
10. Engaging in lewd, indecent, or obscene behavior on college property or at a college function.
11. Abusive behavior directed toward, or hazing of a member of the college community.

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12. 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.
13. Soliciting or assisting another to do any act which would subject a student to expulsion, suspension, probation, or other sanction pursuant to this article.
14. Harassment, including sexual harassment, in violation of state or federal law.
15. 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.
16. Commission of a computer-related crime.
17. 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.
18. Persistent misconduct where other means of correction have failed to bring about proper conduct.
19. Violation of college/district parking and traffic regulations.
20. Formation of/or membership in secret organizations.
21. Violation of the district/college policy related to time, place and manner of expression.
22. Obstruction or disruption of administrations disciplinary procedures, or other college activities, including its community service activity.
23. 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.
24. Disruption of classes or other academic activities in an attempt to stifle academic freedom of speech.
25. 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.
26. 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.
27. 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.
28. Failure to present registration/identification card when requested to do so by College Official or other authorized persons.
29. Failure to comply with directions of College Officials acting in the performance of their duties.

For purposes of this policy, the following definitions apply:

1. 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.

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2. 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:
 - o copying or attempting to copy from others during an examination or on an assignment;
 - o communicating test information with another person during an examination;
 - o preprogramming a calculator or computer to contain answers or other unauthorized information for exams;
 - o using unauthorized materials, prepared answers, written notes, or concealed information during an examination; and
 - o allowing others to do an assignment or portion of an assignment, including the use of a commercial term paper service.
3. Plagiarism includes the deliberate misrepresentation of someone else's works and ideas, as one's own, as well as paraphrasing without footnoting the source.
4. 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.
5. 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.
6. Behavior means conduct and expression.
7. 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.

1. Probation: verbal or written warning.
2. Temporary Exclusion: removal for the duration of the class period or of the activity.
3. Suspension: exclusion from all district classes, facilities, privileges and activities for a specified period of time as set forth in the notice of suspension.
4. 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:

1. The Board of Trustees who alone may expel.
2. 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.

3. An administrator may temporarily exclude the student from college sponsored or supervised activity for the duration of the activity.
4. An instructor may temporarily exclude the student from class for the remainder of the class period.
- 5.

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:

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

Procedures for Formal Hearing

1. 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.
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 of 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 Vice President of Student Services.

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- 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 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 the Vice President of Student Services, a copy to the College President, the student, and to the complainant involved.
- f. 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.
- 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. 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 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

1. 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.
2. 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.
 - a. Dismiss the charge.
 - b. Reduce the recommended sanctions.
 - c. Concur with the 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 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 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".
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 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.
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).