



## 5500 - Standards of Conduct

### **Policy**

The Chancellor shall establish procedures for the imposition of discipline on students in accordance with the requirements for due process of the federal and state law and regulations.

The procedures shall clearly define the conduct that is subject to discipline, and shall identify potential disciplinary actions, including but not limited to the removal, suspension or expulsion of a student.

The procedures shall be made widely available to students through the college catalog and other means.

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

1. Causing, attempting to cause, or threatening to cause physical injury to another person.
2. 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 college president.
3. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, 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.
4. Committing or attempting to commit robbery or extortion.
5. Causing or attempting to cause damage to district property or to private property on campus.
6. Stealing or attempting to steal district property or private property on campus, or knowingly receiving stolen district property or private property on campus.
7. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the district.
8. Committing sexual harassment as defined by law or by district policies and procedures.
9. Engaging in harassing or discriminatory behavior based on race, religion, creed, color, national origin, ancestry, disability, sex (i.e., gender), marital status or sexual orientation or any other status protected by law.
10. Willful misconduct which results in injury or death to a student or to college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the district or on campus.
11. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
12. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
13. Dishonesty; forgery; alteration or misuse of college documents, records or identification; or knowingly furnishing false information to the district.
14. Unauthorized entry upon or use of college facilities.
15. Lewd, indecent or obscene conduct on district-owned or controlled property, or at district-sponsored or supervised functions.
16. 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 college premises, or the violation of lawful district administrative procedures, or the substantial disruption of the orderly operation of the district.

17. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
18. Obstruction or disruption of teaching, research, administration, disciplinary proceedings, or other college activities, including its public service functions, or any other authorized activities. Pagers, cellular telephones and other similar electronic devices must be turned off in classrooms and other campus sponsored events unless authorized by an appropriate faculty or staff member.

Reference: *Education Code Section 66300*

**Adopted: June 28, 2004**

## **Procedure**

- I. The purpose of these administrative procedures is to provide a prompt and equitable means to address violations of the standards of conduct in a manner consistent with requirements of due process of law. Nothing in these procedures is intended to infringe upon the rights of students to engage in the lawful exercise of free expression as protected by the state and federal constitutions and by the provisions of Education Code section 76120.
- II. Definitions
  - A. Administrator:
    1. A management employee of the District having significant responsibilities for formulating District policies or administering District programs.
  - B. District:
    1. The Yosemite Community College District
  - C. College:
    1. Modesto Junior College, Columbia College, and their respective programs.
  - D. Student:
    1. Any person currently enrolled as a student at a College or in any program offered by the District.
  - E. Instructor:
    1. Any instructional employee of the District in whose class a Student subject to discipline is enrolled.
  - F. Student Discipline Officer:
    1. The official at a College who is responsible for reviewing and processing student discipline matters.
  - G. Vice President of Student Services:
    1. The Vice President of Student Services or designee of Modesto Junior College and the Vice President of Learning Resources or designee at Columbia College.

H. President:

1. The President or designee of Modesto Junior College and the President or designee of Columbia College.

I. Day:

1. A day during which the District administrative offices are open for business. The time limits set forth in these procedures for action by the Student Discipline Officer, Vice President of Student Services, President or designee, and Board of Trustees are guidelines; failure to strictly adhere to these time limits shall not invalidate any action otherwise appropriately taken hereunder.

J. Expulsion:

1. The involuntary removal of a student from the District and all District programs for one or more terms, or permanently, by action of the Board of Trustees.

K. Formal Hearing:

1. A hearing conducted before a hearing officer or hearing panel in accordance with section 4.0 of these procedures during which the student and the District may call and examine witnesses and present documentary evidence.

L. Informal Hearing:

1. A meeting between the student and the Student Discipline Officer or designee to discuss the charges and provide the student with the opportunity to respond to the charges orally, or in writing.

M. Suspension:

1. The involuntary removal of a student for good cause from one or more classes or from the college by action of the Student Discipline Officer for a limited period of time, as follows:
  - a) Short-Term Suspension:
    - i) Removal from one or more classes for a period of up to 10 consecutive days of instruction;
  - b) Long-Term Suspension:
    - i) Long-term suspension may consist of:
      - 1) Removal from one or more classes for the remainder of the academic term;
      - 2) Removal from one or more classes for one or more academic terms; or
      - 3) Removal from all classes and activities of the College for one or more academic terms.

2. A student placed on suspension from all classes and activities of a College may not be enrolled in any College or program in the District for the period of suspension.

N. Removal from Class:

1. The involuntary removal of a student from class by an Instructor for a maximum period of two consecutive class sessions.

O. Removal from Facility:

1. The involuntary removal of a student by an administrator from a District or College facility, or facility under the control of the District or College for a maximum period of two consecutive days.

P. Disciplinary Probation:

1. A status between good standing and suspension or expulsion. It covers a stated trial period and disciplinary conditions required of the Yosemite Community College District. At the end of the trial period, it shall be determined, based on whether the probationary conditions have been met, whether the student is to be returned to good standing, suspended, recommended for expulsion, or subject to other disciplinary action.

Q. Loss of Privileges:

1. Disciplinary action involving the loss of certain student privileges, such as eligibility to participate in extracurricular activities, for a stated period of time.

R. Formal Reprimand:

1. Written admonition or warning to cease and desist from conduct that has been determined to violate the standards of conduct. A formal reprimand becomes part of a student's discipline record and is considered in the event of future violations of the standards of student conduct. It is the student's responsibility to request that the record be removed upon expiration of the period of retention.

S. Informal Reprimand:

1. An oral admonition or warning to cease and desist from conduct that has been determined to violate the standards of conduct. A record of the fact that an informal reprimand has been given may be retained as part of a student's discipline record for a period of up to one year and is considered in the event of future violations of the standards of conduct during the period of retention. It is the student's responsibility to request that the record be removed upon expiration of the period of retention.

III. Procedures for Implementing Disciplinary Action

A. Removal of Student From Class or From a Facility

1. Removal From Class by an Instructor:

- a) An Instructor may order a student removed from class for good cause. Removal shall be for a maximum period of two class sessions, which shall be the day of the removal and the next class meeting.

2. Removal From a Facility by an Administrator:

- a) For good cause, an administrator may order a student removed from a facility for the day of the offense and the next day.
- b) The student shall be advised of the removal and the reasons therefore. The Instructor shall immediately report the removal to the Dean for appropriate action and shall submit, through those channels, a written report to the Student Discipline Officer describing the conduct warranting the removal within ten (10) days of the removal.
- c) The appropriate program administrator shall conduct a meeting with the student. If the student is a minor, the appropriate program administrator shall ask the parent or guardian of the student to attend a meeting with the Instructor, if the removal was from class, or if the removal was from a facility, with the administrator who ordered the removal, as soon as possible. If the Instructor, administrator, or the parent or guardian so requests, the Student Discipline Officer shall attend the meeting.
- d) During the period of removal, the student shall not be returned to the class without the concurrence of the Instructor or, if the removal is from the facility, without the concurrence of the administrator who ordered the removal.
- e) Nothing herein shall prevent the President or designee or Student Discipline Officer from recommending further disciplinary action in accordance with these administrative procedures based on the conduct which prompted the removal.

#### B. Suspension or Expulsion

1. Except in the case of immediate interim suspension as provided in section 3.3 of these procedures, before implementing disciplinary action to suspend or expel a student, the student shall be provided with a written notice of the conduct warranting the discipline, which shall include:
  - a) the section(s) of the Standards of Conduct the student is charged with violating;
  - b) a brief statement of the facts supporting the charges;
  - c) the right of the student to an appeal to the Vice President of Student Services or designee to discuss the charges, or to respond in writing;
  - d) the nature of the proposed disciplinary action.
2. The notice shall be provided to the student within thirty (30) days of the date on which the conduct occurred or the date on which an Instructor or other official of the District learned of the conduct; or, in the case of continuous, repeated, or ongoing conduct, the notice shall be provided within thirty (30) days of the date of the most recent occurrence. Within five (5) days of receiving the notice, the student may submit to the Vice President of Student Services a written request for appeal. Notice is deemed received as of the date it was personally delivered or three (3) days after it was placed in the United States mail.
3. If the student requests an appeal the Vice President of Student Services shall meet with the student and shall be given an opportunity to respond to the charges.

4. Within five (5) days after the appeal, or within ten (10) days after the student has received the written notice and has declined or failed to request a meeting, the Vice President of Student Services shall provide the President or designee with a written recommendation regarding the specific disciplinary action to be imposed, if any, which shall include the factual findings regarding the charges and conclusions as to the standards of conduct that were violated, if those findings and conclusions differ in any material respect from the initial notice.
5. Within five (5) days after receipt of the recommendation of the Vice President of Student Services, the Vice President or designee shall render a decision regarding the disciplinary action to be implemented, if any, and shall provide written notice of the decision to the student. The Vice President of Student Services or designee may accept, modify or reject the recommendation of the Student Discipline Officer.
  - a) Short-Term Suspension or Lesser Disciplinary Action
    - i) Where the decision of the Student Discipline Officer is to impose short-term suspension or some lesser disciplinary action, the decision of the Student Discipline Officer shall be final. The written notice to the student of the decision shall specify the length of time of the suspension or the nature and duration of the lesser disciplinary action.
  - b) Long-Term Suspension
    - i) Where the decision of the Student Discipline Officer or designee is to impose long-term suspension, the student shall have the right to request an appeal before the suspension is imposed.
    - ii) The written notice to the student of the Student Discipline Officer's decision shall specify the right of the student to request an appeal to the Vice President of Student Services and shall include a copy of the appeal procedures.
    - iii) Within five (5) days after receipt of the recommended decision of the hearing officer or panel, the Vice President of Student Services shall render a final decision regarding the disciplinary action to be implemented, if any, and shall provide written notice of the decision to the student. The Vice President of Student Services may accept, modify or reject the findings, conclusions and recommendations of the Student Disciplinary Officer. If the Vice President of Student Services modifies or rejects the decision the Vice President of Student Services shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Vice President of student Services shall be final.
  - c) Expulsion
    - i) A student may be expelled for good cause where other means of correction have failed to bring about proper conduct or when the presence of the student causes a continuing danger to the physical safety of students or others. Only the Board of Trustees may expel a student.

- ii) Where the decision of the President is to recommend expulsion to the Board of Trustees, the student shall have the right to request a formal hearing before expulsion is imposed.
  - iii) The written notice to the student shall specify the right of the student to request a formal hearing and shall include a copy of the formal hearing procedures.
  - iv) Within five (5) days of receiving the written notice of the President's decision, the student may submit to the President a written request for a formal hearing. Notice is deemed received as of the date it was personally delivered or three(3) days after it was placed in the United States mail. The hearing, if requested, shall be conducted in accordance with the provision of section 4.0 of these procedures. If the student does not request a hearing within five (5) days of receiving notice, the President's decision shall become final.
  - v) Within five (5) days after receipt of the recommendation decision of the hearing officer or panel, the President shall render a decision regarding the disciplinary action to be implemented, if any. The President may accept, modify or reject the findings, conclusion and recommendation of the hearing officer or panel. If the President modifies or rejects the decision of the hearing officer or panel, the President shall review the record of the hearing and shall prepare a new written decision, which contains specific factual findings and conclusions.
  - vi) Where the decision of the President or designee is to impose suspension, the decision of the President shall be final. The student shall be provided with a written notice of the President's decision, which shall specify the length of time of the suspension or the nature of the lesser disciplinary action.
  - vii) Where the decision of the President is to recommend expulsion, the written recommendation of the President shall be submitted to the Board of Trustees for consideration in accordance with section 5.0 of these procedures. The Board of Trustees shall consider the recommendation for expulsion at the next regularly scheduled meeting of the Board following the meeting at which the recommendation was received.
- d) The College President or designee shall report to the Chancellor all suspensions of students.
  - e) Whenever a minor student is suspended, the parent or guardian shall be notified in writing by the President or designee.
  - f) In cases of assault, the Chancellor or President or designee shall, upon the expulsion or suspension of any student, notify the appropriate law enforcement authorities of any acts of the student which may be in violation of section 245 of the Penal Code.

### C. Immediate Interim Suspension

1. The Student Disciplinary Officer may order the immediate suspension of a student where there is reasonable cause to believe that immediate suspension is required to protect lives or property and to ensure the maintenance of order. Where a student is placed on interim suspension, the procedural time limits specified in these procedures shall not apply. The student shall be given prompt notice of the charges and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, shall be afforded the student within ten (10) days of the imposition of interim suspension. The student shall not, without prior written permission from the Student Disciplinary Officer, enter the campus of any College other than to attend the hearing. Violation of the interim suspension conditions shall be grounds for expulsion.

D. Withdrawal of Consent to Remain on Campus

1. The President or designee may withdraw consent for a student to remain on the College campus, in accordance with California Penal Code section 626.4 where there is reasonable cause to believe that the student has willfully disrupted the orderly operation of the campus. A student who is on campus at the time consent is withdrawn shall promptly leave or be escorted off campus. Whenever consent is withdrawn by an authorize designee of the President, a written report shall be promptly submitted to the President.
2. Consent shall not be withdrawn for longer than fourteen (14) days from the date upon which consent was initially withdrawn. The student from whom consent has been withdrawn may submit a written request for a hearing to the Student Discipline Officer. The request must be submitted within the period of the withdrawal. A hearing if requested, shall be held within seven (7) days of the date of receipt of the request. The hearing shall be conducted in accordance with the provisions of this procedure relating to interim suspensions.
3. A student from who consent to remain on campus has been withdrawn and who willfully and knowingly enters or remains upon the campus or facility during the period for which consent has been withdrawn, except for the purpose of attending a meeting or hearing on the withdrawal, is subject to arrest.

IV. Formal Hearing Procedure

A. Hearing Officer or Panel

1. At the discretion of the President, a formal disciplinary hearing may be conducted using the services of a hearing officer, or the President may select an impartial hearing panel comprised of two educational administrators at the level of dean.
2. The President shall appoint one member of the panel to serve as the chair of the hearing panel. The decision of the chair shall be final on all matters relating to the conduct of the hearing.
3. No administrator who has any direct 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.

B. Notification of Hearing

1. The student, and the student's parent or guardian, if the student is a minor, shall be notified by registered or certified mail or by personal service of the date, time, and location of the hearing.

### C. Conduct of Hearing

1. Prior to the hearing, the members of the hearing panel shall be provided with a copy of the charges against the student and any written response provided by the student.
2. The hearing shall be closed and confidential.
3. The student shall have the right to represent himself/herself at the hearing or to be represented by a person of the student's choice, except that neither the student nor the District shall be represented by legal counsel unless authorized by the hearing officer or panel, in which case both parties shall be entitled to be represented by legal counsel.
4. A report of the hearing shall be made by the District, either by means of tape recording or stenographic recording and shall be the only recording made. In the event the record is by means of tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify himself/herself by name, and thereafter shall ask each witness to identify himself/herself by name. Tape recordings shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may receive a copy of the tape recording upon request.
5. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.
6. The hearing officer or panel shall not have the authority to issue subpoenas on behalf of either the District or the student.
7. Charges against the student, along with supporting evidence from witnesses or other sources, will be presented by the District.
8. The student shall be given the opportunity to confront and cross-examine witnesses.
9. The student shall have the opportunity to present a defense, including witnesses and documentary evidence.
10. The District shall have the opportunity to cross-examine the student and witnesses called by the student.
11. Unless the hearing officer or panel determines to proceed otherwise, the District and the student shall each be permitted to make an opening statement. Thereafter, the District representative shall make the first presentation, followed by the student. The District representative may present rebuttal evidence after completion of the student's representation.
12. All testimony shall be taken under oath; the oath shall be administered by the hearing officer or hearing panel chair. Witnesses shall not be present at the hearing when not testifying. No witness who refuses to be recorded may be permitted to give testimony. Written statements of witnesses under penalty or perjury shall not be admissible unless the witness is unavailable to testify. A witness who refuses to be tape-recorded is not unavailable.
13. The hearing officer or hearing panel chair may determine that requiring live testimony of a proposed witness would subject the witness to an unreasonable risk of psychological or physical harm. After such a determination, the witness may be

permitted to provide a written statement under penalty of perjury in lieu of testifying at the hearing.

14. The burden shall be on the District to introduce substantial evidence to support the charges against the student.
15. Within fifteen (15) days following the close of the hearing, the hearing officer or panel shall prepare and submit a written decision to the President. The decision shall include specific factual findings regarding the charges, conclusion as to the standards of student conduct that were violated, and a recommendation regarding the specific disciplinary action to be imposed, if any. Failure of the hearing officer or panel to submit its written decision within fifteen (15) days shall not invalidate the decision.

V. Procedures For Consideration of Expulsion by Board of Trustees

- A. The Board shall hold closed sessions when it considers disciplinary action regarding expulsion of a student. The Board shall notify the student, and the parent if the student is a minor, by registered or certified mail or by personal service of the intent of the Board to call a closed session to consider the expulsion. The notification shall specify the date, time and place of the meeting at which the Board will consider the disciplinary action and shall be provided at least three (3) days prior to the meeting. Final action by the Governing Board may be taken in closed session, provided that the action of the Board shall be reported in public session. The student shall not be identified by name or other designation that would disclose the identity of the student.
- B. In considering a recommendation for expulsion, the Board may accept, modify or reject the findings decisions and recommendations of the President or designee and/or the hearing officer or panel. If the Board modifies or rejects the decision of the President or designee and/or the hearing officer or panel, the Board shall review the record of the appeal, and shall prepare a new written decision, which contains specific factual findings and conclusions. The decision of the Board shall be final. The student, and the student's parent or guardian, if the student is a minor, shall be notified in writing of the Board's decision.

Reference: *Education Code Section 66017; 76030 et seq. Penal Code Section 626.4*

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