

Policy Change	<input checked="" type="checkbox"/>	Constituency Group Review	<input checked="" type="checkbox"/>
Procedure Change	<input checked="" type="checkbox"/>	District Council	<input type="checkbox"/>
New Policy	<input type="checkbox"/>	Board 1 st Reading	<input type="checkbox"/>
New Procedure	<input type="checkbox"/>	Board 2 nd Reading	<input type="checkbox"/>
Comments:		Referred to:	

KEY:
BOLD= new language
~~strikethrough=~~ delete language

Edited:
10/22/14

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38



Policy

5500 Standards of Conduct

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 an appropriate District employee, with final approval by the college president or designee.~~
- ~~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.~~

References:

Education Code Section [66300, 66301](#); Accreditation Standard [II.A.7.b](#) **Education Code Section [66300-66302, 76030-76037](#); Accreditation Standard II.A.7.b-c; California Penal Code [245, 288.2, and 653.2](#)**

Adopted: June 28, 2004

Revision Adopted: April 8, 2009

Administrative Procedure

5500 Standards of Conduct

~~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.~~

1 ~~III. Procedures for Implementing Disciplinary Action~~

2
3 ~~A. Removal of Student From Class or From a Facility~~

4
5 ~~1. Removal From Class by an Instructor:~~

- 6
7 ~~a) An instructor may order a student removed from class for good cause.~~
8 ~~Removal shall be for a maximum period of two class sessions, which shall be~~
9 ~~the day of the removal and the next class meeting.~~

10
11 ~~2. Removal From a Facility by an Administrator:~~

- 12
13 ~~a) For good cause, an administrator may order a student removed from a~~
14 ~~facility for the day of the offense and the next day.~~

- 15
16 ~~b) The student shall be advised of the removal and the reasons therefore. The~~
17 ~~instructor shall immediately report the removal to the Dean for appropriate~~
18 ~~action and shall submit, through those channels, a written report to the~~
19 ~~Student Discipline Officer describing the conduct warranting the removal~~
20 ~~within ten (10) days of the removal.~~

- 21
22 ~~c) The appropriate program administrator shall conduct a meeting with the~~
23 ~~student. If the student is a minor, the appropriate program administrator~~
24 ~~shall ask the parent or guardian of the student to attend a meeting with the~~
25 ~~instructor, if the removal was from class, or if the removal was from a~~
26 ~~facility, with the administrator who ordered the removal, as soon as~~
27 ~~possible. If the instructor, administrator, or the parent or guardian so~~
28 ~~requests, the Student Discipline Officer shall attend the meeting.~~

- 29
30 ~~d) During the period of removal, the student shall not be returned to the class~~
31 ~~without the concurrence of the instructor or, if the removal is from the~~
32 ~~facility, without the concurrence of the administrator who ordered the~~
33 ~~removal.~~

- 34
35 ~~e) Nothing herein shall prevent the President or designee or Student Discipline~~
36 ~~Officer from recommending further disciplinary action in accordance with~~
37 ~~these administrative procedures based on the conduct which prompted the~~
38 ~~removal.~~

39
40 ~~B. Suspension or Expulsion~~

41
42 ~~1. Except in the case of immediate interim suspension as provided in section 3.3 of~~
43 ~~these procedures, before implementing disciplinary action to suspend or expel a~~
44 ~~student, the student shall be provided with a written notice of the conduct~~
45 ~~warranting the discipline, which shall include:~~

- 46
47 ~~a) the section(s) of the Standards of Conduct the student is charged with~~
48 ~~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.~~

1 ~~ii) The written notice to the student of the Student Discipline Officer's~~
2 ~~decision shall specify the right of the student to request an appeal~~
3 ~~to the Vice President of Student Services and shall include a copy of~~
4 ~~the appeal procedures.~~

5
6 ~~iii) Within five (5) days after receipt of the recommended decision of~~
7 ~~the hearing officer or panel, the Vice President of Student Services~~
8 ~~shall render a final decision regarding the disciplinary action to be~~
9 ~~implemented, if any, and shall provide written notice of the decision~~
10 ~~to the student. The Vice President of Student Services may accept,~~
11 ~~modify or reject the findings, conclusions and recommendations of~~
12 ~~the Student Disciplinary Officer. If the Vice President of Student~~
13 ~~Services modifies or rejects the decision the Vice President of~~
14 ~~Student Services shall prepare a new written decision which~~
15 ~~contains specific factual findings and conclusions. The decision of~~
16 ~~the Vice President of student Services shall be final.~~

17
18 ~~c) Expulsion~~

19
20 ~~i) A student may be expelled for good cause where other means of~~
21 ~~correction have failed to bring about proper conduct or when the~~
22 ~~presence of the student causes a continuing danger to the physical~~
23 ~~safety of students or others. Only the Board of Trustees may expel a~~
24 ~~student.~~

25
26 ~~ii) Where the decision of the President is to recommend expulsion to~~
27 ~~the Board of Trustees, the student shall have the right to request a~~
28 ~~formal hearing before expulsion is imposed.~~

29
30 ~~iii) The written notice to the student shall specify the right of the~~
31 ~~student to request a formal hearing and shall include a copy of the~~
32 ~~formal hearing procedures.~~

33
34 ~~iv) Within five (5) days of receiving the written notice of the President's~~
35 ~~decision, the student may submit to the President a written request~~
36 ~~for a formal hearing. Notice is deemed received as of the date it~~
37 ~~was personally delivered or three(3) days after it was placed in the~~
38 ~~United States mail. The hearing, if requested, shall be conducted in~~
39 ~~accordance with the provision of section 4.0 of these procedures. If~~
40 ~~the student does not request a hearing within five (5) days of~~
41 ~~receiving notice, the President's decision shall become final.~~

42
43 ~~v) Within five (5) days after receipt of the recommendation decision of~~
44 ~~the hearing officer or panel, the President shall render a decision~~
45 ~~regarding the disciplinary action to be implemented, if any. The~~
46 ~~President may accept, modify or reject the findings, conclusion and~~
47 ~~recommendation of the hearing officer or panel. If the President~~
48 ~~modifies or rejects the decision of the hearing officer or panel, the~~
49 ~~President shall review the record of the hearing and shall prepare a~~

1 ~~new written decision, which contains specific factual findings and~~
2 ~~conclusions.~~

3
4 ~~vi) Where the decision of the President or designee is to impose~~
5 ~~suspension, the decision of the President shall be final. The student~~
6 ~~shall be provided with a written notice of the President's decision,~~
7 ~~which shall specify the length of time of the suspension or the~~
8 ~~nature of the lesser disciplinary action.~~

9
10 ~~vii) Where the decision of the President is to recommend expulsion, the~~
11 ~~written recommendation of the President shall be submitted to the~~
12 ~~Board of Trustees for consideration in accordance with section 5.0~~
13 ~~of these procedures. The Board of Trustees shall consider the~~
14 ~~recommendation for expulsion at the next regularly scheduled~~
15 ~~meeting of the Board following the meeting at which the~~
16 ~~recommendation was received.~~

17
18 ~~d) The College President or designee shall report to the Chancellor all~~
19 ~~suspensions of students.~~

20
21 ~~e) Whenever a minor student is suspended, the parent or guardian shall be~~
22 ~~notified in writing by the President or designee.~~

23
24 ~~f) In cases of assault, the Chancellor or President or designee shall, upon the~~
25 ~~expulsion or suspension of any student, notify the appropriate law~~
26 ~~enforcement authorities of any acts of the student which may be in~~
27 ~~violation of section 245 of the Penal Code.~~

28
29 ~~C. Immediate Interim Suspension~~

30
31 ~~1. The Student Disciplinary Officer may order the immediate suspension of a student~~
32 ~~where there is reasonable cause to believe that immediate suspension is required to~~
33 ~~protect lives or property and to ensure the maintenance of order. Where a student~~
34 ~~is placed on interim suspension, the procedural time limits specified in these~~
35 ~~procedures shall not apply. The student shall be given prompt notice of the charges~~
36 ~~and all hearing rights, including the right to a formal hearing where a long-term~~
37 ~~suspension or expulsion is recommended, shall be afforded the student within ten~~
38 ~~(10) days of the imposition of interim suspension. The student shall not, without~~
39 ~~prior written permission from the Student Disciplinary Officer, enter the campus of~~
40 ~~any College other than to attend the hearing. Violation of the interim suspension~~
41 ~~conditions shall be grounds for expulsion.~~

42
43 ~~D. Withdrawal of Consent to Remain on Campus~~

44
45 ~~1. The President or designee may withdraw consent for a student to remain on the~~
46 ~~College campus, in accordance with California Penal Code section 626.4 where there~~
47 ~~is reasonable cause to believe that the student has willfully disrupted the orderly~~
48 ~~operation of the campus. A student who is on campus at the time consent is~~
49 ~~withdrawn shall promptly leave or be escorted off campus. Whenever consent is~~

1 ~~withdrawn by an authorize designee of the President, a written report shall be~~
2 ~~promptly submitted to the President.~~

3
4 ~~2. Consent shall not be withdrawn for longer than fourteen (14) days from the date~~
5 ~~upon which consent was initially withdrawn. The student from whom consent has~~
6 ~~been withdrawn may submit a written request for a hearing to the Student~~
7 ~~Discipline Officer. The request must be submitted within the period of the~~
8 ~~withdrawal. A hearing if requested, shall be held within seven (7) days of the date~~
9 ~~of receipt of the request. The hearing shall be conducted in accordance with the~~
10 ~~provisions of this procedure relating to interim suspensions.~~

11
12 ~~3. A student from who consent to remain on campus has been withdrawn and who~~
13 ~~willfully and knowingly enters or remains upon the campus or facility during the~~
14 ~~period for which consent has been withdrawn, except for the purpose of attending a~~
15 ~~meeting or hearing on the withdrawal, is subject to arrest.~~

16
17 ~~IV. Formal Hearing Procedure~~

18
19 ~~A. Hearing Officer or Panel~~

20
21 ~~1. At the discretion of the President, a formal disciplinary hearing may be conducted~~
22 ~~using the services of a hearing officer, or the President may select an impartial~~
23 ~~hearing panel comprised of two educational administrators at the level of dean.~~

24
25 ~~2. The President shall appoint one member of the panel to serve as the chair of the~~
26 ~~hearing panel. The decision of the chair shall be final on all matters relating to the~~
27 ~~conduct of the hearing.~~

28
29 ~~3. No administrator who has any direct involvement in the matter to be decided, who~~
30 ~~is a necessary witness, or who could not otherwise act in a neutral manner shall~~
31 ~~serve on a hearing panel.~~

32
33 ~~B. Notification of Hearing~~

34
35 ~~1. The student, and the student's parent or guardian, if the student is a minor, shall be~~
36 ~~notified by registered or certified mail or by personal service of the date, time, and~~
37 ~~location of the hearing.~~

38
39 ~~C. Conduct of Hearing~~

40
41 ~~1. Prior to the hearing, the members of the hearing panel shall be provided with a~~
42 ~~copy of the charges against the student and any written response provided by the~~
43 ~~student.~~

44
45 ~~2. The hearing shall be closed and confidential.~~

46
47 ~~3. The student shall have the right to represent himself/herself at the hearing or to be~~
48 ~~represented by a person of the student's choice, except that neither the student nor~~
49 ~~the District shall be represented by legal counsel unless authorized by the hearing~~

1 ~~officer or panel, in which case both parties shall be entitled to be represented by~~
2 ~~legal counsel.~~

3
4 ~~4. A report of the hearing shall be made by the District, either by means of tape~~
5 ~~recording or stenographic recording and shall be the only recording made. In the~~
6 ~~event the record is by means of tape recording, the hearing panel chair shall, at the~~
7 ~~beginning of the hearing, ask each person present to identify himself/herself by~~
8 ~~name, and thereafter shall ask each witness to identify himself/herself by name.~~
9 ~~Tape recordings shall remain in the custody of the District at all times, unless~~
10 ~~released to a professional transcribing service. The student may receive a copy of~~
11 ~~the tape recording upon request.~~

12
13 ~~5. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.~~

14
15 ~~6. The hearing officer or panel shall not have the authority to issue subpoenas on~~
16 ~~behalf of either the District or the student.~~

17
18 ~~7. Charges against the student, along with supporting evidence from witnesses or~~
19 ~~other sources, will be presented by the District.~~

20
21 ~~8. The student shall be given the opportunity to confront and cross-examine~~
22 ~~witnesses.~~

23
24 ~~9. The student shall have the opportunity to present a defense, including witnesses~~
25 ~~and documentary evidence.~~

26
27 ~~10. The District shall have the opportunity to cross-examine the student and witnesses~~
28 ~~called by the student.~~

29
30 ~~11. Unless the hearing officer or panel determines to proceed otherwise, the District~~
31 ~~and the student shall each be permitted to make an opening statement. Thereafter,~~
32 ~~the District representative shall make the first presentation, followed by the~~
33 ~~student. The District representative may present rebuttal evidence after~~
34 ~~completion of the student's representation.~~

35
36 ~~12. All testimony shall be taken under oath; the oath shall be administered by the~~
37 ~~hearing officer or hearing panel chair. Witnesses shall not be present at the hearing~~
38 ~~when not testifying. No witness who refuses to be recorded may be permitted to~~
39 ~~give testimony. Written statements of witnesses under penalty or perjury shall not~~
40 ~~be admissible unless the witness is unavailable to testify. A witness who refuses to~~
41 ~~be tape-recorded is not unavailable.~~

42
43 ~~13. The hearing officer or hearing panel chair may determine that requiring live~~
44 ~~testimony of a proposed witness would subject the witness to an unreasonable risk~~
45 ~~of psychological or physical harm. After such a determination, the witness may be~~
46 ~~permitted to provide a written statement under penalty of perjury in lieu of~~
47 ~~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.~~

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 state and federal law.

Article I: Definitions

A. Accused Student:

Any student accused of violating the Standards of Conduct.

B. Administrator:

A management employee of the District having significant responsibilities for formulating District policies or administering District programs.

1 **C. Chief Student Services Officer:**

2
3 The Vice President of Student Learning or designee of Columbia College and the Vice
4 President of Student Services or designee of Modesto Junior College.

5
6 **D. College:**

7
8 Columbia College, Modesto Junior College, and their respective programs.

9
10 **E. College Premises:**

11
12 All land, building, facilities, and other property in the possession of or owned, used or
13 controlled by the District (including adjacent streets and sidewalks). Includes online or
14 virtual classrooms or services.

15
16 **F. Complainant:**

17
18 Any person who submits a charge alleging that a student violated the Standards of
19 Conduct. When a student believes that s/he has been a victim of another student's
20 misconduct, the student who believes s/he has been a victim will have the same rights
21 under this Standards of Conduct as are provided to the Complainant, even if another
22 member of the College community submitted the charge itself.

23
24 **G. Day:**

25
26 A day during which the District administrative offices are open for business.

27
28 **H. Disciplinary Action:**

29
30 Sanctions imposed by appropriate College personnel.

31
32 **I. District:**

33
34 The Yosemite Community College District.

35
36 **J. Guests:**

37
38 Any non-member of the College community utilizing College facilities or designated
39 public space.

40
41 **K. Instructor:**

42
43 Any academic employee of the District in whose class a student subject to discipline is
44 enrolled, or counselor, librarian, or nurse who is providing or has provided services to
45 the student, or other academic employee who has responsibility for the student's
46 educational program.

47
48 **L. Member of the College community:**

1 Any person who is a student, staff or faculty member, administrator or any other
2 person employed by the College or District. A person's status in a particular situation
3 shall be determined by Student Conduct Officer.
4

5 **M. Policy:**

6
7 Written regulations of the College as found in, but not limited to, the Standards of
8 Conduct, student handbooks, computer use policy, the College web page, and College
9 catalogs.
10

11 **N. President**

12
13 The President or designee of Columbia College and the President or designee of
14 Modesto Junior College.
15

16 **O. Student:**

17
18 Any person who has applied for admission or is currently enrolled at a College or in
19 any program offered by the District including, but not necessarily limited to:
20 a. Full-time/Part-time/Non-credit/Auditing/Community Education
21 b. Students on leave (medical or suspensions)
22 c. Pre-freshmen visiting for special programs
23

24 **P. Student Conduct Hearing Panel:**

25
26 A panel authorized by the President to determine whether a student has violated the
27 Standards of Conduct and to recommend sanctions that may be imposed when a rules
28 violation has been committed.
29

30 **Q. Student Conduct Officer:**

31
32 The official at a College who is responsible for reviewing and processing student
33 conduct matters.
34

35 **Article II: Standards of Conduct Authority**

36
37 **A.** The Chief Student Services Officer shall determine the composition of each Student
38 Conduct Hearing Panel authorized to hear each matter, as outlined in Article IV.C – Student
39 Conduct Hearings.
40

41 **B.** The Student Conduct Officer shall develop processes for the administration of the student
42 conduct system and procedural rules for Student Conduct Hearings that are consistent with
43 provisions of the Standards of Conduct Policy and Procedure.
44

45 **C.** Decisions made by the Student Conduct Officer or a Student Conduct Hearing Panel shall be
46 final, pending the normal appeal process.
47

48 **Article III: Proscribed Conduct**

1 **A. Jurisdiction of the Yosemite Community College District Standards of Conduct. The**
2 **Yosemite Community College District Standards of Conduct shall apply to conduct that**
3 **occurs on College premises, at College or District sponsored activities, and to off-campus**
4 **conduct that adversely affects the College community, or the pursuit of its objectives. Each**
5 **student shall be responsible for his/her conduct from the time of application for admission**
6 **through the final semester of attendance, even though conduct may occur before classes**
7 **begin or after classes end, as well as during the academic year and during periods between**
8 **terms of actual enrollment (and even if their conduct is not discovered until after the**
9 **student is no longer enrolled). The Standards of Conduct shall apply to a student’s conduct**
10 **even if the student withdraws from school while a disciplinary matter is pending. Students**
11 **are required to engage in responsible social conduct that reflects credit upon the College**
12 **community and to model good citizenship in any community.**

13
14 **B. Standards of Conduct. Any student found to have committed or to have attempted to**
15 **commit the following misconduct is subject to the disciplinary sanctions outlined in Article**
16 **IV:**

- 17
18 **1. Causing or attempting to cause physical injury to another person, including verbal**
19 **abuse, threats, intimidation, harassment, coercion, or other conduct which threatens**
20 **or endangers the health or safety of any person.**
- 21
22 **2. Possession, sale or otherwise furnishing any firearm, knife, explosive or other**
23 **dangerous object or chemical, including but not limited to any facsimile firearm, knife**
24 **or explosive, unless, in the case of possession of any object of this type, the student**
25 **has obtained written permission to possess the item from an appropriate District**
26 **employee, with final approval by the College President or designee.**
- 27
28 **3. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence**
29 **of, any controlled substance listed in Chapter 2 (commencing with Section [11053](#)) of**
30 **Division 10 of the California Health and Safety Code, an alcoholic beverage, or an**
31 **intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating**
32 **the sale of any drug paraphernalia, as defined in California Health and Safety Code**
33 **Section [11014.5](#).**
- 34
35 **4. Committing or attempting to commit any violation of federal, state or local law.**
- 36
37 **5. Theft of or causing damage to District property or private property on campus or**
38 **knowingly receiving stolen District property or private property on campus.**
- 39
40 **6. Willful or persistent smoking or tobacco use in any area where smoking or tobacco use**
41 **has been prohibited by law or by regulation of the College or the District.**
- 42
43 **7. Committing sexual harassment as defined by law or by District policies and**
44 **procedures.**
- 45
46 **8. Engaging in harassing or discriminatory behavior based on national origin, race, color,**
47 **pregnancy, ethnic group identification, religion, age, sex or gender, gender expression,**
48 **gender identity, sexual orientation, color or physical or mental disability or any other**
49 **status protected by law, or the perception that a person has one or more of these**

1 characteristics, or that a person associates with a person or group with one or more of
2 these actual or perceived characteristics.

3
4 9. Willful misconduct which results in injury or death to a member of the College
5 community or which results in cutting, defacing, or other injury to any real or personal
6 property owned by the College or District.

7
8 10. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open
9 and persistent defiance of the authority of, or persistent abuse of members of the
10 College community, including refusal to turn off cellular telephones and other similar
11 electronic devices in classrooms and other campus sponsored events unless
12 authorized by an appropriate faculty or staff member.

13
14 11. Acts of dishonesty, including but not limited to the following:

15
16 a. Cheating, plagiarism, or other forms of academic dishonesty.

17
18 b. Knowingly furnishing false information to any College official, faculty member,
19 or officer.

20
21 c. Forgery, alteration or misuse of any College documents, records, or
22 instrument of identification.

23
24 12. Unauthorized possession, duplication, or use of keys to any College premises and
25 unauthorized entry upon or use of College facilities.

26
27 13. Conduct that is disorderly, lewd, indecent or obscene; breach of peace; or aiding,
28 abetting, or procuring another person to breach the peace on College premises or at
29 functions sponsored by the College. Disorderly Conduct includes but is not limited to:
30 Any unauthorized use of electronic or other devices to make an audio or video record
31 of any person while on College premises without his/her prior knowledge, or without
32 his/her effective consent when such a recording is likely to cause injury or distress.

33
34 14. Participating in or leading and inciting others in an on-campus or off-campus
35 demonstration, riot or activity that substantially disrupts the normal operations of the
36 College or infringes on the rights of other members of the College community.

37
38 15. Obstruction or disruption of teaching, research, administration, disciplinary
39 proceedings, other College activities, including its public service functions, or any
40 other authorized activities.

41
42 16. Harassment or bullying of any member of the College community, including, but not
43 limited to, cyberbullying, intimidation, hazing or initiation activity, extortion, or any
44 other verbal, written, or physical conduct that causes or threatens to cause violence,
45 bodily harm, or substantial disruption.

46
47 a. Cyberbullying includes the electronic transmission of communications,
48 messages, texts, sounds, or images that are harassing, defamatory, constitute
49 a direct threat, or are otherwise prohibited by law. Cyberbullying also

1 includes impersonating another person through or on a website or other
2 electronic means for the purpose of harming, intimidating, threatening, or
3 defrauding another person.

- 4
- 5 b. Penal Code [653.2](#) makes it a crime for a person to distribute personal identity
6 information electronically with the intent to cause harassment by a third party
7 and to threaten a person's safety or that of his/her family (e.g., placing a
8 person's picture or address online so that he/she receives harassing
9 messages). In addition, Penal Code [288.2](#) makes it a crime to send a message
10 to a minor if the message contains matter that is sexual in nature with the
11 intent of seducing the minor (e.g., sexting).

12

13 **17. Failure to comply with directions of College officials or law enforcement officers acting**
14 **in performance of their duties or failure to identify oneself to these persons when**
15 **requested to do so.**

16

17 **18. Violation of any College or District policy, rule, or regulation published in hard copy or**
18 **available electronically on the College website.**

19

20 **19. Theft or other abuse of computer facilities and resources, including but not limited to:**

- 21
- 22 a. Unauthorized entry into a file, to use, read, or change the contents, or for any
23 other purpose.
- 24
- 25 b. Unauthorized transfer of a file.
- 26
- 27 c. Use of another individual's identification or password.
- 28
- 29 d. Use of computing facilities and resources to interfere with the work of another
30 student, faculty member or College official.
- 31
- 32 e. Use of computing facilities and resources to send obscene or abusive
33 messages.
- 34
- 35 f. Use of computing facilities and resources to interfere with normal operation
36 of the College computing system.
- 37
- 38 g. Use of computing facilities and resources in violation of copyright laws.

39

40 **20. Abuse of the Student Conduct System, including but not limited to:**

- 41
- 42 a. Failure to obey the notice from a College official to appear for a meeting or
43 hearing as part of the Student Conduct System.
- 44
- 45 b. Falsification, distortion, or misrepresentations of information during a student
46 conduct proceeding.
- 47
- 48 c. Disruption or interference with the orderly conduct of a Student Conduct
49 Hearing Panel proceeding.

- d. Making false allegations, knowing them to be false.
- e. Attempting to discourage an individual's proper participating in, or use of, the student conduct system or influencing another person to commit abuse of the student conduct system.
- f. Attempting to influence the impartiality of a member of a Student Conduct Hearing Panel prior to, or during the course of, the Student Conduct Hearing Panel proceeding.
- g. Harassment (verbal or physical) or intimidation of a member of a Student Conduct Hearing Panel prior to, during, or after a student conduct proceeding.
- h. Failure to comply with the sanction(s) imposed under the Standards of Conduct.

C. Violation of Law and College Discipline

1. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the Standards of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under the Standards of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the President or designee. Determinations made or sanctions imposed under this Standards of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of the Standards of Conduct were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
2. When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Standards of Conduct, the College may advise off-campus authorities of the existence of the Standards of Conduct and of how such matters are typically handled within the College community. The College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

Article IV: Student Conduct Procedures

A. Charges

- 1 **1. Charges against a student for violations of the Standards of Conduct may be directed**
2 **to the Student Conduct Officer or appropriate administrator. Any charge should be**
3 **submitted as soon as possible after the event takes place, preferably within the same**
4 **semester.**
- 5
- 6 **2. A written record of the charges and final outcome shall be forwarded to the Student**
7 **Conduct Officer for centralized record keeping.**
- 8
- 9 **3. The Student Conduct Officer or appropriate administrator may conduct an**
10 **investigation to determine if the charges have merit and provide the student with the**
11 **opportunity to respond. If possible, the charges will be disposed of administratively**
12 **by mutual consent of the parties involved on a basis acceptable to the Student**
13 **Conduct Officer or appropriate administrator. Such disposition shall be final and**
14 **there shall be no subsequent proceedings. Where the decision of the Student**
15 **Conduct Officer is to impose Short-Term Suspension or some lesser disciplinary**
16 **action, the decision of the Student Conduct Officer shall be final.**
- 17
- 18 **4. If the charges are not admitted or cannot be disposed of by mutual consent, at the**
19 **discretion of the Student Conduct Officer, a Student Conduct Hearing may be held. If**
20 **the student admits to violating institutional rules, but sanctions are not agreed to,**
21 **subsequent process, including a hearing if necessary, shall be limited to determining**
22 **the appropriate sanction(s).**

23 **B. Sanctions**

- 24
- 25
- 26 **1. The following sanctions may be imposed upon any student found to have violated**
27 **the Standards of Conduct:**
 - 28
 - 29 **a. Reprimand – A verbal or written warning to cease and desist from conduct that**
30 **has been determined to violate the Standards of Conduct. A record of the fact**
31 **that a reprimand has been given may be retained as part of the student’s**
32 **discipline record for the period of one year. The reprimand is considered in the**
33 **event of future violations during the period of retention. It is the student’s**
34 **responsibility to request that the record be removed upon expiration of the**
35 **period of retention.**
 - 36
 - 37 **b. Removal of Student From Class or Facility – For good cause, an Instructor may**
38 **order a student removed from class and an Administrator may order a student**
39 **removed from a facility. The student shall not be allowed to return to class or**
40 **the facility without concurrence of the Instructor or Administrator.**
 - 41
 - 42 **1. Removal from class – Removal shall be for a maximum period of two class**
43 **sessions, which shall be the day of the removal and the next regular class**
44 **meeting.**
 - 45

1 **2. Removal from facility – Removal shall be for a maximum period of two**
2 **days, which shall be the day of the removal and the next day.**

3
4 **c. Discretionary Sanctions - Work assignments, essays, service to the College, or**
5 **other related discretionary assignments which may include:**

6
7 **1. Loss of Privileges – Denial of specified privileges for a designated**
8 **period of time.**

9
10 **2. Restitution - Compensation for loss, damage, or injury. This may take**
11 **the form of appropriate service or monetary or material replacement.**

12
13 **d. Disciplinary Probation – A written reprimand for violation of specified**
14 **regulations. Probation is for a designated period of time and includes:**

15
16 **1. Conditions imposed that must be met within the designated**
17 **timeframe and**

18
19 **2. The probability of more severe disciplinary sanctions if the student is**
20 **found to violate any institutional regulation(s) during the probationary**
21 **period.**

22
23 **e. Suspension – Involuntary removal of a student, for good cause, from one or more**
24 **classes or from the College by action of the Student Conduct Officer or Student**
25 **Conduct Hearing Panel for a specified period of time, after which the student is**
26 **eligible to return. Conditions for readmission may be specified. A student placed**
27 **on suspension from all classes and activities of a College may not enter College**
28 **premises nor be enrolled in any College or program in the District for the period**
29 **of suspension and is subject to arrest if found to be on the premises. ([Penal Code](#)**
30 **[§626.2](#))**

31
32 **1. Short-Term Suspension: Removal from one or more classes for a**
33 **period of up to 10 consecutive days.**

34
35 **2. Long-Term Suspension:**

36
37 **a. Removal from one or more classes for the remainder of**
38 **the academic term;**

39
40 **b. Removal from one or more classes for one or more**
41 **academic terms; or**

1 **c. Removal from all classes and activities of the College for**
2 **one or more academic terms.**

3
4 **f. Expulsion – Permanent separation of the student from the District.**

5
6 **1. A student may be expelled for good cause where other means of**
7 **correction have failed to bring about proper conduct or when the**
8 **presence of the student causes a continuing danger to the physical**
9 **safety of students or others.**

10
11 **2. Disciplinary action of expulsion may only be recommended by a**
12 **Student Conduct Hearing Panel or the Chief Student Services Officer.**

13
14 **3. The recommendation to expel a student shall be made to the College**
15 **President.**

16
17 **4. Only the Board of Trustees may expel a student.**

18
19 **2. More than one of the sanctions listed above may be imposed for any single violation.**

20
21 **3. Other than College expulsion, disciplinary sanctions shall not be made part of the**
22 **student's permanent academic record, but shall become part of the student's**
23 **disciplinary record. Cases involving the imposition of sanctions other than College**
24 **Long-Term Suspension or College expulsion shall be expunged from the student's**
25 **confidential record five (5) years after final disposition of the case.**

26
27 **C. Student Conduct Hearings**

28
29 **1. Composition and Training of the Student Conduct Hearing Panel.**

30
31 **a. The Student Conduct Hearing Panel shall be composed of one administrator or**
32 **manager, and one faculty member, and one classified staff member. The**
33 **President of the Faculty Senate and the President of the Classified Senate, by the**
34 **final, official meeting of the academic year, shall establish a list of three (3)**
35 **persons who will serve on Student Conduct Hearing Panels for the upcoming**
36 **year. These members shall serve a term of one (1) calendar year, or until their**
37 **successors are appointed. Vacancies caused by resignation, death or prolonged**
38 **illness shall be filled immediately in consultation with the appropriate governing**
39 **body. Members may serve for more than one (1) year.**

40
41 **b. The Chief Student Services Officer will select one person from the list and appoint**
42 **an administrator or manager to serve on each hearing panel. The administrator**
43 **or manager shall serve as the chairperson of the hearing. No person who has any**

1 direct involvement in the matter to be decided, who is a necessary witness, or
2 who could not otherwise act in a neutral manner shall serve on the hearing panel
3 for that particular matter. At the discretion of the Chief Student Services Officer,
4 the structure of an individual hearing panel may be modified if all available panel
5 members have a direct involvement in the matter to be decided.

6
7 c. Members of the Student Conduct Hearing Panel shall be trained annually by the
8 Student Conduct Officer on a variety of issues associated with the responsibilities
9 including: the requirements of Board Policy and Procedures in the area of student
10 conduct; effective hearing protocols; roles and responsibilities of the Student
11 Conduct Hearing Panel members and the chairperson; and other issues bearing
12 upon the integrity and effectiveness of hearings.

13
14 2. The Accused Student shall be notified by student e-mail or by personal service of the
15 date, time and location of the Student Conduct Hearing. The student shall have at
16 least five (5) days' notice.

17
18 3. Student Conduct Hearings shall be conducted by a Student Conduct Hearing Panel
19 according to the following guidelines except as provided by Article IV(C)(7) below:

20
21 a. Prior to the Student Conduct Hearing, the Hearing Panel members shall be
22 provided with the charges against the Accused Student and any related
23 information.

24
25 b. Student Conduct Hearings normally shall be closed and confidential unless the
26 Accused Student requests that it be open to the public. Any such request must
27 be made no less than five days prior to the date of the hearing.

28
29 c. The Complainant, Accused Student and their respective advisors, if any, shall be
30 allowed to attend the entire portion of the Student Conduct Hearing at which
31 information is received (excluding deliberations). Admission of any other person
32 to the Student Conduct Hearing shall be at the discretion of the chairperson.

33
34 d. In Student Conduct Hearings involving more than one Accused Student, the
35 Student Conduct Officer, at his or her discretion, may permit the hearings
36 concerning each student to be conducted either separately or jointly.

37
38 e. The Complainant and the Accused Student shall have the right to be assisted by
39 an advisor they choose, at their own expense. The advisor must be a member of
40 the College community and may not be an attorney unless, in the judgment of
41 the hearing panel, complex legal issues are involved. If the student wishes to be
42 represented by an attorney, a request must be presented not less than five days
43 prior to the date of the hearing. If the student is permitted to be represented by

1 an attorney, the College representative may request legal assistance. The
2 hearing panel may also request legal assistance. Any legal advisor provided to
3 the panel may sit with it in an advisory capacity to provide legal counsel but shall
4 not be a member of the panel nor vote with it. The Complainant or the Accused
5 Student is responsible for presenting his or her own information, and therefore,
6 advisors are not permitted to speak or to participate directly in any Student
7 Conduct Hearing. A student should select as an advisor a person whose schedule
8 allows attendance at the scheduled date and time for the hearing because delays
9 will not normally be allowed due to the scheduling conflicts of an advisor.

10
11 f. The Complainant, the Accused Student and the Student Conduct Hearing Panel
12 may arrange for witnesses to present pertinent information at the Student
13 Conduct Hearing. The College will try to arrange the attendance of possible
14 witnesses who are members of the College community, if reasonably possible,
15 and who are identified by the Complainant or Accused Student at least two days
16 prior to the hearing. Witnesses will provide information to and answer questions
17 from the Student Conduct Hearing Panel. All testimony shall be taken under
18 oath. The hearing panel chair or court reporter shall administer the oath.
19 Written statements of witnesses under penalty of perjury shall not be used
20 unless the witness is unavailable to testify. Witnesses shall not be present at the
21 Student Conduct Hearing when not testifying. No witness who refuses to be
22 recorded may be permitted to give testimony.

23
24 g. Questions may be suggested by the Accused Student or Complainant to be
25 answered by each other or by witnesses. These questions will be forwarded to
26 the Student Conduct Hearing Panel with such questions directed to the
27 chairperson, who will ask the questions. This method is used to preserve the
28 educational tone of the hearing and to avoid creation of an adversarial
29 environment. Questions of whether potential information will be received shall
30 be resolved at the discretion of the chairperson.

31
32 h. Pertinent records, exhibits, and written statements (including Student Impact
33 Statements) may be accepted as information for consideration by a Student
34 Conduct Hearing Panel at the discretion of the chairperson.

35
36 i. All procedural questions are subject to the final decision of the chairperson.

37
38 j. After the portion of the Student Conduct Hearing concludes in which all pertinent
39 information has been received, the Student Conduct Hearing Panel shall
40 determine by consensus whether the Accused Student has violated each section
41 of the Standards of Conduct which the student is charged with violating.
42

1 **k. The Student Conduct Hearing Panel’s determination shall be made on the basis of**
2 **whether it is more likely than not that the Accused Student violated the**
3 **Standards of Conduct.**

4
5 **i. Formal rules of process, procedure, or technical rules of evidence, such as are**
6 **applied in criminal or civil court, are not used in Student Conduct proceedings.**

7
8 **4. There shall be a single verbatim recording, of all Student Conduct Hearings before a**
9 **Student Conduct Hearing Panel, except deliberations shall not be recorded. The**
10 **record shall be the property of the College. The student may receive a copy of the**
11 **recording upon request.**

12
13 **5. If an Accused Student, with notice, does not appear for the Student Conduct Hearing,**
14 **the information in support of the charges shall be presented and considered even if**
15 **the Accused Student is not present.**

16
17 **6. The Student Conduct Hearing Panel may accommodate concerns for the personal**
18 **safety, well-being, or fears of confrontation of the Complainant, Accused Student, or**
19 **other witness during the hearing by providing separate facilities, by using a visual**
20 **screen, or by permitting participation by telephone, video conferencing, written**
21 **statement, or other means, where and as determined in the sole judgment of**
22 **Student Conduct Officer to be appropriate.**

23
24 **7. Within fifteen (15) days following the close of the Student Conduct Hearing, the**
25 **chairperson shall submit a written decision to the Student Conduct Officer. The**
26 **decision shall include specific factual findings regarding the charges, conclusion as to**
27 **the standards of student conduct that were violated, and specific disciplinary action**
28 **to be imposed, if any. Failure of the chairperson to submit the written decision**
29 **within fifteen (15) days shall not invalidate the decision.**

30
31 **D. Immediate Interim Suspension – In certain circumstances, the Student Conduct Officer or**
32 **designee may impose a College suspension prior to the hearing before a Student Conduct**
33 **Hearing Panel. Violation of the interim suspension conditions shall be grounds for**
34 **expulsion.**

35
36 **1. Immediate Interim suspension may be imposed only:**

37
38 **a. To ensure the safety and well-being of members of the College community or**
39 **preservation of College property;**

40
41 **b. To ensure the student’s own physical or emotional safety and well-being; or**

1 **c. If the student poses an ongoing threat or disruption of, or interference with, the**
2 **normal operations of the College.**

3
4 **2. During the immediate interim suspension, a student shall be denied access to the**
5 **College premises or all other College activities or privileges for which the student**
6 **might otherwise be eligible, as the Student Conduct Officer may determine to be**
7 **appropriate. Violation of the immediate interim suspension shall be grounds for**
8 **expulsion.**

9
10 **3. The interim suspension does not replace the regular process, which shall proceed on**
11 **the normal schedule, up to and through a Student Conduct Hearing, if required.**

12
13 **E. Notification**

14
15 **1. E-Mail – Whenever these procedures call for or permit notice or other communication**
16 **to be delivered, such communication may be made by Student Email Account, which**
17 **shall be deemed sufficient compliance with the provision and the communication shall**
18 **be presumed to have been received. A student’s failure or refusal to open the**
19 **communication shall not cause service to be defective. Notice shall be considered**
20 **received three (3) days after it was sent.**

21
22 **2. If an Accused Student is a minor his or her parent/guardian shall be included in the**
23 **notification to be called to a Student Conduct proceeding when the disciplinary action**
24 **includes removal from class or facility or more progressive discipline.**

25
26 **3. Except in the case of Immediate Interim Suspension as provided in Article IV(D),**
27 **before implementing disciplinary action of Long-Term Suspension or Expulsion, the**
28 **Accused Student shall be provided with a written notice of the conduct warranting the**
29 **disciplinary action by Student Email or personal service, which shall include:**

30
31 **a. The section(s) of the Standards of Conduct the student is charged with**
32 **violating.**

33
34 **b. A brief statement of the facts supporting the charges.**

35
36 **c. The nature of the imposed disciplinary action.**

37
38 **d. The right of the student to appeal the decision (except where the decision of**
39 **the Chief Student Services Officer and President is final (i.e. appeals)).**

40
41 **4. The written notice of Long-Term Suspension or Expulsion shall be provided to the**
42 **Accused Student within thirty (30) days of the date in which the conduct occurred or**
43 **the date on which a College official learned of the conduct. In the case of continuous,**

1 repeated or on-going conduct, the notice shall be provided within thirty (30) days of
2 the date of the most recent occurrence.

3
4 5. The College President or designee shall report all Long-Term Suspensions and
5 expulsions of students to the Chancellor.

6
7 6. In cases of assault, upon the Long-Term Suspension or expulsion of any student, the
8 Chancellor, President or designee shall notify the appropriate law enforcement
9 authorities of any acts of the student which may be in violation of the Penal Code.

10 **G. Appeals**

11
12
13 1. An imposed sanction of Long-Term Suspension or expulsion may be appealed by the
14 Accused Student(s) within five (5) days of the decision. Such appeals shall be in writing
15 and shall be delivered to the Chief Student Services Officer.

16
17 2. Failure to appeal within the specified time limits constitutes waiver of the right to
18 further appeal.

19
20 3. Except as required to explain the basis of new information, an appeal shall be limited
21 to a review of the verbatim record of the Student Conduct Hearing and supporting
22 documents for one or more of the following purposes:

23
24 i. To determine whether the Student Conduct Hearing was conducted fairly in
25 light of the charges and information presented, and in conformity with
26 prescribed procedures giving the complaining party a reasonable opportunity
27 to prepare and to present information that the Standards of Conduct was
28 violated, and giving the Accused Student a reasonable opportunity to prepare
29 and to present a response to those allegations. Deviations from designated
30 procedures will not be a basis for sustaining an appeal unless significant
31 prejudice results.

32
33 ii. To determine whether the decision reached regarding the Accused Student
34 was based on substantial information, that is, whether there were facts in the
35 case that, if believed by the initial hearing officer or hearing panel, were
36 sufficient to establish that a violation of the Standards of Conduct occurred.

37
38 iii. To determine whether the sanction(s) imposed were appropriate for the
39 violation of the Standards of Conduct which the student was found to have
40 committed.

41
42 iv. To consider new information, sufficient to alter a decision, or other relevant
43 facts not brought out in the original hearing, because such information or facts

1 were not known to the person appealing at the time of the original Student
2 Conduct Hearing.

3
4 4. The Chief Student Services Officer may accept, modify or reject the findings,
5 conclusions and recommendations of the Student Conduct Officer or Hearing Panel. If
6 the Chief Student Services Officer modifies or rejects the decision, s/he shall prepare a
7 new written decision which contains specific factual findings and conclusions. The
8 decision of the Chief Student Services Officer shall be final.

9
10 5. When recommendations to expel a student are made to the President, s/he shall
11 render a decision to accept, modify or reject the findings, conclusions and
12 recommendations of the Student Conduct Hearing Panel or Chief Student Services
13 Officer. If the President modifies or rejects the decision upon review of the Hearing
14 recording and appeals record, if any, s/he shall prepare a new written decision, which
15 contains specific factual findings and conclusions. The decision of the President shall
16 be final.

17
18 **H. Consideration of Expulsion by the Board of Trustees**

19
20 1. The College President shall submit a written recommendation of expulsion of a
21 student through the Chancellor to the Board of Trustees.

22
23 2. The Board of Trustees shall consider the recommendation for expulsion at the next
24 regularly scheduled meeting of the Board following the meeting at which the
25 recommendation was received.

26
27 3. The Board shall hold closed sessions when it considers disciplinary action regarding
28 expulsion of a student. The Board shall notify the Accused Student, by registered or
29 certified mail or by personal service of the intent of the Board to call a closed session
30 to consider expulsion. The notification shall specify the date, time and place of the
31 meeting at which the Board will consider disciplinary action and shall be provided at
32 least 48 hours prior to the meeting.

33
34 4. Final action of the Board must be taken in open session. The student shall not be
35 identified by name or other designation that would disclose the identity of the
36 student.

37
38 5. The Board may accept, modify or reject the recommendations of the College
39 President. If the Board modifies or rejects the decision, the Board shall review the
40 Hearing recording and record of the appeal, if any, and shall prepare a new written
41 decision which contains specific factual findings and conclusions. The decision of the
42 Board shall be final.

1 **6. The Accused Student shall be notified in writing of the Board's final decision.**

2
3 **Article V: INTERPRETATION AND REVISION**

4
5 **A. Any question of interpretation or application of the Standards of Conduct shall be**
6 **referred to the Student Conduct Officer or his or her designee for final determination.**

7
8 **B. The Standards of Conduct shall be reviewed every 3 years under the direction of the**
9 **Student Conduct Officer.**

10
11 **References:**

12 Education Code Section ~~66300, 66301~~; Accreditation Standard ~~II.A.7.b~~ Education Code Section ~~66300-~~
13 ~~66302, 72122, 76030-76037~~; Accreditation Standard II.A.7.b-c; California Penal Code ~~245, 288.2, 626.4~~
14 and ~~653.2~~

15
16

Procedure Last Revised: January 14, 2009