

**Coast Community College District**  
**ADMINISTRATIVE PROCEDURE**  
Chapter 5  
Student Services

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## **AP 5500 Student Code of Conduct**

### **References:**

Education Code Sections 66300, 66301, 66302, 72122, and 76030-76038;  
ACCJC Accreditation Standard I.C.8

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# **SECTION I**

## **1.1 INTRODUCTION**

This Administrative Procedure (AP 5500) is intended to effectively implement Board Policy 5500 "Student Code of Conduct," and as such, this Administrative Procedure shall constitute the Student Code of Conduct for all District Students. This Student Code of Conduct provides District Students with prior notice of behavior deemed unacceptable by the District's Board of Trustees. This Student Code of Conduct includes a defined process for the fair and impartial review and determination of alleged improper Student behavior. This Student Code of Conduct also specifies the various sanctions that may be imposed on District Students for violations of this Student Code of Conduct. Students are expected to be familiar with the terms of the Coast Community College District's published Board Policy BP 5500 and this Administrative Procedure 5500 Student Code of Conduct.

This Student Code of Conduct provides for the orderly administration of the Student Code of Conduct consistent with the principles of due process of law. Reasonable deviations from the Student Code of Conduct will not invalidate a decision or proceeding.

## **1.2 THE USE OF "WILL" AND "SHALL"**

In this Student Code of Conduct, and throughout the District's Board Policies and Administrative Procedures, the use of the terms "will" and "shall" are used in the mandatory sense.

## **1.3 NOTICE - PROCESS FOR NOTIFICATION**

Coast Community College District's primary correspondence and notification mechanism with Students shall be through the Student's District assigned e-mail account. At the District's discretion, Students may be notified via U.S. mail, delivery in person, or by an alternate email on record from the Student. Coast Community College District reserves the right to notify parents/legal guardians/emergency contacts when it determines that any Student, regardless of age, is in a situation that is threatening to their own health and safety, or that Student has placed another person in a situation that is threatening to their health and safety.

## **1.4 JURISDICTION**

Pursuant to Board Policy 5500, the District's jurisdiction concerning alleged Student Code of Conduct violations extends to the District, its colleges, and for all activities occurring on District property. This jurisdiction includes, but is not limited to, its main and satellite campuses, and to any non-District property used by the District or its colleges where District Students are present. This jurisdiction shall also apply to Student-to-Student or Student-to-employee off-campus conduct and/or actions, and electronic activity (such as e-mail, texting, telephone contact, social media), when the College Disciplinary Officer, or designee, determines that the off-campus conduct affects, disrupts, or interferes with the educational mission of the college.

## **1.5 ANTI-DISCRIMINATION STATEMENT**

The Coast Community College District does not unlawfully discriminate based upon age, race, ethnicity, sexual orientation or preference, gender, national origin, veteran's status, gender identification, or genetic information in administering District educational policies and

procedures. The District complies with the American Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973. See Board Policy 3410 Nondiscrimination.

### **1.6 PARALLEL STUDENT CONDUCT PROCEEDINGS**

Student Conduct Code proceedings are administrative in nature, and are independent from court or other administrative proceedings. Discipline may be instituted against a Student also charged in civil or criminal courts based on the same facts that constitutes the alleged violation of the Student Code of Conduct. The District may elect to proceed before, concurrently with, or after any judicial or other administrative proceedings.

### **1.7 PARALLEL TITLE IX INVESTIGATION PROCEEDINGS**

The District's Title IX Policy and Procedure, BP/AP 5910 Gender-Based Discrimination/Sexual Misconduct, addressing the investigation of allegations of sexual misconduct incorporate the sanctions and general procedures set forth in this Student Code of Conduct, but are not restricted by this Procedure. Title IX investigations and processes are independent from court or other administrative proceedings. Student discipline may be instituted against a Student also charged in civil or criminal courts based on the same facts that constitute the alleged violation of Title IX or other law applicable to sexual misconduct. The District may elect to proceed before, concurrently with, or after any judicial or other proceedings.

## **SECTION II - STUDENT RIGHTS & RESPONSIBILITIES**

### **2.1 DUE PROCESS**

Students are entitled to a fundamentally fair process, including reasonable notice of allegations of violations of the Student Code of Conduct, the opportunity for the Student to be heard and to afford the Student the opportunity to present evidence prior to the administrative determination of the alleged violations. The District reserves the right to make immediate interim suspensions or restrictions when such actions are deemed necessary by the College Disciplinary Officer or designee pending an investigation and determination of the matter. Any sanction(s) imposed under the Student Code of Conduct shall be appropriate to the nature of the violation(s).

### **2.2 STUDENT RIGHTS**

- To be treated with respect by District officials
- To take advantage of campus support resources, such as Counseling, Special Services, Health Services, and other available resources.
- To experience a safe educational environment.
- To not be subjected to retaliation for reporting violations.
- To have complaints heard in substantial accordance with established procedures.
- To fully participate in any process whether the injured individual is serving as the Complainant or the institution is serving as Complainant.
- Complainant and Respondent shall be informed in writing of the outcome/resolution, any sanctions imposed, and the rationale for the outcome, to the extent permissible under applicable law and Board Policies.

### **2.3 SPECIAL REQUESTS/ACCOMMODATIONS - STUDENTS WITH DISABILITIES**

Any special requests and/or accommodations by any Party (for example, sign language, the use of assistive technology, service animals, and other accommodations approved by the Office of Special Services/Disabilities) require approval by the College Disciplinary Officer or designee and such requests must be made at least 5 days prior to hearing. Special requests and accommodations shall also be applicable to Appeal Hearings as set forth in Section 4.2 of this Student Code of Conduct.

### **2.4 ROLE OF LEGAL COUNSEL**

An attorney licensed to practice in California may accompany the Student to the hearing. The attorney's role is to provide counsel to the Student without disruption to the hearing process.

The attorney may not make any statements or presentations to the College Disciplinary Officer, Hearing Panel, or Appeal Committee, examine or cross-examine any witnesses, or present evidence or any written material to the College Disciplinary Officer or Hearing Panel or Appeal Committee set forth in Section 4.4. The attorney may not, in any way, disrupt or interfere with the hearing process. Any violation of this section shall result in the removal of the attorney. The attorney shall provide the College Disciplinary Officer with a retention letter confirming that he/she has been retained by the Student at least 7 days before the hearing so that the necessary arrangements can be made for a District attorney to be present at the hearing. The attorney's retention letter shall include the attorney's State Bar number and a telephone number. The requirements of this section shall also be applicable to Appeal Hearings as set forth in Section 4.2 of this Student Code of Conduct.

### **2.5 STUDENT RIGHT TO REVIEW RECORDS**

Students seeking to review or obtain copies of records relating to their investigation or to the outcome should refer to Coast Community College District Board Policy 5040 Student Records Directory Information and Privacy.

### **2.6 RECORDING AND PRESENTING WITNESSES**

Audio/Video Recordings – No audio, video, or other recording of any investigation, interview, meeting, or hearing is permitted.

Witness Rules and Limitations – only witnesses presenting relevant testimony or information directly related to the alleged violations are permitted. Witness statements relating to the alleged violations may be accepted by the College Disciplinary Officer at their sole discretion, if such statements are deemed to be material and relevant to the proceeding.

Character witnesses are not permitted to testify or offer writings in support of any Party in any Student discipline proceeding.

The College Disciplinary Officer shall be responsible to schedule witnesses for all meetings other than the appeal hearing, subject to the Student notifying the college no less than 5 days prior to the proceeding. The College Disciplinary Officer reserves the right to exclude redundant testimony from witnesses, or redundancy in witnesses.

## **2.7 CONFIDENTIALITY**

Any information provided to District employees may be shared with other District employees, law enforcement, or other parties, consistent with law, and only on a “need to know” basis. District employees shall endeavor to honor any Complainant or victim’s request for confidentiality; however, *confidentiality cannot always be assured*. The District may weigh requests for confidentiality against its duty to provide a safe and nondiscriminatory environment for all members of the District Community.

Investigative or hearing proceedings are considered private and confidential so as to protect the Parties involved. Hearings or meetings shall not be conducted in public, and are not open to the public. The Parties involved are expected to maintain the privacy of the proceedings.

## **SECTION III - STUDENT DISCIPLINE PROCESS**

### **3.1 COMPLAINT FILED/INCIDENT REPORTED**

Coast Community College District, through its College Disciplinary Officers, will investigate all reports of alleged violations of the Student Code of Conduct. Anyone who believes a section of this Code of Conduct has been violated should contact the College Disciplinary Officer identified at each District campus. Reports of allegations are entered into a District-wide system where it is assigned to the appropriate college Officer.

### **3.2 NOTICE TO STUDENT**

In all cases, the College Disciplinary Officer, or designee, will provide notice to the Parties, providing them with the following information, pursuant to Section 1.3:

- A description of the alleged violation(s).
- A description of the applicable policies.
- A statement of the potential sanctions/responsive actions that could result.
- A required date and time, for the Student to contact the College Disciplinary Officer within 7 days from receipt of the communication to schedule a hearing/meeting, superseding all other campus and work activities. The Student's failure to contact the College Disciplinary Officer within this 7 day period shall constitute the Student's waiver of their ability to provide a response to the alleged violation(s), and the proceeding shall take place as if the Student has not responded.

### **3.3 INTERIM ACTIONS**

Interim actions are those temporary sanctions deemed necessary by the College Disciplinary Officer to protect the safety and security of the District Community pending investigation into the alleged violations of this Student Code of Conduct. The College Disciplinary Officer may take any interim actions deemed necessary to:

- Protect the District Community from potential threats to health and safety;
- Protect any particular member of the community;
- Protect against the risk of a substantial disruption to the normal operations of the campus.

The College Disciplinary Officer or designee will inform the Respondent involved of any interim action/restrictions implemented against them pending investigation.

Interim Action/Restrictions are effective immediately. There shall be no request to delay the imposition of interim actions. These actions may include:

- a) Interim Suspension – A Student who that is suspended on an interim basis is subject to all of the same restrictions as if he/she had been suspended as a final sanction. The College Disciplinary Officer, or designee, may impose an interim restriction of up to 10 days following notice from the College Disciplinary Officer.
- b) Interim Restriction – These restrictions may include, but are not limited to:
  - o Restricted access to District facilities;
  - o District events;
  - o No-contact orders with specific individuals or any other restrictions deemed by the College Disciplinary Officer or designee to be necessary to achieve the goals stated above.

The College Disciplinary Officer, or designee, may impose an interim restriction of up to 14 days following notice from the College Disciplinary Officer.

#### Interim Suspensions and Request to Stay.

Upon notice of an Interim Suspension by the College Disciplinary Officer, Title IX Coordinator, or designee, the Student has 3 calendar days (from the date of the notice) to submit reason(s) for a Request to Stay to the Vice President of Student Services, or their designee. The Vice President of Student Services or their designee will render a decision on providing a stay, with or without modifications to the Student's request. The Vice President of Student Services or their designee will provide the Student with a decision within 1 business day of the received Request to Stay. The Interim Suspension remains in effect until a decision from the Vice President of Student Services or designee is rendered.

### **3.4 INVESTIGATION PROCESS**

Disciplinary meetings are not intended to be adversarial in nature. Student shall not have the right to cross examine any other Party or witness during the initial hearing. The investigator will conduct interviews to determine the accuracy of statements or other evidence for the College Disciplinary Officer to consider. The College Disciplinary Officer may also act in the role of investigator for minor or routine discipline issues. All Title IX investigations shall have an assigned investigator(s) to assist the College Disciplinary Officer.

The College Disciplinary Officer's primary communication to all Parties involved in the investigation shall be through District assigned email addresses, with supplemental forms of communication used as needed.

The College Discipline Officer or designee will investigate each complaint submitted to determine whether it is appropriate to charge a Student with a violation of the Student Conduct Code.

Investigations should generally result in resolution within 60 calendar days after a complaint has been made, barring unexpected delays. If circumstances warrant, the College Disciplinary Officer will provide notice to the Student(s) of any delays or extensions necessary to complete any investigation.

Investigations may comprise of an interview with the reporting Party), person(s) alleged to have violated the policy(s), witnesses, and other persons having knowledge.

The College Disciplinary Officer shall make reasonable efforts to give the Student(s) an opportunity to rebut the accusation or otherwise provide relevant information to the College Disciplinary Officer or designee regarding the incident(s) which led to the belief by the College Disciplinary Officer or designee that the Student violated the Student Code of Conduct in a hearing format.

Should a Student fail to appear for any meeting, that Student may be considered as having waived his/her right to be present for the meeting and the investigation may proceed without the Student's input.

### **3.5 FINDINGS AND DETERMINATION**

Hearings/meetings for possible violations that occur near or after the academic terms will be held as soon as is practicable, to try to meet the resolution timeline followed by the District.

The College Disciplinary Officer has the discretion to elect any of the following methods for resolution:

- Informal Administrative Resolution – The Respondent admits to the allegations, and accepts the recommended sanctions of the College Disciplinary Officer or designee.
- Formal Finding by the College Disciplinary Officer – The College Disciplinary Officer, after completing an investigation, which includes an opportunity for the Respondent's due process, makes a finding and, if appropriate, issues sanctions.
- Formal Finding with Hearing Panel – The College Disciplinary Officer may elect, at his/her sole discretion, to refer the findings from his/her investigation, which includes the Respondent's due process, to a Hearing Panel for recommendation. The Hearing Panel is a panel convened to weigh the evidence presented following an investigation into alleged violations of the Student Code of Conduct. The Hearing Panel shall be formed pursuant to Section 4.4 herein.
- Dispute Resolution/Mediation – for alleged offenses determined to be minor in nature by the College Disciplinary Officer, a voluntary alternative to the formal investigation and hearing process, as mutually agreed upon by the College Disciplinary Officer, Complainant, and Respondent. The College Disciplinary Office will select a mediator to assist the Complainant and Respondent in attempting resolving the allegation(s). The mediator can be the College Disciplinary Officer, or any other employee of the District as



designated by the College Disciplinary Officer. The College Disciplinary Officer may also utilize the services of an external mediator.

### **3.6 TYPES OF FINDINGS AFTER INVESTIGATION**

**Not Responsible** – In these cases, College Disciplinary Officer or designee has determined that insufficient evidence exists, by the Preponderance of Evidence standard, for a finding of Responsible for the alleged violation(s). The case is closed and a record is retained.

**Responsible** – The College Disciplinary Officer or designee determines that sufficient evidence exists, by the Preponderance of Evidence standard, for a finding that the Respondent is Responsible for the alleged violation(s).

This determination may also be rendered through the Informal Administrative Resolution, where the Respondent has admitted culpability for the alleged violation(s). The College Disciplinary Officer may close the case.

After investigation, meetings, and/or hearing, and considering all information relevant to the issue, the College Disciplinary Officer, Chair and her/his Panel shall then decide whether or not to impose sanctions.

The College Disciplinary Officer will notify the Student charged with violations of the decision of the College Disciplinary Officer or Discipline Panel, and of any sanctions imposed. Such Notice shall be in writing from the College Disciplinary Officer, and communicated to the Student pursuant the notice requirements set forth in Section 1.3.

### **3.7 IMPOSING SANCTIONS**

If a Student is found Responsible, sanctions will be imposed by the College Disciplinary Officer, as he/she deems reasonable and appropriate, pursuant to the available sanctions set forth in Appendix C. The Respondent may elect to appeal the findings and sanctions subject to the limitations for grounds for appeal set forth herein.

### **3.8 STANDARD OF PROOF FOR FINDINGS**

In all cases involving alleged violations of the Student Code of Conduct, the standard of proof for determining whether a Respondent is Not Responsible or Responsible is the Preponderance of Evidence standard (e.g., more likely than not), as defined in Appendix A herein.

## **SECTION IV - APPEAL PROCESS AND GROUNDS FOR APPEAL**

An appeal is not intended to be full re-hearing of the allegation(s) and reweighing of the evidence. There is a presumption that the College Disciplinary Officer has weighed all information following investigation, and has reached the appropriate determination regarding the finding of Responsibility or Non-Responsibility. Students may appeal determinations or appealable sanctions based only upon any of the following grounds for appeal:

- Excessive sanctions in relation to the violation(s) the Respondent was found Responsible for committing.
- Unlawful discrimination by the College Disciplinary Officer in making a determination of Responsibility.
- A substantive procedural error which materially and significantly affected the weighing of evidence by the College Disciplinary Officer.

A request for appeal must be submitted in writing and must contain detailed information supporting the grounds for appeal. The Student must specifically identify which of the above bulleted grounds their appeal is based on. Student failure to specify the basis for appeal with detailed information shall constitute the dismissal of the Appeal without further proceedings.

The Student shall provide notice of intent to appeal by-e-mail, U.S. Mail, or by personal delivery of correspondence to the College Disciplinary Officer's office within seven days of notification of outcome of the finding and sanction. Any request for appeal that is not received within 7 days of notification of the outcome of a determination shall be deemed untimely and shall constitute a waiver of the Student's right to an appeal.

In all cases, the College Disciplinary Officer, or designee, will send a notice, pursuant to Section 1.3, to the Parties with the following information:

1. A description of the violation(s), a description of the provisions of the Student Code of Conduct determined to have been violated, and a statement of the sanctions/responsive actions.
2. A required date, time, and location of the hearing, superseding in priority all other campus and work activities. If a Party does not appear at the scheduled hearing, the hearing will be held in his/her absence. For compelling reasons, the College Disciplinary Officer, or designee, may reschedule the hearing; proof may be asked by the College Disciplinary Officer. Appeal hearings that occur near or after the academic terms will be held as soon as practicable to meet the resolution timeline generally followed by the District. If deemed appropriate by the College Disciplinary Officer, or designee, interim actions/restrictions and other stipulations that ensure the safety and/or well-being of the campus community will be administered or maintained.
  - The College Disciplinary Officer, or designee, shall use reasonable efforts to schedule the appeal hearing promptly, generally no sooner than 10 days after, and not later than 30 days after, the date of the submitted written request for appeal. However, the scheduling of an appeal hearing may be delayed due to events beyond the College Disciplinary Officer's control. In such circumstances, the College Disciplinary Officer shall schedule the appeal hearing as promptly as is reasonably possible.
  - The notice of hearing may be amended by the College Disciplinary Officer at any time, and the College Disciplinary Officer, or designee, may (but is not required

to) postpone the appeal hearing for a reasonable period of time.

#### **4.1 ROLE OF ADVISORS AND LEGAL COUNSEL DURING APPEAL**

Student conduct proceedings are not formal court proceedings, but instead, are administrative proceedings conducted by the District. Although District-related sanctions may be imposed, the process is intended to provide an opportunity for learning, and to promote a safe educational environment.

If the Student is a dependent minor, he/she must have a parent or legal guardian accompany him/her to the hearing. The Student must provide the College Disciplinary Officer with the full legal name, address and telephone number of his/her parent or legal guardian who will accompany him/her to the hearing.

If the Student wishes to have an advisor accompany him/her to the hearing, the Student must provide the College Disciplinary Office with the name of the individual he/she has chosen to act as his/her appeal advisor no less than 5 days prior to the appeal hearing. Advisors must maintain confidentiality and will not be permitted to participate or respond on behalf of the Student during the hearing.

If the Student chooses to have his/her attorney accompany him/her to the hearing, the name, address and telephone number of the Student's attorney must be submitted to the College Disciplinary Officer no later than 7 days prior to the hearing. In addition, no later than 7 days prior to the hearing, the Student's attorney must deliver a retention letter, including his/her State Bar number and telephone number, to the College Disciplinary Officer.

#### **4.2 THE APPEAL HEARING**

Appeal hearings are closed to all persons except:

- College Disciplinary Officer, or designee;
- The Student Discipline Appeal Committee
- Student;
- Advisor;
- an attorney, retained by the District or a Student;
- a court-certified interpreter, paid for at the Student's own expense;
- selected members of the Disciplinary Panel when their determination of findings is at issue ; and
- any person needed to assist the hearing officer.
- In some cases, a campus safety officer may be present to ensure safety and security during the hearing.

In cases where the Student is a dependent minor, unless the minor is a verified emancipated minor, the Student's parent or legal guardian, must be present during the hearing.

### **4.3 STANDARD OF PROOF FOR AN APPEAL**

In all cases involving appeal, the burden of proof is on the Student to establish, to the standard of Clear and Convincing Evidence (as defined herein), that the College Disciplinary Officer's determination following investigation was erroneous due to any of the following:

- Excessive sanctions in relation to the violation(s) the Respondent was found Responsible for committing.
- Unlawful discrimination by the College Disciplinary Officer during the determination of Responsibility.
- A substantive procedural error which materially and significantly affected the weighing of evidence by the College Disciplinary Officer.

### **4.4 APPEAL HEARING PROCEDURES**

Evidence—The Appeal Hearing need not be conducted according to technical rules relating to evidence and witnesses. Only relevant and material evidence shall be presented to and considered by the Student Discipline Appeal Committee. Irrelevant, immaterial, and/or unduly repetitious evidence shall be excluded. No evidence other than that received and weighed at the initial determination of findings shall be considered by the Student Discipline Appeal Committee. This limitation on admissible evidence shall not exclude the Student from presenting relevant, material evidence excluded by the College Disciplinary Officer at the initial hearing. The determination of relevancy or the material nature of the Student's offered evidence shall be made by the Student Discipline Appeal Committee.

1. The Student Discipline Appeal Committee shall consist of:
  - A College Faculty Member (full-time or part-time) from within the District
  - A College Student from within the District
  - A Manager or Administrator from within the District

The Student Discipline Appeal Committee is formed through collaboration with the College Academic Senates, College Student Governments, and the Coast District Manager's Association.

The Appeal Committee members shall select a Chair of the Appeal Committee in advance of the appeal hearing.

2. The Chair will call the hearing to order, explain the procedures of the hearing, and have all Parties introduce themselves. Should an advisor be present, they may not make a presentation or represent the Respondent or the Complainant during the hearing. The Parties to the hearing are expected to ask and respond to questions on their own behalf, without representation of their advisors. The advisor may not speak on behalf of the Student to the College Disciplinary Officer or to Student Discipline Appeal Committee hearing the case.
3. The Chair will present the rules governing the hearing. The Chair shall guarantee control of the hearing, making certain that all participants respect the right of others to make statements, and to ensure confidentiality of such statements.

4. The College Disciplinary Officer, and if applicable her/his witness(es), shall have up to thirty minutes total, if necessary, to present relevant evidence to support the determination that violation(s) of the Student Code of Conduct has occurred.
5. The Student charged may question any witnesses presented by the College Disciplinary Officer. Members of the Appeal Committee may also question any witness presented by the College Disciplinary Officer. Questioning by the Student or the Appeal Committee shall not be considered part of the time allotted for presentation of the College Disciplinary Officer's evidence. Total witness questioning by the College Disciplinary Officer and the Student shall not exceed a total of thirty minutes of witness testimony for each side.
6. The Student charged, and if applicable her/his witness(es), shall have up to thirty minutes in total time, if necessary, to present relevant evidence demonstrating the basis for why College Disciplinary Officer's decision should be overturned. The College Disciplinary Officer may question any witnesses presented by the Student. Members of the Appeal Committee may also question witnesses. Questioning by the Student Appeal Committee shall not be considered part of the time allotted for presentation of the Student's evidence. Witness(es) shall provide testimony only on an individual basis, outside of the presence of other witness(es). It is within the discretion of the Appeal Committee Chair to impose a timeline on questioning or to add additional time if warranted.
7. The College Disciplinary Officer, and then the Student appealing, may each make a closing statement to the Appeal Committee. These closing statements shall be limited to a maximum of three minutes each. The Appeal Committee Chair shall have the authority to extend the time limits if deemed necessary.
8. Once all information has been collected, the Chair, or designee, will:
  - Reiterate the alleged policy violation(s);
  - Remind all Parties and participants involved of the Standard of Proof (Clear and Convincing), as further defined in Appendix A.
  - Remind all parties and participants of confidentiality and of all imposed sanctions that are active and must be adhered to;
  - Remind all Parties and participants to review the Coast Community College District's Student Code of Conduct (Board Policy 5500), Administrative Procedure (5500), and to understand their Student rights and responsibilities;
  - Inform all Parties and participants of the deliberation process and the projected timeline for notification; and
  - Remind the Student charged and the Complainant, if applicable, that notification and all communication will be via District email accounts.

Following the Appeal Committee Chair's closing statements, all persons will be dismissed from the hearing except for the Committee Chair and her/his members of the Appeal Committee for deliberation.

#### **4.5 FAILURE TO APPEAR**

A Student who fails to appear before the Student Discipline Appeal Committee after having been notified of an appeal hearing is deemed to have waived his/her rights to participate in the appeal. The appeal hearing shall be terminated and the Student Discipline Appeal Committee shall be dismissed.

Student

#### **4.6 DELIBERATION AND DECISION**

The Student Discipline Appeal Committee shall make its findings for the appeal hearing based on the Clear and Convincing Evidence standard, as further defined in Appendix A, which demonstrates whether or not the College Disciplinary Officer:

- Issued disproportionate or excessive sanctions in relation to the violation(s) the Respondent was found Responsible for committing.
- Demonstrated unlawful discrimination during the determination of Responsibility, and/or,
- Made a substantive procedural error which materially and significantly affected the weighing of evidence.

Following presentation of evidence, the Student Discipline Appeal Committee shall privately consider the evidence and shall prepare a written report of its findings and deliver to the College Disciplinary Officer, which shall ordinarily be submitted within five working days of the date of the appeal hearing. This report shall include the following:

- A brief summary of the facts as found by the Student Discipline Appeal Committee, and a determination of evidence indicating whether the College Disciplinary Officer's findings should or should not be overturned;
- A finding indicating the appropriateness of the disciplinary sanction imposed on the Student by the College Disciplinary Officer. This finding may state:
  - A finding that the Student is Responsible and that the disciplinary action proposed is appropriate; or
  - A finding that the determination of Responsibility be set aside due to the College Disciplinary Officer's evidenced unlawful discrimination in the investigation;
  - A finding that the Student is Responsible, but that the disciplinary action imposed by the College Disciplinary Officer was excessive to the violation, and as such, a recommendation be made for a lessened sanction;
  - A finding that the College Disciplinary Officer committed a substantive procedural error during the investigation or finding which would unduly taint the legitimacy of the finding of Responsibility, resulting in the finding to be set aside.

The report of the Student Discipline Appeal Committee shall be sent by the Student Discipline Officer to the Respondent. If the Committee has made a finding evidencing unlawful discrimination, bias, or substantive procedural error, the Committee shall provide a copy of the report to the College Vice President of Student Services. The Student Discipline Office shall copy the Vice President of Student Services on written notification to the Student(s) involved.

No finding by the Student Discipline Appeal Committee recommending the setting aside of a finding of Responsibility due to unlawful discrimination or procedural error by the College Disciplinary Officer shall act as a bar to a subsequent investigation by another College Disciplinary Officer from within the District of the underlying facts and evidence of the matter appealed and making a finding and determination of Responsibility.

#### **4.8 RECOMMENDATION FOR EXPULSION**

If, after investigation, the College Disciplinary Officer recommends expulsion to the College President, or if the College President independently seeks to have the Student expelled, the College President shall deliver a written recommendation for the Student's expulsion to the Chancellor. A copy of the President's recommendation shall be provided to the Student, or if the Student is a dependent minor to his/her parent or guardian.

The College President's recommendation for expulsion shall contain a statement of the charges against the Student that provides the basis for his/her request that the Student be expelled, including a factual description of the conduct upon which the charges are based, and the action(s) taken by the College Disciplinary Officer.

#### **4.10 REVIEW BY THE CHANCELLOR**

The Student may appeal the College President's recommendation for expulsion, but not for other sanctions, by submitting a letter of appeal via personal delivery, delivery by a professional process server, or by certified mail to the Chancellor's office within ten days of his/her receipt of the College President's recommendation for expulsion.

Any letter of appeal must be signed for by the Chancellor's Office. The letter of appeal to the Chancellor shall state the reasons why the Student should not be expelled and shall not exceed fifteen pages in length. The Student or his/her parent or guardian does not have the right to meet personally with the Chancellor under this procedure.

1. Chancellor's Recommendation to the Board. If the Chancellor has decided to recommend the Student's expulsion, he/she shall cause to be placed on a Board agenda for action, within a thirty days of notice of appeal, his/her recommendation that the Student be expelled. Minor deviations in the timeline for placement of the Chancellor's recommendation on the Board agenda shall be permitted. The Chancellor shall notify the Student or the Student's parent or guardian if the Student is a dependent minor of his/her decision to seek expulsion. The Chancellor's notice shall be in writing, setting forth the Board meeting date, time, and location where the Board will consider the recommended expulsion.
2. Appeal to the Board of Trustees. The Student may submit a Letter of Opposition to Expulsion to the Board of Trustees, through the Manager of the Board Office, via personal delivery, delivery by a professional process server, or by certified mail setting forth the Student's basis for opposition to the recommended expulsion. The Student's letter must be received no less than five days prior to the scheduled Board meeting date.

The Student's Letter of Opposition shall not exceed ten pages in length, explaining to the Board why he/she should not be expelled. The Student may attach to his/her letter any

documents he/she wishes the Board to consider.

3. The Chancellor shall submit the following documents to the Board prior to the Board acting on his/her recommendation for expulsion:
  - 1) A copy of the correspondence provided to the Student informing the Student of the alleged violations of the Student Code of Conduct;
  - 2) A copy of the investigative findings of the College Disciplinary Officer, including any relevant evidence collected and assessed.
  - 3) A copy of the report, if any, of the Student Discipline Appeal Committee;
  - 4) A copy of the President's recommendation for expulsion;
  - 5) A copy of any letters or documents submitted by the Student; and
  - 6) The Chancellor's recommendation regarding expulsion of the Student.
4. The Board shall consider the documents provided in closed session.
5. The Board shall announce in open session any determination made in closed session concerning the recommended Students expulsion.

#### The Board's Decision Regarding Expulsion

The Board's decision shall be final and shall end the Student's appeal process relating to expulsion.

#### Notification to College Disciplinary Officer

The Secretary to the District's Board of Trustees shall notify the College Disciplinary Officer in writing of the Board's decision regarding the Student's expulsion and shall provide the College Disciplinary Officer with a copy of the meeting minutes evidencing the Board's action.

#### Notification to Student

The College Disciplinary Officer shall notify the Student in writing of the Board's decision regarding his/her status as a Student in the District.

### **4.11 READMISSION AFTER A SUSPENSION**

The following procedures shall apply to a Student's request for readmission.

A Student who has been suspended is eligible to apply for readmission if:

- The term of the Student's long term suspension will expire within 30 days.
- The Student has complied with all the terms and conditions of his/her suspension; and
- During the course of the Student's suspension, the Student has not engaged in any behavior or activity that would be cause for discipline under this Student Code of Conduct if the individual were a District Student.

#### 1. Procedure for Re-admission Following Long-Term Suspension

- The Student seeking readmission must make a written request for readmission to the



College Disciplinary Officer.

- The College Disciplinary Officer may request a meeting with the Student seeking readmission to ascertain his/her eligibility for readmission.
- Ordinarily, within thirty days of the date of his/her receipt of a written request for readmission, the College Disciplinary Officer shall decide whether the request should be granted or denied.
- The College Disciplinary Officer shall notify the Student of his/her decision in writing and shall, in case of denial, include the reasons for such denial.
- A Student, whose application for readmission has been denied, may not apply for readmission for a period of two years after denial of his/her application.

## APPENDIX A – ADMINISTRATIVE PROCEDURE DEFINITIONS

In addition to and in some cases as a supplement to the terms defined elsewhere in this procedure, the following defined terms shall have the meanings set forth in this section for purposes of this procedure.

- a) "Advisor" means a person, not serving as legal counsel, who at the Student's request, accompanies the Student and provides him or her with emotional or other support at a hearing. The advisor will be expected to maintain confidentiality.
- b) "Attorney" means any person who is admitted to practice law in the State of California.
- c) "Board" means the Governing Board of the Coast Community College District.
- d) "Chancellor" means the Chancellor of the Coast Community College District, or his/her designee.
- e) "Clear and Convincing Evidence" means the burden of evidence that a Student must present establishing that it is highly probable that the disciplinary Officer's determination process was flawed due to unlawful discrimination, significant and inappropriate bias from the hearing officer or Appeal Committee, demonstrated incompetence, or significantly disproportionate sanctions when compared to the offense.
- f) "College Activity" means any activity sponsored by the District including, but not limited to, courses, class, lectures, labs, field trips, club activities, Student Government activities, community education or similar activities, or any other Student sponsored activity.
- g) "College Disciplinary Officer" means the College Official(s) designated by the College President, or designee, to administer this policy.
- h) "Community" means Coast Community College District Students, trustees, employees, agents, instructional associate, visitors, representatives, guests of the District and their families, and any persons conducting business with the District.
- i) "Complainant" means the person(s) reporting alleged violations of this Student Code of Conduct.
- j) "Day" means calendar day.
- k) "Designee" means a District Official appointed to fulfill responsibilities relating to this procedure.
- l) "District" means the Coast Community College District and each of its colleges.
- m) "District Community" means any employee, contractor, Student, member of the public, or invitee present on District property, or on property being used by the District. For purposes of this definition, a Student is deemed a member of the District Community while enrolled in, or in the process of applying for, enrollment as a Student at any of the colleges within the District. A Student does not have to be physically located on District property for their behavior to be governed by this Student Code of Conduct.
- n) "District Official" means any person employed by the District as a Manager, Supervisor, or Officer.
- o) "District Property" means all real, personal and intellectual property owned, controlled, used, or occupied by the District, including property physically removed from any college, the District office, or any place that is the site of a District-approved function.
- p) "Finding" means an outcome determined by the College Disciplinary Officer or designee after completion of an investigation and a review of the facts collected during the investigation. Findings include "Responsible" or "not Responsible".
- q) "Hearing Panel" means a panel formed by the College Disciplinary Officer to make a

determination and finding of whether a Student is Responsible or not for alleged violations of the Student Code of Conduct.

- r) "Instructor" means any faculty member employed by the District for instruction of curriculum or other programs.
- s) "Interpreter" means a sign language interpreter or translator present to assist the Student in understanding and communicating information at any hearing.
- t) "Investigation" means the process following a report of a violation of the Student Code of Conduct. The investigation includes a review of facts presented by the person reporting the violation, the Student accused of the violation, and any other applicable evidence presented to help the College Disciplinary Officer make a determination of "Responsible" or "Not Responsible".
- u) "Mental Health Professional" means a California licensed clinical psychologist or California board-certified psychiatrist.
- v) "Not Responsible" means, based on the applicable evidence collected during the investigation, it is not more likely than not that the Student did not commit a violation of the Student Code of Conduct.
- w) "Parties" means both the Complainant and the Respondent involved in the alleged violation of this Student Code of Conduct.
- x) "Party" means an individual, either the Complainant or the Respondent, involved in the alleged violation of this Student Code of Conduct.
- y) "Preponderance of the Evidence" for purposes of this Administrative Procedure, means the weight of the evidence presented by the District at the administrative hearing that has established that it is more likely than not that the Student is Responsible for the alleged violation of a provision within the District's Student Code of Conduct. This weight of evidence standard applies to any informal or formal resolution hearing, other than for appeals.
- z) "Request to Stay" means a request, in writing, from a Student, seeking to have any interim action reconsidered or amended by the College Vice President of Student Services, or designee.
- aa) "Respondent" means the person(s) who are alleged to have violated the Student Code of Conduct.
- bb) "Responsible" means, based on the applicable evidence collected during the investigation, it is more likely than not that the Student committed one or more violation(s) of the Student Code of Conduct.
- cc) "Retention Letter" means a letter from an attorney stating he/she has been retained by a Student facing disciplinary proceedings pursuant to the Student Code of Conduct.
- dd) "Student" means any person who has applied for admission, who is or has been enrolled, or who has expressed their intent to enroll for any college program within the District for the period in which the misconduct occurred.
- ee) "Student Code of Conduct" means the Coast Community College District Board Policy/Administrative Procedure (BP 5500 and AP 5500, respectively).
- ff) "Student Discipline Appeal Committee" means a committee formed by a college within the District for the purpose of hearing appeals filed by Students following findings of Responsibility or Non-Responsibility. The composition of this committee is set forth in Section 4.4.
- gg) "Weapon" means any instrument or weapon, the use of which is likely to cause bodily injury,

including, but not limited to, a blackjack, sling shot, Billy club, sand club, sandbag, metal knuckles, any dirk, dagger, bow and arrow, switchblade knife, pistol, revolver, or any other firearm, any knife having a blade longer than 2 ½ inches, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club or any instrument used in an assault or attempted assault on another person.

## APPENDIX B-CODE OF CONDUCT VIOLATIONS

The District may impose discipline for the commission, or attempted commission, of the following types of violations by Students, or for aiding or abetting, inciting, conspiring, assisting, hiring or encouraging another person to engage in a violation of this Student Code of Conduct, or for any violation of state or Federal law. Being under the influence of drugs and/or alcohol, or the existence of other psychological impairment does not excuse a violation of this Student Code of Conduct.

1. Academic Misconduct. All forms of academic misconduct including, but not limited to, cheating, fabrication, plagiarism, or facilitating academic dishonesty.
2. Alcohol. Manufacture, distribution, dispensing, possession, use, consumption or sale of, or the attempted manufacture, distribution, dispensing, distribution, consumption or sale of alcohol that is unlawful or otherwise prohibited by, or not in compliance with, District policy, administrative procedures, or campus regulations.
3. Assault/Battery. Assault, battery, or any threat of force or violence upon a Student or upon any Member of the District Community. This includes, but is not limited to:
  - a. Inflicting bodily harm upon any Member of the District Community;
  - b. taking any action for the purpose of inflicting bodily harm upon any Member of the District Community;
  - c. taking any reckless, but not accidental action, from which bodily harm could result to any Member of the District Community;
  - d. Causing a Member of the District Community to believe that the offender or his/her agent may cause bodily harm to that person or any member of his/her family or any other Member of the District Community;
  - e. Inflicting or attempting to inflict bodily harm on oneself.
4. Bias. Bias-related incidents are behavior that constitutes an expression of hostility against a person or property or another due to the targeted person's race, religion, sexual orientation, ethnicity, national origin, gender, age, marital status, political affiliation, or disability. These acts or behaviors may not rise to the level of a crime, or a violation of state or federal law, but may constitute to creating an unsafe, negative, or unwelcome environment for the targeted person.
5. Continued Misconduct or Repeat Violation. Repeated misconduct or violations of this Policy, when other means of correction have failed to bring about proper conduct.
6. Dating Violence. Violence committed by a member of the District Community who is, or has been, in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based upon the consideration of the following factors:
  - a. Length of the relationship

- b. Type of relationship, and
  - c. The frequency of interaction between the persons involved in the relationship
7. Destruction of Property. The damaging, destroying, defacing, or tampering with District Property or the property of any person or business on District Property or at a District function, including but not limited to, taking down, defacing, or otherwise damaging District authorized posters, handbills and/or notices posted on District property.
  8. Discrimination. Unlawful discrimination against a person on the basis of race, ethnicity, color, religion, national origin, sex, age, disability, military or veteran status, gender identification, gender expression, marital status; sexual orientation, or genetic information, except where such distinction is authorized by law.
  9. Dishonesty. All forms of dishonesty including but not limited to fabricating information, furnishing false information, or reporting a false emergency to the District.
  10. Disorderly or lewd conduct. Engaging in disorderly or lewd, indecent or obscene behavior on District Property or at a District function.
  11. Disruption of Educational Process. Destruction or disruption on or off District Property of the District educational process(es), including but not limited to interrupting, impeding, obstructing or causing the interruption or impediment of any class, lab, administrative office, teaching, research, administration, disciplinary procedures, District activity or District authorized Student activity or administrative process or other District function; or disturbing the peace on District Property or at any District function.
  12. Disruptive Behavior. Disruptive behavior, disobedience, profanity, vulgarity, or the open defiance of the authority of or abuse of District personnel, or which adversely effects the delivery of educational services to Students and the District Community.
  13. Disturbing the Peace. Disturbing the peace and good order of the District by, among other things, fighting, quarreling, disruptive behavior, or participation in a disturbance of the peace or unlawful assembly.
  14. Drugs. Unlawful or attempted manufacture, distribution, dispensing, possession, use, distribution or sale of, controlled substances, dangerous drugs, restricted dangerous drugs or narcotics, as those terms are used in state or federal statutes on District Property or at any District function. Possession of medicinal marijuana on District premises is prohibited.
  15. Endangering Welfare of Others. Violation of any state or federal law relating to the placing at risk of physical or emotional harm of a member of the District Community.
  16. Failure to Appear. Failure to appear before a District official when directed to do so.
  17. Failure to Comply or Identify. Failure to identify oneself to, or comply with the directions of, a District Official, employee, policy, law enforcement, or other public official when requested to do so; or resisting or obstructing such District or other public officials in the performance of or the attempt to perform their duties.

18. Failure to Obtain Permits. Participating in an organized protest for which a District permit has not been obtained.
19. Failure to Repay Debts or Return District Property. Failure to (a) repay debts to the District; (b) return District property; (c) return property of any member of the District Community.
20. False Report of Emergency. Knowingly and purposefully, causing, making, and/or circulating a false report or warning of a fire, explosion, crime, or other catastrophe.
21. Forgery. Any forgery alteration, or misuse of any District document, record, key, electronic device, or identification, or knowingly furnishing false information to a District official.
22. Fraud. Any attempt to steal, take, carry, lead, or take away the personal property of another, or who fraudulently appropriated property which has been entrusted to him or her, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor or property, or who causes or procures or obtains credit and thereby, or fraudulently gets or obtains possession of money, or property, or obtains the labor or service of another, is guilty of theft.
23. Gambling. Unauthorized gambling on District Property or at any District function.
24. Harassment/Bullying. A specific act, or series or acts, of a verbal or physical nature, including threats, intended to annoy, intimidate, pester, aggravate, irritate, dominate, ridicule, or cause fear to a member of the District Community, occurring within the jurisdiction of the District as set forth in Section 1.4.
25. Hateful Behavior. Hateful behavior aimed at a specific person or group of people.
26. Hazing. Participation in hazing or any method of initiation or pre-initiation into a campus organization or other activity engaged in by the organization or members of the organization at any time that causes, or is likely to cause, physical injury or personal degradation or disgrace which can inflict psychological or emotional harm to any Student or other person.
27. Infliction of Mental Harm. (a) Inflicting mental harm upon any member of the District Community; (b) taking any action for the purpose of inflicting mental harm upon any Member of the District Community; (c) taking any reckless, but not accidental action, from which mental harm to Member of the District Community could result; (d) causing a Member of the District Community to believe that the Student or his/her agent may cause mental harm to that person or any member of his/her family or any other member of the District Community; (e) any act which purposefully demeans, degrades, or disgraces any person.
28. Library Materials. Cutting, defacing, or otherwise damaging or theft of college library or bookstore materials or property.
29. Misrepresentation. A false statement or representation based upon the intentional disregard of false or possibly false information, or knowingly entering into a transaction

based upon false information, or misrepresenting oneself to be an agent, employee, or representative of the District or its colleges.

30. Misuse of Identification. Transferring, lending, borrowing, altering or unauthorized creation of identification.
31. Possession of Stolen Property. Possession of District Property, or the property of any other person, when the Student knows, or reasonably should know, that the property was stolen.
32. Possession of Weapons. Unauthorized possession, use, storage, or manufacture of explosives, dangerous chemicals, firebombs, firearms, or other destructive devices or weapons as defined in Section K of Appendix A.
33. Public Intoxication. Public intoxication or being under the influence of alcoholic beverages, any illegal narcotics, or any substance that causes impairment on District/College Property or at any District/College function.
34. Sexual Harassment. Sexual harassment against a member of the District Community. Sexual harassment is defined as (a) unwelcome verbal harassment, e.g., epithets, derogatory comments, or slurs; (b) physical harassment, e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual; (c) visual forms of harassment, e.g., derogatory posters, cartoons, or drawings; (d) unwelcome sexual advances, requests for sexual favors; or (e) an intimidating, hostile, or offensive environment. "Unwelcome conduct" is defined as conduct which the member of the District Community does not solicit or initiate, and which the person regards as undesirable or offensive.
35. Sexual Misconduct comprises a broad range of unwelcome behaviors focused on sex and/or gender that may or may not be sexual in nature. Any intercourse or other intentional sexual touching or activity without the other person's consent is sexual assault, is a form of Sexual Misconduct under this Procedure. Sexual Misconduct is any form of gender-based harassment, including, but not limited to, sexual harassment, sexual assault, and sexual exploitation, as well as harassment based on gender identity, gender expression, and non-conformity with gender stereotypes. Sexual misconduct may also include acts of a sexual nature, including acts of stalking, domestic violence, and dating violence, intimidation, or for retaliation following an incident where alleged Sexual Misconduct or has occurred.  

Sexual Misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender.
36. Serious Injury or Death. Any intentional or reckless action or conduct which results in serious injury or death to a Member of the District Community or his/her family.
37. Smoking. Smoking in an area where smoking has been prohibited by law or regulation of the District.



38. Stalking. Stalking behavior in which a Student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the College Disciplinary Officer to create substantial emotional distress, torment, create fear, or to terrorize the person.
39. Sexual Stalking. Course of conduct directed at a specific person that would cause a reasonable person to feel fear or suffer substantial emotional distress due to another's sexual interest or gender-based stalking. Stalking involves repeated and continued harassment of a sexual or gender-based nature, against the expressed consent of another individual, which causes the targeted individual to feel emotional distress, including fear or apprehension. Such stalking behaviors may include: pursuing or following; unwanted communication or contact—including face-to-face encounters, telephone calls, voice messages, electronic messages, web-based messages, text messages, unwanted gifts, etc.; trespassing; and surveillance or other types of observation.
40. Theft or Abuse Of District's Computers Or Electronic Resources. Theft or abuse of District computers and other District electronic resources such as computer and electronic communications facilities, systems, and services. Abuses include (but are not limited to) unauthorized entry, use, transfer, or tampering with the communications of others, and interference with the work of others, and with the operation of computer and electronic communications facilities, systems, and services. Theft or attempted theft of any kind, including seizing, receiving, or concealing property with knowledge that it has been stolen, is prohibited. Sale, possession, or misappropriation of any property or services without the owner's permission is also prohibited.
41. Theft or Conversion of Property. Theft or conversion of District Property or services, or the property of any person or business on District Property or at a District function, or possession of any property when the Student had knowledge or reasonably should have had knowledge that it was stolen.
42. Trespass and Unauthorized Possession. Unauthorized or forcible trespass on, entry to, possession of, receipt of, or use of any District services, grounds, equipment, resources, properties, structures, vehicles, boats, water craft or facility, including the unauthorized use of District's name, insignia, or seal without permission or authorization.
43. Unauthorized Tape Recording. Tape recording any person on District Property or at any District function without that person's knowledge or consent. This definition shall not apply to recordings conducted in public, in a commonly recognized public forum.
44. Unauthorized Use Of Course or Copyrighted Materials. Students of the District will abide by all aspects of United States copyright law, Title 17 of the United States Code, to the extent possible, under authoritative interpretation of the law. Students shall not reproduce copyrighted materials without prior permission of the copyright owner, except as allowed by the "fair use" doctrine. The District has posted detailed information describing "fair use", including examples and an assessment tool, to assist District

Students in determining whether the use of certain materials are excepted from copyright infringement as "fair use."

See <http://www.cccd.edu/facultystaff/riskservices/copyrightchecklist.aspx>. In addition, Students shall not sell, prepare, or distribute for any commercial purpose any course lecture notes or video or audio recordings of any course unless authorized by the District in advance and explicitly permitted by the course instructor in writing. The unauthorized sale or commercial distribution of course notes or recordings by a Student is a violation of these Policies whether or not it was the Student or someone else who prepared the notes or recordings. Copying for any commercial purpose handouts, readers or other course materials provided by an instructor as part of a District course unless authorized by the District in advance and explicitly permitted by the course instructor or the copyright holder in writing (if the instructor is not the copyright holder).

45. Unauthorized Use of District Keys. Unauthorized use, distribution, duplication or possession of any keys issued for any building, laboratory, facility, room, or other District Property.
46. Unauthorized Use of Electronic Devices. Unauthorized use of an electronic device on District property or at any District function, including but not limited to, classes, lectures, labs and field trips.
47. Unauthorized Use of Property or Services. Unauthorized use of property or services or unauthorized possession of District Property or the property of any other person or business.
48. Unreasonable Demands. Placing repeated, hostile, or unreasonable demands on District staff.
49. Unwelcome Conduct: conduct of a sexual, gender-based, or harassing nature, which is considered unwelcome if a person did not request or invite it, and considered the conduct to be unwelcome, undesirable, or offensive. Unwelcome conduct may take various forms, including name-calling, graphic or written statements (including the use of cell phones or the Internet), hazing, bullying, or other conduct that may be physically or psychologically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, or directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex.
50. Violation of Driving Regulations. Driving unsafely on District property or while taking part in any District function, or repeated violation of District parking regulations.
51. Violation of Health & Safety Regulations. Violation of any health, safety or related regulations, rule or ordinance on District property or at any District function.
52. Violation of Law. Violation of any federal, state or local law on District property, at a District function or involving a member of the District Community.
53. Violation of Posted District Rules. Violation of any rule or regulation posted on District property by the District or the College, or printed in any District publication.
54. Violation of Published Computer/Network Usage Policy(s), Procedures, or Guidelines.

- a. Accessing and/or without permission altering, damaging, deleting, destroying, or otherwise using any data, computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
- b. Accessing and/or without permission taking, copying, or making use of any data from a computer, computer system, or computer network, or taking or copying any supporting documentation, whether existing or residing internal or external to a computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
- c. Using or causing to be used District computer services without permission.
- d. Accessing and/or without permission adding, altering, damaging, deleting, or destroying any data, computer software, or computer programs which reside or exist internal or external to a computer, computer systems, or computer network belonging to or used by the District or any Member of the District Community.
- e. Disrupting or causing the disruption of computer services or denying or causing the denial of computer services to an authorized user of a computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
- f. Providing or assisting in providing a means of accessing, without permission, a computer, computer, system, or computer network belonging to or used by the District or any Member of the District Community.
- g. Accessing or causing to be accessed without authorization any computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
- h. Introducing any computer contaminant or virus into any computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
- i. Sending any message using any computer system or network without authorization or sending any message in the name of another person or entity.
- j. Using any account or password without authorization.
- k. Allowing or causing to be used an account number or password by any other person without authorization.
- l. Accessing or causing to be accessed, downloading or causing to be downloaded, pornographic or obscene materials except when accessing a pornographic website which is part of the instructional process or assignment for a class the Student is currently enrolled in.
- m. Use the District's systems or networks for commercial purposes; for example, by performing work for profit with District resources in a manner not authorized by the district.

## APPENDIX C- SANCTIONS

A Student found Responsible for violating any of the Student Code of Conduct standards (BP/AP 5500) is subject to sanctions set forth herein.

The following sanctions may be imposed for violation of this Student Code of Conduct. These sanctions are not exclusive.

Community Service may be imposed by the College Disciplinary Officer on any Student who violates this Student Code of Conduct. Community Service shall consist of the Student performing some act or duty that is of benefit to the campus and/or surrounding community.

Disciplinary Probation consists of Written Notice to the Student by the College Disciplinary Officer that the Student has violated this Student Code of Conduct and that for a specified period of time, imposed by the College Disciplinary Officer, the Student must meet certain conditions as imposed by the College Disciplinary Officer. Any subsequent violations of this policy by the Student during the term of the probation or the Student's failure to comply with any condition of probation imposed by the College Disciplinary Officer will result in additional sanctions under this policy.

District Restriction. The College Disciplinary Officer may for a specified period of time restrict the Student's access to parts or areas of the District and/or District Property.

Exclusion from District Activities. Prohibits the Student from participating in any District co-curricular and/or extra-curricular activity(ies) for a period to be determined by the College Disciplinary Officer.

Educational Essay. The College Disciplinary Officer, or designee, will assign a topical paper that best serves in the education and learning for the Student. The College Disciplinary Officer determines the format of the paper.

Mental Health Clearance. Mental Health Clearance may be required before a Student is readmitted to a particular class or allowed to come onto District Property. The College Disciplinary Officer must receive a letter from a licensed mental health professional stating that in his/her professional judgment the Student will no longer continue the behavior which gave rise to the College Disciplinary Officer taking disciplinary action against him/her or that the Student's continued presence on campus is not a threat to himself/herself or others. The mental health professional must be licensed by the State of California and the College District Administer must verify that the mental health professional is credentialed to render a professional opinion. The Student shall bear the cost and expense of obtaining mental health clearance.

Restitution. The College Disciplinary Officer may require the Student to repay the District or any person for the cost of replacing or repairing any property taken, destroyed or damaged by the Student. This Student may also be charged a service charge and/or collection fee under the College policy regarding service charges and collection fees.

Restriction from Attendance at District Events. The College Disciplinary Officer may restrict the Student from attending some or all District events for a specified period of time.

Short Term Removal from Class for a period not to exceed two class meetings, may be imposed by any instructor on a Student who is disrupting the class or otherwise interfering with the ability of other Students in the class to learn. Before removing a Student from class, an instructor shall first give or make reasonable efforts to give the Student notice of his/her intent to remove the Student and a reasonable opportunity for the Student to modify his/her behavior. The instructor or program supervisor shall notify the College Disciplinary Officer, in writing, immediately

following his/her removal of a Student under this section, with a copy to the Dean of the Academic Unit. The Student may not return to the class until the Student has met with the College Disciplinary Officer. The College Disciplinary Officer shall contact the Student to arrange such a meeting.

Short Term Suspension prohibits the Student from attending classes or entering onto any District Property for a period of one (1) to ten (10) days as determined by the College Disciplinary Officer.

Hold on Records which consists of the withholding of transcripts and/or other Student records. The College Disciplinary Office may impose such withholding when a Student fails to repay debts to the District, return District equipment or make restitution to the District. A hold on records may also be asserted if a Student does not comply to requests such as, but not limited to, required meeting or appointments.

Administrative Withdrawal From Class prohibits a Student's continued presence in the class if his/her behavior is disruptive of the class and interferes with the ability of other Students in the class to learn or in any way endangers himself/herself or others. When this sanction is applied, the Student will be administratively withdrawn by College Disciplinary Officer.

Grade Change from a "Withdraw" to a letter grade may be imposed where the College Disciplinary Officer, together with the instructor, determine this is an appropriate sanction.

Written Warning is a written reprimand and warning to the Student by the College Disciplinary Officer that he/she has determined that the Student has violated this Student Code of Conduct and is on warning.

Long Term Suspension between 11 days and up to 2 years

Expulsion - for a period between 2 and 10 years

Ratified February 18, 2015 (replaces prior BP 3902 Student Code of Conduct and Disciplinary Procedures, last revised 11/16/2005)