

## STUDENT CONDUCT

### I. GENERAL PROVISIONS

#### A. Application of the Regulations – General

Requirements for student conduct are set forth in the California Education Code, Title 5 of the California Code of Regulations, policies of the Board of Trustees, and in the California Penal Code.

These regulations have been established pursuant to Board Policy 5401 and are intended to be consistent with California law (California Education Code, Sections 72122, 76030-76037, 76210-76246, 66017 and 66300; California Penal Code 422.6).

#### B. Application of the Regulations to the Conduct of Applicants for Admission or Readmission

Admission or readmission to the colleges programs and activities of the District may be denied to any person who, while not enrolled as a student, commits such acts against district or college property, staff or students, which are subject to expulsion pursuant to these regulations. Any such conduct that occurred while not enrolled as a student and that could be the basis for denying admission or readmission under this paragraph must be related to activity within the South Orange County Community College District.

#### C. Confidentiality

Proceedings under this policy shall be confidential. Disciplinary records are “educational records” as defined in the federal Family Rights and Privacy Act (34 C.F.R. 99.31) and may be released without student permission only in limited circumstances. In addition, “Whenever there is included in any student record information concerning any disciplinary action taken by a community college in connection with any alleged sexual assault or physical abuse...or threat of sexual assault, or any conduct that threatens the health and safety of the alleged victim, the alleged victim of that sexual assault or physical abuse shall be informed within three days of the results of the disciplinary action by the community college and the results of any appeal. The alleged victim shall keep the results of the disciplinary action and appeal confidential.” (California Education Code, Section 76234).

#### D. Delegation

Whenever a power of duty is granted to an employee or office under these regulations, the power or duty may be exercised or performed by another officer or employee who is

authorized to do so by delegation, except that the authority of an instructor to remove a student from a class may not be delegated.

E. Record of Disciplinary Action

Disciplinary action and the reasons therefore shall be recorded on the student's discipline records and shall be subject to access, review and comment by the student as authorized by federal and state law.

Disciplinary information shall remain on the student's record unless expunged in accordance with state and federal law. It shall not be released to prospective employers unless the student consents to such a release in writing. Disciplinary information will be released to other third parties, including law enforcement agencies, as required or authorized by state or federal law.

For a period of five calendar years or longer at the discretion of the campus chief administrative officer or designee, after the recording of disciplinary information, the student's records may be used by district officials in determining an appropriate sanction of any subsequent disciplinary action or for any other district-related purpose. If action is taken by the campus chief administrative officer or designee the record shall be kept indefinitely.

F. Technical Departures From This Policy

Technical departures from this policy and errors in its application shall not be grounds to void the District's right to take disciplinary action against a student, unless in the opinion of the designee of the campus chief administrative officer, departures or errors prevented a fair determination of a particular case.

G. District or College Activity

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

H. Fees

No suspended or expelled student shall be refunded any fees previously paid by or for the student.

II. DEFINITIONS

A. Day: is any day on which the District administrative offices are open for business, unless otherwise specified.

B. Expulsion: permanent denial of all college and district privileges.

- C. Campus chief administrative officer: campus chief administrative officer of the college attended by the student.
- D. Probation: a status that may include the student's exclusion from participating in privileges or extracurricular district and college activities for a specified period of time. Student organizations and individual students may be subject to disciplinary probation. If a student violates any condition of probation or is charged again with a violation of the standards of student conduct during the probationary period, it shall be grounds for revocation of the student's probationary status and for instituting further disciplinary action. The imposition of disciplinary probation includes the notification to the student in writing of the reason for and the conditions of probation.
- E. Reprimand: reprimand is censure for the violation of a specific rule of conduct.
- F. Suspension: the exclusion from student status, or the exclusion of other privileges or activities for a specified period of time.
- G. Warning: a written notice to the student that the continuation, repetition or specific conduct may be a cause for subsequent disciplinary action.

III. STUDENT CONDUCT

Students may be disciplined for one or more of the following causes related to college activity or attendance:

- A. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or abuse of, district or college personnel.
- B. Assault, battery, or any threat of force or violence upon a student, district or college personnel, or an authorized college visitor.
- C. Willful misconduct resulting in injury or death to a student or college or district personnel or an authorized college visitor, or willful misconduct resulting in damage, defacing, theft, or other injury to any real or personal property owned by the District, college personnel, or students in attendance at the colleges or programs of the District.
- D. The unlawful use, sale, or possession on district property of or presence on district property while under the influence of any controlled substance or any poison classified as such by state or federal law.
- E. Smoking in an area where smoking has been prohibited by law or by policy of the Board of Trustees or administrative regulation.
- F. Disorderly, lewd, indecent, or obscene conduct on district- property or at district sponsored functions.

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- G. Sexual assault (as defined in Board Policy 5404) on any student or employee of the District, on campus or off-campus grounds or facilities maintained by the District.
- H. The possession or use of any firearms, explosives, dangerous chemicals, deadly weapons, or other potentially harmful implements or substances while on district property or at a college-sponsored function without the prior authorization of the college campus chief administrative officer.
- I. The obstruction or disruption, on or off campus, of any educational or administrative process or function of the District.
- J. Physical abuse, on or off campus property, of the person or property of any member of the campus community or of members of his or her family or the threat of such physical abuse when related to a district or college program or activity.
- K. Misrepresentation of oneself or of an organization as an agent of the District or college.
- L. Soliciting or assisting another to do any act which would subject a student to discipline.
- M. Use, possession, or distribution of alcoholic beverages and/or illegal narcotics/drugs on district premises, or at district-sponsored events, or appearance on district property or at district sponsored events while under the influence of alcohol or illegal narcotics/drugs unless otherwise provided by law and district policy.
- N. Unauthorized recording, dissemination, and publication of academic presentations or materials. This prohibition applies to a recording made in any medium, including, but not limited to, handwritten or typewritten class notes.
- O. Actions of force or threat of force to injure, intimidate, oppress or threaten because of the other person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because of the perception that the other person has one or more of these characteristics.
- P. Academic dishonesty, including, but not limited to falsification, plagiarism, cheating or fabrication, which compromises the integrity of an assignment, a college record or a program.
  - a. Falsification involves any conduct in academic work, records or programs that is intended to deceive, including, but not limited to, the following acts:
    - 1. forging signatures on official documents such as admissions cards and financial aid applications.
    - 2. changing or attempting to change official academic records without proper sanction.
    - 3. misrepresenting or falsifying successful completion prerequisites.

4. providing false information, such as immigration materials, during the admission or matriculation process.
  5. falsifying one's identification or falsely using another identification.
  6. logging in or otherwise gaining access to a computer, computer network or protected web site using the password or identity of another.
  7. citation of data or information not actually in the source indicated.
  8. including in a reference list of works cited a text or other information source which was not used in constructing the essay, paper or other academic exercise.
  9. submission in a paper, lab report or other academic exercise of falsified, invented, or fictitious data or evidence, or deliberate and knowing concealment or distortion of the true nature, origin, or function of such data or evidence.
  10. submitting as the student's own work any academic exercises (e.g., written work printing, sculpture, etc.) prepared totally or in part by another.
  11. taking a test for someone else or permitting someone else to take a test for a student.
- b. Plagiarism is any conduct in academic work or programs involving misrepresentation of someone else's words, ideas or data as one's original work, including, but not limited to, the following:
1. intentionally representing as one's own work the work, words, ideas or arrangement of ideas, research, formulae, diagrams, statistics, or evidence of another.
  2. taking sole credit for ideas and/or written work that resulted from a collaboration with others.
  3. paraphrasing or quoting material without citing the source.
  4. submitting as one's own a copy of or the actual work of another person, either in part or in entirety, without appropriate citation (e.g., term-paper mill or internet derived products).
  5. sharing computer files and programs or written papers and then submitting individual copies of the results as one's own individual work.
  6. submitting substantially the same material in more than one course without prior authorization from each instructor involved.
  7. modifying another's work and representing it as one's own work.
- c. Cheating is the use of any unauthorized materials, or information in academic work, records or programs, the intentional failure to follow express directives in academic work, records or programs, and/or assisting others to do the same including, but not limited to, the following:
1. knowingly procuring, providing, or accepting unauthorized examination materials or study aids.
  2. completing, in part or in total, any examination or assignment for another person.

3. knowingly allowing any examination or assignment to be completed, in part or in total, for himself or herself by another (e.g., take-home exams or on-line assignments which have been completed by someone other than the student).
4. copying from another student's test, paper, lab report or other academic assignment.
5. copying another student's test answers.
6. copying, or allowing another student to copy, a computer file that contains another student's assignment, homework lab reports, or computer programs and submitting it, in part or in its entirety, as one's own.
7. using unauthorized sources of information such as crib sheets, answers stored in a calculator, or unauthorized electronic devices.
8. storing answers in electric devices and allowing other students to use the information without the consent of the instructor.
9. employing aids excluded by the instructor in undertaking course work.
10. looking at another student's exam during a test.
11. using texts or other reference materials (including dictionaries) when not authorized to do so.
12. knowingly gaining access to unauthorized data.
13. altering graded class assignments or examinations and then resubmitting them for regarding or reconsideration without the knowledge and consent of the instructor.

Q. Contravention of Copyright Laws

R. Violation of District Board Policies and Administrative Regulations

IV. DISCIPLINARY PROCEDURES

A. Initiation of the Disciplinary Process

A request for disciplinary action may be initiated in writing by district or college employees. When there is a violation of the Student Code of Conduct, the following procedures will be followed:

1. If the conduct occurred in the classroom, the instructor may remove the student from his or her class for that day and the next class meeting if the student interfered with the instructional process. Removal must be reported to the campus chief administrative officer or designee immediately. If the student is a threat to himself or herself or to others, the instructor must contact Campus Police immediately. If the student removed is a dependent minor, the instructor shall request that the student's parent or guardian attend a parent conference regarding the removal. During the period of the removal, the student shall not return to the class from which he or she was removed without the concurrence of the instructor. Upon removal of a student, the instructor shall give the student verbal and/or written notice of the reasons for the removal.

- a. The instructor, victim or witness (es) shall submit a written report on the appropriate college designed form (i.e., Incident Report form) to the campus chief administrative officer or designee. The report shall include (a) date and time of the conduct, (b) location, (c) names of witnesses, and (d) a detailed explanation of the alleged misconduct.
  - b. If the incident involves a matter of academic dishonesty, the instructor shall give notice to the student within ten days of the discovery of the alleged impropriety.
  - c. An informal meeting between the student and the instructor or campus chief administrative officer or designee shall be conducted as soon as possible. At this meeting, evidence of the alleged violation(s) shall be presented to the student. The student shall be advised of the potential consequences.
  - d. If the student elects not to attend this meeting, the student waives his or her right to further appeal. The instructor may then take appropriate action pursuant to these regulations. A written report should be filed with the school or division dean and a copy of the report sent to the student.
  - e. The student may elect to drop the course, in accordance with existing policies, but this action will not necessarily terminate the process outlined above.
2. If the conduct did not occur in the classroom, the college employee discovering the conduct shall report the incident to the campus chief administrative officer or designee. The college employee shall submit to the campus chief administrative officer or designee a written report on the appropriate college designated form (i.e., Incident Report form). The report shall include (a) date and time of the conduct, (b) location, (c) names of witnesses, and (d) a detailed explanation of the alleged misconduct.
  3. When the report of alleged misconduct is sent to the campus chief administrative officer or designee, he or she will evaluate the information to determine if it alleges a violation of the District's student conduct policy and/or regulations. If the campus chief administrative officer or designee determines the report supports such allegations, he or she shall send a notice by mail to the student charged with the violation. This notice shall include a written explanation of the incident and charges that have been made (i.e., the specific conduct involved and the specific regulation(s) alleged to have been violated). A meeting will be requested with the student to provide the student an opportunity to respond to the allegations.
  4. The campus chief administrative officer or designee will review all documentation related to the case to make a determination if further disciplinary action is required. This action may be taken by the campus chief administrative officer or designee or in cases of proposed suspension or expulsion, referred to the Disciplinary Hearing Panel. If further action is

taken, it is immediately in effect, whether or not the violation is also a violation of law and whether or not the case is pending in the courts for the same act. The decision is final unless it involves termination of State and/or local financial aid, suspension, or recommendation of expulsion, in which case the student may appeal the decision to the Disciplinary Hearing Panel within ten days. In cases referred to the Panel by the campus chief administrative officer or designee or in cases where the decision is appealed to the Panel, the procedures in Section V will be followed. The student may, in writing, accept the penalty of suspension or expulsion without further hearing and without admitting participation in the conduct charged.

#### B. Range of Disciplinary Actions

1. Verbal reprimand: A warning that the conduct is not acceptable.
2. Written reprimand: Becomes part of the student file for a minimum of five years or longer at the discretion of the campus chief administrative officer or designee, and is considered in the event of future violations.
3. Disciplinary Probation: A specific period of conditional participation in campus and academic affairs, which may involve any or all of the following:
  - a. Ineligibility for all student government roles;
  - b. Removal from any student government position;
  - c. Revocation of the privilege of participating in college and/or student-sponsored activities;
  - d. Ineligibility for membership on an athletic team;
  - e. Limitation of courses and/or instructors the student may take;
  - f. Termination of State and/or local financial aid.
4. Suspension: The Board of Trustees, the campus chief administrator or the campus chief administrative officer's designee may suspend a student for cause as provided in Article III. Suspension will be accompanied by a hearing conducted by the Disciplinary Hearing Panel. Suspension may involve:
  - a. Removal from one or more classes for the remainder of the school term.
  - b. Removal from all classes and activities of the District and its colleges for one or more terms. During this time, the student may not be enrolled in any class or program within the District.
5. Expulsion: The Board of Trustees may expel a student for cause as provided in Article III when other means of correction fail to bring about proper conduct or when the presence of the student causes a continuing danger to the physical safety of the student or others. Expulsion shall be accompanied by a hearing conducted by the Disciplinary Hearing Panel.

V. DISCIPLINARY HEARING PANEL FOR SUSPENSION OR EXPULSION

If the campus chief administrative officer or designee refers the case for a hearing with the Disciplinary Hearing Panel or the student appeals the campus chief administrative officer or designee's decision to the Disciplinary Hearing Panel, the following process shall be followed:

A. Notice Letter

The campus chief administrative officer or designee shall mail a written notice of the hearing to the student (and to the parent or guardian if the student is a dependent minor). This notice shall include:

1. A statement of the charges. The statement shall describe the specific facts alleged as a basis for violation of these regulations.
2. The time and place of the hearing.
3. Notification of the student's right to be accompanied and represented by an advocate. If the advocate is an attorney, the student must inform the campus chief administrative officer or designee in writing of the name and address of the attorney at least five days before the time set for the commencement of the hearing. Failure to do so shall constitute good cause of a continuance of the hearing.
4. Notification that the hearing body may consider the student's previous disciplinary and academic record.

The notice letter may be amended at any time. If an amendment requires that the student prepare a substantially different defense, the campus chief administrative officer or designee may postpone the hearing for a reasonable time, not to exceed ten days.

B. Composition of Disciplinary Hearing Panel

1. If the student is represented by an attorney, the District will also be represented by an attorney.
2. The charged student may request that one of the members of the Disciplinary Hearing Panel be a student of the District. This request must be made in writing to the campus chief administrative officer or designee at least five days in advance of the hearing. The Disciplinary Hearing Panel shall consist of a student (if requested), a faculty member of the college, and a district administrator. If a student is requested to serve on the panel, the request shall include permission for the records to be disclosed to the student member of the panel. Where the charged student does not request a student member on the hearing panel, the Disciplinary Hearing Panel shall consist of two college

faculty members, one district administrator and a campus police officer, if requested by the campus chief administrative officer or designee.

3. The campus chief administrative officer or designee shall, after conferring with the associated student body, academic senate, and administrative cabinet, compile lists of persons who may be appointed when it is necessary to convene a Disciplinary Hearing Panel. The campus chief administrative officer or designee shall appoint members to the Disciplinary Hearing Panel from the approved list of names.
4. The hearing shall be convened within ten days of the date that written notice of the proposed disciplinary action is mailed to the student, unless the campus chief administrative officer or designee grants a written request for a continuance by the student upon a showing of good cause.

C. Hearing Preparation

1. The campus chief administrative officer or designee shall be responsible for making the necessary arrangements for the hearing, including scheduling a room, providing for an official record of the hearing, and notifying the student and members of the Disciplinary Hearing Panel.
2. Prior to the hearing, the Disciplinary Hearing Panel shall be given copies of these procedures. The campus chief administrative officer or designee shall select a chairperson. The chairperson shall preside over the hearing and make any necessary procedural rulings.

D. The Hearing

1. Confidentiality: hearing shall be closed and be kept confidential by all parties.
2. Security: appropriate security measures will be taken at the hearing by the campus police department.
3. Witnesses/Record of Hearing: witnesses shall be excluded except when testifying. The District or college employee who was involved in or a witness to the incident shall be invited to attend and participate in the hearing, and may be present for the entire proceedings. The administration's representative and the student shall be entitled to call and question witnesses. Panel members may ask questions at any time when recognized by the chairperson. With the concurrence of the panel, witnesses may be recalled and questioned by hearing participants. A record of the hearing shall be kept for ten years.

4. Opening: The chairperson shall call the hearing to order, introduce the participants, and announce the purpose of the hearing. An orderly hearing shall be maintained and disruptive participants shall be ejected or excluded.
5. Charges: The chairperson shall distribute copies of the charges to the members of the committee, read the charges aloud, and ask the student whether the charges have been received. If the response is affirmative, the hearing shall proceed. If the response is negative, the administration may present evidence that the charges were duly served. The chairperson shall decide to proceed with the hearing. In cases where a hearing does not proceed, a hearing shall be rescheduled within ten days.
6. Burdens of Proof and Production of Evidence: The administration bears the burden of proving that each charge is true based on a preponderance of the evidence. The administration has the initial burden of producing evidence to prove each charge. The student may present evidence to refute the administration's charges. In the case of expulsion, any recommendation of the hearing panel must include a finding that other means of correction have failed to bring about proper conduct, or that the presence of the student causes a continuing danger to the physical safety of the student or others, and/or district or college property.
7. Arguments: Both the administration and student shall be afforded an opportunity to present or waive an opening statement (i.e. the administration shall outline the charges and the facts to be established). The student may reserve an opening statement until after administration has presented the case for the college. If the student charged does not appear, either in person or by representation, or should the student leave or be ejected during the hearing, the hearing shall proceed and the Panel will make its recommendation as though the student had been present.
8. Evidence: After the opening statements, the administration and the student shall have the opportunity to call witnesses and present relevant evidence. Technical rules of evidence shall not apply, but evidence may be admitted and given probative effect only when such evidence constitutes that which reasonable persons are accustomed to rely on in the conduct of serious affairs. Hearsay evidence is admissible, but may not, by itself, be used to support a finding of the panel. The Chairperson will make all rulings as to the conduct of the hearing and the admissibility of evidence. The Panel shall not consider any arguments concerning the constitutionality or legal validity of campus regulations or statewide policy. In cases where the hearing involves a charge of sexual assault, the victim has the right to exclude past sexual history as part of the testimony unless such history is offered as evidence of the character or trait of character of the victim as described in California Evidence Code, Section 1103.

9. Deliberations: The administration and then the student shall make closing arguments. Both may waive closing arguments. The panel shall retire to deliberate. Deliberations shall be limited to panel members. The panel shall reach its decision based only on the record of the hearing and shall not consider matters outside the record. Within two days after the hearing, the chairperson shall deliver a written report to the campus chief administrative officer or designee. This report shall include the specific findings of fact concerning each charge and the recommendations for disciplinary action supported by a majority vote of the panel.
  
10. Recommendation of Suspension; Panel Findings: In the case of a recommendation for suspension, the campus chief administrative officer or designee shall review the findings and recommendation of the Disciplinary Hearing Panel. The campus chief administrative officer or designee may accept the recommendation, impose a lesser sanction, or refer the matter back to the hearing panel for further consideration. The campus chief administrative officer or designee shall render a decision within three business days of receipt of the recommendation of the panel. Notice of the campus chief administrative officer or designee's decision shall be mailed to the student, placed on the student's district records and copied to the campus chief administrative officer for notification to the District Chancellor. The campus chief administrative officer or designee's decision may be appealed in writing to the campus chief administrative officer only on the limited grounds as provided in Section VI. Decisions must be appealed within ten business days.
  
11. Recommendation of Expulsion; Panel Findings: In the case of a recommendation for expulsion, the recommendation of the Disciplinary Hearing Panel shall be forwarded to the campus chief administrative officer or designee for review and decision.
  - a. The campus chief administrative officer or designee may accept the recommendation of the panel, impose a lesser sanction, or refer the matter back to the Disciplinary Hearing Panel for further consideration. The campus chief administrative officer or designee shall render a decision within three business days of receipt of the recommendation of the panel. Notice of the campus chief administrative officer or designee's recommendation shall be mailed to the student, placed in the student's district records, and copied to the campus chief administrative officer or designee for recommendation to and final action by the Board of Trustees.
  - b. Within thirty calendar days of the recommendation for expulsion, the Board of Trustees shall notify the student or parent in case of a dependent minor, of the Board's intent to conduct a closed session meeting to consider the recommendation for expulsion. Notification shall be made by registered or certified mail or by personal service.

Within forty-eight hours of receipt of the notice, the student or parent of a dependent minor may request in writing that the hearing be held in public session. When a written request to have the matter heard in public session is served upon the Clerk or Secretary of the Board, the meeting shall be conducted in public session, except in cases where the discussion conflicts with the right to privacy of another student. In such cases, the discussion shall be conducted in closed session.

- c. The Board of Trustees may accept the recommendations of the campus chief administrative officer or designee, impose a lesser sanction, or refer the matter back to the campus chief administrative officer or designee for further consideration. The Board of Trustees may choose to review the record. Final action of the Board of Trustees shall be taken at a public meeting but consist solely of a general announcement that a student, without being named, has been disciplined after a closed session vote taken with respect to the discipline.

- 12. Notification of Law Enforcement: Upon the suspension or expulsion of a student, the campus chief administrative officer or designee shall notify appropriate law enforcement authorities of conduct which may be in violation of Section 245 of the Penal Code.

VI. APPEAL PROCESS

The student has the right to appeal the decision of the instructor of the campus chief administrative officer or designee.

A. Appeal of an Academic Dishonesty Decision

- 1. The student has the right to file an appeal of a decision regarding academic dishonesty. The appeal must be in writing and received by the dean within ten working days of the informal meeting with the instructor. A grade, however, is not a disciplinary action but an evaluation of work, and is not subject to appeal except as provided in the grade grievance process as set forth in Board policy.
- 2. The dean may request that the instructor submit a written statement supporting his or her position.
- 3. Within thirty days of receipt of the request of appeal, the dean shall arrange a meeting with the instructor and the student. If the instructor is no longer employed by the District, or is unavailable because of sabbatical or other leave, the dean shall appoint another instructor in the same disciplinary area to assume the responsibilities of the instructor.

At the meeting, the evidence of academic dishonesty will be presented and every effort will be made to resolve the matter. In the absence of a resolution, the student may elect to follow the appropriate grievance or disciplinary appeal procedure as specified in Board policies and regulations.

B. Appeal of a Formal Disciplinary Decision

The student may appeal a formal disciplinary decision in writing to the campus chief administrative officer or designee, within ten days of the decision/recommendation. The basis for the appeal shall include evidence to support one or more of the following factors:

1. The decision lacks substantial basis in fact to support the findings,
2. There is substantial incongruity between the proposed sanction and findings,
3. There is substantial unfairness in the proceedings which has deprived the student of a fair and impartial process; and/or
4. There is newly discovered critical evidence, that despite due diligence on the part of the student, was not known at the time of the hearing.

The campus chief administrative officer or designee may decide the issue based solely on the written appeal. The campus chief administrative officer's or designee's decision shall be made available to the student charged within ten days of receipt of appeal. The decision shall be final except in the case of expulsion where final action shall be taken by the Board of Trustees.