

STANDARDS OF STUDENT CONDUCT

References: *Education Code Section 66300;*
Accreditation Standard II.A.7.b

In joining the academic community, the student enjoys the right and shares the responsibility of exercising the freedom to learn. Like other members of the academic community, each student's conduct is expected to be in accordance with the standards of the college that are designed to promote its educational purposes. A charge of misconduct may be imposed upon a student for violating provisions of College District policy and/or procedure, state education statutes and regulations and/or administrative codes. Where a student is subject to charges of misconduct, such charges shall be processed in accordance with the Southwestern Community College District's policy and procedure No. 5500.

The Superintendent/President's designee shall, in consultation with the Academic Senate, establish procedures for the imposition of discipline of students in accordance with the requirements for due process of the Federal and State law and regulations. The procedures shall clearly define the conduct that is subject to discipline and shall identify potential disciplinary actions including, but not limited to, the removal, suspension or expulsion of a student. The procedures shall be made widely available to students through the College Catalog and other means.

DISCIPLINARY ACTIONS VIOLATIONS

1. Cheating, or engaging in other academic dishonesty, including copying from another's work; discussion prohibited by the instructor; obtaining exam copies without permission; and using notes, other information, or devices that have been prohibited.
2. Plagiarism in individual or group work or in a student publication, including the act of taking the ideas, words or specific substantive materials of another and offering them as one's own without giving credit to the sources.
3. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including, but not limited to, handwritten or typewritten class notes.
4. Disruptive behavior, willful disobedience or the open and persistent defiance of the authority of, or persistent abuse of, College District personnel which may or may not include habitual profanity or vulgarity.
5. Assault or battery upon another person or any threat of force or violence or causing, attempting to cause or threatening to cause physical injury to another

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person.

6. Possession, sale or otherwise furnishing any firearm, knife, explosive, or other dangerous object, including, but, not limited to, any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from the Superintendent/ President or his/her designee.
7. Unlawful possession, use, sale, offer to sell, furnishing, or being under the influence of any controlled substance; alcoholic beverage, or intoxicant of any kind; Unlawful possession of offering, arranging or negotiating the sale of any drug paraphernalia.
8. Committing or attempting to commit robbery or extortion.
9. Causing or attempting to cause damage and/or defacing College District property or private property on College District controlled facilities.
10. Theft, attempted theft, or knowingly receiving stolen College District property or private property.
11. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the College District.
12. Engaging in harassing or discriminatory behavior based on race, sex, gender, religion, sexual orientation, age, national origin, disability, or any other status protected by law.
13. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyber-bullying.
14. Committing sexual harassment as defined by law or by College District policies and procedures.
15. Willful misconduct which results in injury or death to a student or to College District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the College District.
16. Misrepresentation and/or impersonation, including arranging for or allowing another individual to impersonate or otherwise misrepresent the student, in person or in an online environment.

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17. Dishonesty, forgery, alteration or misuse of College District documents, records or identification, or knowingly furnishing false information to the College District.
18. Unauthorized entry upon or use of College District facilities.
19. Lewd, indecent or obscene conduct or gestures on College District-owned or controlled property, or at College District sponsored or supervised functions.
20. Engaging in expression which is obscene, libelous, or slanderous; or that incites students as to create a clear and present danger of the commission of unlawful acts on any College District premises, or the violation of lawful College District policies or procedures, or the substantial disruption of the orderly operation of the College District.
21. Engaging in physical or verbal disruption of instructional or student services activities, administrative procedures, public service functions, authorized curricular or co-curricular activities or prevention of authorization guests from carrying out the purpose for which they are College District property.
22. Engaging in physical or verbal intimidation or harassment of such severity or pervasiveness as to have the purpose of effect of unreasonably interfering with a student's academic performance, or a College District employee's work performance, or of creating an intimidating, hostile or offensive educational or work environment.
23. Violation of College District policies and/or procedures governing the use of student user accounts, computers, and telecommunication devices, including, but not limited to, the unauthorized entry, opening or viewing of a file; the unauthorized use of another individual's identification and password; arranging for, allowing, and/or impersonation of one person by another; sending obscene or abusive messages or files; and/or use of computing facilities to interfere with the work of another student or employee of the College District.
24. Violation of a duly issued restraining order, stalking, and/or a pattern of conduct with intent to follow, alarm, or harass another person, and/or which causes that person to reasonably fear for his or her safety, and where the pattern of conduct persisted after the person has demanded that the pattern of conduct cease.
25. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct or where the presence of the student causes a continuing danger to the physical safety of students or others.
26. Violation of College District regulations or state laws.

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DISRUPTION IN CLASSROOMS, COLLEGE OFFICES AND/OR COLLEGE EVENTS

In the event a student is involved in either unethical practice or display of disruptive behavior which is considered not conducive to maintaining a proper learning environment in the classroom, and/or disrupting the business of the College District, the student will be disciplined as outlined in the Disciplinary Action Procedures located in this procedure.

The instructor has the right to exercise immediate disciplinary action with respect to disruptive actions in the classroom and may temporarily exclude the student from the classroom effective for the remainder of the class period and the following class session.

The School/Center Dean has the right to exercise appropriate disciplinary action with respect to actions in a College District office, event or area within their purview. The Dean of Student Services will be notified for any further action.

The Dean of Student Services may impose an immediate interim suspension of 48 hours when he/she concludes that immediate suspension is required to protect lives or property and/or ensure the maintenance of order.

DISCIPLINARY ACTION: PROCEDURES

1. The faculty, staff member, student worker or administrator concerned who believes disruptive behavior or a student conduct violation has occurred shall first attempt to resolve the misconduct by informal consultation with the student.
2. If this proves to be less than satisfactory, the faculty, staff member, student worker or administrator will inform the School/Center Dean or Supervisor of the area. The School/Center Dean or Supervisor should meet with the faculty, staff member or administrator and, then the student(s) involved in an attempt to resolve the problem.
3. If the faculty/staff member still believes that the issue has not been resolved satisfactorily at these levels, a completed "Report of Student Misconduct" shall be filed with the Dean of Student Services. In cases in which the College Police has been called or has become involved or in which the situation has become an issue of safety, steps 1 and 2 need not be followed.
4. During the preliminary meeting with the Dean of Student Services, he/she shall confer with the student for the purpose of reviewing the misconduct and attempting to resolve the matter.
5. The Dean of Student Services may also obtain information relating to the misconduct from other parties involved. Whenever appropriate, the Dean of Student Services shall assess damage to property and injury to person(s).

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6. Students charged with misconduct may be subject to the following sanctions:
- a. **Verbal Warning:** oral notice to the student that continuation or repetition of misconduct may be cause for further disciplinary action.
 - b. **Written Reprimand:** Students are notified that continuation of conduct may result in further disciplinary action and may be considered in the event of future violations.
 - c. **Disciplinary Probation:** Any misconduct during the probation period will be cause for suspension or other disciplinary action.
 - d. **Disciplinary Suspension:** Exclusion from class, privileges or activities for a specified period of time as set forth in the notice of suspension.
 - e. **Expulsion:** Termination of student status. Expulsion requires formal action by the Governing Board.
 - f. Remand the case to formal hearing.

The Dean of Student Services shall have the power to impose suspension and to recommend expulsion. If the student does not accept the action of the Dean of Student Services, the student has the right to challenge and request a formal hearing under the Guidelines for Due Process set forth below. Students who have been suspended and are waiting for a formal hearing will not be able to attend any on-campus or College District-sponsored activities.

If permissible, the student may contact his/her instructor(s) or appropriate College District office by email or voicemail to receive class assignments or other information. Assignments or College District documents can be turned into the Campus Police to be forwarded to the appropriate parties. If violation(s) of Student Conduct include issues of campus or personal safety, the student may be prohibited from contacting any College District staff, faculty or students.

The Governing Board shall consider any recommendation from the Superintendent/President for expulsion. The Governing Board shall consider an expulsion recommendation in closed session unless the student requests that the matter be considered in a public meeting. Final action by the Governing Board on the expulsion shall be reported in a public meeting.

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GUIDELINES FOR DUE PROCESS

Procedural due process is the method established to resolve faculty, staff, and student conduct issues in a clear, fair, and orderly manner. These procedures apply to actions which interfere with or exert a harmful effect upon the function of the College District. Due process is intended to achieve an equitable solution that will resolve the issue with due regard for the rights of the accused, the protection of the student body, and the interest of the College District. Any action taken by a student under this due process procedure shall not preclude any further action. The implementation of procedural due process on campus will consist of the following due process procedures, and will take place within a reasonable length of time.

I. PRELIMINARY ACTION PROCEDURE

A. SUBMITTING OF OFFICIAL FORMS

The Dean of Student Services shall receive and may issue a charge of alleged student misconduct. Charges may be made against a student by faculty, staff or administrator. The complainant shall file a Report of Student Misconduct form with the Dean of Student Services. In the absence of the Dean of Student Services, there may be a designee.

B. NOTIFICATION OF CHARGES

Students charged with violations of the Standards of Student Conduct shall be notified of the violation of which they are accused and provided with a brief written statement of the facts supporting the accusation. The student is required to schedule an appointment with the Dean of Student Services to discuss such alleged violations and/or any disciplinary actions that may result if such charges are found to be true. The notice will be sent to the student's official address on file with the College District via regular and certified U.S. Mail or overnight delivery service.

After the second attempt of notification, a student who does not report to the Office of Student Services to address the student misconduct report will have an administrative hold placed on his/her records, in addition to possibly being dropped from his/her classes.

C. PRELIMINARY MEETING

The meeting with the Dean of Student Services shall consist of the following:

1. The student is provided a copy of College District Procedure No. 5500 AP - Standards of Student Conduct.
2. The student is provided with a brief written statement of the facts supporting the

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alleged violation.

3. The Dean of Student Services and the student will review the misconduct charges.
4. The Dean of Student Services informs the student of the potential disciplinary action(s) that may be taken if the allegations are proven to be true.

D. ADMINISTRATOR ACTIONS

The Dean of Student Services will obtain information relating to the charge from the student and other persons. When appropriate, the Dean of Student Services shall assess damage to property and injury to persons. The Dean of Student Services may take any of the following actions and will notify the student of that action:

- Dismiss the charge for lack of merit.
- Issue the student one or more of the following types of disciplinary actions, unless the Dean of Student Services and the student agree to another appropriate disciplinary action:
 1. Verbal Warning: Student receiving a warning will have met with the Dean of Student Services to discuss the inappropriate behavior.
 2. Written Reprimand: A student receiving a reprimand by the Dean of Student Services is thereby notified that continued conduct of the type described may result in further disciplinary action against the student.
 3. Disciplinary Probation: Any misconduct during the probation period will be cause for suspension or other disciplinary action.
 4. Disciplinary Suspension: Exclusion from class, privileges or activities for a specified period of time as set forth in the notice of suspension.
 5. Expulsion: Termination of student status. Dean of Student Services or Vice President for Student Affairs may recommend expulsion to the Superintendent/President. This action requires formal action by the Governing Board.
- 6. Remand the case to formal hearing.

A letter notifying the student of the Dean of Student Services' decision shall be sent to the student's official address on file with the College District via regular and certified U.S. Mail or overnight delivery service, specifying the mailing date of such letter. The Dean of

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Student Services is deemed to have notified the student of his or her decision on the date of the mail receipt.

Students in violation of any additional College District policies, procedures and/or state, federal regulations while on disciplinary action may be subject to the extension or addition of disciplinary sanctions. If additional misconduct(s) are filed, while students are on disciplinary action, the due process and procedures may be repeated.

E. APPEAL TO GRIEVANCE AND ORDER COMMITTEE

From the date of the mail receipt, the student is notified of the Dean of Student Services' decision, any request for a hearing must be received postmarked or hand delivered in three (3) working days. Any appeal shall be made in writing and delivered to the Office of Student Services. If the student is suspended, the letter of appeal may be delivered to the Campus Police, who will hand deliver the letter to the Office of Student Services.

The Dean of Student Services will convene a Grievance and Order Hearing Panel to conduct the formal hearing within 30 calendar days after the request for a hearing is received during the fall and spring semesters. If the fall or spring semester ends before the hearing is scheduled, both parties will be notified of any delay.

After the hearing date has been established and each party has been notified via regular and certified U.S. Mail or overnight delivery service, copies of the written case materials will be available for each party to pick up from the Office of Student Services seven (7) working days prior to the hearing.

In addition to copies of the written case materials, the names of the Grievance and Order Hearing Panel members will be provided to each party. Each party involved in the Report of Student Misconduct may challenge the participation of any member of the Grievance and Order Hearing Panel for cause. The person must submit their request in writing to the Office of Student Services no later than 48 hours prior to the hearing. The grounds for cause shall be limited to any personal involvement in the situation or issue, or any other act or statement indicating that person could not act in a neutral manner. After submitting the written statement to the Office of Student Services, the validity of any such challenges shall be determined by the Chairperson of the Hearing Panel. Five (5) panel members shall be the minimum number to conduct a hearing.

II. HEARING PROCEDURE**A. FORMAL HEARING PROCESS**

The Formal Hearing Process is the College District's administrative due process to resolve misconducts. Parties are allowed to present testimony and witnesses to support

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their position. All communication and actions taken during this process are confidential. There will a sworn Campus Police representative present at all hearing regardless of the type of Student Misconduct.

B. THE HEARING PANEL

Each academic year, the Dean of Student Services shall request and receive appointments of at least four members from each constituent group to serve on the Grievance and Order Committee and Hearing Panel pool(s) as necessary.

There shall be a standing Grievance and Order Committee from which members are appointed to a Grievance and Order Hearing Panel, as needed. The Grievance and Order Hearing Panel shall be comprised of at least one member from each of the following groups, in addition to the chairperson to consist of a minimum of a five member panel. When a Hearing Panel is required to be assembled, the Dean of Student Services will contact the President of each constituent group to appoint a member from the Hearing Panel pool.

- Two students and two alternates (enrolled in 5 or more units) who shall be appointed by ASO president and;
- Two full-time tenured faculty and two alternates shall be appointed by the Academic Senate president and;
- Two full-time classified personnel, and two alternates, except those designated as management, who shall be appointed by the Classified Union president and;
- Two full-time management personnel and two alternates, (who shall be appointed by the Superintendent/President) with the exception of the Vice President for Student Affairs and Dean of Student Services.

SCOPE OF THE STUDENT GRIEVANCE AND ORDER HEARING

The Grievance and Order Hearing Panel shall limit the scope of its appeal hearing to the following:

1. Determine if the evidence supports the findings of the Dean of Student Services.
2. Determine if the disciplinary action levied by the Dean of Student Services is within range of disciplinary actions delineated in Procedure No. 5500 AP - Standards of Student Conduct.
3. Make recommendation(s) to the Vice President for Student Affairs or designee.

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D. RESPONSIBILITIES OF THE CHAIRPERSONPERSON

The Chairperson shall preside over the hearing and make rulings as to its conduct. Disruptive behavior will not be tolerated and will result in exclusion of the disruptive person(s) from the proceedings.

E. RIGHT TO REPRESENTATION

This is an internal due process hearing conducted by Southwestern Community College District. Each party may bring one other non-contributing person to the hearing for the purpose of moral support. The support person may not represent or provide testimony. Parties are not allowed to be represented by legal counsel at any time during the hearing process.

F. FORMAL HEARING ORDER OF PROCEEDINGS

1. Opening

The Chairperson shall call the hearing to order, introduce the participants, explain the hearing is being recorded and proceedings are confidential, and announce the purpose of the hearing, e.g., "The Committee meets to hear an appeal of disciplinary action against (student's name) and/or to submit its findings to the Vice President for Student Affairs."

2. Evidence for hearing

All evidence will be entered for the record. Irrelevant and unduly repetitious evidence shall be excluded.

3. Closed Hearing

Closed hearings: All hearings are confidential and closed to the general public.

4. Identification of witnesses

Witnesses are to identify themselves and state for the record the reason for their presence. Witnesses will be allowed to be present at the hearing only while providing testimony.

5. Swearing in of both parties

Swear in both the complainant and defendant by the Administrative Secretary.

6. Opening Statements

Both parties will make opening statements. Person who filed charges will make first opening statement. Each party will be given five minutes for opening statement.

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7. Questioning Protocol

Grievance and Order Hearing Panel members may ask questions of both parties. Parties may submit questions to the chairperson. The Chairperson will pose questions to appropriate party. Rebuttal two minutes each.

8. Calling Witnesses

Witnesses are sworn in by the Administrative Secretary. Witnesses are questioned by hearing members. Parties may submit questions to Grievance and Order hearing chairperson

9. Closing Statements

Both parties will make closing statements. Person who filed charges will make first closing statement. Each party will be given five minutes.

G. BURDEN OF PROOF AND OF PRODUCING EVIDENCE

The student seeking appeal has the burden of proving that the evidence filed in the Report of Student Misconduct did not support the Dean of Student Services' findings and/or the Dean of Student Services acted outside the scope of his/her authority or acted arbitrarily in imposing the appealed disciplinary measure. The student may present evidence in support of his or her position, and the person filing the misconduct may present evidence to refute such evidence.

H. ARGUMENTS

Arguments will be presented first by the person filing the Report of Student Misconduct. The student shall be afforded an opportunity to make or waive an opening statement. After the opening statements, the person filing the Report of Student Misconduct shall have the first opportunity to present witnesses and other relevant evidence. The student shall have the opportunity to present witnesses and other relevant evidence.

I. EVIDENCE

Irrelevant and unduly repetitious evidence shall be excluded.

J. CLOSED HEARINGS

1. Hearings shall be confidential and closed to the general public.
2. Both parties shall be entitled to call witnesses. Any questions directed to the witnesses will be in writing and given to the chairperson.
3. Members of the Hearing Panel may ask questions to either party upon recognition

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by the Chairperson. Either party may recall a witness, who again may be questioned by the Hearing Panel.

4. A brief caucus may be called by the Chairperson or any member, with all other persons excused except for the Grievance and Order Hearing Panel.
5. The hearing shall be recorded. The recording may be used by the Vice President for Student Affairs or the Superintendent/ President in case of an appeal.

K. ABSENCE OF THE COMPLAINANT AND/OR THE DEFENDANT

It is imperative that all parties be present during the hearing process. Disruptive behavior will result in removal of the person(s), and the hearing will continue in their absence. If the student(s) and/or the College District employee(s) who are involved in the Report of Student Misconduct do not appear, or leave the hearing before its conclusion, the hearing shall proceed without the absent parties, and the Hearing Panel shall reach a decision based on the evidence presented.

L. CONCLUSION

The opportunity to make or waive a closing argument will be made first by the person filing the Report of Student Misconduct. The Hearing Panel shall recess to deliberate in closed session with all of the members. The Dean of Student Services and if appropriate, the appointed College District legal counsel may be present to advise. The Hearing Panel shall reach its decision based upon the record of the hearing and shall not consider matters outside of that record.

Within one working day of the hearing, the Chairperson shall deliver to the Vice President for Student Affairs a written decision arrived at by majority vote of the Hearing Panel. The faculty Chairperson will vote in case of a tie.

The Hearing Panel's decision may include one of the following recommendations:

- Exoneration
- Written warning
- Disciplinary Probation: conditional continued enrollment
- Disciplinary Suspension: specified period of time
- Expulsion (see section IV)
- Any other recommendation(s) that the committee members deem necessary for a successful resolution.

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N. FINAL ACTION

Upon receiving the findings and recommendations of the Hearing Panel, the Vice President for Student Affairs shall render a decision within three (3) working days and will transmit the decision in writing to the student, the Grievance and Order Hearing Panel and other appropriate administrative officers via regular and certified U.S. Mail or overnight delivery service.

The Vice President for Student Affairs may do the following:

- Concur with the Hearing Panel findings and recommendations and the Dean of Student Services decision.
- Reduce and/or reverse the sanctions of the Hearing Panel and Dean of Student Services.
- Increase the sanctions of the Hearing Panel and Dean of Student Services.

APPEAL TO THE SUPERINTENDENT/PRESIDENT

From the date the student is notified of the Vice President for Student Affairs decision, any request for an appeal to the Superintendent/President must be received postmarked or hand delivered in three (3) working days. Any appeal shall be made in writing and delivered to the Office of the Superintendent/President. If the student is suspended, the letter of appeal may be delivered to the Campus Police, who will hand deliver the letter to the Office of Superintendent/President.

The Superintendent/President may do the following:

- Concur with the Hearing Panel findings and recommendations and the Vice President for Student Affairs decision.
- Reduce and/or Reverse the sanctions of the Hearing Panel and Vice President for Student Affairs.
- Increase the sanctions of the Hearing Panel and Vice President for Student Affairs.

The letter rendering the Superintendent/President's decision shall be mailed to the student via regular and certified U.S. Mail or overnight delivery service.

The Superintendent/President's action shall be final and binding on all parties.

IV. EXPULSION

According to Education Code §76030: A student may be expelled "for good cause when other means of correction fail to bring about proper conduct or when the presence of the

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student causes a continuing danger to the physical safety of the student or others.”

In the case of expulsion, the Superintendent/President’s recommendation (see section III) must be forwarded to the Governing Board.

The student will be notified of the intent to expel in writing via regular and certified U.S. Mail or overnight delivery service. A written request addressed to the Superintendent/President must be received from the student within the 48 hours of the receipt of the written notice of intent to expel; otherwise the matter will be reviewed in closed session.

The Governing Board must consider the expulsion in closed session unless the student requests to have the matter heard in open session. Students may not request a public hearing if any discussion might be in conflict with the right to privacy of any student other than the student requesting the public meeting.

- The final action of the Governing Board shall be reported in a public meeting in accordance with student privacy rights and the result of that action shall be a public record of the College District.
- The duration of the expulsion may be indefinite.
- The expulsion shall be noted in the student’s disciplinary file.
- Re-admittance after expulsion requires action by the Governing Board.

V. MAINTENANCE OF STUDENT RECORDS

The facts of any disciplinary action shall be documented in the student's disciplinary record, subject to access, review, and comment by the student as authorized by the Family Educational Rights and Privacy Act (10 USC Section 2332g) and Education Code Section 76200 et seq. All access to, or release of such records to members of the public shall also be in accordance with State and Federal law. The student’s disciplinary record will be maintained in the office of the Dean of Student Services for three years for a minor offense of written reprimand or less, and for ten years for disciplinary probation and suspension. The condition for an expulsion will be stated in the student’s disciplinary record.

GLOSSARY OF TERMS

- A. ADMINISTRATOR - The Dean of Student Services or Designee.
- B. PRESIDENT - The Superintendent/President of the College District or Designee.

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- C. CAMPUS POLICE - Southwestern Community College District Police Department.
- D. DAY - When the College District is in regular session and regular classes are held.
- E. REPORT OF STUDENT MISCONDUCT
- Complainant: Person filing a Report of Student Misconduct.
 - Defendant: Person being charged.
- F. COLLEGE DISTRICT - Southwestern Community College District.
- G. VERBAL WARNING - Oral notice to the student that continuation or repetition of misconduct may be cause for further disciplinary action.
- H. WRITTEN REPRIMAND - An admonishment by the Dean of Student Services and continuation of conduct may result in further disciplinary action and may be considered in the event of future violations.
- I. DISCIPLINARY PROBATION - Specific period of conditional participation in campus and academic affairs, which may involve any or all of the following:
- Ineligibility for all student organization officer position.
- Any misconduct during the probation period will be cause for suspension or other disciplinary action.
- J. SUSPENSION - Denial of all campus privileges for a specified period of time. Exclusion include from classes, athletics, and co-curricular activities.
- K. EXPULSION - The removal of a student from any and all classes of the College District; permanent termination of the student status.