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 policy/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 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 person.

STANDARDS OF STUDENT CONDUCT

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 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.

17. Dishonesty, forgery, alteration or misuse of college documents, records or identification, or knowingly furnishing false information to the College District.

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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 administrative 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 College District employee's work performance, or of creating an intimidating, hostile or offensive educational or work environment.

23. Violation of Board 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 regulations or state laws.

STANDARDS OF STUDENT CONDUCT

DISRUPTION IN CLASSROOMS, COLLEGE DISTRICT OFFICES AND/OR 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 administrator has the right to exercise appropriate disciplinary action with respect to actions in a college office, event or area, including temporary exclusion from a College District office.

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 to ensure the maintenance of order.

DISCIPLINARY ACTION PROCEDURES

1. The faculty, college staff member 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, college staff member or administrator will inform the School/Center Dean or Supervisor of the area. The School/Center Dean or Supervisor should meet with the faculty, college staff member or administrator, and the student(s) involved in an attempt to resolve the problem.

3. If the faculty/college 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 adhered to.

4. The Dean of Student Services shall confer with the student for the purpose of reviewing the misconduct and attempting to resolve the matter.

5. The Dean of Student Services, or designee, 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).

STANDARDS OF STUDENT CONDUCT

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 authority 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. Students who have been suspended and waiting for a formal hearing will not be able to attend any on-campus or college sponsored activities.

If permissible, the student may contact his/her instructor(s) or appropriate college office by email or voicemail to receive class assignments or other information. Assignments or college documents can be submitted to 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 staff, faculty or other student.

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.

STANDARDS OF STUDENT CONDUCT

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. 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 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 any charge of alleged student misconduct. Charges may be made against a student by faculty, college staff or administrator. The complainant shall file a Report of Student Misconduct form with the Dean of Student Services, hereafter called “Administrator.”

B. NOTIFICATION OF CHARGES

Students charged with violations of the Standards of Student Conduct shall be notified that they are required to schedule an appointment with the Administrator to discuss such alleged violations and/or any disciplinary actions that may or will result if such charges are found to be true. The notice will be mailed to the student's address on file in the college's Admissions and Records by US Mail and Certified mail or FedEx.

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 Administrator shall consist of the following:

1. A copy of the Standards of Student Conduct Procedure No. 5500 is given to the student.

2. The Administrator and the student will review the misconduct charges.

STANDARDS OF STUDENT CONDUCT

3. The Administrator informs the student of any disciplinary action(s) that may be taken.

D. ADMINISTRATOR ACTIONS

The Administrator will obtain information relating to the charge from the student and other persons. Whenever appropriate, the Administrator shall assess damage to property and injury to persons. The Administrator 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 Administrator 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 Administrator 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. Administrator 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 Administrator's decision shall be sent by U.S. Mail and either certified mail or FedEx, specifying the mailing date of such letter. The Administrator is deemed to have notified the student of his or her decision on the date.

Students in violation of any additional college 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 again.

E. APPEAL TO GRIEVANCE AND ORDER COMMITTEE

From the date the student is notified of the Administrator's 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 the Dean 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 Administrator will convene the Grievance and Order Committee to conduct the formal hearing when school is in session, including the summer session.

II. HEARING PROCEDURE

A. FORMAL HEARING PROCESS

The Formal Hearing Process is the college's administrative due process to resolve student misconducts. Parties are allowed to present testimony and witnesses to support their position.

B. THE HEARING PANEL

There shall be a standing Grievance and Order Committee 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:

1. Two students and two alternates (enrolled in 6 or more units) who shall be appointed by ASO president and;

2. Two full-time faculty and two alternates who shall be appointed by the Academic Senate and;

3. Two full-time classified personnel, and two alternates, except those designated as management, who shall be appointed by the Classified Senate and/or Classified Union and;

4. 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.

STANDARDS OF STUDENT CONDUCT

C. 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 Administrator**.**

2. Determine if the disciplinary action levied by the Administrator is within range of disciplinary actions delineated in the Procedure No. 5500 Standards of Student Conduct.

3. Make recommendation(s) to the Dean of Student Services or designee.

D. RESPONSIBILITIES OF THE CHAIRPERSON

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 person(s) from the proceedings.

E. RIGHT TO REPRESENTATION

This is an internal due process hearing conducted by Southwestern College. Parties are allowed to present testimony and witnesses to support their positions. However, 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 Chair 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 Administrator”.

2. Evidence for hearing

   Any and all evidence will be entered for the record.

3. Challenge of a Committee member

   Refer to Section J - Right to Challenge Committee Composition in this procedure.

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4. Request for Open Hearing

   Refer to Section K - Open and Closed Hearing in this procedure. All hearings are closed, unless otherwise requested.

5. Identification of Witnesses

   Witnesses are to identify themselves and state for the record, the reason for their presence.

6. Swearing in of both parties

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

7. Opening Statements

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

8. Questioning Protocol

   Grievance and Order hearing panel members may ask questions of both parties.
   Parties may submit questions to the chair.
   The Chair will pose questions to appropriate party.
   Rebuttal two minutes each.

9. Calling Witnesses

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

10 Closing Statements

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

STANDARDS OF STUDENT CONDUCT

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 Administrator's findings and/or the Administrator 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 then 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.
- All evidence will be submitted 24 hours (one working day) prior to hearing.

J. RIGHT TO CHALLENGE COMMITTEE COMPOSITION

The student charged in the Report of Student Misconduct may challenge any member of the Grievance and Order hearing panel for cause. Grounds for cause shall be limited to any personal involvement in the situation giving rise to the disciplinary action, any statement made on the matters at issue, or any other act or statement indicating that person could not act in a neutral manner. Validity of any such challenges shall be determined by the Chair of the hearing panel. Five (5) panel members will be the minimum number to conduct a hearing.

K. OPEN/CLOSED HEARINGS

1. Hearings shall be confidential and closed to the general public, and witnesses shall be present only when testifying unless the student requests an open hearing. Both the person filing the Report of Student Misconduct and the student shall be entitled to call witnesses. Any questions directed to the witnesses will be in writing and given to the chair.

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2. Members of the hearing panel may ask questions to either party upon recognition by the Chairperson. Either side may recall a witness, who again may be questioned by the hearing panel.

3. A brief caucus may be called by the Chairperson or any member, with all other person's excused except for the Grievance and Order hearing panel.

4. The hearing shall be recorded. The recording may be used by the Superintendent/President, in case of an appeal.

L. 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 staff person(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.

M. 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 Administrator 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 administrator a written decision arrived at by majority vote of the hearing panel. 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 Administrator shall render a decision within three (3) working days and will transmit in writing to the student, the Grievance and Order hearing panel and other appropriate administrative officers by U.S. mail and either Certified mail or FedEx.

III. APPEAL TO THE SUPERINTENDENT/PRESIDENT

From the date the student is notified of the Administrator's 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, they can deliver the letter of appeal in writing 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's findings and recommendations and the Administrator decision.
- Reduce and/or Reverse the sanctions of the hearing panel and Administrator.
- Increase the sanctions of the hearing panel and Administrator.

The letter rendering the Superintendent/President's decision shall be mailed to the student by US Mail and either certified mail or FedEx.

The Superintendent/President's action shall be final and binding on all parties, with the exception of expulsion (see section IV).

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 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 by U.S. Mail and either certified mail or FedEx. 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.

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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 and the reasons therefore, 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 District or Designee.

C. CAMPUS POLICE - Southwestern College District College Police.

D. DAY - When the college 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

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F. COLLEGE - 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 that 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 offices
- Removal from any student organization office held
- Revocation of the privilege of participating in District College and/or student-sponsored activities.

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 includes 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.

This Procedure incorporates the recommended guidelines from CCLC Procedure 5520.