

**Coast Community College District
ADMINISTRATIVE PROCEDURE**

Chapter 5
Student Services

AP 5500 Student Code of Conduct

References:

Education Code Sections 212.5, 66017, 66300, 66301, 66302, 72122, 76030-76038, and 78907;
Accrediting Commission for Community and Junior Colleges Standard I.C.8;
34 C.F.R § 668.46; California Penal Code Sections 240, 242, 261-263.1, 632, 646.9, and 13700(a)

Table of Contents

Section I 3

1.1 Introduction 3

1.2 The Use of “Will” and “Shall” 3

1.3 Notice – Process for Notification 3

1.4 Jurisdiction 3

1.5 Anti-Discrimination Statement 4

1.6 Parallel Student Conduct Proceeding 4

1.7 Parallel Title IX Investigation Proceeding 4

Section II – Student Rights & Responsibilities 4

2.1 Due Process 4

2.2 Student Rights 5

2.3 Special Requests/Accommodations – Students with Disabilities 5

2.4 Role of Legal Counsel 5

2.5 Student Right to Review Records 5

2.6 Recording 5

2.7 Presenting Witnesses 5

2.8 Confidentiality 6

Section III – Student Discipline Process 6

3.1 Complaint Filed/Incident Reported 6

3.2 Notice to Student 6

3.3 Interim Actions 7

3.4 Investigation Process 7

3.5 Methods for Resolution 8

3.6 Findings and Determination 9

3.7 Standard of Proof 9

3.8 Imposing Sanctions 9

3.9 Notification of Findings 9

Section IV – Appeal Process 9

4.1 Appeal Criteria & Grounds for Appeal 9

4.2	Notice of Appeal Hearing.....	10
4.3	Role of Advisors and Legal Counsel During Appeal	11
4.4	Role of Witnesses During Appeal	11
4.5	Appeal Committee Membership and Selection	11
4.6	The Appeal Hearing.....	12
4.7	Appeal Hearing Procedures.....	12
4.8	Failure to Appear	14
4.9	Appeal Committee Decision and Notification.....	14
Section V – Suspension.....		15
5.1	Criteria for Readmission After a Suspension	15
5.2	Readmission After a Suspension	15
5.3	Violating Terms of Suspension.....	15
Section VI – Expulsion		15
6.1	Expulsion	15
6.2	Notice of Recommended Expulsion.....	15
6.3	Procedure for Expulsion	15
6.4	Failure to Appear Before the Board	16
6.5	Notice of Outcome on Expulsion.....	16
6.6	Expulsion Records.....	17
APPENDIX A – ADMINISTRATIVE PROCEDURE DEFINITIONS		18
APPENDIX B-CODE OF CONDUCT VIOLATIONS		21
APPENDIX C- SANCTIONS.....		28

Section I

1.1 Introduction

This Administrative Procedure (AP 5500) is intended to effectively implement Board Policy 5500 Student Code of Conduct, and as such, this Administrative Procedure shall constitute the Student Code of Conduct for all District Students.

The primary purpose of this Student Code of Conduct is to support and protect Students to ensure their academic and personal success throughout their attendance at any of the Colleges within the District. In addition, this Student Code of Conduct intends to educate Students about rights, responsibilities, and violations under the Student Code of Conduct and its consequences. This Student Code of Conduct includes a defined process for the fair and impartial review and determination of alleged improper Student behavior. This Student Code of Conduct also specifies the various sanctions that may be imposed on District Students for violations of the Student Code of Conduct. Students are expected to be familiar with the terms of Board Policy 5500 and this Administrative Procedure 5500 Student Code of Conduct.

This Procedure provides for the orderly administration of the Student Code of Conduct consistent with the principles of due process of law. Reasonable deviations from the Student Code of Conduct will not invalidate a decision or proceeding. This Student Code of Conduct is not intended to prevent or limit lawful exercise of academic freedom or constitutionally protected free speech or expression.

1.2 The Use of “Will” and “Shall”

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

1.3 Notice – Process for Notification

The District’s primary correspondence and notification mechanism with Students shall be through the Student’s District assigned email account. However, at the discretion of the District/College, Students may be notified at another email address provided by Students, via U.S. mail, or via in-person delivery. The District reserves the right to notify parents/legal guardians/emergency contacts when it determines that any Student, regardless of age, is in a situation that is threatening to the Student’s own or other individuals’ health and safety.

1.4 Jurisdiction

This Student Code of Conduct applies to conduct that takes place at the District, the Colleges within the District, its property (including offsite locations owned, rented, leased, or operated by the District or the Colleges), on-campus student housing facilities, through its online services, and at District-sponsored/College-sponsored programs, activities, and travel. This Student Code of Conduct also applies to off-campus conduct when the effects of the off-campus conduct create a Hostile Environment or impact a substantial District/College interest. A substantial District/College interest may include:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, a single or repeated violations of any local, state, or federal criminal statute or ordinance;

- Any situation where it appears that a Student may present a danger or threat to the health or safety of themselves or others;
- Any situation that significantly impinges upon the rights, property, or achievements of self or others, or that significantly breaches the peace or causes significant disruption; and
- Any situation that is detrimental to the educational interest of the District/College.

This Student Code of Conduct may apply to online activity and communication that occur outside of the District's/College's control when those online behaviors can be shown to create a Hostile Environment on campus or cause substantial disruption.

1.5 Anti-Discrimination Statement

The District does not unlawfully discriminate based upon age, race, ethnicity, sexual orientation or preference, gender, national origin, veteran's status, gender identification, or genetic information in administering District educational policies and procedures. The District complies with the American Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973. See Board Policy 3410 Nondiscrimination.

1.6 Parallel Student Conduct Proceeding

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

1.7 Parallel Title IX Investigation Proceeding

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

Section II – Student Rights & Responsibilities

2.1 Due Process

Students are entitled to a fundamentally fair process, including reasonable notice of allegations of violations of this Student Code of Conduct, the opportunity to be heard, and to present evidence prior to the administrative determination of the alleged violations. The District reserves the right to make immediate interim action or temporary sanctions deemed necessary by the College Disciplinary Officer or Designee to protect the safety and security of the District Community. Any sanction imposed under the Student Code of Conduct shall be appropriate to the nature of the violation.

2.2 Student Rights

- To be treated with respect by District employees.
- To take advantage of campus support services, such as Counseling, Disabled Students Programs and Services (“DSPS”), Student Health Services, and other available resources.
- To experience a safe educational environment.
- To not be subjected to retaliation for reporting violations.
- To have their complaints heard in substantial accordance with established procedures.
- To participate in the process related to their case.
- To be informed in writing of the outcome/resolution, any sanctions imposed, and the rationale for the outcome, to the extent permissible under applicable law and Board Policies.

2.3 Special Requests/Accommodations – Students with Disabilities

Accommodation requests from a Student registered with DSPS should be made at least ten Days prior to the Administrative Review or Appeal Hearing. Accommodations may include, but are not limited to, sign language or the use of assistive technology.

2.4 Role of Legal Counsel

An Attorney licensed to participate in California may accompany the Student to the Administrative Review. The Attorney’s role is to provide counsel to the Student without disruption to the Administrative Review or Appeal Hearing.

The Attorney may not make any statements or presentations to the College Disciplinary Officer, (or Designee) or to the Appeal Committee, examine or cross-exam any witnesses, or present evidence or any written material to College Disciplinary Officer or Hearing Panel or Appeal Committee. The Attorney may not, in any way, disrupt or interfere with the Administrative Review or Appeal Hearing. Any violation of this section shall result in the removal of the Attorney. The Attorney shall provide the College Disciplinary Officer or Designee with a retention letter confirming that they have been retained by the Student at least seven Business Days before the hearing so that the necessary arrangements can be made for the District’s General Counsel to be present at the hearing. The Attorney’s Retention Letter shall include the Attorney’s State Bar Number, address, and telephone number. The requirement of this section shall also be applicable to Appeal Hearings as set forth in Section 4.3 of this Student Code of Conduct.

2.5 Student Right to Review Records

Students seeking to review records relating to the Investigation or its outcome should refer to Board Policy 5040 Student Records Directory Information and Privacy.

2.6 Recording

Making a video or audio recording, taking photographs, or streaming audio/video of any Investigation, interview, Administrative Review, or Appeal Hearing is not permitted by any participant. Any Student who is found in violation of this provision shall be subject to further disciplinary action.

2.7 Presenting Witnesses

Witness statements relating to the alleged violations may be accepted by the College Disciplinary Officer or Designee at their sole discretion, if such statements are deemed to be

material and relevant. Only witnesses presenting relevant information directly related to the alleged violations are permitted.

Character witnesses are not permitted.

The College Disciplinary Officer or Designee shall be responsible to schedule witnesses for the Administrative Review. The College Disciplinary Officer or Designee reserves the right to exclude redundant testimony from witnesses or redundancy in witnesses.

The requirement of this section shall apply only to the Administrative Hearing. Witnesses for the Appeal Hearing are set forth in Section 4.4 of this Student Code of Conduct.

2.8 Confidentiality

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

Administrative Review and Appeal Hearings are considered private and confidential so as to protect the Parties. Administrative Review and Appeal Hearings are not open to the public. The Parties are expected to maintain confidentiality.

Section III – Student Discipline Process

3.1 Complaint Filed/Incident Reported

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

3.2 Notice to Student

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

- A description of the alleged violation(s).
- A description of the applicable policies.
- A statement of the potential sanctions that could result.
- A required date and time, for the Student to contact the College Disciplinary Officer or Designee within seven Days from the receipt of the communication. The Student’s failure to contact the College Disciplinary Officer or Designee within this seven Day period shall constitute the Student’s waiver of their ability to provide a response to the alleged violation(s), and the Administrative Review shall take place as if the Student has not responded.

3.3 Interim Actions

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

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

The College Disciplinary Officer or Designee will inform the Student involved of any interim action/restrictions implemented against them pending Investigation.

Interim Actions are in effect immediately and shall not be delayed. These Interim Actions may include:

- a) Interim Suspension – A Student who is suspended on an interim basis is subject to all of the same restrictions as if they had been suspended as a final sanction. The College Disciplinary Officer or Designee, may impose an immediate interim restriction of up to ten Business Days.
- b) Interim Restriction – These restrictions may include, but are not limited to:
 - Restricted access to District facilities and District events;
 - No-contact orders with specific individuals; or
 - Any other restrictions deemed by the College Disciplinary Officer or Designee to be necessary to achieve the goals stated above.

The College Disciplinary Officer, or Designee, may impose an interim restriction of up to 10 Business Days following notice from the College Disciplinary Officer or Designee.

Interim Suspension and Request to Stay

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

3.4 Investigation Process

Administrative Reviews are not intended to be adversarial in nature. The student shall not have the right to cross-examine any other Party or witness during the Administrative Review. The investigator will conduct interviews to determine the accuracy of statements or other evidence for the College Disciplinary Officer or Designee to consider. The College Disciplinary Officer or Designee may act in the role of investigator for minor or routine discipline issues.

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

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

Investigations should generally result in resolution within 90 calendar days after a complaint has been made, barring unexpected delays. If circumstances warrant, the College Disciplinary Officer or Designee will provide notice to the Student of any delays or extensions necessary to complete any Investigation.

Investigations may involve interviews with the Reporting Party, person(s) alleged to have violated the policy(ies), witnesses, and other individuals having knowledge of the alleged violation.

The College Disciplinary Officer or Designee shall make reasonable efforts to give the Student an opportunity to rebut the accusations or otherwise provide relevant information to the College Disciplinary Officer or Designee.

Should a Student fail to appear for any Administrative Review or Appeal Hearing, that Student may be considered to having waived their right to be present for the Administrative Review or Appeal Hearing and the Investigation may proceed without the Student's input and appropriate sanctions administered.

3.5 Methods for Resolution

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

- Mediation/Alternative Dispute Resolution – For allegations determined to be minor in nature by the College Disciplinary Officer or Designee, a voluntary alternative to the formal Investigation and hearing process, as mutually agreed upon by the College Disciplinary Officer or Designee, the Student, and any other involved individual as appropriate. The College Disciplinary Officer, or Designee, will select a trained mediator to assist the Student and Reporting Party in attempting resolving the allegation. The mediator can be the College Disciplinary Officer, or any other employee of the District as designated by the College Disciplinary Officer. The College Disciplinary Officer or Designee may also utilize the services of an external mediator.
- Informal Administrative Resolution – The Student admits to the allegations, and accepts the recommended sanctions of the College Disciplinary Officer or Designee.
- Formal Finding by the College Disciplinary Officer – The College Disciplinary Officer or Designee, after completing an Investigation, which includes an opportunity for the Student to deny or explain allegations.

3.6 Findings and Determination

Not Responsible – The College Disciplinary Officer or Designee determines that insufficient evidence exists, by the Preponderance of Evidence standard, for a Finding of Responsible for the alleged violation(s). The case is closed and a record is retained.

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

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

3.7 Standard of Proof

In all cases involving alleged violations of the Student Code of Conduct, the standard of proof for determining whether a Student is Not Responsible or Responsible is Preponderance of Evidence standard (e.g., more likely than not), as defined in Appendix A herein. This standard of proof applies to the determinations made by the College Disciplinary Officer, their Designee, or the Appeal Committee.

3.8 Imposing Sanctions

After the Administrative Review and considering all information relevant to the issue, the College Disciplinary Officer or Designee shall then decide whether or not to impose sanctions.

If a Student is found Responsible, appropriate sanctions will be imposed by the College Disciplinary Officer or Designee pursuant to the available sanctions set forth in Appendix C. The Student may elect to appeal the Findings and sanctions subject to the limitations for grounds for appeal set forth herein.

3.9 Notification of Findings

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

Section IV – Appeal Process

4.1 Appeal Criteria & Grounds for Appeal

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

Students may appeal determinations based only upon the following grounds for appeal:

- The outcome of the Investigation is unsupported by the evidence, based on the Preponderance of Evidence standard.
- Excessive sanctions in relation to the violation(s) the Student was found Responsible for committing.
- A substantive procedural error which materially and significantly affected the weighing of evidence by the College Disciplinary Officer or Designee.

The Student shall provide notice of intent to appeal by email, U.S. Mail, or by personal delivery provided that the Student has not been restricted from entering the campus. The Student is to send correspondence to the Vice President of Student Services Office within ten business days of notification of outcome of the Finding and sanction(s). Any request for appeal that is not received within ten business days of notification of the outcome of a determination shall be deemed untimely and shall constitute a waiver of the Student's right to an appeal

The Vice President of Student Services shall determine if the appeal stated proper grounds for an appeal. The Vice President of Student Services shall provide written notification to the Student regarding the determination. If it is determined that there are no proper grounds for appeal, the Vice President of Student Services' decision shall be final and shall end the Student's appeal process.

4.2 Notice of Appeal Hearing

If there are proper grounds for an appeal stated, the College Disciplinary Officer, or Designee, will send a notice, pursuant to Section 1.3, to the Student with the following information:

1. A description of the violation(s), a description of the provisions of the Student Code of Conduct determined to have been violated, and a statement of the sanctions.
2. The date, time, and location of the appeal hearing.
3. Any Interim Action(s) and other stipulations that ensure the safety and/or well-being of the District Community will be administered or maintained as appropriate by the College Disciplinary Officer or Designee.
4. If the Student does not appear at the scheduled Appeal Hearing, the sanctions will stand. For compelling reasons, the College Disciplinary Officer, or Designee, may reschedule the hearing; proof may be requested by the College Disciplinary Officer or Designee.

Appeal Hearings that occur near or after the academic terms will be held as soon as practical to meet the resolution timeline generally followed by the District.

The College Disciplinary Officer, or Designee, shall use reasonable efforts to schedule the Appeal Hearing within 30 calendar days after the date of the submitted written request for appeal. However, the scheduling of an Appeal Hearing may be delayed due to events beyond the College Disciplinary Officer's or Designee's control. In such circumstances, the College Disciplinary

Officer or Designee shall schedule the Appeal Hearing as promptly as is reasonably possible.

The notice of hearing may be amended by the College Disciplinary Officer or Designee at any time, and the College Disciplinary Officer, or Designee, may (but is not required to) postpone the Appeal Hearing for a reasonable period of time.

4.3 Role of Advisors and Legal Counsel During Appeal

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

If the Student wishes to have an Advisor accompany them to the hearing, the Student must provide the College Disciplinary Office with the name of the individual that they have chosen to act as their Appeal Hearing Advisor no less than 7 business days prior to the Appeal Hearing. Advisors must maintain confidentiality and will not be permitted to participate or respond on behalf of the Student during the Appeal Hearing.

If the Student chooses to have their Attorney accompany them to the Appeal Hearing, the name, address and telephone number of the Student's Attorney must be submitted to the College Disciplinary Officer or Designee no later than seven business days prior to the Appeal Hearing, so that necessary arrangements can be made for the District's General Counsel to be present for the Appeal Hearing. In addition, no later than seven business days prior to the Appeal Hearing, the Student's Attorney must deliver a Retention Letter, including their State Bar Number, address, and telephone number, to the College Disciplinary Officer or Designee.

4.4 Role of Witnesses During Appeal

Witness testimony presented as a part of the Student's or College Disciplinary Officer's, or Designee's, presentation during the Appeal Hearing shall count towards the 30-minute time limit during the Presentation of Evidence. The role of a witness is to present relevant evidence demonstrating the basis for why the original Findings or sanctions should be upheld or overturned. Witness testimony shall not be provided in the presence of other witnesses.

4.5 Appeal Committee Membership and Selection

The Appeal Committee shall consist of:

- A District Faculty member (full-time or part-time) from within the District
- A College Student from within the District
- A Classified Staff or Manager/Administrator from within the District

The Appeal Committee members are selected by the College Academic Senates, College Student Governments, College Classified Senate, and an appropriate manager/administrator appointed by the Coast District Management Association (CDMA). The Appeal Committee may be composed of members from other colleges within the District.

4.6 The Appeal Hearing

Appeal Hearings are closed to all persons except:

- College Disciplinary Officer, or Designee;
- Members of the Appeal Committee;
- Student;
- Advisor;
- A maximum of one legal (Attorney) and one non-legal Advisor to the Student;
- District's General Counsel;
- A court-certified Interpreter, paid for at the Student's own expense (unless the Student is registered and approved for services by DSPS);
- Witnesses relevant to the Student or College Disciplinary Office or Designee;
- Any person needed to assist the College Disciplinary Officer or Designee;
- College Public Safety Officer (if appropriate).

A parent or legal guardian must accompany the Student if the Student is a dependent minor, unless the minor is a verified emancipated minor. The Student must provide the College Disciplinary Officer or Designee with the full legal name, address, and telephone number of their parent or legal guardian who will accompany them to the Appeal Hearing.

4.7 Appeal Hearing Procedures

Appeal Hearings are administrative proceedings conducted by the District. Only relevant and material evidence shall be presented to and considered by the Appeal Committee. Irrelevant, immaterial, and/or unduly repetitious evidence shall be excluded. No evidence other than that received and weighed at the initial determination of Findings shall be considered by the Appeal Committee. This limitation on admissible evidence shall not exclude the Student from presenting relevant, material evidence excluded by the College Disciplinary Officer or Designee during the Administrative Review. The determination of relevancy or the material nature of the Student's offered evidence shall be made by the Appeal Committee.

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

1. The Chair will call the Appeal Hearing to order, explain the procedures of the Appeal Hearing, and have all Parties introduce themselves.
2. The Chair will present the rules governing the Appeal Hearing. The Chair shall guarantee control of the hearing, making certain that all participants respect the right of others to make statements, and to ensure confidentiality of such statements.
3. The College Disciplinary Officer or Designee, and if applicable their witness(es), shall have up to 30 minutes total to present relevant evidence to support the determination that violation(s) of the Student Code of Conduct has occurred.
4. The Student charged may question any witnesses presented by the College Disciplinary

Officer or Designee. Members of the Appeal Committee may also question any witness presented by the College Disciplinary Officer or Designee. Questioning by the Student or the Appeal Committee shall not be considered part of the time allotted for presentation of the College Disciplinary Officer's or Designee's evidence. Total witness questioning by the College Disciplinary Officer or Designee and the Student generally shall not exceed a total of 30 minutes of witness testimony for each side but it is within the discretion of the Appeal Committee Chair to impose a shorter time on questioning or to add time.

5. The Student charged, and if applicable their witness(es), shall have up to 30 minutes in total time to present relevant evidence demonstrating the basis for why College Disciplinary Officer's or Designee's decision should be overturned. The College Disciplinary Officer or Designee may question any witnesses presented by the Student. Members of the Appeal Committee may also question witnesses. Questioning by the Appeal Committee shall not be considered part of the time allotted for presentation of the Student's evidence.
6. The College Disciplinary Officer or Designee, and then the Student appealing, may each make a closing statement to the Appeal Committee. These closing statements shall be limited to a maximum of three minutes each. The Appeal Committee Chair shall have the authority to extend the time limits if deemed necessary.
7. Once closing statements have been completed, the Chair, or Designee, will:
 - Reiterate the alleged procedure violation(s);
 - Remind all participants involved of the Preponderance of Evidence, as further defined in Appendix A.
 - Remind all participants of confidentiality and of all imposed sanctions that are active and must be adhered to;
 - Remind all participants to review the District's Student Code of Conduct - Board Policy 5500 and Administrative Procedure 5500, and to understand their rights and responsibilities;
 - Inform all participants of the deliberation process and the projected timeline for notification; and
 - Remind the Student charged that all notification and all communication will be via District email accounts.
8. Following the Appeal Committee Chair's closing statements, all persons will be dismissed from the hearing except for the Committee Chair and the members of the Appeal Committee for deliberation.
9. The Appeal Committee shall make its Findings for the appeal hearing based on the Preponderance of Evidence standard, as further defined in Appendix A, which shall demonstrate whether or not the College Disciplinary Officer, or Designee:
 - a. Issued a decision which is unsupported by the evidence, based on the Preponderance of Evidence standard.

- b. Issued excessive sanctions in relation to the violation(s) the Student was found Responsible for committing.
- c. Committed a substantive procedural error which materially and significantly affected the weighing of evidence.

4.8 Failure to Appear

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

4.9 Appeal Committee Decision and Notification

Following the Appeal Hearing deliberation, the Appeal Committee Chair shall prepare a written report of the Appeal Committee Findings and deliver to the College Disciplinary Officer, or Designee, within ten Business Days of the date of the Appeal Hearing. This report shall include the following:

- A brief summary of the facts as found by the Appeal Committee, and a determination of evidence indicating whether the College Disciplinary Officer's or Designee's Findings should or should not be overturned;
- A Finding indicating the appropriateness of the disciplinary sanction imposed on the Student by the College Disciplinary Officer or Designee. This Finding may state:
 - that the Student is Responsible and that the disciplinary action proposed is appropriate;
 - or
 - that the Student is Not Responsible as the Investigation is unsupported by the evidence, based on the Preponderance of Evidence standard; or
 - that the Student is Responsible, but that the disciplinary action imposed by the College Disciplinary Officer or Designee was excessive to the violation, and as such, a recommendation be made for a lessened sanction; or
 - that the College Disciplinary Officer or Designee committed a substantive procedural error during the Investigation or Finding which likely led to an incorrect conclusion.

The outcome letter of the Appeal Committee shall be sent by the College Disciplinary Officer or Designee to the Student. If the Appeal Committee has made a Finding evidencing substantive procedural error, the Appeal Committee shall provide a copy of the report to the College Vice President of Student Services. The College Disciplinary Officer shall copy the Vice President of Student Services on written notification to the Student involved.

If the Appeal Committee recommends the setting aside of a Finding of Responsibility due to a procedural error by the College Disciplinary Officer or Designee, the College shall conduct a subsequent Investigation by another College Disciplinary Officer from within the District of the underlying facts and evidence of the matter appealed and making a Finding and determination of Responsibility.

Section V – Suspension

5.1 Criteria for Readmission After a Suspension

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

A Student who has been suspended is eligible to apply for readmission if the Student has complied with all the terms and conditions of their suspension.

5.2 Readmission After a Suspension

- The Student seeking readmission must make a written request for readmission to the College Disciplinary Officer or Designee.
- The College Disciplinary Officer or Designee may request a meeting with the Student seeking readmission to ascertain their eligibility for readmission.
- Within 30 calendar days of the date of receipt of a written request for readmission, barring unforeseen circumstances, the College Disciplinary Officer, or Designee, shall decide whether the request should be granted or denied.
- The College Disciplinary Officer or Designee shall notify the Student of their decision in writing and shall, in case of denial, include reasons for such denial.

5.3 Violating Terms of Suspension

A Student who has violated the terms of suspension will be subject to further disciplinary action, including expulsion.

Section VI – Expulsion

6.1 Expulsion

The College Disciplinary Officer, or Designee, may initiate the expulsion process to ensure maintenance of order of the District, if the Student violates the terms of suspension, or if the Student’s conduct presents a health or safety risk.

6.2 Notice of Recommended Expulsion

- 1) The College President shall deliver a written recommendation for the Student’s expulsion to the Chancellor. The College President’s recommendation for expulsion shall contain:
 - a. A statement of the Findings against the Student that provides the basis for the request that the Student be expelled
 - b. Factual description of the conduct upon which the charges are based
 - c. Comprehensive overview of the Student’s disciplinary and academic records
 - d. Procedures for the Student to appeal the recommended expulsion
 - e. Appropriate attachments and exhibits
- 2) A notice informing of the College President’s recommendation shall be provided to the Student, or if the Student is a dependent minor, to their parent or guardian.

6.3 Procedure for Expulsion

The Student may appeal the College President’s recommendation for expulsion, but not for other sanctions, by submitting a letter of appeal via personal delivery (if the Student is allowed to enter the District’s property), delivery by a professional process server, or by certified mail to the

District's Chancellor's Office within ten Business Days of receipt of the College President's recommendation for expulsion.

Any letter of appeal must be signed for by the District's Chancellor's Office. The letter of appeal to the Chancellor shall state the reasons why the Student should not be expelled and shall not exceed 15 pages in length. The Student or their parent or guardian does not have the right to meet personally with the Chancellor.

- 1) If the Chancellor has decided to recommend the Student's expulsion to the Board, the Chancellor shall endeavor to place the recommendation on a Board agenda for action, within 60 Calendar Days of Notice of Recommended Expulsion.
- 2) The Chancellor's Office shall notify the Student, or the Student's parent or guardian if the Student is a dependent minor, of their decision to seek expulsion. The Chancellor's notice shall be in writing, setting forth the Board meeting date, time, and location where the Board will consider the recommended expulsion.
- 3) The Student shall be notified of their rights and responsibilities to participate in the Board's proceedings. The Student or their parent or guardian does not have the right to meet personally with the Chancellor.
- 4) The Student may submit documentation to the District's Chancellor's Office which outlines why they should not be expelled. The document shall not exceed 15 pages in length including appendices. Documents shall be delivered via professional process server or by certified mail. The Student's documents must be received no less than ten Calendar Days prior to the scheduled Board meeting date.
- 5) The Chancellor shall submit the following documents to the Board prior to the Board acting on their recommendation for expulsion:
 - a. A copy of the College President's Notice for Recommended Expulsion;
 - b. A copy of any letters or documents submitted by the Student; and
 - c. The Chancellor's recommendation regarding expulsion of the Student.
- 6) The Board shall consider the recommendation for expulsion in closed session. The Student shall have the right to address the Board during closed session. The Student also has the right to address the Board in open session.
- 7) The Board shall render a determination in closed session. The Board must make the final decision in open session. The Board's decision shall be final and shall end the Student's appeal process relating to expulsion.

6.4 Failure to Appear Before the Board

A Student who fails to appear is deemed to have waived their rights to appear before the Board and a determination will be made without the Student's input.

6.5 Notice of Outcome on Expulsion

- 1) The Board shall make the decision in open session regarding the recommended Student's expulsion.
- 2) The Chancellor, on behalf of the Board, shall notify the Student in writing of the Board's determination regarding their status as a Student in the District.

6.6 Expulsion Records

The Board Secretary shall provide all documentation pertaining to the expulsion to the College Disciplinary Officer.

APPENDIX A – ADMINISTRATIVE PROCEDURE DEFINITIONS

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

- a) "Advisor" means a person, not serving as legal counsel, who at the Student's request, accompanies the Student and provides the Student with emotional or other support at an Administrative Review or Appeal Hearing. The Advisor will be expected to maintain confidentiality.
- b) "Administrative Review" means the initial investigatory process which can include, but is not limited to, meeting with a College Disciplinary Officer, mediation, and alternative resolutions.
- c) "Affirmative Consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure they have the Affirmative Consent of the other participant(s) to engage the sexual activity. Lack of protest, resistance, or silence does not mean Affirmative Consent.
- d) "Appeal Committee" means a committee formed by a College within the District for the purpose of hearing appeals filed by Students following Findings of Responsibility.
- e) "Attorney" means any person who is admitted to practice law in the State of California.
- f) "Board" means the Board of Trustees of the District.
- g) "Chancellor" means the Chancellor of the District, or Designee.
- h) "College Disciplinary Officer" means the College Official(s) designated by the College President, or Designee.
- i) "Community" means Coast Community College District Students, trustees, employees, agents, instructional associate, visitors, representatives, and guests and their families, and any persons conducting business with the District.
- j) "Day" means calendar day unless otherwise stated in this Student Code of Conduct. "Business Day" means a day that the District Office or the College are open for business to the public, and excludes holidays.
- k) "Designee" means an appointed District Official, or third-party affiliated with the District, in order to fulfill responsibilities relating to this procedure.
- l) "District" means the Coast Community College District and each of its colleges.
- m) "District Activity" means any activity sponsored by the District including, but not limited to, courses, class, lectures, labs, field trips, student club and organization activities, student government activities, community education or similar activities, or any other student sponsored activity.
- n) "District Community" means any employee, contractor, student, member of the public, or invitee present on District property, or on property being used by the District. For purposes of this definition, a Student is deemed a member of the District Community while enrolled in, or in the process of applying for, enrollment as a Student at any of the colleges within the District. A Student does not have to be physically located on District Property for their behavior to be governed by this Student Code of Conduct.
- o) "District Official" means any person employed by the District.
- p) "District Property" means all real, personal and intellectual property owned, controlled, used, or occupied by the District, including property physically removed from any college, the District office, or any place that is the site of a District-approved function.

- q) "Finding" means an outcome determined by the College Disciplinary Officer or Designee after completion of an Investigation and a review of the facts collected during the Investigation. Findings include "Responsible" or "Not Responsible".
- r) "Hostile Environment" is established when harassment is sufficiently serious (i.e., severe, persistent, or pervasive) as to limit or deny a person's ability to participate in or benefit from an educational program.
- s) "Instructor" means any faculty member employed by the District for instruction of curriculum or other programs.
- t) "Interpreter" means a sign language Interpreter or translator present to assist the Student in understanding and communicating information at any Administrative Review or Appeal Hearing.
- u) "Investigation" means the process following a report of a violation of the Student Code of Conduct. The Investigation includes a review of facts presented by the person reporting the violation, the Student accused of the violation, and any other applicable evidence presented to help the College Disciplinary Officer, or Designee, make a determination of "Responsible" or "Not Responsible".
- v) "Mental Health Professional" means a California licensed clinical psychologist or California board-certified psychiatrist.
- w) "Not Responsible" means, based on the Preponderance of Evidence standard, that the Student did not commit a violation of the Student Code of Conduct.
- x) "Party" or "Parties" means either the Complainant or the Respondent, involved in the Investigation process or the alleged violation of this Student Code of Conduct.
- y) "Preponderance of the Evidence" means the weight of the evidence presented by the District at the Administrative Review or Appeal Hearing that has established that it is more likely than not that the Student is Responsible for the alleged violation of a provision within the District's Student Code of Conduct.
- z) "Protected Status" includes age, disability (physical or mental), gender (or sex), gender identity (including transgender), gender expression, genetic information, marital status, medical condition, national origin, race or ethnicity (including color or ancestry), religion or religious creed, sexual orientation, and veteran or military status.
- aa) "Reporting Party" means the person(s) reporting alleged violations of this Student Code of Conduct.
- bb) "Request to Stay" means a request, in writing, from a Student, seeking to have any Interim Action reconsidered or amended by the College Vice President of Student Services, or Designee.
- cc) "Respondent" means the person(s) who are alleged to have violated the Student Code of Conduct.
- dd) "Responsible" means, based on the Preponderance of Evidence standards, that the Student committed one or more violation(s) of the Student Code of Conduct.
- ee) "Retention Letter" means a letter from an Attorney stating they have been retained by a Student facing disciplinary proceedings pursuant to the Student Code of Conduct.
- ff) "Student" means any person who has applied for admission, who is or has been enrolled, or who has expressed their intent to enroll for any college program within the District for the period in which the alleged violation of the Student Code of Conduct occurred.
- gg) "Student Code of Conduct" means Board Policy 5500 and Administrative Procedure 5500, respectively.

hh) "Weapon" means any instrument or weapon, the use of which is likely to cause bodily injury, including, but not limited to, a blackjack, sling shot, Billy club, sand club, sandbag, metal knuckles, dirk, dagger, bow and arrow, switchblade knife, pistol, revolver, or any other firearm, any knife having a blade longer than 2 ½ inches, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club or any instrument used in an assault or attempted assault on another person.

APPENDIX B-CODE OF CONDUCT VIOLATIONS

The District may impose discipline for the commission, or attempted commission, of the following types of violations by Students, or for aiding or abetting, inciting, conspiring, assisting, hiring or encouraging another person to engage in a violation of this Student Code of Conduct, or for any violation of state or federal law. The following does not excuse a violation of this Student Code of Conduct:

- Being under the influence of alcohol, drugs, or other intoxicants
 - Disability
 - Psychological impairment
1. Academic Misconduct. All forms of academic misconduct including, but not limited to, cheating, fabrication, plagiarism, or facilitating academic dishonesty.
 2. Alcohol. Manufacture, distribution, dispensing, possession, use, consumption or sale of, or the attempted manufacture, distribution, dispensing, distribution, consumption or sale of alcohol that is unlawful or otherwise prohibited by, or not in compliance with, District policy, administrative procedures, or campus regulations.
 3. Assault/Battery. Assault, battery, or any threat of force or violence upon a Student or upon any member of the District Community. This includes, but is not limited to:
 - a. Inflicting bodily harm upon any member of the District Community;
 - b. Taking any action for the purpose of inflicting bodily harm upon any member of the District Community;
 - c. Taking any reckless, but not accidental action, from which bodily harm could result to any Member of the District Community;
 - d. Causing a member of the District Community to believe that the offender or their agent may cause bodily harm to that person or any member of their family or any other member of the District Community;
 - e. Inflicting or attempting to inflict bodily harm on oneself.
 4. Continued Misconduct or Repeat Violation. Repeated misconduct or violations, when other means of correction have failed to bring about proper conduct.
 5. Dating Violence. Dating Violence is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship, and the frequency of interactions between the persons involved in the relationship. “Abuse” means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to self, or another.
 6. Destruction of Property. The damaging, destroying, defacing, or tampering with District Property or the property of any person or business on District Property or at a District function, including but not limited to, taking down, defacing, or otherwise damaging District authorized posters, handbills and/or notices posted on District Property.
 7. Discrimination. Adverse action taken against a person because of a Protected Status, as noted within Board Policy/Administrative Procedure 3410: Nondiscrimination. 8.

- Dishonesty. All forms of dishonesty including but not limited to fabricating information, furnishing false information, or reporting a false emergency to the District.
8. Disorderly or Lewd Conduct. Engaging in disorderly or lewd, indecent or obscene behavior on District Property or at a District function.
 9. Disruption of Educational Process. Disruption of the District educational process(es), including but not limited to interrupting, impeding, obstructing or causing the interruption or impediment of any class, lab, administrative office, teaching, research, administration, disciplinary procedures, District Activity or District-authorized Student activity or administrative process or other District function.
 10. Disruptive Behavior. Disruptive behavior, disobedience, profanity, vulgarity, or the open defiance of the authority of or abuse of District personnel, or which adversely effects the delivery of educational services to Students and the District Community.
 11. Disturbing the Peace. Disturbing the peace and good order of the District by, among other things, fighting, quarreling, disruptive behavior, or participation in a disturbance of the peace or unlawful assembly.
 12. Drugs. Unlawful or attempted manufacture, distribution, dispensing, possession, use, distribution or sale of, controlled substances, dangerous drugs, restricted dangerous drugs or narcotics, as those terms are used in state or federal statutes on District Property or at any District function. Possession of marijuana, or marijuana-infused products, for any purpose (recreational or medicinal) on District premises or at any District function is prohibited.
 13. Endangering Welfare of Others. Violation of any state or federal law relating to the placing at risk of physical or emotional harm of a member of the District Community.
 14. Failure to Appear. Failure to appear before a District official when directed to do so.
 15. Failure to Comply or Identify. Failure to identify oneself to, or comply with the directions of, a District Official, employee, policy, law enforcement, or other public official when requested to do so; or resisting or obstructing such District or other public officials in the performance of or the attempt to perform their duties.
 16. Failure to Obtain Permits. Participating in an organized protest for which a District permit has not been obtained.
 17. Failure to Repay Debts or Return District Property. Failure to: (a) repay debts to the District; (b) return District property; (c) return property of any member of the District Community.
 18. False Report of Emergency. Knowingly and purposefully, causing, making, and/or circulating a false report or warning of a fire, explosion, crime, or other catastrophe.
 19. Forgery. Any forgery alteration, or misuse of any District document, record, key, electronic device, or identification, or knowingly furnishing false information to a District Official.
 20. Fraud. Any attempt to steal, take, carry, lead, or take away the personal property of another, or who fraudulently appropriated property which has been entrusted to them, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor or property, or who causes or procures or obtains credit and thereby, or fraudulently gets or obtains possession of money, or property, or obtains the labor or service of another, is guilty of theft.
 21. Gambling. Unauthorized gambling on District Property or at any District function.

22. Harassment. Harassment is unwelcome conduct, including verbal, physical, visual, or written, based on a person's Protected Status or the perception that a person has one or more of these Protected Status. This definition includes two kinds of harassment:
 - a. Quid Pro Quo - exists when an educational or employment decision or benefit is conditioned on the submission to or rejection of the unwelcome conduct.
 - b. Hostile Environment – exists if the conduct is sufficiently serious (i.e., severe, persistent, or pervasive) to deny or limit a person's ability to participate in or benefit from the District/College programs or activities.
23. Hateful Behavior. Hateful behavior aimed at a specific person or group of people.
24. Hazing. Participation in hazing or any method of initiation or pre-initiation into a campus organization or other activity engaged in by the organization or members of the organization at any time that causes, or is likely to cause, physical injury or personal degradation or disgrace which can inflict psychological or emotional harm to any Student or other person.
25. Inappropriate Usage of Social Media. Using social media to harass, intimidate, or threaten other individuals. Usage of social media that will have indirect or direct impact on an individual or interference with the educational process.
26. Infliction of Mental Harm. (a) Inflicting mental harm upon any member of the District Community; (b) taking any action for the purpose of inflicting mental harm upon any Member of the District Community; (c) taking any reckless, but not accidental action, from which mental harm to member of the District Community could result; (d) causing a member of the District Community to believe that the Student or their agent may cause mental harm to that person or any member of the person's family or any other member of the District Community; (e) any act which purposefully demeans, degrades, or disgraces any person.
27. Misrepresentation. A false statement or representation based upon the intentional disregard of false or possibly false information, or knowingly entering into a transaction based upon false information, or misrepresenting oneself to be an agent, employee, or representative of the District or its colleges.
28. Misuse of Identification. Transferring, lending, borrowing, altering or unauthorized creation of identification.
29. Possession of Stolen Property. Possession of District Property, or the property of any other person, when the Student knows, or reasonably should know, that the property was stolen.
30. Possession of Weapons. Unauthorized possession, use, storage, or manufacture of explosives, dangerous chemicals, firebombs, firearms, or other destructive devices or Weapons as defined in Appendix A.
31. Public Intoxication. Public intoxication or being under the influence of alcoholic beverages, any illegal narcotics, or any substance that causes impairment on District/College Property or at any District/College function.
32. Sexual Harassment. Harassment is unwelcome conduct of a sexual nature, including verbal, physical, visual, or written. Sexual Harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and any other conduct of a sexual nature where:
 - a. Submission to the conduct is made a term or condition of a person's employment, academic status, or progress;

- b. Submission to, or rejection of, the conduct is used as a basis for any decision affecting the individual regarding employment, academic decisions, benefits, and services, honors, programs, or activities available at or through the District/College; or
- c. The conduct has the purpose or effect of having a negative impact upon the individual's academic and business performance, or of creating an intimidating, hostile, or offensive environment.

This Procedure is applicable regardless of the sexual orientation and/or gender identity of the participants involved. The standard for determining whether unwelcome conduct constitutes Sexual Harassment is whether a reasonable person in the shoes of the victim, and is in fact considered by the victim, as limiting their ability to participate in or benefit from the services, activities, or opportunities offered by the District/College or as creating an intimidating, hostile, or offensive environment. This definition encompasses two kinds of sexual harassment:

- a) Quid Pro Quo – exists when an educational or employment decision or benefit is conditioned on the submission to or rejection of the unwelcome conduct.
- b) Hostile Environment – exists if the conduct is sufficiently serious (i.e., severe, persistent, or pervasive) to deny or limit a person's ability to participate in or benefit from the District/College programs or activities.

The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment on campus, particularly if the harassment is physical. A single or isolated incident of sexual harassment, including sexual misconduct, may create a hostile environment on campus if the incident is sufficiently severe.

33. Sexual Misconduct. All sexual activity must be based on Affirmative Consent. Engaging in any sexual activity without first obtaining Affirmative Consent to the specific sexual activity is Sexual Misconduct, whether or not the conduct violates civil or criminal law. Non-consensual Sexual Contact is a form of Sexual Misconduct as is any intentional sexual touching, however slightly with any object by a person upon another person, that is without Affirmative Consent and/or by force. Sexual Contact includes intentional contact with the breast, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner. Non consensual Sexual Intercourse is a form of Sexual Misconduct and is any sexual intercourse, however slightly with any object by a person upon another person, that is without Affirmative Consent and/or by force. Sexual Intercourse includes: vaginal or anal penetration by a penis, object, tongue, or finger, or oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

34. Serious Injury or Death. Any intentional or reckless action or conduct which results in serious injury or death to a member of the District Community or their family.

35. Smoking. Smoking in an area where smoking has been prohibited by law or regulation of the District.

36. Stalking.

Stalking is engaging in a repeated course of conduct directed at a specific person that would cause a reasonable person to fear for their or others' safety or to suffer substantial emotional distress. For the purpose of this definition:

- a. Course of Conduct means two or more acts, including, but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveys, threatens, or communicates to or about a person, or interferes with a person's property;
 - b. Reasonable Person means a reasonable person under similar circumstances and with the same Protected Status as the victim;
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
- 37. Theft or Abuse of District's Computers or Electronic Resources. Theft or abuse of District computers and other District electronic resources such as computer and electronic communications facilities, systems, and services. Abuses include, but are not limited to, unauthorized entry, use, transfer, or tampering with the communications of others, and interference with the work of others, and with the operation of computer and electronic communications facilities, systems, and services. Theft or attempted theft of any kind, including seizing, receiving, or concealing property with knowledge that it has been stolen, is prohibited. Sale, possession, or misappropriation of any property or services without the owner's permission is also prohibited.
 - 38. Theft or Conversion of Property. Theft or conversion of District Property or services, or the property of any person or business on District Property or at a District function, or possession of any property when the Student had knowledge or reasonably should have had knowledge that it was stolen.
 - 39. Trespass and Unauthorized Possession. Unauthorized or forcible trespass on, entry to, possession of, receipt of, or use of any District services, grounds, equipment, resources, properties, structures, vehicles, boats, water craft or facility, including the unauthorized use of District's name, insignia, or seal without permission or authorization.
 - 40. Unauthorized Electronic/Digital Recording. Electronic/digital recording by any person on District Property without that person's knowledge or consent. This definition shall not apply to recordings conducted in public or a commonly recognized public event. Electronic/digital recordings or streaming are prohibited in classrooms, labs, during lectures, or on field trips without the prior approval of the Instructor or having proper authorization by the College DSPS Office.
 - 41. Unauthorized Use of Course or Copyrighted Materials. Students of the District will abide by all aspects of United States copyright law, Title 17 of the United States Code, to the extent possible, under authoritative interpretation of the law. Students shall not reproduce copyrighted materials without prior permission of the copyright owner, except as allowed by the "fair use" doctrine.

See Board Policy and Administrative Procedure 3710 Securing of Copyright and Board Policy and Administrative Procedure 3750 Use of Copyrighted Materials. In addition, Students shall not sell, prepare, or distribute for any commercial purpose any course lecture notes or video or audio recordings of any course unless authorized by the District in advance and explicitly permitted by the course Instructor in writing. The unauthorized sale or commercial distribution of course notes or recordings by a Student is a violation of these Policies whether or not it was the Student or someone else who prepared the notes or recordings. Copying for any commercial purpose handouts, readers or other course materials provided by an instructor as part of a District course

- unless authorized by the District in advance and explicitly permitted by the course Instructor or the copyright holder in writing (if the Instructor is not the copyright holder).
42. Unauthorized Use of District Keys. Unauthorized use, distribution, duplication or possession of any keys issued for any building, laboratory, facility, room, or other District Property.
 43. Unauthorized Use of Property or Services. Unauthorized use of property or services or unauthorized possession of District Property or the property of any other person or business.
 44. Unreasonable Demands. Placing repeated, hostile, or unreasonable demands on District Officials.
 45. Unwelcome Conduct: Conduct of a sexual, gender-based, or harassing nature, which is considered unwelcome if a person did not request or invite it, and considered the conduct to be unwelcome, undesirable, or offensive. Unwelcome conduct may take various forms, including name-calling, graphic or written statements (including the use of cell phones or the Internet), hazing, or other conduct that may be physically or psychologically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, or directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex.
 46. Violation of Driving Regulations. Driving unsafely on District property or while taking part in any District function, or repeated violation of District parking regulations.
 47. Violation of Health & Safety Regulations. Violation of any health, safety or related regulations, rule or ordinance on District property or at any District function.
 48. Violation of Law. Violation of any federal, state or local law on District property, at a District function, or involving a member of the District Community.
 49. Violation of Posted District Rules. Violation of any rule or regulation posted on District Property by the District or the College, or printed in any District publication. Failure to comply with additional rules of residential life and engagement specific to on-campus student housing, if living in an on-campus student housing facility.
 50. Violation of Published Computer/Network Usage Policy(s), Procedures, or Guidelines.
 - a. Accessing and/or without permission altering, damaging, deleting, destroying, or otherwise using any data, computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
 - b. Accessing and/or without permission taking, copying, or making use of any data from a computer, computer system, or computer network, or taking or copying any supporting documentation, whether existing or residing internal or external to a computer, computer system, or computer network belonging to or used by the District or any member of the District Community.
 - c. Using or causing to be used District computer services without permission.
 - d. Accessing and/or without permission adding, altering, damaging, deleting, or destroying any data, computer software, or computer programs which reside or exist internal or external to a computer, computer systems, or computer network belonging to or used by the District or any member of the District Community.
 - e. Disrupting or causing the disruption of computer services or denying or causing the denial of computer services to an authorized user of a computer, computer

system, or computer network belonging to or used by the District or any member of the District Community.

- f. Providing or assisting in providing a means of accessing, without permission, a computer, computer, system, or computer network belonging to or used by the District or any member of the District Community.
- g. Accessing or causing to be accessed without authorization any computer, computer system, or computer network belonging to or used by the District or any member of the District Community.
- h. Introducing any computer contaminant or virus into any computer, computer system, or computer network belonging to or used by the District or any member of the District Community.
- i. Sending any message using any computer system or network without authorization or sending any message in the name of another person or entity.
- j. Using any account or password without authorization.
- k. Allowing or causing to be used an account number or password by any other person without authorization.
- l. Accessing or causing to be accessed, downloading or causing to be downloaded, obscene materials except when accessing a website which is part of the instructional process or assignment for a class the Student is currently enrolled in.
- m. Use the District's systems or networks for commercial purposes; for example, by performing work for profit with District resources in a manner not authorized by the District.

APPENDIX C- SANCTIONS

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

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

Community Service shall consist of the Student performing some act or duty that is of benefit to the campus and/or surrounding community.

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

District Restriction. Restriction of the Student's access to parts or areas of the District and/or District Property for a specified period of time.

Exclusion from District Activities. Prohibiting the Student from participating in any District co-curricular and/or extra-curricular activity(ies) for a period of time.

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

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

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

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

Short Term Removal from Class for a period not to exceed two class meetings, may be imposed by any Instructor on a Student who is disrupting the class or otherwise interfering with the ability of other Students in the class to learn. Before removing a Student from class, an Instructor shall first give or make reasonable efforts to give the Student notice of their intent to remove the Student and a reasonable opportunity for the Student to modify his/her behavior. The Instructor or program supervisor shall notify the College Disciplinary Officer or Designee, in writing, immediately following the removal of a Student under this section, with a copy to the Dean of the Academic Unit. The Student may not return to the class until the Student has met with the College

Disciplinary Officer or Designee. The College Disciplinary Officer or Designee shall contact the Student to arrange such a meeting. If circumstances warrant, the College Disciplinary Officer, or Designee, may extend this restriction by enforcing an Interim Suspension.

Interim Suspension prohibits the Student from attending classes or entering onto any District Property for a period of one to ten Days.

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

Administrative Withdrawal from Class prohibits a Student's continued presence in the class if their behavior is disruptive of the class and interferes with the ability of other Students in the class to learn or in any way endangers themselves or others.

Written Warning is a written reprimand and warning to the Student by the College Disciplinary Officer or Designee that they have determined that the Student has violated this Student Code of Conduct and is on warning.

Long-Term Suspension prohibits the Student from attending classes or entering onto any District Property for a period of 11 days and up to two years

Expulsion prohibits the Student from attending classes or entering onto any District Property for an indefinite period of time.

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

Ratified August 15, 2018