

Rancho Santiago Community College District
BOARD POLICY
Chapter 5
Student Services

BP 5500 Standards of Student Conduct

References:

Education Codes 66300 and 66301;
ACCJC Accreditation Standards I.C.8 and 10 (formerly II.A.7.b)

Guidelines for Student Conduct are set forth in the California Education Code; California Administrative Code, Title 5; policies of the Board of Trustees (including BP/AR 3430, Prohibition of Harassment, and AR 3425 Title IX (9) Sexual Harassment); and all civil and criminal codes. Students enrolling in district educational programs assume an obligation to obey state law and district rules and regulations governing the conduct of students.

Students who enroll in those instructional programs in which the college has affiliations with various outside associations must comply with the college's policies and procedures and also with the outside associations' policies and procedures. This includes but is not limited to students enrolled in the programs of Cosmetology, Fire Academies, Criminal Justice Academies and Nursing.

I. GUIDELINES FOR STUDENT CONDUCT

The following represent violations for disciplinary action, up to but not limited to expulsion, that may be taken:

- A. Dishonesty, cheating, plagiarism, lying, or knowingly furnishing false information to the district or a college official performing their duties.
- B. Forgery, alteration, or misuse of district documents, records, or identification.
- C. Willful misconduct that results in damage to any real or personal property owned by the district or district employees (damage includes, but not limited to vandalism, such as cutting, defacing, breaking, etc.).
- D. Obstruction or disruption of pedestrian or vehicular traffic or of teaching, research, administration, or of other district activities on or off District premises. This includes obstruction or disruption of administration, disciplinary procedures or authorized college activities.
- E. Assault, battery, or any threat of force or violence upon a student, college personnel, or campus visitor; willful misconduct which results in injury or death to a student, college personnel, or campus visitor. This includes fighting on district property or at a district sponsored event, on or off district premises.

F. Detention of any person on district-owned or controlled property or at district-sponsored or supervised functions or other conduct which threatens or endangers the health or safety of another.

G. Theft of any property of the district which includes property of a member of the district community or a campus visitor.

H. Unauthorized entry into or unauthorized use of district property, supplies, equipment, and/or facilities.

I. Misrepresentation of oneself or of an organization to be an agent of the district.

J. Sexual assault or physical abuse, including rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, sexual coercion, or threat or assault, or any conduct that threatens the health and safety of the alleged victim, which includes students, college personnel, or campus visitors.

K. Dating violence, defined as violence committed, on the basis of sex, by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

L. Domestic Violence, defined as conduct, on the basis of sex, that includes the requisite components of felony or misdemeanor crimes of violence committed by (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with or has cohabitated with the victim as a spouse; (d) a person similarly situated to a spouse of the victim under California law; or (e) any other person against an adult or youth victim who is protected from that person's acts under California law.

M. Stalking, defined as a course of conduct directed at a specific person on the basis of sex that would cause a reasonable person to fear for the person's safety or the safety of others, or to suffer substantial emotional distress. For the purposes of this definition: (a) A course of conduct is two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, 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 similar identities to the Complainant; and (c) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

N. Sexual Exploitation, defines as an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Some example are prostituting another person; recording images; viewing or distributing images of an individual's sexual activity, body parts, or nakedness; and inducing incapacitation for the purpose of making

another person vulnerable to non-consensual sexual activity

O. Use, possession, distribution, or being under the influence of alcoholic beverage on district property or at any district sponsored event.

P. Use, possession, distribution, or being under the influence of narcotics, other hallucinogenic drugs or substances, or any poison classified as such by Schedule "D" in Section 4160 of the Business and Professions Code on District property or at any District-sponsored event except as expressly permitted by law.

Q. Engaging in expression which is libelous, slanderous, obscene (according to current legal standards) or which incites students so as to create a clear and present danger of commission of unlawful acts on district premises, or violation of district regulations, or the substantial disruption of the orderly operation of the college.

R. Possession or use while on the district premises, or a district-sponsored function, of any firearm, knife, explosive, or other dangerous object, including but not limited to any facsimile firearm, knife or explosive. Exceptions include those participating in a criminal justice educational program who are authorized such possession or those who are enrolled in a course which authorizes such possession.

S. 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, except as permitted by any district policy or administrative regulation.

T. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race, or ethnicity, religion, age, sexual orientation or any other status protected by law. Harassment does not include conduct protected by the First Amendment.

U. Continuous disruptive behavior or willful disobedience, harassment, stalking, habitual profanity or vulgarity, open and persistent abuse of college personnel, or open and persistent defiance of the authority of college personnel.

V. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the Board of Trustees;

W. Violation of the Computer Usage Policy is applicable to students using computer classrooms, computer labs, the wireless network or other locations on and off district property. A violation is considered any of the following:

(1) Accessing with or without permission, or causing to be accessed without authorization, altering, damaging, deleting, hacking, destroying, or otherwise using any data, computer, computer system, computer software and programs, or computer network belonging to or used by the college or any member of the District.

(2) Accessing with 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 college or District.

(3) Using or causing to be used, computer services without permission.

(4) 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 college or District.

(5) Introducing any computer contaminant or virus into any computer, computer system, or computer network belonging to the college or District.

(6) Sending any message using any computer system or network without authorization or sending any message in the name of another person or entity.

(7) Using any account or password without authorization.

(8) Allowing or causing an account number or password to be used by any other person without authorization.

(9) Accessing or causing to be accessed, downloading or causing to be downloaded, pornographic or obscene materials except when accessing such material which is part of the instructional process or assignment for a class in which the student is currently enrolled.

(10) Use of systems or networks for personal commercial purposes.

(11) "Cyberstalking", which is to be understood as any use of the college or district computer system, computer network, or computer programs to stalk another person via excessive messages or inquiries, inappropriate or threatening messages, racially motivated communications, photos or other means of communication.

X. Any act constituting good cause for suspension or expulsion, or violation of district policies or campus regulations, including the AR 3425 Title IX (9) Sexual Harassment.

II. DISCIPLINARY ACTIONS FOR STUDENTS

Student conduct must conform to the standards established by the Board of Trustees. Violations are subject to the following types of disciplinary actions. (These disciplinary actions are listed in degree of severity, but not necessarily in sequential order. Disciplinary actions may be imposed singly or in combination.)

A. **WARNING** - Verbal notice to the student that continuation or repetition of specific conduct may be cause for other disciplinary action.

B. **REPRIMAND** - Written reprimand for violation of district rules, with copy to the student and to the student disciplinary file. A reprimand admonishes the offender to avoid any future infractions of district rules.

C. **PROBATION** - Probation is a disciplinary action which allows the offender to return to the

district with the understanding of expected appropriate future behavior. Probation may include exclusion of the individual(s) from extra-curricular district activities that would be set forth in the written notice of probation. The probation would be for a specified period of time and appropriate notice will be sent to any advisor(s) of student organizations(s) involved. Any further violations of the Standards of Student Conduct during this probationary period will result in further, more serious disciplinary action against the offender.

D. RESTITUTION - Reimbursement by the offender(s) for damage(s) or for the misappropriation of district property may take the form of appropriate community service to repair or otherwise compensate for damage(s) or loss(es).

E. REMOVAL - An instructor or department administrator may remove a student from his or her class or departmental service for up to two days, and shall report all such action to the academic dean of the appropriate division and to the administrative designee responsible for student discipline.

The administrative designee responsible for student discipline may suspend privileges from that class, campus service, office, department, or the entire campus based upon the violation, for up to ten days.

During the period of the removal, the student shall not be returned to a class from which he or she was removed without the concurrence of the instructor and administrative designee responsible for student discipline; nor shall the student be returned to the service, department, office from which they were removed, or the campus, without concurrence of appropriate administrator.

If the student is a minor, the college president, or designee shall ask the parent or guardian to attend a conference regarding the removal as soon as possible, and if the parent so requests, the Dean of Student Affairs or designee at Santa Ana College or the Vice President of Student Services or designee at Santiago Canyon College shall attend (depending on the college).

F. WITHHOLDING DIPLOMA – The District may withhold a student’s diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending under AR 3425 Title IX (9) Sexual Harassment or as a sanction if the student is found responsible for an alleged violation.

G. REVOCAION OF DEGREE – The District reserves the right to revoke a degree previously awarded from the District for serious violations committed by a student prior to graduation.

H. SUSPENSION - The Board of Trustees, the chancellor or the chancellor's designee may suspend a student for good cause, as defined in Section I, A-V herein, for any of the following periods:

- (a) From one or more classes for less than the remainder of the school term.
- (b) From one or more classes for the remainder of the school term.
- (c) From all classes and activities of the college for up to two (2) academic years.

During the period of the suspension, the student is prohibited from being enrolled in or physically present on any campus of the district for the period of the suspension. The chancellor or designee may impose a lesser disciplinary sanction than suspension, including, but not limited to warning, reprimand, probation, restitution or ineligibility to participate in co-curricular activities or any combination of the listed options.

I. EXPULSION - Expulsion may be for good cause (refer to Section I, A-V), 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.

III. DUE PROCESS

No student shall be suspended for more than ten days or expelled unless the conduct for which the student is being disciplined is related to college activity or attendance, and the student is afforded the right of due process.

The chancellor or designee shall, prior to the suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the college is situated of any acts of the student which may be in violation of Section 245 of the Penal Code. Violations of any law, ordinance, regulation, or rule regulating, or pertaining to, the parking of vehicles shall not be cause for suspension or expulsion. However, repeatedly ignoring or consistent violations of parking rules, regulations, laws or ordinances may result in vehicles being towed or loss of parking privileges.

During the due process investigation period and hearing, the designated investigating administrator may allow, disallow and/or select individuals who will be included in the process. For actions regarding minor students, parental notification and/or involvement is required.

A. Suspension

Any suspension of more than ten days must be accompanied by a due process hearing as outlined in Section IV of this policy.

Whenever a minor student is suspended from a college of the District, the parent or guardian shall be notified in writing by the chancellor, or a designee.

B. Expulsion

Only the Board of Trustees may expel a student. Expulsion shall be accompanied by a due process hearing as outlined in Section IV of this policy.

IV. DUE PROCESS HEARING

This section applies to due process hearings on conduct violations that are not addressed by the hearing process provided in AR 3425 Title IX (9) Sexual Harassment.

1. A student who is being considered for suspension or expulsion shall be afforded a due process hearing before a Disciplinary Hearing Board designated by the chancellor or the chancellor's designee. The chancellor or designee shall provide that a reasonable opportunity for a hearing is afforded the student within ten days.

2. The Disciplinary Hearing Board shall be composed of the following individuals appointed by the chancellor or designee:

- 1 RSCCD Student
- 1 Administrator
- 1 Faculty Member
- 1 Classified Staff

3. The student shall be notified in writing at least two school days before the hearing of the following:

- (a) The time, date, and place set for the hearing;
- (b) The charges to be brought;
- (c) Documentary evidence that will be introduced at the hearing;
- (d) The right of the student to appear in person and present his or her position;
- (e) The right to cross-examine the district's witnesses if the witness(es) elect(s) to be present;
- (f) The right to present evidence or witness(es) on own behalf.
- (g) In cases of alleged sexual assault, technical rules of evidence shall not apply; no past sexual history may be introduced as part of the testimony, except that the past sexual history of the alleged victim shall be permitted if offered as evidence of the character or trait of character of the victim for the purposes described in California Evidence Code 1103.

4. The hearing board shall hear evidence and witnesses presented by the district and by the student. In the event the student for whom the hearing is held, or other key parties, is not present at the hearing, the Hearing Board will proceed without the individual(s). The Hearing Board shall render its recommendation to the College President on the evidence presented within two school days of the close of the hearing. The College President will review the recommendation within three days and render a decision to the Vice President of Student Services. The Vice President of Student Services or their designee will notify the student by certified mail of the outcome. If the recommendation is for suspension or expulsion, the student will be notified in writing of their right to appeal the decision to the Board of Trustees.

Any request by the student to appeal the decision to the Board of Trustees must be made within forty-eight hours of receipt of the letter sent by the aforementioned administrator outlining the hearing board's decision. If the decision supports a recommendation for expulsion, the suspension will continue until the Board of Trustees can hear the appeal.

If the recommendation opposes suspension or expulsion, the recommendation shall be final, and, the chancellor or designee shall reinstate the student immediately to their status prior to the hearings.

The Board shall, unless a request has been made by the student for an open session, hold closed sessions under the following conditions:

- (a) If the Board is considering the suspension or expulsion of the student.
- (b) If a public hearing upon such question would lead to the giving of information concerning the student which would be in violation of Section 76243 of the Education Code.

5. Before calling such closed session, the chancellor or designee shall, in writing, by registered or certified mail, if the student is a minor notify the parent or guardian, or the student, if the student is an adult, of the intent of the Board to call and hold such closed session. Unless the student, or the student's parents (if the student is a minor) within forty-eight hours after receipt of such written notice, request in writing that the hearing be held in open session, the appeal shall be conducted in closed session. If such written request is served upon the clerk or secretary of the Board, the meeting shall be public except that any discussion at such meeting that might be in conflict with the right to privacy of any other student shall be in closed session. Whether the matter is considered at a closed session or open meeting, final action of the Board shall be taken at a public meeting and the result of such action shall be a public record of the district.

6. The appeal before the Board of Trustees shall be a review of the evidence presented to the Hearing Board, and an opportunity for both sides to present oral argument. No new evidence or witnesses will be heard unless the Board of Trustees so requests.

7. The decision of the Board of Trustees shall be final. Students expelled or suspended for more than one academic year from attendance at colleges or programs of the district shall be entitled to make an annual appeal to the Board of Trustees of the expulsion or suspension by written request directed to the Secretary of the Board that the matter be placed on the agenda of the Board of Trustees. Such appeals shall be conducted as provided in this policy.

Additional copies of the following Rancho Santiago Community College District student policies are available in the RSCCD catalog and the offices of Student Services at both Santa Ana College and Santiago Canyon College:

- Student Code of Conduct
- Sexual Harassment Policy/Complaint Procedures
- Academic Honesty Policy
- Grievance Procedures for Students

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