

## **STUDENT CONDUCT CODE AND DISCIPLINARY PROCEDURES**

### **Article I. Purpose of the Code**

Consistent with the College of the Redwoods mission is an expectation that students will govern themselves in terms of appropriate behavior with emphasis on self-respect and respect for others. It is the practice of the College to respect the properly exercised rights of its students. The College recognizes a student's rights within the institution to freedom of speech, inquiry and assembly; to the peaceful pursuit of education; and to the reasonable use of services and facilities of the College.

The College has adopted a Student Conduct Code and Disciplinary Procedure in order to maintain a learning environment of respect, civility, safety, and integrity for all members of the College community. In addition to the code, students must also recognize and comply with the standards of classroom behavior as stated in their individual course syllabi. Acts of academic dishonesty, disruptive student behavior in the classroom, and appeals to sanctions imposed in each case, are under the jurisdiction of the faculty member and the academic department administrator. Further, students must understand that threats of violence are considered a serious infringement upon the learning environment and will be acted upon accordingly.

### **Article II. Student Conduct Policies**

Procedural fairness and due process is basic to the proper enforcement of all College regulations. Accordingly, no disciplinary action shall be initiated or sanction imposed against students or student organizations until they have been notified in writing of the charges against them and their rights under this Code, and given the opportunity to be heard except in cases where interim suspension is warranted for the health and safety of the community.

All College regulations and policies pertaining to student discipline shall be published, distributed, or posted in such a manner as to furnish adequate notice of their contents to students or student organizations. Each student is responsible for knowledge and compliance with the Student Conduct Code and Disciplinary Procedure.

### **Article III. Vice President for Student Services and Learning Support**

In general, the District President/Superintendent delegates authority for implementation of this regulation to the Vice President for Student Services and Learning Support, or in the case of the Education Centers, the Campus administrator. The Vice President for Student Services and Learning Support may designate other College officials to conduct investigations and student disciplinary hearings, if appropriate.

The Vice President for Student Services and Learning Support shall be responsible for maintaining complete records pertaining to the activities of the Student Conduct Code program. Those records shall include a summary of the business of the Conduct Review Committee and

report of the disposition of each disciplinary case handled by any person or group authorized to impose disciplinary sanctions in the name of the College.

The Vice President for Student Services and Learning Support will provide periodic written reports to the Conduct Review Committee of the disposition of student conduct cases reviewed by that body. At the end of each academic year, the Vice President for Student Services and Learning Support shall submit to the Board of Trustees, College administrators, Academic Division representatives, and student leadership, a written report covering the entire Student Conduct Code program, including the number and type of violations dealt with, an evaluation of the existing rules, policies, and enforcement procedures. The report shall also detail all Code revisions approved during the previous year.

#### **Article IV. Student Rights**

Any student facing possible disciplinary action is entitled to the following procedural rights:

- The right to be notified in writing of the charges against him/her;
- The right to know the nature of the evidence against him/her (unless release of the evidence would endanger the health or safety of victim(s) or witness(es));
- The right to present information and witnesses relevant to his/her defense;
- The right to freedom from compulsory self-incrimination; and
- The right to appear with an advisor.

#### **Article V. Proscribed Conduct of the College**

Sanctions may be imposed for prohibited conduct, which occurs on College premises, at off-campus instructional sites (e.g., experiential coursework, internships, lab, or clinical sites), at College-sponsored extra curricular activities or events when a student serves as a representative of the College, or in the course of using College technology or property. Sanctions may also be imposed for conduct that materially and substantially interferes with the College's operation or education programs or the safety and welfare of the College community.

Jurisdiction is maintained between periods of enrollment unless the accused individual's official record in the Records Office shows a complete withdrawal prior to the expiration of the published deadline for registration for the succeeding period of enrollment. For students enrolled in the spring term, jurisdiction is maintained until the expiration of the published deadline for registration for the succeeding fall term.

Unless state or federal law requires disclosure or unless the student and the College determine otherwise, proceedings under this regulation shall be confidential. Records created and maintained by a law enforcement unit of an educational institution (e.g., campus security), which were created by that law enforcement unit for purposes of law enforcement, are not considered "student records" under FERPA and may be released to third parties as necessary without violating FERPA.

#### **Article VI. Student Code of Conduct Procedures**

##### **(A) Complaint, Notice and Response**

Any member of the College community may file a complaint against any student for misconduct. Complaints must be presented in writing to the Vice President for Student

Services and Learning Support or his/her designee and should be submitted as soon as possible after the event takes place, preferably within fifteen business days.

Within five business days of receiving a complaint, the Vice President for Student Services and Learning Support or his/her designee will notify the accused student in writing of the complaint and afford the student an opportunity to meet with the Vice President for Student Services and Learning Support or designee to respond to the complaint and/or evidence provided in relation to the complaint. Such notice shall advise the student(s) in writing of: (a) the alleged Code violation; (b) the opportunity for the student(s) to meet with the Vice President for Student Services and Learning Support or designee for purposes of discussing the options for disposition of the complaint; and (c) the student's right to have an advisor accompany the student.

A student against whom a complaint has been filed and/or disciplinary charges are pending will not be permitted to withdraw from the College with a clear education record (e.g., a record without notation of disciplinary charges and sanctions) until such charges have resolved.

## **Article VII. Student Code of Conduct Process**

### **(A) Preliminary Investigation**

The Vice President for Student Services and Learning Support or his/her designee will conduct a preliminary investigation to determine if the complaint has merit and/or if the complaint can be disposed of administratively or by mutual consent of the parties involved. The Vice President for Student Services and Learning Support or his/her designee shall meet with the student (and advisor), inform the student of options and rights, and take any of the following actions:

- Make findings of fact on the nature of the complaint;
- Dismiss the case;
- Refer the student for counseling; or
- With or without the student's agreement, refer the case to an informal or formal disciplinary hearing panel and give the student proper notice.

If the complaint can be disposed of at the preliminary investigation stage, such disposition will be final, and there will be no subsequent proceedings. If it is determined that the complaint has merit, and if the complaint cannot be disposed of after the accused student meets with the Vice President for Student Services and Learning Support or his/her designee then the Vice President for Student Services and Learning Support or his/her designee will, within five business days after meeting with the student, notify the student in writing that the charged misconduct will be referred for an informal student disciplinary hearing, or formal hearing by the Conduct Review Committee.

### **(B) Informal Student Disciplinary Hearing**

Student conduct hearings are based on fundamental practices of fairness, with the standard for finding a violation being a preponderance of the evidence. Hearings are not formal legal proceedings and are not subject to the evidentiary rules that govern civil or criminal hearings.

- 1) Prior to the informal hearing, the student will be notified in writing of the alleged conduct violation, the evidence pertaining to the allegation, (unless release of evidence would endanger the health or safety of victim(s) or witnesses) and the student's opportunity to be heard at the informal hearing. The notice will also inform the accused student of the date, time, and location of the hearing which must be scheduled not less than five business days nor more than ten business days after the date of written notice. The written notice will also contain a copy of the Conduct Code. A student may, conditional on 24-hour notice to and approval of the Vice President for Student Services and Learning Support or his/her designee, have an advisor attend the informal hearing. In hearings involving more than one accused student, the Vice President for Student Services and Learning Support or his/her designee shall permit the hearings concerning each student to be conducted separately.
- 2) If the accused student fails to appear for a scheduled informal student disciplinary hearing without good cause, a hearing may be held without the student being present.
- 3) The Vice President for Student Services and Learning Support or his/her designee may decide to dismiss the charges, warn the student involved, act as mediator to resolve the charges, or sanction the student. Within five business days of the date of the informal hearing, the Vice President for Student Services and Learning Support or his/her designee will notify the student of the decision in writing.
- 4) Unless the Vice President for Student Services and Learning Support or his/her designee determines that the accused student should be suspended or expelled, a decision reached by the Vice President for Student Services and Learning Support or his/her designee shall be final.
- 5) In matters which result in suspension or expulsion, the accused student may appeal the decision to the President/Superintendent within ten business days of the date of the decision.

### **(C) Formal Hearing**

#### **1) Conduct Review Committee**

The accused student may request, or the Vice President for Student Services and Learning Support may require, that the charges be resolved at a formal hearing provided by Conduct Review Committee. The Vice President for Student Services and Learning Support shall consider the preference of the accused student, the nature of the charges, and the availability of the committee members when assigning the case for a hearing.

The Conduct Review Committee will hear cases and make decisions on appropriate sanctions. The Committee will be established at the beginning of each academic year and will be composed of:

- One member of the administration (and an alternate) appointed by the President/Superintendent.
- Two members (and an alternate) of the classified staff appointed by the President of the College from a list of staff members submitted by the classified bargaining unit. Vacancies of classified staff members shall be filled by action of the classified bargaining unit.

- Two members (and an alternate) of the faculty appointed by the President/Superintendent from a list of faculty members submitted by the Academic Senate. Each faculty member must be a full-time or part-time faculty member at the College. Vacancies of faculty members shall be filled by action of the Senate.
- Two members (and an alternate) of the student body appointed by the President/Superintendent from a list of students submitted by the President of the ASCR. Each student must be enrolled not less than half-time (6 units minimum) and have a cumulative GPA of at least 2.0. Vacancies of student members shall be filled by recommendation of the Associated Students.
- The President of the College will appoint the chair of the Conduct Review Committee.

Conduct Review Committee members and alternates serve on the committee for the academic year. Alternate members may be reappointed to serve as full members for the next academic year.

The Vice President for Student Services and Learning Support or designee shall serve as non-voting Secretary and advisor to the Conduct Review Committee. No Conduct Review Committee member may sit on the Committee during a hearing if that member is a complainant, witness, has a direct or personal interest in the outcome of the hearing, or has previously acted in an advisory capacity to the accused student.

The Chair of the Conduct Review Committee may establish a hearing format consistent with this Code. In cases involving more than one accused student, the Chair of the Conduct Review Committee and the Vice President for Student Services and Learning Support or his/her designee will determine if hearings or conferences concerning each student will be conducted jointly or separately. The decision of the Committee Chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by other members of the panel to the contrary.

## **2) Formal Disciplinary Hearing Process**

Formal hearings will be conducted by the Conduct Review Committee according to the following guidelines:

1. Quorum for a hearing requires that five (5) of the seven Conduct Review Committee members are present for the hearing.
2. Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than five days prior to the date of the hearing. In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the Chair of the committee agree to the contrary.

3. The student will be notified by certified mail of a hearing at least seven business days in advance of the hearing. The letter will inform the student of:
  - The charges alleged to have been violated and sufficient details of the complaint for the basis of the allegation to be understood;
  - The time, location and place of the hearing;
  - A statement of the respondent student's rights as stated in the Code; and
  - The name of the person(s), group, or College office filing the charges.
4. In all cases, the evidence in support of the charges will be presented and considered whether or not either party is in attendance.
5. The accused student may be accompanied by an advisor if so desired conditional on 24-hour notice to and approval of the Vice President for Student Services and Learning Support or his/her designee. The advisor may attend the hearing with the student to counsel him/her and suggest questions. The accused student and advisor may be present during the entire time of the hearing, except during the deliberations of the Conduct Review Committee. In no event may the advisor participate directly by speaking for either party or questioning witnesses. Admission of any other person to the hearing will be at the discretion of the Chairperson.
6. The student may represent himself or herself, and may also have the right to be represented by a person of his or her choice. Except that the student shall not be represented by an attorney unless, in the judgment of the Conduct Review Committee Chair, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented with the name and office address of the attorney not less than five days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the College representative may request legal assistance. The Conduct Review Committee may also request legal assistance; any legal advisor provided to the committee may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.
7. The facts regarding the case shall be presented by a College representative.
8. The accused student, the complaining parties, and the College representative may present evidence, including witnesses and written statements. The Conduct Review Committee Chair will determine the format of the hearing, and the admissibility of witnesses or written statements, and may elect not to hear such testimony if deemed redundant or irrelevant.
9. The accused student is not required to answer questions of an incriminating nature. The Chair of the Conduct Review Committee retains authority to question witnesses and parties to the alleged violations and will determine the appropriateness of questions posed by the parties.
10. Pertinent and relevant information may be reviewed without regard to the legal rules of evidence.

11. The Chair of the Conduct Review Committee may opt to hear the testimony of witnesses separately.
12. Unless the Committee Chair decides otherwise, the College representative and the student shall each be permitted to make an opening statement. Thereafter, the College representative shall make the first presentation, followed by the student. The College representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by substantial evidence that the facts alleged are true.
13. There will be a single verbatim record, such as a tape recording, of all hearings before the Conduct Review Committee. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the committee chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recordings shall remain in the custody of the College at all times, unless released to a professional transcribing service. Access is limited to reviewing the verbatim record only on College premises and in the presence of the Vice President for Student Services and Learning Support or his/her designee. The verbatim record will be the property of the College.
14. All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded is not considered unavailable.
15. The Conduct Review Committee may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where as determined in the sole judgment of the Vice President for Student Services and Learning Support to be appropriate and in the best interests of the College.
16. Determination of violations shall be made based on the preponderance of evidence.
17. Decisions by the Conduct Review Committee shall be by majority vote.
18. The Vice President for Student Services and Learning Support shall notify the accused student via certified mail, return receipt requested, of the Conduct Review Committee's findings within the shortest reasonable time after the decision has been rendered (not to exceed ten business days of the hearing). The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of Student Conduct Code were violated. The decision shall also include the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on

matters outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

19. If the student is found not to be in violation of the Student Code of Conduct, and if coursework has been missed as a direct result of action taken against the student, appropriate action will be taken in order to assist the student to complete the course, reimburse the cost of tuition, or reach other alternatives.

### **3) Appeals of Formal Hearing Decisions**

A decision reached and/or sanction imposed by the Conduct Review Committee at the formal hearing may be appealed by the accused student in writing by certified mail within ten calendar days after receipt of the Committee's decision to the President/Superintendent. The President/Superintendent will not hold a hearing. Rather, resolution of the appeal shall be based upon the written findings and decision from the Conduct Review Committee, the record of the hearing, as well as any written documentation submitted by either party during the hearing. The Vice President for Student Services and Learning Support or his/her designee will provide all relevant documentation to the President/Superintendent.

The appeal must include the name of the individual making the appeal, the action that is being appealed, the date the action took place, and the grounds for appeal. Appeals, including rationale, must be made on the basis of one or more of the following:

1. The sanction imposed is too severe for the offense and is unwarranted;
2. The student's due process rights were violated; or
3. New evidence has come to light which clearly alters the circumstances on which the action was taken.

The President/Superintendent shall render a decision within ten business days after receipt of the appeal and shall inform the student immediately by certified mail. The decision of the President/Superintendent may result in a sanction more severe than that imposed by the Conduct Review Committee.

In all cases but expulsion, the President/Superintendent's decision regarding the appeal will be final.

Should the President/Superintendent uphold an expulsion decision that the student wishes to contest further, the student may appeal in writing to the Board of Trustees. In this instance, the following procedure will be followed:

1. The Board of Trustees shall consider any appeal at the next regularly scheduled meeting of the Board after receipt of the recommended decision.
2. The Board of Trustees shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures.

3. The student shall be notified in writing, by registered or certified mail or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.
4. The student may, within forty-eight hours after receipt of the notice, request that the hearing be held as a public meeting.
5. Even if a student has requested that the Board of Trustees consider an expulsion recommendation in a public meeting, the Board of Trustees will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.
6. The Board of Trustees may accept, modify or reject the findings, decisions and recommendations of the President/Superintendent and/or the hearing panel. If the Board of Trustees modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board of Trustees shall be final.
7. The final action of the Board of Trustees on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the College.

## **Article VIII. Code of Conduct Violations and Sanctions**

### **(A) Violations**

Students are expected to demonstrate qualities of morality, integrity, honesty, civility, honor, and respect. Disciplinary action may be initiated by the College and sanctions imposed against any student or student organization found responsible of committing, attempting to commit, or intentionally assisting in the commission of any of the following prohibited forms of conduct:

#### **Academic Dishonesty**

In the academic community, the high value placed on truth implies a corresponding intolerance of scholastic dishonesty. In cases involving academic dishonesty, determination of the grade and of the student's status in the course is left solely to the discretion of the faculty member. In such cases, where the College representative determines that a student has demonstrated academic dishonesty, the representative is encouraged to report the incident of dishonesty to the Vice President for Student Services and Learning Support or his/her designee in order to discern potential patterns of egregious dishonesty. Acts of academic dishonesty for which sanctions may be imposed includes, but are not limited to, the following:

1. Cheating which includes, but is not limited to:
  - a. The use of any unauthorized assistance in taking quizzes, tests, or examinations.
  - b. Having another individual take an exam.
  - c. Submitting the same paper in two different courses without specific permission of the current faculty member(s).
  - d. Falsifying a laboratory experiment or report of an experiment.
  - e. Dependence upon the aid of sources beyond those authorized by the faculty member in writing papers, preparing reports, solving problems, or carrying out other assignments.

- f. The surreptitious or unauthorized acquisition of testing materials or other academic material belonging to a member of the College community. Students need not employ the materials; they need only to possess them in order to violate this code.
  - g. Electronic devices, which include, but are not limited to: abuse of cellular devices with photographic capability for the purposes of photographing test questions or other notes and materials.
  - h. Furnishing false information to any CR official, faculty member, or office.
  - i. Forgery, alteration, or misuse of any CR document, record, or instrument of identification.
  - j. Knowingly helping another to commit an act of academic dishonesty.
2. Plagiarism which includes, but is not limited to:
    - a. Using, by paraphrase or direct quotation, of the published or unpublished work of another person without full, clear, and accurate acknowledgement.
    - b. The unacknowledged use of another writer's ideas without proper citation. Borrowing all or part of another individual's work or using someone else's outline to write your own work.
    - c. Copying another individual's computer printout and/or computer files and using it as one's own.
    - d. Using an agency or Internet website engaged in the selling of term papers or other academic materials.
  3. Hampering or discrediting the academic work of others by, but not limited to, the following:
    - a. Misusing, damaging, hiding, or stealing library resources.
    - b. Altering or misusing computer programs or equipment.
    - c. Interfering with the rightful computer access of others.

### **Disrupting or Obstructing the Work and Operation of the College**

1. Making false statements to any College official.
2. Physical abuse or other conduct which threatens or endangers the health or safety of any person.
3. Verbal threats, harassment, intimidation, and/or similar threatening conduct that disrupts the educational environment or members of the College community.
4. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization.
5. Initiation of or participation in a hate crime.
6. Using electronic technology which includes, but is not limited to: internet, e-mail, telephone, fax machines, or instant messaging to intimidate another member of the College community.
7. Theft (actual or attempted) or destruction of College property or property belonging to a member of the College community or other abuse of College

computer facilities, programs, technology and equipment, including, but not limited to:

- a. Unauthorized entry into a file to use, read or change the contents, or for any other purpose.
  - b. Unauthorized transfer of a file including the use of peer-to-peer-file-sharing.
  - c. Unauthorized use of an individual's identification and password.
  - d. Use of computing facilities to interfere with the work of a student, faculty member or College official.
    - i. Use of computing facilities to interfere with operation of the College computing systems.
    - ii. Unauthorized use or copying of copyrighted software.
    - iii. The unauthorized installation or use of an unauthorized program.
    - iv. Unauthorized use of computer time for personal or business purposes.
    - v. Use of the College computer facilities, programs, equipment or technology to send obscene or abusive messages.
    - vi. Unlawful or unauthorized use of the Internet; the unauthorized connection of technological and computing equipment to the College's computers and/or network.
    - vii. The unauthorized use of any form of a digital camera or imaging equipment.
8. Unauthorized use of cell phones, pagers and other communication devices in all instructional areas and the Library, including all labs and classrooms during instructional sessions.
  9. Coercion, which is defined as attempting to compel, control, or manipulate another through the threat of force, intimidation, exploitation of fear or anxiety, including explicit and implied physical and verbal threats against another person.
  10. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other CR activities, including its public service functions on or off campus, or of other authorized non-CR activities when the conduct occurs on CR premises.
  11. Intentionally obstructing or denying access to facilities or services to individuals entitled to use such services or facilities.
  12. Intentionally interfering with the lawful rights of other persons on campus.
  13. Sexual harassment which includes any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when such conduct has the purpose or effect of substantially interfering with an individual's work performance, or participation in extracurricular activities.
  14. Sexual harassment and/or actions of a sexual nature as defined by law or by College policies, which creates an intimidating, hostile, or offensive working or educational environment.
  15. Violation of local, county, state, or federal law, whether it be on or off campus, only when a definite College interest is involved and where the student misconduct distinctly and adversely affects the College's pursuit of its

educational mission. Violation of these laws may lead to prosecution by law enforcement agencies in addition to sanctions by the College.

16. The College prohibits anyone from wearing, transporting, storing, or possession of firearms or other weapons on College property (including College-owned vehicles and parking lots), at College-sponsored or College-related functions or events, and during times when acting as a representative of the College whether on or off College premises. Individuals who commit such acts may be removed from College premises and/or subject to disciplinary action, criminal penalties, or both. Possession of “weapons”, which includes but is not limited to firearms (including any gun, rifle, shotgun, pistol, BB or pellet gun, any firearm or device from which a projectile may be fired by an explosive, any firearm or device operated by gas or compressed air), knives (including any bowie knife, spring blade knife, dagger, switchblade knife), explosives, chemical or biological weapons, slingshot, metal knuckles, blackjack, any object which by use, design, or definition may be used to inflict injury upon a person, and any object if used, attempted to be used, or threatened to be used to cause bodily harm. “Weapons” does not include mace or pepper spray type products designed and carried solely for the purpose of self-protection.
  - a. This does not apply to any certified law enforcement personnel engaged in official duties.
  - b. Activities requiring use of the prohibited items may be conducted on approval of the activity by the President or his/her designee.
17. Intentional obstruction of the freedom of movement of pedestrian or vehicular traffic on College premises. This does not apply to any certified law enforcement personnel in official duties or law enforcement students engaged in official course activities.
18. Participation in a campus demonstration which disrupts the normal operations of the College and infringes on the rights of other members of the College community.
19. Leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
20. Detention or physical abuse of any person or conduct which is intended to threaten imminent bodily harm or endanger the health or safety of any person on any property owned or controlled by the College or at any College sponsored or supervised functions.
21. Failure to comply with reasonable directions of College officials or public safety officers acting in performance of their duties on campus or affecting conduct on campus.
22. Unauthorized possession, duplication or use of keys to any CR premises or unauthorized entry to or use of CR premises.
23. Being an accessory to any person on the College campus who is or who is not a member of the College community who violates this code.
24. Violation of College Board policies, published college policies, rules, procedures, or regulations.

25. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on CR premises or at functions sponsored by, or participated in by, CR or members of the College community.
26. Abuse of the Student Code of Conduct, including but not limited to:
  - a. Failure to obey the notice from the Conduct Review Committee or CR official to appear for a meeting or hearing as part of the Conduct Review Committee.
  - b. Falsification, distortion, or misrepresentation of information before the Conduct Review Committee.
  - c. Disruption or interference with the orderly conduct of the Conduct Review Committee proceeding.
  - d. Institution of a student conduct code proceeding in bad faith.
  - e. Attempting to discourage an individual's proper participation in, or use of the student conduct system.
  - f. Attempting to influence the impartiality of a member of the Conduct Review Committee prior to, and/or during the course of, the Student Conduct Board proceeding.
  - g. Harassment (verbal or physical) and/or intimidation of a member of the Conduct Review Committee prior to, during, and/or after a student conduct code proceeding.
  - h. Failure to comply with the sanctions(s) imposed under the Student Code.
  - i. Influencing or attempting to influence another person to commit an abuse of the student conduct code system.
27. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code Section 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
28. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the College.
29. Willful misconduct that results in injury or death to a student or to College personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the College or on campus.
30. Dishonesty; forgery; alteration or misuse of College documents, records or identification; or knowingly furnishing false information to the College.
31. Engaging in expression which is obscene, libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on College premises, or the violation of lawful College regulations, or the substantial disruption of the orderly operation of the College.
32. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
33. 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 procedure.

34. Knowing possession or use of explosives, dangerous chemicals, or deadly weapons without prior authorization of the President/Superintendent.
35. Disengaging smoke or fire detection equipment.
36. Students are required to engage in responsible social conduct that reflects credit upon the CR Community and to model good citizenship in any community.

## **(B) Sanctions**

Any time a sanction is specifically provided for herein, the employee or officer authorized to impose such sanctions may impose a lesser sanction. For the purposes of this rule, expulsion is the most severe sanction, followed by suspension, probation, and written and oral warning. A student may be given an interim suspension and, subsequently, may be subjected to further disciplinary action by the College, up to and including expulsion, if such further sanction is found to be appropriate in light of the conduct of the student. In all such cases, the fact of the earlier sanction shall be taken into consideration in determining the extent of any further sanctions.

Disciplinary actions will be enforced by the College. Consequently, each campus, education center, or instructional site within the District will honor sanctions imposed by the College.

### **Individual Sanctions**

1. **Warning** - a written or oral notice to the student that continuation or repetition of certain conduct may be cause for disciplinary action under this regulation.
2. **Probation** - a reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s). If a student violates any condition of probation or again is charged with a violation of the standards of student conduct during the probationary period, such action shall be grounds for revocation of the student's probationary status and for further disciplinary action to be taken in accordance with this regulation.
3. **Loss of Privilege** - a denial of specified privileges for a designated period of time. This may include, but is not limited to, access to facilities, services or offices or participation in clubs, organizations, or College-sponsored events.
4. **Restitution** - a requirement of any student who has caused non-accidental damage to College property to pay the College the cost of replacing or repairing the property in question. The College may withhold, after appropriate written notice to the student, grades, transcripts, certificates, diplomas, registration privileges, or any combination thereof from any student who fails to repay or refuses to repay any valid debt owed to the College (Education Code Section 72237).
5. **Community Service** - the performance of community service as a sanction for misconduct. Determination of the type of work to be performed, the number of

hours of service, and the responsibility for supervising the service will be made in consultation with the Vice President for Student Services and Learning Support.

6. **Withdrawal from class** - an administrative withdrawal with consequent loss of tuition and fees from a class, classes, or program.
7. **Limited Access** - an administrative restriction to selected parts/locations of campus buildings.
8. **Other penalties** - the student may be denied a transcript or degree until all of the obligations specified by a disciplinary body are met or other penalties as may be imposed as ones determined to fit the misconduct.
9. **College suspension** - the separation of the student with consequent loss of tuition and fees from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
10. **College expulsion** - the permanent separation with consequent loss of tuition and fees of the student from the College.
11. **Discretionary Sanctions** - a work assignment, service to the College or neighboring communities, or other related discretionary assignments (such assignments must have the prior approval of the disciplinary advisor).
12. **Counseling or Education Seminars** - the requirement to participate in counseling seminars or educational workshops in lieu of, or in addition to, the imposition of sanctions.
13. **Revocation of Admission or Degree** - the admission to the College may be revoked based on fraud, misrepresentation or other forms of misconduct related to the admissions process. The granting of a degree by the College may be revoked based on fraud, misrepresentation or other forms of misconduct related to obtaining the degree.
14. **Deactivation** - the loss of privileges, including College recognition, for a specified period of time for any student club, group, or organization.

### **(C) Removal from Class**

Any faculty member may, for good cause, order a student removed from his or her class for the day of the removal and the next class meeting. (Education Code Section 76032)

The faculty member shall immediately report the removal to the Division Representative and the Vice President for Student Services and Learning Support or his/her designee. The Vice President for Student Services and Learning Support or his/her designee shall arrange for a conference between the student and the faculty member regarding the removal. If the faculty member or the student requests, the Vice President for Student Services and Learning Support or his/her designee shall attend the conference.

The student shall not be returned to the class during the period of the removal without the concurrence of the faculty member. Nothing herein will prevent the Vice President for Student Services and Learning Support or his/her designee from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

The student may only appeal the decision of a faculty member to the appropriate Academic administrator on the following grounds:

1. The sanction imposed is too severe for the offense and is unwarranted;
2. The student's due process rights were violated; or
3. New evidence has come to light which clearly alters the circumstances on which the action was taken.

When the faculty member or academic administrator determines that College disciplinary action beyond that taken by the faculty member is appropriate, the matter shall be referred to the Vice President for Student Services and Learning Support who will review the case.

## **Article IX. Immediate Suspension and Denial of Access**

### **(A) Immediate Suspension**

The President/Superintendent may impose an immediate suspension on a student only where such action is required in order to protect lives or property and to ensure the maintenance of order on the campus or at a campus function. To the extent the circumstances reasonably permit, the District's legal advisor will be consulted on the issue of whether an immediate suspension is appropriate.

Notice of such suspension shall be given to the student either orally or in writing. Such notice shall advise the student of the right to a hearing.

Within 48 hours of ordering an immediate suspension, the President/Superintendent or designee shall forward written notice to the student of the basis for the action. Such notice shall be addressed to the student's last known address and shall advise the student of a right to a hearing and the time and location of such hearing. Unless the student agrees otherwise, such hearing shall be held no later than ten (10) days following suspension.

### **(B) Withdrawal of Consent to Remain on Campus**

The Vice President for Student Services and Learning Support or his/her designee may notify a student that the consent to remain on campus or other facility under the control of the College has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility. To the extent the circumstances reasonably permit, the College's legal advisor will be consulted on the issue of whether consent to remain on campus should be withdrawn.

Whenever consent is withdrawn by any authorized officer or employee other than the President/Superintendent, such officer or employee shall, as soon as is reasonably possible, submit a written report to the President/Superintendent. Such report shall contain all of the following:

1. Description of the person from whom consent was withdrawn, including, if available, the person's name, address, and telephone number.

2. A statement of the facts giving rise to the withdrawal.

If the President/Superintendent or designee, upon reviewing the report, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, he or she may enter written confirmation upon the report of the action taken by the officer or employee.

If the President/Superintendent or designee does not confirm the action of the officer or employee within 24 hours after the time the consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect.

The notice given to the student may be given orally or in writing and shall advise the student of the right to a hearing as set out herein.

In no case shall summary withdrawal of consent under this Article be withdrawn for longer than 14 days from the date upon which the consent was initially withdrawn.

Consent to return to the campus within the maximum 14-day period shall be reinstated by the President/Superintendent whenever he or she has reason to believe that the presence of the student from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility.

**(C) Denial of Access**

After a hearing, any suspension or expulsion based on conduct that disrupted the orderly operation of a campus or other facility and that also violates a provision of a California statute may include denial of access to the campus or facility as a condition of such suspension or expulsion for the period of the suspension or in the case of expulsion for a period not to exceed one year (Penal Code, Section 626.2). A student who willfully and knowingly enters the campus or facility during the period for which access has been denied is guilty of a misdemeanor pursuant to Penal Code, Section 626.2. In the case of a suspension, such entry may be grounds for further disciplinary action.

**(D) Disciplinary Action by a Faculty Member**

Any College faculty member, for good cause, may remove any student from his or her class for the day of the suspension, or the day of the suspension and the next class day.

Except where circumstances require immediate action, a faculty member, before ordering the suspension of any student from his or her class, shall first give or make reasonable efforts to give the student an oral notice of the reasons for the proposed suspension.

Upon delivery to the student of the notice, the faculty member shall give or make reasonable efforts to give the student an opportunity to present any oral rebuttal to the accusation or otherwise to offer relevant comment on the proposed suspension.

After considering any rebuttal or any other information relevant to the issue offered by the student, the faculty member shall then decide whether to revoke, modify, or proceed

with the proposed suspension. The faculty member's decision may be given to the student either orally or in writing.

The student may only appeal the decision of a faculty member to the appropriate Academic administrator on the following grounds:

1. The sanction imposed is too severe for the offense and is unwarranted;
2. The student's due process rights were violated; or
3. New evidence has come to light which clearly alters the circumstances on which the action was taken.

Following the suspension the faculty member shall notify the appropriate Academic administrator and the Vice President for Student Services and Learning Support of the suspension in writing and shall provide both parties with copies of all documentation related to the incident. A copy will also be provided to the student.

In no instance shall a student be returned to the class from which he or she was suspended under this Article during the period of suspension without the concurrence of the faculty of the class and the appropriate Academic administrator.

## **Article X. Fees, Denial of Aid, and Readmission**

### **(A) Fees**

No fees paid by or for a student for the semester, summer session, or other term in which he or she is suspended or expelled shall be refunded, except as may be required by law. If the student is readmitted before the close of the semester, summer session, or other term in which he or she is suspended, the student will not be charged any additional fees as a result of the suspension.

### **(B) Denial of Aid**

Any recipient of financial aid who willfully and knowingly commits any act likely to disrupt the peaceful conduct of College activities, and who is arrested and convicted of a public offense arising from such act, may be determined to be ineligible for any financial aid for a period not to exceed the ensuing two academic years.

Any recipient of such financial aid who, after a disciplinary hearing, is found to have willfully and knowingly disrupted the orderly operation of the College but who has not been arrested and convicted may be determined to be ineligible for any further financial aid for such period not to exceed the ensuing two academic years.

Any such recipient who is suspended from the College for such acts shall be ineligible for financial aid for a period not less than the time of such suspension.

### **(C) Admission or readmission**

Admission or readmission may be denied to any person who, while not enrolled as a student, commits such acts which, were he or she enrolled as a student, would be the basis for disciplinary proceedings under this regulation. In addition, admission or

readmission may be denied to any person who, while a student, commits acts that are subject to disciplinary action pursuant to this regulation. Any conduct for which admission or readmission may be denied must be related to a College activity or College attendance. Appeals regarding denial of admission or readmission shall be made to the Vice President for Student Services and Learning Support or, in the case of the education centers, the Campus administrator.

#### **Article XI. Definitions**

- **Attorney:** Any person who is admitted to practice law before any state or federal court.
- **Behavior:** Shall include conduct and expression.
- **Cheating:** Intentionally using or attempting to use unauthorized materials in any academic exercise.
- **Class:** Any duly authorized class session or other College function, whether on or off campus, whether for credit or not, whether offered in a day, evening, or summer program, and shall include any duly scheduled field trip, excursion, field placement, or work experience program under the auspices of the College and the faculty member.
- **College:** The Redwoods Community College District
- **College premises:** Includes all land, buildings, facilities and other property in the possession of or owned, used, or controlled by the college (including adjacent streets and sidewalks).
- **College property:** Real or personal property in the possession of, or under the control of, the Board of Trustees of the Redwoods Community College District; College food, bookstore, or retail facilities, whether operated by the College or by the students of the College; and other property or facilities leased or rented by the College.
- **College-sponsored event:** Any event or activity on or off College premises that is directly initiated, sponsored, supported, or supervised by the College.
- **Complainant:** Any person who submits a charge alleging that a student violated this Student Code and the term “Accused Student” means any student accused of violating this Student Conduct Code.
- **Complicity:** Knowingly helping another to commit an act of academic dishonesty.
- **Conduct Review Committee:** Refers to the disciplinary board.
- **Days:** A day during which the College is in session and regular classes are held, including summer session days and excluding Saturdays and Sundays, unless otherwise specified in this regulation.
- **Deadly Weapons:** Includes, but is not limited to, any instrument or weapon of the kind commonly known as a blackjack, slingshot, billy, sand-club, sandbag, or metal knuckles; any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade longer than 3 ½ inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade; a pistol, revolver, or any other firearm; any metal pipe or bar used or intended to be used as a club; or any other dangerous object of no reasonable use to the student.
- **Expulsion:** Exclusion of the student from all College premises for one or more terms.
- **Faculty Member:** Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

- **Hazing:** Any method of initiation into a student organization or any pastime or amusement engaged in with regard to such an organization which causes, or is likely to cause, bodily danger or physical or emotional harm to any member of the College community; but the term "hazing" does not include customary athletic events or other similar contests or competitions.
- **Lewd or indecent:** A person who removes his/her underclothing and exposes himself or herself, masturbates, engages in voyeurism, or performs any other act in a public place or under circumstances which the person should know will likely cause affront or alarm to another person.
- **Long-term Suspension:** Exclusion of the student for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the College for one or more terms.
- **Member of the College Community:** Community College District trustees, certificated, classified and administrative personnel; students; and other persons while such other persons are on College property or at a College function.
- **Plagiarism:** Using another's work or ideas as if they were one's own without giving credit to the source.
- **Preponderance of evidence:** When considering all the evidence in the case, the decision maker is persuaded that the allegations are probably more true than not.
- **Removal from class:** Exclusion of the student by a faculty member for the day of the removal and the next class meeting.
- **Rules of Privilege:** The rules of privilege adopted by the California Legislature. Rules of privilege exist because maintenance of confidentiality of certain relationships is considered of greater value than the disclosure of evidence which is acquired within those relationships. Examples of such communications are those made in the course of the lawyer-client, physician-patient, and psychotherapist-patient relationship.
- **Short-term Suspension:** Exclusion of the student for good cause from one or more classes for a period of up to ten consecutive days of instruction.
- **Student:** Any person currently enrolled as a student at any college or in any program offered by the District.
- **Withdrawal of Consent to Remain on Campus:** Withdrawal of consent by the Vice President for Student Services or his/her designee for any person to remain on campus in accordance with California Penal Code Section 626.4 where the Vice President for Student Services and Learning Support or his/her designee has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.
- **Written or verbal reprimand:** An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the District. A record of the fact that a verbal reprimand has been given may become part of a student's record at the District for a period of up to one year.

## **Article XII. Interpretation and Revision**

Any question of interpretation regarding the Standards of Student Conduct and Disciplinary Process will be referred to the Vice President for Student Services and Learning Support or his/her designee for final determination.

Technical departures from the provisions of this regulation and errors in their application shall not be grounds to void the College's right to take disciplinary action against a student, unless, in the opinion of the President/Superintendent, the technical departure or error prevented a fair determination of the issue.

This regulation is applicable to actions taken against a student based on that student's failure or refusal to abide by the Code of Conduct. This regulation is not applicable to matters that are covered by student grievance procedures such as those that arise under Title IX (sex discrimination), College Policies regarding sexual harassment, or Federal Rehabilitation Act of 1973, Section 504 (students with disabilities); residence hall licensure terminations; withholding of services, including certificates, diplomas, or transcripts for non-payment of debts to the College; student activity members, such as student councils; residence determination; and academic matters such as, but not limited to, admission and enrollment decisions, the assignment of classes or grades, and probation, suspension or dismissal for academic reasons.

**The Campus Security Act of 1992** requires statistics on various kinds of crimes, including sex offenses. Statistics are required on forcible and non-forcible sex offenses. Forcible sex offenses are "any sexual acts directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent," and include forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling. Non-forcible sex offenses are acts of "unlawful", non-forcible sexual intercourse," and includes incest and statutory rape. (Complying with the New Federal Laws: Sex Offenses on Campus, prepared by the American Council on Education and National Association of Student Personnel Administrators, March 1993).

References: California Education Code Sections 66300, 66301, 72122, 76030; Accreditation Standard II.A.7.b

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Former Administrative Regulation #505.01, "Student Code of Conduct," Approved: 2/80

Revised: 10/4/93; 2/2/98; 5/17/04; 4/4/05

"Appendix for Student Code of Conduct," Approved by the Academic Senate: 2/20/04; 3/4/05