



STUDENT CONDUCT CODE AND DISCIPLINARY PROCEDURE

1.0. Purpose of the Code

The purpose of this code is to recognize 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. Consistent with the College of the Redwoods' mission is an expectation that students will govern themselves in a manner that demonstrates appropriate behavior with emphasis on self-respect and respect for others. It is the practice of all employees and representatives of the College to respect the properly exercised rights of its students.

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, and may be referred to the CSSO as student conduct violations. Threats of violence are considered a serious infringement upon the learning environment and will be acted upon accordingly. All students, including students with disabilities, have the responsibility to meet the Student Conduct Code and Disciplinary Procedure by adapting behavior to the educational environment. If disruptive behaviors persistently occur or student conduct code and disciplinary procedure is violated, the issue is not be defined as a health issue. It will be defined as a disciplinary issue, and a referral to the college disciplinarian will be made.

2.0. Student Conduct Policies

Procedural fairness and due process are basic to the proper enforcement of all College regulations. Accordingly, no disciplinary action shall be 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, with the exception that a hold status (may, shall, or will) be placed on student records until the specific complaints have been resolved, and except in cases where interim suspension is warranted for the health and safety of the College community.

In general, the District President/Superintendent delegates authority for implementation of this administrative procedure to the Chief Student Services Officer (CSSO). The "CSSO" designation may be assigned by the President/Superintendent

to any College administrator. The CSSO may designate other College officials to conduct investigations and student disciplinary hearings, if appropriate.

The CSSO shall be responsible for maintaining complete records pertaining to all activities relating to the implementation of the Student Conduct Code. 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 or other recommendations in the name of the College.

3.0. Student Rights

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

- 3.1. The right to be notified in writing of the charges against him/her;
- 3.2. 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));
- 3.3. The right to present information and witnesses relevant to his/her defense;
- 3.4. The right to freedom from compulsory self-incrimination; and
- 3.5. The right to appear at a hearing before the Conduct Review Committee with an advisor.

4.0. 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, or lab), 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. Examples of prohibited conduct are described in Section 8.0: Code of Conduct Violations and Sanctions. To the extent permitted by California law, the College may respond to alleged sexual assault or sexual exploitation that is not related to College activity or College attendance.

5.0. Jurisdiction and Privacy

Unless state or federal law requires or permits disclosure or unless the student and the College determine otherwise, proceedings under this regulation shall be confidential.

Records created by public safety, which were created by that law enforcement unit for purposes of law enforcement, are not considered "student records" under the Family Educational Rights and Privacy Act (FERPA) and may be released to third parties as necessary without violating FERPA.

6.0. Student Code of Conduct Procedures

Any member of the College community may file a complaint against any student for alleged misconduct. Complaints must be presented in writing to the CSSO or his/her designee and should be submitted as soon as possible after the event takes place, preferably within fifteen days.

For purposes of these procedures, the term “day” refers to any day during which the District is open for business. Should the final day of a required process fall on a Saturday or Sunday, the following Monday shall be considered the final day. A final day falling on a College holiday shall be considered the first weekday following the holiday.

Although specific timeframes are identified in these processes, any of the timeframes may be extended by the District for good cause upon written notice to the accused student, providing such notice includes the reason(s) for the extension.

A student against whom a complaint has been filed and/or disciplinary charges are pending will have a hold status placed on his/her records and 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 been resolved.

6.1. Investigation and Notice to Student

Allegations or complaints of student misconduct that are brought to the attention of the CSSO shall first be analyzed to determine whether the alleged conduct, if true, would constitute a violation of District policies. Upon a determination that alleged misconduct, if true, would constitute a violation of District policies, the CSSO, or his/her designee, shall promptly and thoroughly investigate the matter.

An investigative process should, to the extent possible, be concluded within twenty (20) days of the initiation of the investigation. An investigative report shall be prepared that usually includes the following:

- 6.1.1. A description of the circumstances giving rise to the complaint.
- 6.1.2. A summary of the testimony provided by each witness.
- 6.1.3. An analysis of relevant data.
- 6.1.4. A finding of whether there is reasonable cause to believe that misconduct occurred.
- 6.1.5. Any other information considered appropriate by the District.

The contents of the investigative report may be adjusted to take into account admissions made by an accused student that eliminate the need for witness testimony or other factors that might affect the scope of an investigation.

6.2. Imposing Sanctions

If the student does admit misconduct, and if the CSSO or designee concludes that there is sufficient information to sustain a finding of misconduct that violates specific standards of conduct, the CSSO or designee may impose or defer one or more of the sanctions listed under Code of Conduct Violations and Sanctions. The CSSO or designee may impose a sanction other than suspension or expulsion if the CSSO or designee concludes by a preponderance of the evidence that the student violated one or more specific standards of conduct, even if the student does not admit misconduct. Recommended sanctions involving separation from the College (i.e., Suspension or Expulsion) may be imposed or recommended by the CSSO or designee to the Student Conduct Review Committee where the Committee will consider whether suspension and/or expulsion is an appropriate sanction for the admitted misconduct in violation of the standards of conduct. The Committee is not required to make additional factual findings where there is clear evidence that a student has admitted misconduct.

When the Committee is not readily available, or when convening the Committee is impractical due to the seriousness of the admitted misconduct, the CSSO may suspend the student and/or recommend expulsion, and notify the President/Superintendent of the need for an automatic appeal on the sole basis of whether or not the proposed discipline is substantially unreasonable in light of the admitted misconduct. The student may also submit a written appeal to the President/Superintendent but is not required to do so in order to secure an automatic appeal under this section. Any recommendation of expulsion requires Board of Trustee review.

6.3. Referral to the Student Conduct Review Committee

The CSSO or designee will refer the case to the Student Conduct Committee for a hearing when the CSSO or designee recommends suspension or expulsion, and:

- 6.3.1 The student does not admit responsibility;
- 6.3.2 The CSSO or designee concludes that an Agreement of Resolution (see section 6.5) is not appropriate;
- 6.3.3 There is a finding of reasonable cause to believe there has been a violation of the Student Code of Conduct.

6.4. Insufficient Evidence

- 6.4.1. At any time before the Student Conduct Hearing occurs, if the CSSO or designee receives new information that establishes a clear lack of truth of prior information submitted to the CSSO or designee such that it is determined that the prior evidence must be disregarded and if in disregarding that prior information the CSSO or designee concludes that there is insufficient information to sustain a finding of responsibility, then

the CSSO or designee will withdraw the case from the Student Conduct Committee. This disposition is binding and terminates all Student Conduct Committee proceedings.

- 6.4.2. If the CSSO or designee concludes that there is insufficient information to find the student responsible, the case will not be referred to the Student Conduct Committee for a hearing.

6.5. Agreement of Resolution (aka Behavior Contract)

When the CSSO or designee and the student agree that the above dispositions are not appropriate, an Agreement of Resolution may be used to conclude the matter. This Resolution, while not considered to be a finding of responsibility, is binding. If the student fails to abide by the terms of the Agreement of Resolution, that failure may be regarded as actionable misconduct and may subject the student to disciplinary action by the College. An Agreement of Resolution may include such terms as:

- 6.5.1. Agreement by the student to refrain from specific behaviors, and/or to refrain from contacting others involved in the case;
- 6.5.2. Agreement by the student to participate in specified educational programs and/or reconciliation processes such as mediation; and/or
- 6.5.3. Agreement by the student to participate in specified community service activities.

The Agreement of Resolution is not a formal disciplinary action but will be retained in the case file in the Office of the CSSO for a maximum of seven (7) years from the date of the Agreement. During that time, should the CSSO or designee have a reasonable basis to believe that the student has engaged in misconduct related in nature to the conduct which occasioned the Agreement, both cases may be the subject of College disciplinary action.

6.6. Formal Hearing

6.6.1. Conduct Review Committee

The accused student may request, or the CSSO may require, that the charges be resolved at a formal hearing provided by the Conduct Review Committee. The CSSO 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:

- 6.6.1.1. One (1) member of the administration (and an alternate) appointed by the President/Superintendent.

- 6.6.1.2. Two (2) members (and an alternate) of the classified staff appointed by the President/Superintendent 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.
- 6.6.1.3. Two (2) 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.
- 6.6.1.4. Two (2) 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 Senate. 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 ASCR Senate.
- 6.6.1.5. The President/Superintendent 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 CSSO 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 CSSO or 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.

- 6.6.2. Hearing Officer. In appropriate circumstances, the CSSO may determine

that a disciplinary hearing should be conducted by a neutral hearing officer rather than a Conduct Review Committee. Such circumstances include, but are not limited to hearings that are anticipated to require more than one day of hearing where Committee member educational or employment obligations may be impacted, when a Committee cannot be convened expeditiously to address a critical matter, or where technical or legal complexities suggest the need for specialized expertise. To the extent practicable, where a hearing officer is substituted for a Conduct Review Committee, the rules related to a Committee shall apply to a hearing before a hearing officer.

- 6.6.3. Notice of Hearing. Written notice of the hearing shall be provided to the accused and shall include the following:
 - 6.6.3.1. The specific alleged misconduct (accusation).
 - 6.6.3.2. A summary of the investigation and/or a short written statement of the facts supporting an accusation of misconduct.
 - 6.6.3.3. The right of the parties to attend the hearing or to respond in writing regarding the party's position concerning the matter.
 - 6.6.3.4. The nature of the discipline that is being considered.
- 6.6.4. Notices described in this procedure are sent to the most recent official student address and/or email address on file with the District. The notice will inform the student of:
 - 6.6.4.1. The charges alleged to have been violated and sufficient details of the complaint for the basis of the allegation to be understood;
 - 6.6.4.2. The time, location and place of the hearing;
 - 6.6.4.3. A statement of the respondent student's rights as stated in the Code or a copy of this Standard of Student Conduct; and
 - 6.6.4.4. The name of the person(s), group, or College office filing the charges.

Nothing prohibits the District from amending the notice as deemed appropriate. The CSSO may request the production of relevant evidence that was not part of the investigative process for consideration in the hearing process upon notice to the accused student.

7.0 Conduct of Hearing

The CSSO or designee shall determine how the hearing will be conducted, taking into account the safety of parties and witnesses. The CSSO or designee may call and question witnesses he/she believes have relevant information.

Each party may recommend witnesses to be called. To avoid unnecessarily duplicative or irrelevant testimony, the CSSO or designee may require a party to indicate the nature of the proposed testimony as a condition to calling witnesses. Neither the CSSO or designee nor the Committee can compel the attendance of witnesses recommended by the parties.

The CSSO or designee shall determine on a case-by-case basis how the questioning of parties and witnesses shall be conducted, given the nature of the allegations and the safety of parties and witnesses. If the CSSO or designee does not permit direct questioning by the parties, he/she may consider permitting the parties to submit questions for the CSSO to ask parties and witnesses.

Formal rules of evidence shall not apply. Any relevant, non-duplicative evidence may be admitted.

Determination of violations shall be made based on the preponderance of evidence.

Quorum for a hearing requires that five (5) of the seven Student Conduct Review Committee members are present for the hearing. If the case is to be heard at the Mendocino or Del Norte site, a quorum will be three (3) members of the Committee.

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 (5) 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.

In all cases, the evidence in support of the charges will be presented and considered whether or not the accused party is in attendance. If the accused student has submitted written information in his/her defense but does not attend the hearing, that information shall be considered by the Committee as well.

The accused student may be accompanied by an advisor if so desired, conditional on 24-hour notice to and approval of the CSSO or 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 or where the safety of witnesses is a valid concern. In no event may the advisor participate directly by

speaking or questioning witnesses.

The student shall not be represented by an attorney unless, in the judgment of the CSSO or designee, complex legal issues are involved, or unless criminal charges are pending based on the alleged conduct for which disciplinary action is pending. 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 presenter may also have 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.

8.0 Notice of Decision.

Within fifteen (15) days following the hearing, the Committee Chair or his/her designee on the Committee shall prepare and send the written decision of the Committee to the CSSO or designee. The Notice of Decision shall include factual findings regarding the accusation and determinations as to whether any specific section(s) of the Standards of Student Conduct were violated. The Notice of Decision shall also include a specific decision regarding the disciplinary action to be imposed, if any, unless expulsion is recommended. The Notice of Decision shall be based only on the record of the hearing, and not on matters outside of that record. The record includes the investigative report, any written notices or student statements, and oral and written evidence produced for, or at, the hearing. If expulsion is recommended, the Notice of Decision shall verify that expulsions require Board of Trustee action.

The CSSO shall transmit the Notice of Decision to the accused student. If the Decision calls for disciplinary action, the CSSO shall also notify the accused student of his/her appeal options.

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.

Appeals of Formal Hearing Decisions

8.1. Appeal requests are available to the accused student only on the following bases:

- 8.1.1. A claim that the initial hearing included a material procedural error. The appeal request must identify the specific procedural error(s) and how that claimed error disadvantaged the appealing party.
- 8.1.2. Relevant evidence that was previously unavailable has been discovered, and that evidence could significantly impact the outcome of the case. The appeal request must identify the specific evidence, how the evidence is relevant, why the evidence was previously unavailable, and how the newly discovered relevant evidence could impact the outcome of the case.

- 8.1.3. The proposed discipline is substantially unreasonable in light of the findings. The appeal request must indicate the claimed unreasonableness of the proposed discipline and indicate what discipline the student believes would be appropriate.

Written appeals must be submitted in writing to the President/Superintendent within five (5) days of the delivery of the CSSO's Notice of Decision to the student. If no appeal is received within five (5) days, the decision of the CSSO, including the proposed discipline will take immediate effect.

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 CSSO or designee will provide all relevant documentation to the President/Superintendent.

The President/Superintendent shall render a decision within ten (10) days after receipt of the appeal and shall inform the student immediately by mail and/or email.

In all cases but expulsion, the President/Superintendent's decision regarding the appeal will be final. Any recommendation of expulsion shall be presented to the Board of Trustees for action.

If the President/Superintendent upholds 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:

- The Board of Trustees shall consider any appeal at the next regularly scheduled meeting of the Board after receipt of the recommended decision. The Board may also hold a special meeting to consider the discipline of a student, provided the notice of a special meeting for this purpose is posted at least five days prior to the special meeting.
- 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.
- The student shall be notified in writing, at least three (3) days prior to the meeting, of the date, time, and place of the Board's meeting.
- The student may, within forty-eight hours after receipt of the notice, request that the hearing be held as a public meeting.

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.

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 findings, decision, or recommendations, the Board shall review the record of the hearing and any timely appeal, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board of Trustees shall be final.

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.

9.0 Student Code of Conduct

Students are expected to demonstrate qualities of morality, integrity, honesty, civility, honor, and respect. Students are required to engage in responsible social conduct that reflects credit upon the CR Community and to model good citizenship in any community.

9.1 Violations

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 prohibited forms of conduct:

- 9.1.1 Academic dishonesty, which includes cheating, plagiarism, and hampering or discrediting the academic work of others,
- 9.1.2 Unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities.
- 9.1.3 Continued disruptive behavior, or obstructing the work and operation of the College, including willful disruption of the orderly operation of the campus.
- 9.1.4 Defamation: An individual shall not use defamatory words or phrases or distribute defamatory materials. Defamatory words or materials are those that: (1) are false and expose any person or the college to hatred, contempt, ridicule, disgust or an equivalent reaction; or (2) are false and have a tendency to impugn a person's occupation, business, or office.
- 9.1.5 Violation of the College's computer use policy or any conduct that constitutes a computer-related crime pursuant to Penal Code, section 502. Use of electronic technology includes, but is not limited to: internet, e-mail, telephone, fax machines, or instant messaging to intimidate another member of the College community.
- 9.1.6 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.
- 9.1.7 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 or bullying as defined in Board Policy 3431 and Administrative Procedure 3431.
 - 9.1.8 Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College premises.
 - 9.1.9 Intentionally obstructing or denying access to facilities or services to individuals entitled to use such services or facilities.
 - 9.1.10 Intentionally interfering with the lawful rights of other persons on campus.
 - 9.1.11 Violation of the District's nondiscrimination or sexual harassment policies, or engaging in harassing, or retaliatory behavior in violation of District policy or sexual assault or misconduct or physical abuse, including but not limited to rape, domestic violence, dating violence, sexual assault, stalking or sexual exploitation. Sexual misconduct, including discrimination based on gender, sexual harassment, dating violence, domestic violence, sexual assault, stalking, sexual exploitation, and hate crimes based on gender are subject to Administrative Procedure 5502.
 - 9.1.12 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.
 - 9.1.13 Wearing, transporting, storing, or possessing 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 "Weapons" prohibited by this procedure include firearms, knives, explosives, clubs and other items used as a threat to do bodily harm and facsimiles of such weapons. Prohibitions described in this provision do not apply to any certified law enforcement personnel engaged in official duties. Activities requiring use of the prohibited items may be conducted on approval of the activity by the President/Superintendent or his/her designee.
 - 9.1.14 Intentional obstruction of the freedom of movement of pedestrian or vehicular traffic on College premises.

- 9.1.15 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.
- 9.1.16 Leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
- 9.1.17 Detention or physical abuse, or assault or battery, extortion, or intimidation 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.
- 9.1.18 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.
- 9.1.19 Unauthorized possession, duplication or use of keys to any College premises, supplies or equipment, including computing, networking, or information resources, or unauthorized entry to or use of College premises.
- 9.1.20 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.
- 9.1.21 Violation of College Board policies, published college policies, rules, procedures, or regulations.
- 9.1.22 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.
- 9.1.23 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 or use, sale or distribution of any poison defined in Section 4240 of the Business and Professions Code.
- 9.1.24 Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the College.
- 9.1.25 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.

- 9.1.26 Dishonesty; forgery; alteration or misuse of College documents, records or identification; or knowingly furnishing false information to the College.
- 9.1.27 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.
- 9.1.28 Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- 9.1.29 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.
- 9.1.30 The use by a student of any electronic listening or recording device in any classroom without the prior consent of the instructor, except as necessary to provide reasonable auxiliary aids and academic adjustments to a student with a disability.
- 9.1.31 Disengaging smoke or fire detection equipment including tampering with fire or safety equipment, including pull stations, fire extinguishers, fire hoses, smoke detectors, alarm horns and bells or any other fire or safety items, or failure to vacate facilities during fire drills or fire or other emergencies when directed to do so by District or public safety representatives.
- 9.1.32 Initiation of or participation in hate violence.
- 9.1.33 Solicitation or acceptance of money or other thing of value as an inducement, encouragement, or reward for intercollegiate participation in violation of Education Code, section 67361 or false declarations regarding eligibility for participation in intercollegiate athletics under Education Code, section 67362;
- 9.1.34 The offering of any inducement or thing of value to influence the award of any grade or to alter any official College record.

9.2 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.

9.2.1 Individual Sanctions

- 9.2.1.1 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.
- 9.2.1.2 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.
- 9.2.1.3 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, activities, or College-sponsored events.
- 9.2.1.4 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 (Title 5, section 59410)
- 9.2.1.5 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 CSSO.

- 9.2.1.6 Limited Access - an administrative restriction to selected parts/locations of campus buildings.
- 9.2.1.7 College suspension - the separation of the student with consequent loss of tuition and fees from any or all classes and activities at the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified (Title 5, section 76031).
- 9.2.1.8 College expulsion - the permanent separation with consequent loss of tuition and fees of the student from the College.
- 9.2.1.9 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.
- 9.2.1.10 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.
- 9.2.1.11 Deactivation - the loss of privileges, including College recognition, for a specified period of time for any student club, group, or organization.
- 9.2.1.12 Loss of housing on District property or housing affiliated with the District.
- 9.2.1.13 Loss of institutional financial aid or scholarships and/or loss of state financial aid pursuant to Education Code, section 69810 et seq.

9.3 Disruptive Classroom Behavior

9.3.1 Instructors

Course instructors at College of the Redwoods Community College District have the professional responsibility and authority to maintain order in instructional settings, which include but are not limited to classrooms, libraries, group meetings, tutorials, lab sessions, office hours, and off-campus venues. To assure the best presentation of the course material, a course instructor shall determine the manner and times during which students may ask questions, request clarification or express opinions or points of view in the instructional setting.

9.3.2 Students

Student behavior or speech that disrupts the instructional setting not be tolerated. Disruptive conduct may include, but is not limited to; unwarranted interruptions; failure to adhere to instructor's directions; vulgar or obscene language; slurs or other forms of intimidation; physically or verbally abusive behavior.

9.3.3 Records

Instructors are advised to keep careful written records regarding any incident of disruptive behavior, including dates, times, names of those present, and details of the incident. Instructors should inform their department chair or supervising faculty and the CSSO Office of any such incidents and provide written documentation, if requested. The parties involved, in conjunction with the department chair or supervising faculty and appropriate administrator, may strive for acceptable solutions or mediate appropriate intervention strategies.

9.3.4 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 appropriate immediate administrator and the CSSO or designee. The CSSO or 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 CSSO or 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 CSSO or designee from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

9.3.5 Students Who May Present a Danger to Themselves or Others

The College seeks to promote a safe environment where students and employees may participate in the educational process without compromising their health, safety or welfare. The Code of Conduct prohibits a student from engaging in violent conduct and threatening behaviors toward any member of the College community, including a student's threat to harm him-or-herself. In cases of this type, the special procedures set out in section 9.3.6 may be used to attempt to determine if

the student (1) presents a danger to himself/herself or others, and/or (2) is likely to repeat the misconduct. All threats or threats to do violence must be taken seriously and responded to immediately.

9.3.6 Responding to Student Conduct Involving Threats or Violence

Any College employee, student, or visitor who observes or otherwise becomes aware of violent or threatening student conduct, including a student's threat to injure himself/herself, or any other student conduct that indicates that the student may present a danger to himself/herself or others, should do the following:

In the case of an emergency, immediately contact the College's Security office by calling the emergency number 707- 476-4111. In severe cases, call 911. In these cases, Security will write an incident report to be filed in situations where an incident report is deemed warranted.

In cases that do not involve an immediate emergency, promptly file an incident report with Public Safety or inform the campus or site administrator.

In the event of any threat on a person's life, whether spoken or written, the following procedure will be undertaken even if the person hearing/seeing the threat does not believe it is viable:

The police will be immediately called.

The person(s) threatened will be immediately informed.

Nothing in this process precludes the District from offering care and accommodations to students in crisis or from referring students to other resources for assessment or support.

Parents of minor students will be notified of the person(s) behavior (if FERPA conditions are met) and violation of the college's code of conduct.

The College will continue to follow-up with faculty, staff, law enforcement, parents, etc. and communicate essential information to one another.

9.4 Immediate Suspension and Denial of Access

9.4.1 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.

Immediate 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/or email 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.

9.4.2 Withdrawal of Consent to Remain on Campus

The President/Superintendent, or person designated by him or her to maintain order 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.

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, or, in the absence of the President/Superintendent, to a person designated by him or her for the purpose of reviewing the withdrawal of consent to remain on campus. Such report shall contain all of the following:

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

9.4.2.2 A statement of the facts giving rise to the withdrawal. If the President/Superintendent or the person designated by him or her for the purpose of reviewing the withdrawal of consent to remain on campus, upon reviewing the report submitted by the person authorized to maintain order, 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 person designated by the President/Superintendent in his or her absence to review the

withdrawal of consent to remain on campus does not confirm the action of the officer or employee authorized to withdraw consent 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 and/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 fourteen (14) days from the date upon which the consent was initially withdrawn. During the fourteen (14) day period, the student from whom consent to remain on campus was withdrawn may file a written request for a hearing to the Office of the President/Superintendent. Such hearing shall be held within seven (7) days of receipt before a hearing officer selected by the President/Superintendent.

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.

9.5 Denial of Access

After a hearing, any suspension or expulsion based on conduct that disrupted the orderly operation of a campus or other facility 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.

10.0 Fees, Denial of Aid and Readmission, and Student Statement

10.1 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.

10.2 Admission or readmission

Admission or enrollment may be denied to any person who has been expelled from another California community college district within the five (5) years preceding his/her application for admission/enrollment or who is undergoing expulsion proceedings at another California community college district for offenses described in Education Code, section 76038 at the time of his/her application to the District for admission/enrollment.

The offenses that may preclude admission or enrollment include murder or attempted murder, assault or battery, sexual assault, kidnapping or attempted kidnapping, robbery or extortion, stalking, or unlawful conduct related to weapons, all as defined in Education Code, section 76038.

The CSSO or designee shall hold a hearing to determine whether an individual covered by this section poses a continuing danger to the physical safety of the District's students or employees. Notice of the hearing shall be provided to the affected individual no less than 5 days prior to the hearing. The hearing shall comply with basic due process standards, including providing the affected individual with the option to present information in support of his/her ability to participate as a student of the District without presenting a danger to students or employees. The CSSO or designee shall issue and deliver a written decision to the affected individual as to whether the individual poses a continuing danger; and shall deny admission/enrollment, permit admission/enrollment, or permit conditional admission/enrollment.

If admission or enrollment is denied, the affected individual may file a written appeal of the decision to the Board of Trustees within 5 days of delivery of the decision. Appeals are limited to the following:

1. The individual maintains that he/she was not expelled or subject to expulsion by another California community college for the offenses described in Education Code, section 76038, or
2. The individual maintains that he/she did not commit any offense described in Education Code, section 76038, or
3. The individual maintains that notice of the hearing was not provided a minimum of 5 days prior to the conduct of the hearing.

The Board of Trustees shall consider any timely appeal at its next regular meeting following receipt of the appeal or shall hold a special meeting for such purposes. The Board shall issue a decision on the appeal in writing to the individual filing a timely appeal.

10.2.1 Denial of Enrollment for Continuing Threat.

In addition, enrollment may be denied to any District student who has been suspended from the District for conduct involving acts of violence or threats of violence, including any conduct that potentially endangers the health or safety of others, until the District determines that the individual does not present a direct threat to others. A determination that an individual poses a direct threat to others must be based on an individualized assessment of the individual's present ability to safely participate as a District student. This assessment must be based on a reasonable medical judgment that relies on available objective evidence. In determining whether an individual poses a direct threat, the District will consider (1) The duration of the risk; (2) The nature and severity of the potential harm; (3) The likelihood that the potential harm will occur; and (4) The imminence of the potential harm.¹ 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 enrollment shall be made to the CSSO or designee.

10.2.2 Denial of Readmission Following Protective Order.

In the event the District secures a protective order against a student that prevents the student from attending classes and maintaining his/her academic status, the District may require the student to apply for reinstatement after the expiration of the protective order and shall consider such application in accordance with Education Code, section 76030(b). The CCSO or designee shall conduct a review and take appropriate action on an application for readmission as described in section 76030.

10.3 If a student's record includes information concerning any disciplinary action taken by the College, the student may include in the record a written statement or response concerning the disciplinary action.

References:

California Education Code Sections 66017, 66300, 66301, 72122, 76030 et seq; Accreditation Standard II.A.7.b

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