

STUDENT CODE OF CONDUCT

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I. INTRODUCTION

The Student Code of Conduct is a statement of the Contra Costa Community College District's expectations regarding student standards of conduct, both academic and non-academic. Students are expected to obey all laws and District policies and regulations. Students shall be subject to discipline for violation of these laws, policies, and regulations. Student misconduct may also be subject to other regulations of the District, including but not limited to regulations regarding complaints of harassment and discrimination.

II. DEFINITIONS

For the purpose of these Rules and Regulations, the following words and terms are defined as follows:

- A. "Governing Board" shall mean the Governing Board of the Contra Costa Community College District.
- B. "District" shall mean the Contra Costa Community College District, including but not limited to its administrative staff and each of its colleges.
- C. "College" shall mean a college operated and maintained by the District.
- D. "Member of the College Community" shall mean the District Trustees, the academic, support staff, and administrative personnel of the District, the students of the District and any other person while on District or college property or at a District or college function or activity.
- E. "Day" shall refer to a college instructional day unless otherwise noted.
- F. "Good Cause" includes, but is not limited to the following offenses:
 - 1. Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
 - 2. Assault, battery, or any threat of force or violence upon a student or college personnel.
 - 3. Willful misconduct which results in injury or death of a student or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District.
 - 4. Use, sale, or possession on campus of, or presence on campus under the influence of any controlled substance, or any poison classified as such by Schedule D in section 4160 of the Business and Professions Code.
 - 5. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the Governing Board.
 - 6. Persistent serious misconduct where other means of correction have failed to bring about proper conduct.
 - 7. Other behavior that has good cause for disciplinary action.

III. GROUNDS FOR DISCIPLINARY ACTION

- A. Students shall conduct themselves consistent with the Student Code of Conduct while on campus or participating off campus at a college sponsored event, including but not limited to

international study programs. Students shall be suspended or expelled only for good cause.

B. The following constitute misconduct and grounds for disciplinary action.

1. Dishonesty, such as cheating, fabrication, lying, plagiarism, knowingly furnishing false information, or reporting a false emergency to the District;
2. Forgery, alteration, misappropriation or theft, misuse of any District or college document, record, key, electronic device, or identification;
3. Misrepresentation of oneself or of an organization to be an agent of the District;
4. Obstruction or disruption, on or off District property, of the District's educational process, administrative process, disciplinary procedures, or other District functions and activities;
5. Disruptive or abusive behavior, such as verbal harassment, habitual profanity or vulgarity, physical abuse, intimidation, hazing, or stalking of any member of the college community;
6. Willful misconduct which results in an injury or death of a student or District personnel or results in cutting, defacing, or other damages to any real or personal property owned by the District or a member of the college community;
7. Assault, battery, violence or threat of violence, or behavior that threatens the health and safety of any member of the college community;
8. Theft of District property, or property in the possession of, or owned by, a member of the college community;
9. Violation of District or college policies or regulations including but not limited to those concerning the formation and registration of student organizations, the use of college facilities or the time, place, and manner of public expression or the distribution of leaflets, pamphlets, or other materials;
10. Failure to comply with the directions of the District or college officials acting in the performance of their duties;
11. The use, sale, distribution, or possession on campus of, or presence on campus under the influence of, any controlled substances, or any poison classified as such by Schedule D section 4160 of the Business and Professions Code or other California laws on District property or at any District-sponsored event. This regulation does not apply when the person named on the prescription possesses the drugs or narcotics or when the drugs or narcotics are permitted for and are being used in research, instruction, or analysis;
12. Possession, consumption, sale, distribution or delivery of any alcoholic beverage in college buildings or on college grounds, or at college-sponsored or supervised activities, regardless of their location, unless authorized by college officials.
13. Possession or use of explosives, dangerous chemicals, or deadly weapons on District property or at a campus function, without prior authorization of the College President;
14. Engaging in lewd, indecent, or obscene behavior on District- owned or controlled

property or at a District-sponsored or supervised function;

15. Rape, date rape, sexual harassment, sexual assault, or threat of an assault upon a student or member of the college community on District property, or at a college or District-sponsored or supervised function;
 16. Unauthorized entry into, unauthorized use of, or misuse of District property;
 17. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the Governing Board or College;
 18. Knowingly assisting another person in the commission of a violation of the Student Code of Conduct;
 19. Misuse of computers and networks which includes but is not limited to utilizing an unauthorized account, password, campus network, interfering with normal computer operations, circumventing data protection schemes or uncovering security loopholes, or violating terms of the software agreements.
 20. Willful disruption of the orderly operation of the campus.
 21. Any other cause identified as good cause by Education Code section 76033, not identified above; or any applicable Penal Code sections, or other applicable local, state, or federal laws.
 22. Any other ground constituting good cause.
- C. Violation of parking laws, regulations, or rules shall not be cause for the removal, suspension, or expulsion of a student (Ed. Code § 76036).

IV. TYPES OF DISCIPLINARY ACTION

The following discipline may be imposed, individually or in various combinations, on any student found to have violated the Student Code of Conduct.

WARNING: A warning is a written or oral notice to the student that continuation or repetition of certain conduct may be result in further disciplinary action.

RESTITUTION: Restitution is reimbursement by the student for damage to, loss of or misappropriation of property. Reimbursement may take the form of appropriate service by the student to repair property or otherwise compensate for damage.

PROJECTS AND ASSIGNMENTS: Projects and assignments may include educational projects, service to the college, and other related discretionary assignments.

DISCIPLINARY PROBATION: Probation is a status imposed for a specific period of time in which a student must demonstrate his or her conduct conforms to District standards of conduct as set forth in these regulations. Conditions may be imposed in at the discretion of the District or the President's designee. Misconduct during the probationary period or violation of any conditions of the probation may result in more serious disciplinary action, such as loss of privileges, suspension, or expulsion.

- LOSS OF PRIVILEGES:** Loss of privileges is the denial of extra-curricular activities for a designated period of time. Violation of any conditions or campus regulations during the period of sanction may result in far more serious disciplinary action, such as suspension or expulsion.
- REMOVAL:** Removal of a student from class or office by an instructor or staff member with the assistance of Police Services, if necessary.
- SUSPENSION:** Suspension is a separation from the District for a designated period of time after which the student will be eligible to return. A suspension may consist of (a) a period of time from one or more classes for a period up to ten (10) days of instruction; (b) from one or more classes for the remainder of the school term; and (c) from all classes or activities of the college for one or more terms.
- EXPULSION:** Expulsion is the permanent termination of student status by the Governing Board for good cause when other means of correction fail to bring about proper conduct or when the presence of the student causes a continuing danger to the physical safety of the student or others. [A student who is expelled is prohibited from participating in any college activities or programs and from entering District premises.]

V. RECIPROCITY OF SANCTIONS

During a period of suspension or expulsion, a student shall not be enrolled in any other college within the District. Disciplinary actions or sanctions shall apply to the student at all District colleges.

VI. CONDUCT RELATED TO COLLEGE

After a hearing the President's Designee may impose an immediate suspension on a student when such action is required in order to protect property, safety, and to ensure the maintenance of order on the campus or at a campus function.

No student may be removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or college attendance.

VII. RECORD OF DISCIPLINARY ACTION

In accordance with Education Code section 76220, Community College Districts shall establish, maintain and destroy student records according to regulations adopted by the Board of Governors of the California Community Colleges. The president's designee will create a record of disciplinary actions, along with relevant supporting documents and evidence. Consistent with the Family Educational Rights and Privacy Act and District Student Services Procedure 3009, this record shall be maintained as a confidential student education record and may not be released without the permission of the student, except as permitted by law and policy. The student shall have a right to inspect the record and to challenge the contents. Disciplinary records shall be retained in a manner consistent with state law, and will be destroyed following the third college year after the college year in which it originated.

In accordance with Education Code section 76234, whenever there is included in any student record information concerning any disciplinary action taken by the college or District in connection with any alleged sexual assault or physical abuse or any conduct that threatens the health and safety of the alleged victim, the alleged victim of the sexual assault or physical abuse shall be informed within three (3) days of the results of any disciplinary action by the college and the results of any appeal.

VIII. REMOVAL BY INSTRUCTOR

An instructor, for good cause, may remove a student from his or her class for the day of the removal and the next class meeting. (Ed. Code §§76032 and 76033.)

A. Procedures Before The Removal.

1. The instructor shall notify the student of the instructor's consideration of the removal from class and the reasons for the proposed removal.
2. The instructor may remove the student from the classroom immediately. Under normal conditions, the instructor should permit the student an opportunity to present a rebuttal to the accusation or otherwise offer relevant comment on the proposed removal. There need be no delay between the time notice is given to the student and the time of such a review.
3. The instructor shall decide whether or not to proceed with the proposed removal after hearing the student's explanation and considering all of the information relative to the issue. There need be no delay between the time notice is given to the student and the removal.
4. The decision may be given to the student either orally or in writing.
5. The instructor's decision is final and may not be appealed.

B. Procedures After The Removal.

1. Immediately following the removal, the instructor must notify the College President or President's Designee of the removal.
2. If the student removed is a minor, the College President or President's Designee shall ask the parent or guardian of the student to attend a parent conference regarding the removal as soon as possible. If the instructor or the parent or guardian so requests, a college administrator shall attend the conference.
3. The instructor may request that the student meet with the College President or President's Designee, within three (3) days of removal, prior to returning to class.
4. During the period of removal, the student shall not be returned to the class without the concurrence of the instructor.

IX. PRELIMINARY PROCEDURES FOR SUSPENSION BY PRESIDENT'S DESIGNEE

The following procedures shall be taken before suspension except in the event that an emergency/interim suspension is made as set forth in Section XIV.

- A. Administration. The President's Designee shall administer these procedures and take appropriate action, subject to the approval of the College President and the Governing Board if required herein or otherwise by law.
- B. Disciplinary Action Which May Be Imposed. The President's Designee may suspend or impose a lesser sanction on a student. A suspension may consist of a period of time as follows:
 1. From one or more classes for a period up to ten (10) days of instruction;

2. From one or more classes for the remainder of the school term;
 3. From all classes and activities of the college for one or more terms. A suspension shall not exceed two (2) years.
- C. Reporting Of Conduct. Alleged student misconduct shall be reported to the President's Designee. The President's Designee shall be the Vice President of Academic and Student Affairs or the Senior Dean of Student Services at Contra Costa College, the Dean of Student Life at Diablo Valley College, and the Senior Dean of Student Services at Los Medanos College. Other officials may be designated as the President's Designee, whenever necessary for the efficient operation of the District.
- D. Investigation. Upon receiving a report of alleged student misconduct, the President's Designee shall initiate an investigation.
- E. Notice. Before imposing discipline, the President's Designee shall give or make reasonable efforts to give the student oral or written notice of the reason for the proposed disciplinary action. If the student is a minor, the President's Designee shall also notify the parent or guardian of the investigation and charges.
- F. Preliminary Hearing. Within a reasonable period of time (normally with five (5) days following the delivery to the student of the notice referred to above), the President's Designee shall offer the student an opportunity to attend a meeting ("Preliminary Hearing") at which time the student may present a rebuttal to the accusation or otherwise offer relevant comment on the proposed suspension. There need be no delay between the time of the notice given to the student and the time of the meeting.
- G. Determination After Preliminary Hearing. The President's Designee shall decide whether or not to proceed with the proposed suspension and/or to recommend expulsion after hearing the student's explanation and considering all of the information. If the decision is to suspend for up to five (5) days, the President's Designee may inform the student of the decision and send a written confirmation to the student's last known address within five (5) working days. The confirmation shall include a statement that the decision to impose a suspension for five (5) days or less, or a lesser sanction, is not appealable. If the decision is to suspend for more than five (5) school days or to recommend expulsion, the President's Designee shall send the student a written notice via personal delivery or certified mail to the student's last known address as set forth below.
- H. Notice To The College President. The President's Designee shall report any disciplinary action imposed to the College President.
- I. Notification After A Suspension Of More Than Five (5) Days. If the President's Designee imposes a suspension of more than five (5) days, the President's Designee shall promptly send the student a letter of notification that is hand delivered or sent via certified mail to the student's last known address. The notification shall include:
1. A statement of the charges, the reason for the suspension or recommended expulsion offer, and a description of facts related to the misconduct, including the evidence against the student, the date of the incident(s), time of the incident(s), and location of the offense(s).
 2. A copy of the Student Code of Conduct and Board Policy.
 3. An explanation that a student who has been suspended for more than five (5) days is entitled to appeal the decision and has a right to a further hearing ("Appeal Hearing"). The notification shall also state that a request for an Appeal Hearing shall

be filed within five (5) days of the service or mailing of the notification, whichever is earlier.

4. A statement that the student has the right to be accompanied at an "Appeal Hearing" by an on-campus advisor of his or her choice. If the student decides to be accompanied by an advisor, the name and address of that advisor must be submitted to the President's Designee at the time the appeal is filed.
 5. The President's Designee may note that he or she will also recommend expulsion.
 6. The Notification shall include the date, time, and location of an Appeal Hearing if requested by the student.
- J. Student Right To Appeal A Suspension Of More Than Five (5) Days. The student may accept a suspension in excess of five (5) days without admitting the conduct charged. In such a case, the decision of the President's Designee will be final and not subject to a further Appeal Hearing. Should the student not accept a suspension in excess of five (5) days, the student has a right to appeal. A suspension appeal must be filed by the student no later than five (5) days from the date the notification letter is personally served or mailed.
- K. Schedule Of Hearing. The President's Designee shall schedule an Appeal Hearing no later than ten (10) working days from the date of the suspension.

X. HEARING AUTHORITY FOR APPEAL HEARING

- A. The College President will assign either an Administrative Hearing Officer or may utilize a Student Discipline Committee ("Committee") to conduct Appeal Hearings at the college ("Hearing Authority").
- B. An Administrative Hearing Officer shall be a college official.
- C. A Committee shall include: one faculty member, one administrator or manager, and one student. The selection process for the Committee, if any, will normally occur at the beginning of each academic school year.
 1. The Academic Senate will select a faculty representative and alternate(s). Vacancies will be filled by an action of the Academic Senate.
 2. The Associated Student Body will select a student representative and alternate(s). Vacancies of student members shall be filled by an action of the Associated Student Body.
 3. The College President will select the administrative or management representative and alternate(s). The administrative or management representative will serve as the Committee Chair.

The student or the college staff member shall notify the Committee if he or she has a conflict of interest because he or she is involved in the discipline matter and, therefore, is unable to service as a neutral party.
 4. Alternate faculty, administrative, and student members shall be appointed to ensure that a standing committee can always be convened promptly.

XI. APPEAL HEARING PROCEDURES

- A. The President's Designee shall submit to the Hearing Authority: a description of the charges, notices, evidence, and a copy of the proposed decision. The President's Designee shall present relevant evidence regarding the alleged misconduct. The accused student may then present any relevant evidence. Each party may call, examine, and cross-examine witnesses. Written statements, if any, shall be submitted under penalty of perjury. The Hearing Authority may also question witnesses. Opening and closing statements shall be limited to five (5) minutes. The President's Designee shall speak first, followed by the student.
- B. The Hearing Authority shall rule on all questions of procedure and admission of evidence.
- C. Hearings need not be conducted in accordance with strict rules of evidence or formality of a court hearing.
- D. The Hearing Authority shall consider no evidence other than that evidence received at the hearing. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself, to support a finding.
- E. A student may be accompanied by an advisor of his or her choosing, at the student's request. The role of the advisor is passive in this procedure. The advisor may be present at the hearing and may counsel the student. The advisor may not address the Hearing Authority and shall not be permitted to participate in any way during the hearing except to offer counsel to the student. If the student decides to be accompanied by an attorney, the name and address of that attorney must be submitted to the President's Designee at the time the request for hearing is filed.
- F. The Appeal Hearing shall be closed to protect the privacy and confidentiality of everyone involved unless the student and District agree in writing to have a public hearing at least five (5) days in advance of the hearing. A closed hearing will be closed to everyone except the following:
 - 1. The student charged.
 - 2. The Hearing Authority.
 - 3. An advisor for the student charged, if so desired.
 - 4. The President's Designee.
 - 5. A witness, while presenting evidence.
 - 6. An on-campus advisor for a witness while presenting evidence.
- G. An official audiotape recording of the hearing shall be kept. The record shall be the property of the District. The student charged may listen to the tape at a mutually agreeable location at the college. An accused student may, upon request, be provided a copy at his or her own expense.

XII. HEARING AUTHORITY'S CONSIDERATION AND RECOMMENDATION

Following presentation of the evidence, the Hearing Authority shall privately consider the evidence with all persons excluded. The Hearing Authority shall send a written report to the College President within five (5) working days of the termination of the hearing. The report shall contain the following information:

- A. A summary of factual findings and a determination that the accused student did or did not commit the act(s) charged.

- B. A finding that the student's act(s) did or did not constitute a violation of the Student Code of Conduct.
- C. A recommendation for upholding or modifying the proposed discipline. The Hearing Authority may also recommend further investigation.

XIII. COLLEGE PRESIDENT'S DECISION

- A. The College President shall reach a decision after reviewing the report submitted by the Hearing Authority. The College President may refer the matter back to the Committee or hearing officer for further clarification on details of the case, such as evidence and findings of fact. The College President may uphold the suspension, uphold the recommendation by the Hearing Authority, or adopt a lesser sanction, if appropriate. A written statement of the decision shall be sent via certified or registered mail to the student's last known address within three (3) working days of the College President's receiving the Hearing Authority's recommendation.
- B. The decision of the College President to suspend or impose a lesser sanction shall be final and not subject to further appeal.
- C. The College President shall report a disciplinary suspension of any student to the Governing Board at its next regular meeting after the suspension has been imposed. A copy of the suspension determination, including the reasons for the suspension, shall be placed in the student's permanent disciplinary record (not the transcript).
- D. If the College President determines that a student should be expelled, he or she will forward that recommendation through the Chancellor, to the Board of Trustees for determination.
- E. In the event that a College President is or will be unavailable for the making of a prompt decision, the College President may appoint an unbiased designee to act on the appeal.

XIV. EMERGENCY INTERIM SUSPENSION

- A. An emergency/summary suspension is an immediate suspension imposed upon a student for good cause. (Ed. Code § 66017.)
- B. Notwithstanding the foregoing, the College President or the President's Designee may impose an emergency/summary suspension. It is an extraordinary measure and shall be utilized when necessary to protect lives or property and to ensure the maintenance of order pending a hearing.
- C. A preliminary hearing shall be provided within ten (10) calendar days of an emergency/summary suspension. (Ed. Code § 66017.) The procedures set forth in Sections IX and X shall apply to the preliminary hearing and any appeal hearing.
- D. An emergency/summary suspension shall be reported to the Governing Board at its next regular meeting after such suspension has been imposed. A copy of the suspension may be placed in the student's permanent record at the discretion of the College President.

XV. NOTIFICATION

The College President or President's Designee shall, upon suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is situated of any acts of the student which may be in violation of section 245 of the Penal Code. (Ed. Code § 76035.)

XVI. EXTENSIONS OF TIME

Calendar restraints may be extended with the agreement of both parties.

XVII. EXPULSION

The Governing Board has the sole authority to expel a student. If the College President determines that a student should be expelled, he or she shall send the recommendation through the Chancellor to the Board of Trustees.

Education Code, Sections 66300, 76030-76037