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Policy Detail

STANDARDS OF CONDUCT AND DISCIPLINARY PROCEDURES

Students enrolled in the San Bernardino Community College District shall refrain from disruptive conduct which significantly interferes with the instructional program, college activities, or which endangers the health or safety of members of the college, including visitors to the campus. Disruptive conduct on the part of students shall be cause for disciplinary action in accordance with policies adopted by the San Bernardino Community College District Board of Trustees and pursuant to appropriate sections of the Education Code, the Business and Professions Code, the Health and Safety Code, and the Penal Code of California.

A. DISCIPLINARY ACTION

1. Disciplinary action for good cause may be imposed upon a student by an instructor, an administrator, or the Board of Trustees for misconduct of any of the following infractions while attending college classes or college-sponsored activities.

a. Continued disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority or persistent abuse of college personnel.

b. Assault, battery, or any threat of force or violence upon a student or visitor to the campus or college personnel.

c. Willful misconduct which results in injury or death to a student, campus visitor, or college personnel, or cutting, defacing, or otherwise harming any real or personal property owned by the District.

d. The use, sale, or possession of illegal drugs or substance or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code, or the presence on campus of anyone under the influence of such drugs or substances.

e. The use or possession of alcoholic beverages on college property or at any college sponsored event, or the presence on campus of anyone under the influence of alcohol.

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

- g. Dishonesty, such as cheating, plagiarizing, or knowingly furnishing false information to the college or to college officials.
- h. Forgery, alteration, or misuse of college documents, records, or identification.
- i. Violation of college regulations governing student organizations, the use of college facilities, or the time, place and manner of public expression or distribution of materials.
- j. Unauthorized entry to facilities or use of college supplies, equipment, and telephones.
- k. Possession or use of any firearm, explosive device, dangerous chemical, or other deadly weapons while on college property or at college-sponsored activities.
- l. Driving of motorcycles and other off-road vehicles on college property, other than the regular roads and parking lots.
- m. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- n. Obstruction of pedestrian and/or vehicular traffic while on college property or at college-sponsored activities.
- o. Hazing, defined as including any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm to any student or other person attending any school, college, university or other educational institution in this State.
- p. Persistent violation of smoking regulations.

2. Disciplinary action includes:

REPRIMAND A verbal or written reprimand regarding the misconduct.

PROBATION Student conduct probation may include, but is not limited to, ineligibility to participate in extra-curricular activities and certain other student privileges.

SUSPENSION Exclusion from the colleges and college-sponsored activities for a specified time.

EXPULSION Exclusion by the District Board of Trustees from the college and all

college-sponsored activities.

a. Short-term suspension by a college instructor - any college instructor, for good cause, may remove a student from the classroom for the day of the removal and the next regular class meeting.

(1) Before ordering the suspension of any student from class, the instructor shall first give or make reasonable efforts to give the student an oral or written notice of the reasons for the proposed suspension.

(2) Immediately following the suspension, the instructor shall notify the college president or designee of the removal and request that the student proceed to the president or designee's office. If the student proceeds to the designated office, the president or designee shall review the action and may discuss the matter further with the student, or instructor, or both.

(3) A student shall not be returned to the class from which the student was removed during the period of exclusion without the concurrence of the instructor of the class and the president or designee. Following completion of the period of removal and with written authorization from the college president or designee to do so, the student shall be readmitted to the class.

(4) If the student is a minor, the parents or legal guardian shall, within 48 hours, be notified in writing signed by the college president or designee.

(a) The college president or designee shall immediately, within 48 hours, hold a parent conference regarding the removal from class.

(b) The college president or designee shall determine if suspension from the class, or college, for a longer period of time is appropriate.

b. Suspension by the College President

(1) The college president or designee can suspend a student for good cause as follows:

(a) From one or more classes for a period of up to ten days of instruction.

(b) From one or more classes for the remainder of the school term.

(c) From all classes and activities of the college for one or more terms.

(2) Before imposing discipline as authorized by this policy, the college president or designee shall first give, or make reasonable efforts to give, the student an oral or written notice for the proposed disciplinary action.

(3) Within a reasonable period of time following delivery to the student of the

notice, the college president or designee shall give or make reasonable efforts to give the student an opportunity to respond to the accusation or otherwise offer relevant comment on the proposed disciplinary action.

(a) Disciplinary procedures under this policy may proceed or continue notwithstanding the failure or refusal of a student to respond, attend or otherwise participate after having been properly notified of the proceeding by oral or written communication.

(b) Following the decision of the college president or designee, the disciplinary action imposed on the student, if any, shall be reported to the Chancellor or designee of the District.

(c) If either the notice or decision or both were not in writing, a written notice confirming the action taken shall be mailed to the student within five (5) working days.

c. Expulsion by the Board of Trustees

(1) The Board of Trustees may expel a student when other means of correction fail to bring about proper conduct, or it seems probable that the continued presence of the student causes a danger to the physical safety of the student or to others.

(2) Whenever this policy calls for or permits a notice or other communication to be delivered by mail, the mailing of such communication by certified mail, postage-paid and addressed to the last known address of the student, shall be deemed a sufficient compliance with the provision and it shall be presumed to have been received. A student's failure or refusal to sign a receipt of the communication shall not cause the notice to be null and void.

(3) No fees paid by or for a student for the semester, summer session, or other term in which the student is suspended or expelled shall be refunded. If the student is readmitted before the close of the semester, summer session, or other term in which the suspension occurred, no additional fees shall be required of the student on account of the suspension.

(4) Should disciplinary action involve the misappropriation of District property or funds, the disciplinary action will remain in effect until full reimbursement is made through appropriate District/college offices.

(5) Any violation or violations of law, ordinance, regulations, or rule regulating, or pertaining to, the parking of vehicles, shall not be cause for the removal, suspension, or expulsion of a student from a community college

(6) The president or the president's designee at a community college shall, upon

the suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is located of any action of the student which may be in violation of Section 245 of the Penal Code.

B. DISCIPLINARY PROCEDURES

Suspension or expulsion of a student in the San Bernardino Community College District shall be accompanied by a formal hearing, unless the student involved waives the right to such a hearing, in accordance with the student due process procedures. The student shall make a decision regarding waiving the right to a hearing within five (5) working days.

1. Disciplinary Hearing Committee

a. At the beginning of each school year, each college president shall establish a standing panel from which one or more Disciplinary Hearing Committees may be appointed. The panel shall be made up of:

(1) Five to fifteen faculty members whose names are obtained from the Academic Senate.

(2) Five to fifteen students whose names are obtained from the student government officers/senators.

(3) Four to ten administrators/supervisors appointed by the college president.

b. The college president or designee will appoint a hearing committee consisting of a maximum of two faculty members, two students, and one administrator/supervisor to hear each disciplinary action. The college president shall select a chairperson from the committee.

2. Hearing Procedures

a. Formal Notice

(1) In all cases where a hearing before a Disciplinary Hearing Committee is to be held, the college president or designee will prepare and personally deliver or mail a written notice to the student not less than five (5) working days prior to the hearing. Notices sent to the last address available in the Records Office, by certified mail, postage prepaid and return receipt requested, shall be presumed to have been received and read.

(2) Notices including a list of the Hearing Committee members shall specify the time and place of hearing and contain a statement of the charges against the student. A copy of these procedures shall be enclosed. Notice shall also specify if there is to be an interim exclusion from the college campus pursuant to Penal Code Section 626.4. Copies of such notice will be sent to the student's instructors and Campus Police.

(3) The chairperson and the student will be allowed one preemptory challenge of any member of the Disciplinary Hearing Committee through questioning members of the committee during the initial hearing meeting. The committee chairperson shall immediately replace the individual(s) involved in the preemptory challenge. If the committee chairperson is challenged, another member of the committee will assume the chair so the hearing can proceed, and take action to replace the vacant position.

(4) The student shall notify the Committee chairperson in writing within three (3) working days of the Hearing if he/she will be represented by an advocate and/or legal counsel. The Hearing Committee may then request legal counsel to be present and serve the Hearing Committee in an advisory capacity. The Hearing shall begin within five (5) working days after the three-day period allowed for the student to respond regarding representation.

b. The Hearing

(1) Opening: The Chairperson shall call the Hearing to order, introduce the participants, and announce the purpose of the Hearing, e.g., "This Committee meets pursuant to Board Policy 6060, Standards of Student Conduct and Disciplinary Action, to make charges against and to make findings of fact and recommendations for action to the college president." The chairperson shall then call for preemptory challenges.

(2) Charges: The chairperson shall distribute copies of the charges to the members of the Committee, read the charges aloud, and ask the student if the charges have been received. If the answer is in the affirmative, the Hearing shall proceed. If the answer is in the negative, the chairperson may request evidence to rebut the student's denial of notice. The chairperson shall decide whether or not to proceed with the Hearing. If the Hearing must be rescheduled, it shall be held within five (5) working days.

(3) Plea: The student shall admit or deny each charge. If the student admits each charge and wishes to present no evidence of mitigating circumstances or other defense, the Committee shall retire to make its decision. If the student denies any or all of the charges, or wishes to present evidence of mitigating circumstances, the Hearing shall proceed.

(4) Burden of proof and producing evidence: The student shall be regarded as

innocent of the charges until the contrary is established by the Committee. The college has the burden of producing sufficient evidence to support all allegations.

(5) Arguments: First, the college president or designee and then the student shall be afforded an opportunity to make or waive an opening statement, i.e., give an outline of all allegations and circumstances. The student may reserve the opening statement until after the college president or designee has finished presenting the case for the college. After the opening statements, the committee shall have an opportunity to hear witnesses and other relevant evidence in support of the case presented.

(6) Evidence: Formal rules of evidence shall not apply. All relevant evidence is admissible, including written statements from witnesses not available during the Hearing.

(7) Hearings shall be closed and confidential: All witnesses shall be excluded, except when testifying, unless all parties agree to the contrary. Both the college president or designee and the student shall be entitled to call witnesses and to question witnesses presented by the other. A member of the committee may ask questions at any time upon recognition by the chairperson. Either side may recall a witness who again may be questioned by both parties and the Committee.

(8) Conclusion: First, the college president or designee and then the student shall be afforded the opportunity to make or waive a closing argument. The Committee shall retire to deliberate with only the members of the Committee present. The Hearing Committee shall reach its decision based only upon the record of the Hearing and shall not consider matters outside of that evidence. Within five (5) working days of the Hearing, the chairperson will deliver to the college president a written report giving specific findings of fact as to each charge, and making recommendations for action arrived at by a majority vote of the Committee. Recommendations from the Committee for action shall be specific.

c. College President's Decision

(1) Within five (5) working days following receipt of the Committee's recommendation, the college president shall make a written decision. The college president shall base a decision only upon the report of the Hearing Committee. The president may adopt the recommendations made, may adopt a less severe sanction, or may adopt a more severe sanction.

(2) The college president should then promptly send a copy of the decision, together with the Hearing Committee decision, to the student, the student's legal guardian, the Committee chairperson, and the college president's designee.

(3) If the decision is to suspend or expel a student, the college president shall notify the District Chancellor in writing within five (5) working days. When the

decision is to recommend expulsion of any student to the Board of Trustees, the college president may suspend the student pending action by the Board.

d. Board Action

(1) Upon receipt of the college president's recommendation for expulsion, the District Chancellor shall review all documents submitted and steps taken by the Disciplinary Hearing Committee. If due process procedures have been followed, the recommendation for expulsion shall be presented to the Board of Trustees for action at the next regularly scheduled meeting.

(2) The Board shall consider student disciplinary actions at any regularly scheduled public meeting held and should do so within thirty (30) days of receipt of the recommendation by the District Chancellor.

(3) The Board shall, unless otherwise requested by the student involved, hold closed sessions to consider expulsion if a public hearing upon such question would lead to the giving out of information concerning students which would be in violation of regulations protecting the privacy of student records. Before calling such closed session, the Board shall, in writing, by registered or certified mail or by personal service, notify the student or the student and parent, or guardian if the student is a minor, of the intent of the Board to call and hold such closed session. Unless the student or parent or guardian shall, in writing, within 48 hours request that the Board consider the matter in a public meeting, then the hearing to consider such matters shall be conducted by the Board in closed session. If such written request is served upon the District Chancellor, the meeting shall be public, except that any discussion at such meeting that might be in conflict with the right to privacy of any student other than the student requesting the public meeting or on behalf of whom such meeting is requested, or the right to privacy of any employee, then the meeting shall be in closed session. Whether the matter is considered at a closed session or at a public meeting, the final action of the Board shall be taken at a public meeting.

(4) Upon review, the Board will either confirm, modify, remand or reject the recommendation of the college president. The Board's action shall be limited to a review of the record of the Hearing Committee, and the decisions of the Hearing Committee and the college president, and the Board shall not consider any evidence outside that record. The Board's action shall be final and binding on all parties.

e. Reconsideration

(1) Any request for reconsideration of an expulsion shall be made in writing to the Board of Trustees. The request for reconsideration shall be labeled as such, and must state each ground on which the student seeks reconsideration of the Board's expulsion decision.

(2) The District Chancellor shall review the request for reconsideration together with the record of the hearing and the documents relating to the expulsion to assure that the request satisfies all requirements and that all pertinent information is available for the Board of Trustees.

(3) Upon receipt of any request for reconsideration, the president of the college from which the student was expelled shall immediately be provided a copy of the request, and the college president shall respond to the request in writing within ten (10) days of receipt of the request. The college president's response shall be sent to the Chancellor and the Board of Trustees with a copy to the student.

(4) The Board should consider any request for reconsideration of any expulsion at any regularly scheduled public meeting held within thirty (30) days of receipt of the request by the Board of Trustees.

(5) The Board of Trustees shall, unless otherwise requested by the former student, consider any request for reconsideration of expulsion in closed session. The Board of Trustees shall consider only the request for reconsideration, any responses by the president of the college from which the student was expelled, and the record of expulsion.

(6) The Board of Trustees may, at its discretion, agree to permit the former student to present the request for reconsideration personally. If the Board of Trustees agrees to such a presentation, the president of the college from which the student was expelled must be afforded an opportunity to be present and to respond.

(7) The final action of the Board of Trustees on a request for reconsideration shall be taken at a public meeting and the result of such action shall be a public record of the District.

3. Disciplinary Records

a. The college president or designee shall maintain all records of a disciplinary hearing.

b. The case file shall be destroyed upon a finding of innocence.

c. Disciplinary files shall be retained for at least five (5) years from the time of a final determination.