

# Mt. San Antonio College

## Standards of Conduct

*Extracted from Board Policy Section 5500*

References:

*Education Code Section 66300; Accreditation Standard II.A.7.b*

The College President/CEO shall establish procedures for the imposition of discipline on students in accordance with the requirements for due process of the federal and State law and regulations.

The procedures shall clearly define the conduct that is subject to discipline, and shall identify potential disciplinary actions, including but not limited to the removal, suspension, or expulsion of a student.

The Board shall consider any recommendation from the College President/CEO for expulsion. The Board shall consider an expulsion recommendation in closed session unless the student requests that the matter be considered in a public meeting. Final action by the Board on the expulsion shall be taken at a public meeting.

The procedures shall be made widely available to students through the College catalog and other means.

The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student.

1. Causing, attempting to cause, or threatening to cause physical injury to another person.
2. Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a College employee, which is concurred in by the College President/CEO.
3. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, 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.
4. Committing or attempting to commit robbery or extortion.
5. Causing or attempting to cause damage to College property or to private property on campus.
6. Stealing or attempting to steal College property or private property on campus, or knowingly receiving stolen College property or private property on campus.
7. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the College.

8. Committing sexual harassment as defined by law or by College policies and procedures.
9. Engaging in harassing or discriminatory behavior based on disability, gender, gender identify, gender expression, marital status, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.
10. Engaging in intimidating conduct or bullying against another student through words or actions.
11. Willful misconduct which 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.
12. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, College personnel.
13. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
14. Dishonesty; forgery; alteration or misuse of College documents, records or identification; or knowingly furnishing false information to the College.
15. Unauthorized entry upon or use of College facilities.
16. Lewd, indecent or obscene conduct on College-owned or controlled property, or at College-sponsored or supervised functions.
17. 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 administrative procedures, or the substantial disruption of the orderly operation of the College.
18. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
19. 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 College policy or Administrative Procedure.
20. Harassment of students and/or College employees that creates an intimidating, hostile, or offensive environment.
21. Violation of College rules and regulations including those concerning affiliate clubs and organizations, the use of College facilities, the posting and distribution of written materials, and College safety procedures.

# AP 5520 Student Discipline Procedures

## References:

Education Code Sections 66300, 72122, and 76030

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by State and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

These Administrative Procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the State and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

*Refer to AP 5520 for Definition of Terms*

## HEARING PROCEDURES

### **Request for Hearing**

Within seven (7) days after receipt of the College President's/CEO's or designee's decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the College President/CEO or designee.

### **Schedule of Hearing**

The formal hearing shall be held within ten (10) days after a formal request for hearing is received.

### **Hearing Panel**

The hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student. The College President/CEO or designee, the President of the Academic Senate, and the AS President shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearing panels. The College President/CEO or designee shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

### **Hearing Panel Chair**

The College President/CEO or designee shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

### **Conduct of the Hearing**

The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.

The facts supporting the accusation shall be presented by a College representative who shall be the Director, Student Life.

The College representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the hearing panel determines to proceed otherwise, the College representative and the student shall each be permitted to make an opening statement. Thereafter, the College representative shall make the first presentation, followed by the student. The College representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the College representative to prove by substantial of evidence that the facts alleged are true.

The student may represent himself or herself, and may also have the right to be represented by a person of his or her choice including an attorney if in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the College representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel 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.)

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 panel agree to the contrary.

The hearing shall be recorded by the College either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the College at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded is not unavailable.

Within ten (10) days following the close of the hearing, the hearing panel shall prepare and send to the College President/CEO a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

## **COLLEGE PRESIDENT'S/CEO'S DECISION**

### **Long-term suspension**

Within ten (10) days following receipt of the hearing panel's recommended decision, the College President/CEO or designee shall render a final written decision. The College President/CEO or designee may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the College President/CEO or designee modifies or rejects the hearing panel's decision, the College President/CEO or designee shall review the record of the hearing, and shall prepare a new

written decision which contains specific factual findings and conclusions. The decision of the College President/CEO or designee shall be final.

### **Expulsion**

Within ten (10) days following receipt of the hearing panel's recommended decision, the College President/CEO or designee shall render a written recommended decision to the Board of Trustees. The College President/CEO or designee may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the College President/CEO or designee modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The College President's/CEO's or designee's decision shall be forwarded to the Board of Trustees.

### **Board of Trustees Decision**

The Board of Trustees shall consider any recommendation from the College President/CEO for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision. 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. (Education Code Section 72122) The student shall be notified in writing, by registered or certified mail or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within 48 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 College President/CEO and/or the hearing panel. If the Board of Trustees modifies or rejects the decision, the Board of Trustees shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board of Trustees shall be final.

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.

### **Immediate Interim Suspension** (Education Code Section 66017)

The College President/CEO may order immediate suspension of a student where he or she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten days.

### **Removal from Class** (Education Code Section 76032)

Any instructor may order a student removed from his or her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the College President/CEO and the Director, Student Life. The Director, Student Life shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the Director, Student Life shall attend the conference. The student shall not be

returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the Director, Student Life from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

### **Withdrawal of Consent to Remain on Campus**

The Director, Student Life may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If consent is withdrawn by the Director, Student Life a written report must be promptly made to the College President/CEO.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than five (5) days from the date upon which consent was initially withdrawn.

Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest. (Penal Code Section 626.4)

### **Time Limits**

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

Extracted from [http://www.mtsac.edu/governance/trustees/docs/ap\\_complete\\_BOT.pdf](http://www.mtsac.edu/governance/trustees/docs/ap_complete_BOT.pdf)

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