



College Policies

Student Conduct

All members of the San Mateo County Community College District community share the responsibility for preserving the freedom to learn. The College's policies and procedures are designed to safeguard this freedom. Students attending any college in the San Mateo County Community College District will have full access to the Board policies under which these colleges operate and will be assured due process in instances when a regulation allegedly is violated.

Students enrolled in the Colleges of the District are expected to conduct themselves as responsible citizens and in a manner compatible with the District and College function as an educational institution.

Students are also subject to civil authority and to the specific regulations established by each College in the District. Violators shall be subject to disciplinary action, as defined in Board Procedure 7.69.2 and may be denied future admission to the Colleges of the San Mateo County Community College District.

A system of derived authority provides the basis for the regulation of the conduct of students of the San Mateo County Community College District. Authority for the public educational system in California rests with the state. The state legislature has full authority, subject only to the limits placed upon it by the Constitution of the United States and the State of California, and fulfills its duty as follows:

By creating laws to regulate public education – these are to be found principally in the Education Code.

By delegating authority to local agencies such as the Board of Trustees of the San Mateo County Community College District, which, in turn, may delegate its administrative authority.

1. The following actions are prohibited and may lead to appropriate disciplinary action:

1. Disruptive behavior, continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, the open and persistent defiance of the authority of, or persistent abuse of, College/District personnel, or violating the rights of other students.
2. Assault, battery or any threat of force or violence to a student or District/College personnel on District/College premises or at any time or place while under the supervision of District/College personnel.
3. Causing, attempting to cause, or threatening to cause physical injury or threat of force or violence to the person, property or family of any member of the College community, whether on or off College/District premises as defined below, except in self defense.
4. Aiding or abetting, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person.
5. Harassing, intimidating or threatening a student who is a witness in a school disciplinary proceeding, administrative proceeding or law enforcement investigation for the purpose of preventing the student from being a witness or retaliation for being a witness.
6. Causing or attempting to cause, threatening to cause or participating in an act of hate violence, as defined in Education Code Section 233(e).
7. Disorderly conduct, engaging in intimidating conduct or bullying against another student through words or

actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.

8. Engaging in physical or verbal disruption of instructional or student services activities, administrative procedures, public service functions, or authorized curricular or co-curricular activities or prevention of authorized guests from carrying out the purpose for which they are on campus.
9. Terroristic threats against school officials, students or school property as defined in Education Code Section 48900.7(b).
10. Theft of, damage to, or threat of damage to property belonging to or located on College/District controlled property or facilities, or to the private property located on College/District premises.
11. Knowingly receiving stolen property belonging to the College District.
12. Participation in hazing.
13. Unauthorized entry into, or use of, or misuse of College/District owned or operated facilities.
14. Forgery, alteration, or misuse of College/District documents, records, or identification.
15. Misrepresentation of oneself or of an organization as an agent of the College District.
16. Dishonesty (such as cheating, plagiarism, or knowingly furnishing false information to the College and its officials).
17. Infringement or violation of copyright laws.
18. Disorderly conduct or lewd, indecent, or obscene conduct or expression including profanity or vulgarity; any expression which is obscene, libelous or slanderous according to current legal standards or which so incites students as to create a clear and present danger of the commission of unlawful acts, or the substantial disruption of the orderly operation of the Community College on any College/District-owned or controlled property or at any College/District-sponsored or supervised function.
19. Extortion or breach of the peace on College/District property or at any College/District-sponsored or supervised function.
20. Unlawful use, sale, possession, offer to sell, furnishing, or being under the influence of any controlled substance (listed in the California Health and Safety Code), alcohol, or an intoxicant of any kind, or a poison classified by laws defining controlled substances while on College/District property, or at College/ District functions; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia.
21. Possession, sale, use, or otherwise furnishing of explosives, dangerous chemicals, deadly weapons or other dangerous objects on College/District property or at a College/District function without prior authorization of the Chancellor, College President, or authorized Designee. Possession of an imitation firearm, knife or explosive on College/District property with the intent to threaten, frighten or intimidate.
22. Smoking in any area where smoking has been prohibited by law or by regulation of the College/District. This includes e-cigarettes and other vapor products.
23. Failure to satisfy College/District financial obligations.
24. Failure to comply with directions of College/District officials, faculty, staff, or campus security officers who are acting within the scope of their employment. Continued and willful disobedience or open and persistent defiance of the authority of College/District personnel providing such conduct as related to District/College activities or College attendance or on College/District property.
25. Failure to identify oneself when on College/District property or at a College/ District-sponsored or supervised event, upon request of a College/District official acting in the performance of his/ her duties.
26. Stalking, defined as a pattern of conduct by a student with intent to follow, alarm, or harass another person, and which causes that person to reasonably fear for his or her safety, and where the student has persisted in the pattern of conduct after the student has been told to cease the pattern of conduct. Violation of a restraining order shall constitute stalking under this policy.
27. Gambling: Betting, wagering or selling pools; playing card games for money; using District resources (telephones, computers, etc.) to facilitate gambling.
28. Committing sexual harassment as defined by law or by District policies and procedures.
29. Engaging in harassing or discriminatory behavior based on nationality, religion, age, gender, gender identity, gender expression, race or ethnicity, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, or on any basis prohibited by law.
30. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct or where the presence of the student causes a continuing danger to the physical safety of students or others.
31. Violation of other applicable Federal, State and Municipal statutes and District and College rules and regulations in connection with attendance at programs or services offered by the College/District or while on College/District property or at College/District sponsored activities.
32. Unauthorized computer usage, including: unauthorized entry into a file to use, read, or change the contents, or for any other purpose; unauthorized transfer of a file; unauthorized use of another individual's identification and password; use of computing facilities to interfere with the work of another student, faculty member, or District official; use of computing facilities to send obscene or abusive messages; use of computing facilities to interfere with the normal operations of District computing.

2. Definitions: When used in this policy:

1. Student – any person taking or auditing classes at a College in the District or who has been admitted to any of the Colleges within the District

- of the Colleges within the District.
2. District premises – any building or grounds owned, leased, operated, controlled or supervised by the District.
 3. District or School Property – includes both personal and real property owned or controlled by the District.
 4. District or College sponsored activity – any activity on or off the District or College premises that is directly initiated or supervised by the District or a District organization.
 5. Weapon – any object or substance designed or used to inflict a wound or cause injury.
 6. Reckless – conduct which one should reasonably be expected to know would create a substantial risk of harm to a person or property or which would otherwise be likely to result in interference with normal College/District sponsored activities.
 7. Will and Shall – are used in the imperative sense.

3. Disciplinary Action while criminal charges are pending: Students may be accountable both to law enforcement and to the District for acts that constitute violations of law and of this policy. Disciplinary action at the College/ District will normally proceed during the pendency of criminal proceedings, and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

4. No student shall be suspended from a College unless the conduct for which the student is disciplined is related to College/ District activity or attendance. Any violation of law, ordinance, regulation or rule regulating or pertaining to, the parking of vehicles, shall not be cause for removal, suspension, or expulsion of a student.

References: Education Code Sections 66250 et seq., 66300, 66301 and 76030; Government Code Sections 12926.1 and 12940 et seq.; Accreditation Standard II.A.7.b I.

I. Non-Expulsion Disciplinary Process

These procedures are designed to provide uniform standards to assure due process when a student is charged with a violation of the San Mateo County Community College Student Code of Conduct, as defined in Board Policy 7.69 and 7.70. All proceedings held in accordance with these procedures shall relate only to an alleged violation of established standards.

Disciplinary Officer: Each president will designate an administrator to serve as the College's Disciplinary Officer. The Disciplinary Officer shall be responsible for investigating and processing the alleged violation of the Student Code of Conduct.

Step 1. Incident Occurs

Within twenty (20) days* from the time that the Disciplinary Officer is informed of allegations which may constitute a violation of the Student Code of Conduct, the Disciplinary Officer shall conduct a fact-finding investigation to determine whether to pursue an Administrative Conference or a Student Disciplinary Hearing.

For the purpose of evaluating whether the student's conduct is a violation of the Student Code of Conduct, no consideration shall be given to the student's actual or perceived disability unless such disability is being asserted by the student as a defense to, in mitigation of a potential violation.

Immediate Interim Suspension: In cases where the alleged violation is deemed by the Disciplinary Officer to pose an imminent threat to the health and safety of the college community, the student may be suspended immediately pursuant to Education Code 66017, provided that a reasonable opportunity is afforded a suspended person for a hearing within ten (10) days*.

Step 2. Administrative Conference or Student Disciplinary Hearing

Based on the review of the alleged code of conduct violations, the Disciplinary Officer shall determine if the matter goes to an Administrative Conference or to a Student Disciplinary Hearing.

Administrative Conference

The Disciplinary Officer shall schedule a meeting with the student involved to inform the student of the alleged offense. The student will be notified of charges/alleged violations and the basis for the charges. Based on the information at the Conference, the Disciplinary Officer may either dismiss the charges for lack of merit or notify the student of one or more disciplinary actions being taken (described in Step 3). The student may request the opportunity for a Student Disciplinary Hearing.

Student Disciplinary Hearing

Hearing Notice: A notice of the hearing will be sent to the student and shall specify the date, time, and place of the hearing, a statement of the charges against the student, and the date, time, and location that the tangible evidence will be made available for inspection and (when applicable). A copy of the disciplinary procedures shall also be enclosed.

Student Disciplinary Board: The Disciplinary Board shall include: one (1) student selected from the pool submitted by the Associated Student Organization governing body, one (1) faculty member selected from the pool submitted by the Academic Senate and one staff member from a pool submitted by CSEA and the Management Group. A Judicial Officer will also be appointed to assure the process is followed.

No person shall serve as a member of the Disciplinary Board if that person has been personally involved or could

otherwise not act in a neutral manner. The student may request the names of the Disciplinary Board members and may challenge for cause any member of the Disciplinary Board by addressing the challenge to the Disciplinary Board Chairperson, who shall determine whether the cause for disqualification has been shown.

The scope of the duties of the Disciplinary Board is to weigh the evidence presented in relation to the alleged violation and, based on the evidence, submit a recommendation to the Disciplinary Officer regarding the student's responsibility for violations of the Code of Conduct.

Formal Hearing Process:

Absence of the Student: The hearing shall proceed in the absence of the student.

Chairperson: Prior to the hearing, the Board shall select a Chairperson. The chairperson shall preside over the hearing.

Behavior: Disruptive behavior will not be tolerated and will result in exclusion of individuals.

Hearing Process: A document describing the process for conducting disciplinary hearings will be distributed to all members of the Disciplinary Board. The Judicial Officer will assure the process is followed.

Charges: The Chairperson shall distribute copies of the charges and incident reports to the members of the Board, read the charges aloud, and ask the student if the charges have been received.

Representation: The disciplinary hearing is an internal due process hearing conducted by the colleges of the San Mateo County Community College District. Parties are not allowed to be represented by legal counsel at any time during the hearing process.

Participants: A student may be accompanied by a person of his or her choice who is an observer only. Each person present will be asked to identify themselves by name.

Witnesses: Each side shall be entitled to call witnesses. All witnesses shall be excluded from the hearing process except when testifying.

The Disciplinary Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the accused student and/or witnesses during the hearing if direct confrontation of witnesses creates an unreasonable risk of psychological or physical harm. Accommodations of such concerns may be addressed by providing separate facilities, providing participation by telephone, videophone, videoconferencing, videotape, audio tape, written statement, or other means, as determined in the judgment of the Disciplinary Officer. Any testimony of a witness that is not subject to the direct examination of an accused student shall only be admitted if the witness signs under penalty of perjury that the testimony is true and accurate.

Plea: The student shall admit or deny responsibility for each charge. If the student admits each charge and wishes to present no evidence of mitigating circumstances or other defense, the Board 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.

Recording: The hearing may be recorded by the college and shall be the only recording made. The recording shall remain the property of the college. If recorded, no witness who refuses to be recorded may be permitted to give testimony. Committee deliberations shall not be recorded.

Information: Formal rules of evidence shall not apply. All relevant information is admissible, including but not limited to testimony of witnesses, physical objects, police or security officer reports, photographs, and copies of documents. Any and all information will be entered for the record.

Disciplinary Board Deliberation: The Disciplinary Board shall retire to deliberate in closed session with only the members of the Board and the Judicial Officer present. The Disciplinary Board shall reach its decision based only upon the evidence presented and shall not consider matters outside of the record. The Board shall recommend disciplinary sanctions to the Disciplinary Officer based upon its findings.

Step 3. Disciplinary Action(s) Recommended

If a student is found responsible for violating the Student Code of Conduct, either through the Administrative Conference or Disciplinary Hearing process, one or more of the following types of disciplinary actions may be recommended, based on Board Procedure, 7.69.2.

- Warning: An oral statement to the student that he/she is violating the Student Code of Conduct; that continuation or repetition of the conduct may be cause for further disciplinary action.
- Reprimand: A written notice of violation of the Student Code of Conduct.
- Disciplinary Probation: Formal written notice by the Disciplinary Officer of violation of the Student Code of conduct which includes exclusion from participation in specified activities or locations for a period not to exceed one (1) calendar year. Further violation of the Student Code of Conduct will result in more severe sanctions.
- Restitution: Formal action by the Disciplinary Officer to require the reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.

• Removal from classes/program/activity: (Note: This disciplinary action may occur at any time.) Exclusion of a student by an instructor or an administrator from a class and/or facility for the day of the offense and/or the next class meeting or day. An instructor removing a student from class shall make written report or meet with the appropriate Division Dean and/or Disciplinary Officer to discuss the cause for the removal. Any college instructor, for good cause, may remove a student from the classroom for the day of the incident and the next regular class meeting. For removal from class, the following process should be followed:

1. Before ordering the removal 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 removal.
2. Immediately following the removal from class, the instructor shall document the removal and notify the Division Dean and/or Disciplinary Officer of the action.
3. If the student is a minor, the parents or legal guardian shall, within 48 hours, be notified in writing by the Disciplinary Officer

• Suspension: Exclusion of the student from all colleges, programs, and activities in the District for a definite period of time. An administrative hold shall be placed on the student's electronic record, but shall not be reflected on the academic transcript.

1. Short term Suspension - Exclusion of the student by the Vice President, Student Services, for good cause from one or more classes for a period of up to ten consecutive days of instruction.
2. Long-term Suspension - Exclusion of the student by the Vice President, Student Services, for good cause from one or more classes for the remainder of the school term, or from all classes and activities for one or more terms.

• Expulsion: Permanent exclusion of a student from all colleges, programs and activities in the District for an indefinite time period, including all rights and privileges. Expulsion Disciplinary Process - Students who have been accused of violating the Code of Conduct go through the Steps 1-4 listed above. If, in Step 3, the recommendation is for Expulsion, the following describes the additional process for that sanction. Expulsion of a student is the indefinite termination of student status and all attending rights and privileges.

Expulsion of a student is accomplished by action of the Board of Trustees on recommendation of the College President and the Chancellor. An expelled student shall not be allowed to register in any subsequent semester without the approval of the College President. The process is as follows:

- a. The College President shall forward to the Chancellor a letter of recommendation for expulsion which includes a brief statement of charges and a confidential statement of background and evidence relating to the charge(s).
- b. The Chancellor shall review the recommendation for expulsion with the Office of County Counsel.
- c. The Chancellor, as Secretary for the Board of Trustees, shall forward a letter to the student by certified mail advising him/ her of the charges and the intention of the Board of Trustees to hold a closed session to consider his/her expulsion. Unless a student requests a public hearing in writing at least 48 hours prior to the scheduled hearing, the hearing shall be conducted in closed session.
- d. The student is entitled to be present during presentation of the case and may be accompanied by a representative. If the student chooses to be represented by an attorney, the student must so notify the Chancellor no later than five working days prior to the hearing. The student has the right to examine any materials upon which charges against him/her are based, and shall be given the opportunity to present his/her evidence refuting the charges to the Board of Trustees. The student or his/her representative may cross-examine any witness. The district bears the burden of proof.
- e. The report of final action taken by the Board of Trustees in public session shall be made a part of the public record and forwarded to the student. Other documents and materials shall be regarded as confidential and will be made public only if the student requests a public hearing.

• Withdraw of Consent to Remain on Campus: Withdraw of consent by the Vice President, Student Services, or Chief of Public Safety for any person (non-student) to remain on campus in accordance with California Penal Code Section 626.4 where the Vice President, Student Services or Chief of Public Safety has reasonable cause to believe that such person has willfully disrupted the orderly operation of the college. If consent is withdrawn by the Vice President, Student Services, or Chief of Public Safety, a written report must be promptly made to the College President.

The person from whom consent has been withdrawn may submit a written request for a hearing on the within the period of the withdrawal. The request for the hearing 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 procedures relating to interim suspensions.

The action to withdraw consent from campus cannot exceed 14 days from the initial date that action was initiated.

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

Any level of sanction may also include a behavioral contract; community service, and/or any other directives to make amends and/or reduce the likelihood of repeating prohibited behavior.

Step 4. Written Decision

1. Within five (5) days* following receipt of the Disciplinary Board's recommendation, the Disciplinary Officer shall make a written decision.
2. The Disciplinary Officer may adopt the recommendations made or make changes.
3. The Disciplinary Officer should then promptly send a copy of the decision to the student by certified mail. A copy will also be sent to the President. If the student is a minor, the report shall be sent to the parent or guardian. If the recommended disciplinary action is expulsion, the recommendation for this action will be made to the Board of Trustees. Expulsion proceedings will be completed upon action by the Board of Trustees.
4. A student may appeal the decision using the process outlined in Step 5.
5. The President shall notify the District Chancellor of any decision to suspend a student.
6. Disciplinary Records: The Disciplinary Officer shall maintain all records of a disciplinary hearing. Disciplinary files shall be retained for at least five (5) years from the time of a final determination.

Step 5. Appeal to the President

1. A student may appeal to the College President within two (2) days of the delivery of the decision to the student. Because suspended students are not allowed on District property such appeals shall be submitted in writing by email or letter to the College President within two days after receipt of the written decision.
2. The student may request the College President to review findings or a sanction recommended as a result of the Student Disciplinary Hearing only if it addresses either 1) due process or 2) new information.
 - Due Process: Specific instances or conduct that the accused student claims resulted in a Student Disciplinary Hearing that was not conducted fairly in light of the charges and information presented, and that denied the student a reasonable opportunity to prepare and to present a response to the allegations.
 - New Information: If there is new information sufficient to alter a factual finding or recommendation not brought out in the original hearing, because such information was not known to the student at the time of the original Student Disciplinary Hearing. Information shall not be considered "new information" if the student could have learned of the information by avenues reasonably available to him/her.
3. The decision on appeal shall be reached within five (5) days* after receipt of the appeal documents. Copies of the College President's appeal decision shall be sent to the student and the Chairperson of the Disciplinary Board.

Step 6. Appeal to the Chancellor

1. The student may appeal, in writing, to the Chancellor-Superintendent within five calendar days* after receipt of the decision of the President of the college. The Chancellor, or his/ her designee, shall provide the student with a hearing, if requested, and shall review the appeal. A written notice of the decision of the Chancellor shall be provided to the student within ten calendar days* of the review of the student's written appeal. The student shall be advised in writing of his/her further rights of appeal.
2. The student may request the Chancellor to review findings or a sanction recommended as a result of the Student Disciplinary Hearing only if it addresses either 1) due process or 2) new information.
 - Due Process: Specific instances or conduct that the accused student claims resulted in a Student Disciplinary Hearing that was not conducted fairly in light of the charges and information presented, and that denied the student a reasonable opportunity to prepare and to present a response to the allegations.
 - New Information: If there is new information sufficient to alter a factual finding or recommendation not brought out in the original hearing, because such information was not known to the student at the time of the original Student Disciplinary Hearing. Information shall not be considered "new information" if the student could have learned of the information by avenues reasonably available to him/her.
3. The decision on appeal shall be reached within five (5) days* after receipt of the appeal documents. Copies of the Chancellor's appeal decision shall be sent to the student and the Chairperson of the Disciplinary Board.

Step 7. Appeal to the Board of Trustees

The student may appeal, in writing, to the Board of Trustees, or its designee, within five days* after receipt of the decision of the Chancellor. The Board of Trustees shall provide the student with a hearing, if requested, and shall review the appeal. A written notice of the decision of the Board shall be mailed to the student and to appropriate staff members, within twenty calendar days* following the review. The decision of the Board of Trustees is final.

II. Expulsion Disciplinary Process

Students who have been accused of violating the Code of Conduct go through the Steps 1-4 listed above. If, in Step 3, the recommendation is for Expulsion, the following describes the additional process for that sanction. Expulsion of a student is the indefinite termination of student status and all attending rights and privileges. Expulsion of a student is accomplished by action of the Board of Trustees on recommendation of the College President and the Chancellor. An expelled student shall not be allowed to register in any subsequent semester without the approval of the College President. The process is as follows:

1. The College President shall forward to the Chancellor a letter of recommendation for expulsion which includes a brief statement of charges and a confidential statement of background and evidence relating to the charge(s).
2. The Chancellor shall review the recommendation for expulsion with the Office of County Counsel.
3. The Chancellor, as Secretary for the Board of Trustees, shall forward a letter to the student by certified mail to the address last on file with the District, at least three days prior to the meeting, advising him/ her of the charges and the intention of the Board of Trustees to hold a closed session to consider his/her expulsion. The letter shall include the date, time and place of the Board's meeting. Unless a student requests a public hearing in writing at least 48 hours prior to the scheduled hearing, the hearing shall be conducted in closed session.
4. The student is entitled to be present during presentation of the case and may be accompanied by a representative. If the student chooses to be represented by an attorney, the student must so notify the Chancellor no later than five working days prior to the hearing. The student has the right to examine any materials upon which charges against him/her are based, and shall be given the opportunity to present his/her evidence refuting the charges to the Board of Trustees. The student or his/her representative may cross-examine any witness. The district bears the burden of proof.
5. The report of final action taken by the Board of Trustees in public session shall be made a part of the public record and forwarded to the student. Other documents and materials shall be regarded as confidential and will be made public only if the student requests a public hearing.

Definitions:

Party – The student or any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. "Party" shall not include the Grievance Hearing Committee or the College Grievance Officer.

Student – A currently enrolled student, a person who has filed an application for admission to the college, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).

Respondent – Any person claimed by a grievant to be responsible for the alleged grievance.

Judicial Officer – Member of the Student Disciplinary Board of Trustees responsible for ensuring that the Formal Hearing process is followed according to established procedures.

*Day – Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays and Sundays.

Records Maintenance

The facts of the disciplinary action shall be documented in the student's disciplinary record, subject to access, review, and comment by the student as authorized by the Family Educational Rights and Privacy Act (10 USC Section 2332g) and Education Code Section 76200 et seq. All access to or release of such records to members of the public shall also be in accordance with state and federal law.

Upon closure of a disciplinary investigation, conference or hearing, all student disciplinary records shall be maintained in the Office of the Vice President of Student Services at each college, in accordance with the Records Retention requirements of the California Education Code.