

OHLONE COLLEGE

STANDARDS OF STUDENT CONDUCT AND DISCIPLINE AND DUE PROCESS PROCEDURES

In joining the academic community at Ohlone College students have the right and share the responsibility to exercise the freedom to learn. Like other members of the academic community, students are expected to conduct themselves in accordance with standards of the College that are designed to perpetuate its educational purposes. These procedures are in accordance with California Education Code Section 66300, which requires each community college district to adopt standards of student conduct along with applicable penalties for violation.

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

I. STANDARDS OF STUDENT CONDUCT

- A. Students shall respect and obey civil and criminal law, and may be referred to law enforcement authorities for violation of laws of the city, county, state, and nation.
- B. A charge of misconduct may be imposed upon a student for violating provisions of Ohlone College regulations and the State Education and Administrative Codes as related to College attendance or while on College-owned or College-controlled property or at a College-sponsored activity (Education Code 76034). Examples of "cause" with respect to charges of misconduct are noted in Education Code Section 76033; authority for adoption of rules and regulations is noted in Education Code Section 76937. Violations of such codes and regulations, for which students are subject to disciplinary action, include, but are not limited to, the following:
 - 1. Dishonesty, such as cheating, plagiarism, or knowingly furnishing false information to the College;
 - 2. Forgery, alteration, or misuse of College documents, records, or identification;
 - 3. Obstruction or disruption of instruction, administrative processes, College activities, community services, disciplinary procedures, or other authorized College activities;
 - 4. Disrupting the peace or quiet of any part of the campus or of a member of the academic community by unauthorized loud or unusual noises; or by threatening conduct such as verbal abuse, quarreling, or challenging to fight; or by fighting;

5. Continued disruptive behavior; continued willful disobedience; habitual profanity or vulgarity; or the open and persistent defiance of the authority of College personnel or persistent abuse of College personnel;
6. Causing, attempting to cause, or threatening to cause physical injury to another person;
7. Committing any form of harassment as defined by law or by District policies and procedures;
8. Engaging in harassing or discriminatory behavior based on race, sex (i.e., gender), religion, age, national origin, disability, or any other status protected by law;
9. Willful misconduct which results in injury or death to a student or College personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District;
10. Theft or damage to property belonging to the College, a member of the College community, or a campus visitor; knowingly receiving stolen District property or private property on campus; any computer-related crime as identified by the California Penal Code (502[e][3]);
11. Unauthorized entry to and/or use of College property;
12. 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;
13. Willful or persistent smoking or other tobacco use in any area where smoking or tobacco use have been prohibited by law or by regulation of the governing board;
14. Gambling on College property or College-controlled property;
15. Violation of College policies or campus regulations concerning the registration of student organizations; the use of College facilities; or the time, place, and manner of public expression;
16. Failure to comply with lawful directions of College officials acting in performance of their duties;
17. Possession or use of explosives, dangerous chemicals, or deadly weapons on College property or at a College function without prior authorization of the College President;
18. Lewd, indecent, or obscene conduct on District-owned or controlled property, or at District-sponsored or supervised functions;

19. 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 District administrative procedures, or the substantial disruption of the orderly operation of the District;
20. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
21. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any District policy or administrative procedure.

II. DISCIPLINE PROCEDURES

A. Disciplinary Action

1. Disciplinary action may be taken as a result of student misconduct. Type of action shall be determined by the appropriate College official(s) directly and/or with recommendation of the Student Conduct Board (see page 3). Penalties are listed in the degree of severity, but not in chronological administration.
 - a. **WARNING:** Notice to student, oral or in writing, that continuation or repetition of wrongful conduct may be cause for additional disciplinary action.
 - b. **REPRIMAND:** Written statement of violation of a specified regulation including the possibility of more extreme disciplinary action.
 - c. **DISCIPLINARY PROBATION:** Exclusion from participation in privileges or extracurricular College activities set forth in the written notice of disciplinary probation for a specified period of time.
 - d. **SUMMARY SUSPENSION:** A summary suspension is for purposes of investigation. It is a means of relieving the tension of the student body or individual class due to an alleged infraction of student conduct standards, removing a threat to the well-being of the students, or removing for the good order of the College a student or students whose presence would prevent the continued normal conduct of the academic community, protection of property, and of the educational process.
 - e. **DISCIPLINARY SUSPENSION:** Exclusion from classes and other privileges or activities as set forth in the notice of suspension for a definite period of time. May include exclusion from campus.
 - f. **EXPULSION:** Termination of student status for an indefinite period. The conditions of readmission, if readmission is permitted, shall be stated in the order of expulsion.
2. Any student suspended (disciplinary) or expelled who has violated Section 245 of the Penal Code (assault) must be reported to law enforcement authorities as stated in Education Code Section 76035.

3. Disciplinary actions are not recorded with a student's academic record. Disciplinary suspension and expulsion are recorded in the office of the Vice President, Student Services, until date of removal of the disciplinary status.

B. Informal Discipline

1. Informal discipline includes warning, verbal, or written reprimand; probation; ineligibility to participate in activities or contests.
2. Warning and temporary removal from participation may be imposed by a College staff member who shall notify the Vice President, Student Services, of the action. Written reprimand and probation may be imposed by the Vice President, Student Services, or designee who shall notify the College President (Education Code Section 76031).
3. A student subject to informal discipline is entitled to a meeting (informal hearing) with the Vice President, Student Services, or designee. At this meeting the student shall be informed of the charges and shall have an opportunity to refute the charges and/or provide any information related to the alleged misconduct.
4. No action involving disciplinary suspension or expulsion shall be taken unless an administrator pursues the matter according to procedures in which the student is entitled to a formal hearing (Education Code Section 66017).

C. Summary Discipline

1. An instructor may suspend a student from class for the day of the suspension and the next class meeting. The instructor shall report the suspension to the Vice President, Student Services. If the student is a minor, a parent conference shall be called (Education Code Section 76032).
2. Temporary suspension and/or exclusion from a class, classes, or the College may be invoked in accordance with law for a period of up to ten (10) days by the President or designee of the College (Education Code Section 76031).

D. Formal Discipline--Suspension

1. In accordance with Education Code Section 76031, the President or designee of Ohlone College may suspend a student from one or more classes for the remainder of the term or from all College classes and activities for one or more terms.
2. A disciplinary suspension of a student shall be reported to the District Governing Board. Whenever a minor is suspended from the College, the parent or guardian shall be notified in writing (Education Code Section 76031).

E. Formal Discipline--Expulsion

1. Expulsion is permanent separation from the College by action of 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 (Education Code Section 76030).

III. DUE PROCESS PROCEDURES

A. Hearing Process

1. A student who is subject to disciplinary suspension or expulsion shall have a right to an impartial administrative hearing (Education Code Section 66017) by an Ohlone College Student Conduct Board.
2. The student shall be given written notice of the charges, the evidence against him/her, and the disciplinary sanction the administrator will recommend to the Student Conduct Board.
3. The hearing will be conducted no later than ten (10) days from the time written notice is given.
4. A student shall be afforded the opportunity to waive the right to a hearing before the Student Conduct Board and to agree to the disciplinary action recommended by the administrator and/or Vice President, Student Services. Any such waiver shall be in writing on a College form provided by the administrator.

B. Student Conduct Board Composition

1. Two students, not directly involved in the misconduct case, appointed by the Associated Students of Ohlone College (A.S.O.C. Council).
2. Two faculty members, not directly involved in the misconduct case, appointed by the Faculty Senate President.
3. Two administrators, not directly involved in the misconduct case, appointed by the College President who shall designate one administrator as chairperson.

C. Right to Representation

1. The student may represent himself or herself or may be represented by another person, except that he or she shall not be represented by an attorney except in cases where the student may be subject to expulsion. The student may request that witnesses and other personnel with pertinent information, as agreed to by the Conduct Board, be called to the hearing meeting.

D. The Hearing Meeting

1. The purpose of this administrative hearing is for the Student Conduct Board to hear evidence, to make findings of fact, and to make decisions based upon those

facts. The burden of proof shall be on the administrator pursuing the misconduct charge. The hearing shall be closed and confidential unless the student requests, in writing, an open hearing.

2. Evidence shall be admitted if it is relevant and is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Hearsay evidence may be received but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. Formal rules of evidence shall not apply. Irrelevant and unduly repetitious evidence may be excluded. No evidence other than that received at the hearing shall be considered.
3. A tape recording will be kept of the hearing. The student charged may purchase a copy of the tape recording upon written request and at his/her own expense, provided that the use of such copy is for any subsequent proceedings related to the case. The student shall be allowed to listen to the tape (with staff present) upon request.
4. Within five days of the hearing, the chairperson shall deliver to the College President a written report giving specific findings of fact as to each charge and make recommendations for action.

E. College President's Decision

1. Within five (5) days following receipt of the Student Conduct Board's report, the College President shall make a decision. The President may adopt the board's recommendations for action, may adopt a less severe sanction, or may adopt a more severe sanction. The President shall send a copy of his or her decision, together with the Student Conduct Board's report to the student and the appropriate administrator(s).
2. If the decision is to suspend a student, the College President shall notify the Ohlone College Board of Trustees of that decision. The decision of the College President shall be final (Education Code Section 76031).

F. Board of Trustees Hearing (Expulsion Cases)

1. Expulsion may be imposed only by the Board of Trustees of the Ohlone Community College District. Expulsion cases shall be heard initially by a Student Conduct Board which shall provide a report and recommendation to the College President who shall recommend the expulsion action to the Board of Trustees.
2. Upon receipt of the report and decision, the Secretary of the Board of Trustees shall prepare and serve a Notice of Inquiry upon the student charged. Such notice must be served upon the student within seven (7) school days of the close of the aforementioned hearing. The secretary shall also transmit a copy of the Notice of Inquiry to the College President; Vice President, Student Services; and chairperson of the Student Conduct Board involved in the case. Said Notice of Inquiry shall contain the following:

- a. Notice of the time, date, and place of hearing at which the Board will consider and act on the report and recommendation received in connection with the proposed expulsion. The hearing shall be held within sixteen (16) school days of the close of the hearing conducted before the Student Conduct Board, but in no case shall the hearing be held in less than eight (8) school days subsequent to the delivery of the Notice of Inquiry;
 - b. Notice that the student may be represented at the hearing by an advisor; the advisor may be an attorney;
 - c. Notice that the hearing will be held in executive session unless the student in writing requests a public hearing;
 - d. A statement that the student's failure to appear at the hearing shall be deemed a waiver of his/her right to be present;
 - e. Such other information as the Board may wish to include.
3. At the hearing before the Board of Trustees, the Board may request or consider any additional evidence that it deems advisable. The Student Conduct Board chairperson or advisor and the student or advisor, in that order, shall be entitled to argue the case before the Board of Trustees and to make a statement as to why the Board should or should not adopt the report and decision of the College President or Student Conduct Board, as the case may be, and as to what punishment, if any, should be imposed.
 4. The Board of Trustees may adopt or reject, in whole or in part, the report and decision of the College President or Student Conduct Board. The report and decision of the Board shall be final and conclusive and not subject to appeal within the Ohlone Community College District.

Standards of Student Conduct and Discipline and Due Process Procedures
Approved by the Board of Trustees May 11, 2011

jmr/Standards of Student Conduct

7.8.2.4

OHLONE COLLEGE
NOTICE OF CHARGES OF VIOLATION OF
STANDARDS OF STUDENT CONDUCT

This notice is sent to you as a formal charge of violation of the Ohlone College Standards of Student Conduct. Upon receipt of this notice you should contact the Vice President, Student Services (Room 7122, Fremont campus; phone 510-659-6262) to arrange a meeting.

Name of Student _____

Address _____

Telephone _____ Social Security No. _____

Name and Title of Person Filing Notice _____

Location and Telephone _____

Date of Informal Meeting with Student _____

Date of Sending or Handing Notice to Student _____

Charges: Describe alleged violation stating regulations or codes, dates, locations, circumstances, other involved persons, and evidence.

Recommended Disciplinary Action _____

Enclosure(s): Standards of Student Conduct and Discipline
and Due Process Procedures

Waiver Form

Signature _____

cc: President/Superintendent

jmr/stucondt/7-88 (rev. 5-11)