The President/Superintendent 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 President/Superintendent 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.

**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.

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 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 or any part of the campus or 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. Assault, battery, sexual assault, or any other threat of force or violence upon a student or College personnel;

7. Stalking or any form of harassment of a member of the College community or visitor.

   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.

   Such conduct is defined as that which would cause a reasonable person to be severely distressed or fearful of physical harm;

8. 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;

9. 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]);

10. Unauthorized entry to and/or use of College property;

11. The use, sale, or possession on campus of, or presence on campus under the influence of alcohol, narcotics, other hallucinogenic drugs or substances, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code;

   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.

12. 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;

13. Gambling on College property or College-controlled property;

14. 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;

15. Failure to comply with lawful directions of College officials acting in performance of their duties;

16. 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;

17. Lewd, indecent or obscene conduct on District-owned or controlled property, or at District-sponsored or supervised functions.

18. 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.
19. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

20. 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.

**Disciplinary Action (recommended move to AP 5500)**

1. Disciplinary action may be taken as a result of student misconduct. Type of action shall be determined by the appropriate College officials(s) directly and/or with recommendation of the Student Conduct Board. Penalties are listed in the degree of severity, but not in chronological administration.

   a. Warming: 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 defined 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 suspected (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 the removal of the disciplinary status.

4. Discipline policies (informal and formal) and Due Process Procedures are stated in the full policy and procedures document regarding student conduct.

See Administrative Procedures #5500.
BP 6200  Budget Preparation

Reference:  *Education Code Section 70902(b)(5); Title 5, 58300 et seq.*
Board Approved: 11/09/05

Each year, the President/Superintendent shall present to the Board a budget, prepared in accordance with Title 5 and the California Community Colleges Budget and Accounting Manual. The schedule for presentation and review of budget proposals shall comply with state law and regulations, and provide adequate time for Board study.

Budget development shall meet the following criteria:

- The annual budget shall support the District’s master and educational plans.
- Assumptions upon which the budget is based are presented to the Board for review.
- A schedule is provided to the Board by March of each year that includes dates for presentation of the tentative budget, required public hearing, Board study session(s), and approval of the final budget. At the public hearing, interested persons may appear and address the Board regarding the proposed budget or any item in the proposed budget.
- Unrestricted general reserves shall be no less than 5% of the general fund
- Changes in the assumptions upon which the budget was based shall be reported to the Board in a timely manner.
- Budget projections reflect address long term goals and commitments.

See Administrative Procedure #6200.

BP 6250  Budget Management

Reference: *Title 5 Sections 58307, 58308.*
Board Approved: 11/09/05

The budget shall be managed in accordance with Title 5 and the California Community Colleges Budget and Accounting Manual. Budget revisions shall be made only in accordance with these policies and as provided by law.

Revenues accruing to the District in excess of amounts budgeted shall be added to the District’s reserve for contingencies. They are available for appropriation only upon a resolution of the Board that sets forth the need according to major budget classifications in accordance with applicable law.

Board approval is required for changes between major expenditure classifications. Transfers from the reserve for contingencies to any expenditure classification must be approved by a two-thirds vote
of the members of the Board. Transfers between expenditure classifications must be approved by a majority vote of the members of the Board.

See Administrative Procedure #6250.

BP 6300 Fiscal Management

Reference: Education Code Section 84040(c); Title 5 Section 58311
Board Approved: 11/09/05

The President/Superintendent shall establish procedures to assure that the District’s fiscal management is in accordance with the principles contained in Title 5, section 58311, including:

- Adequate internal controls exist.
- Fiscal objectives, procedures, and constraints are communicated to the Board and employees.
- Adjustments to the budget are made in a timely manner, when necessary.
- The management information system provides timely, accurate, and reliable fiscal information.
- Responsibility and accountability for fiscal management are clearly delineated.

The books and records of the District shall be maintained pursuant to the California Community Colleges Budget and Accounting Manual.

As required by law, the Board shall be presented with a quarterly report showing the financial and budgetary conditions of the District.

As required by the Budget and Accounting Manual, expenditures shall be recognized in the accounting period in which the liability is incurred, and shall be limited to the amount budgeted for each major classification of accounts and to the total amount of the budget for each fund.

See Administrative Procedures #6300.