

Student Code of Conduct

Why is this important to everyone at Ohlone College?

Ohlone College is primarily concerned with academic achievement, the growth and development of its students, and the wellness and safety of every member of its community. In addition, the College strives to preserve peace, support a moral and just climate, meet its contractual obligations, and protect its property and that of its community members. The College strives to treat members of our community with equal care, concern, honor, fairness and dignity. The College, therefore, has established this Student Code of Conduct to communicate its expectations of students as positive and responsible members of the college community.

The primary purpose of the Student Code of Conduct, including the Standards of Student Conduct and its associated Student Discipline Procedures, is to protect the campus community and foster a safe, non-threatening environment that advances the academic mission of the College. Accordingly, students and student organizations will be held accountable for violations of College regulations and policies. Within this context, a reasonable effort will be made to foster the personal and social development of all parties involved. The Student Code of Conduct will be used in a manner the College determines is fair and equitable, and not for purposes of retaliation. Additionally, it is not intended to infringe unlawfully on the rights of individuals and groups to engage in free expression as protected by the state and federal constitutions, and by California Education Code 76120, and will not be used to punish expression that is legally protected.

Authority for Administration of the Student Code of Conduct

The Ohlone College President has designated the Vice President of Student Services as the person responsible for the implementation of the Student Code of Conduct at the College. When applicable, the Student Discipline Procedures will also include the involvement of the Vice President of Academic Affairs and/or the Associate Vice President of Human Resources. The office of the Vice President of Student Services will coordinate the composition of the Student Conduct Board and the imposition of sanctions upon any student(s) found to have violated the Standards of Student Conduct. When the Vice President of Student Services is unavailable, the College President may designate another administrator to fulfill the requirements of the Vice President of Student Services.

Establishment and Interpretation of the Student Code of Conduct

The Student Code of Conduct is set forth in writing in order to give students general notice of prohibited conduct and an understanding of the associated procedures. It has been established by the College President as part of the Ohlone College Administrative Procedures, involving broad input from the college community including, but not limited to, the Faculty Senate and the College Council. Any substantive modifications to the Student Code of Conduct will similarly allow for all members of the college community to provide meaningful input.

The Student Code of Conduct is established 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. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

I. Definitions

The following terms are used in the Student Code of Conduct.

College

- All of the Ohlone Community College District including the Fremont and Newark campuses, the e-campus and any other premises utilized by Ohlone College.

College official

- Any person employed by the College performing assigned administrative or professional responsibilities.

College premises

- All buildings or grounds owned, leased, operated, controlled or supervised by the College.

College-sponsored activity

- Any activity on or off campus that is initiated, aided, authorized or supervised by the College.

Complaint

- A report, formal or informal, that is made by or on behalf of an alleged victim of harassment by a student in violation of the College's harassment policy and procedure, or other violation of College policy.

Day

- A "day" is defined as a day during which the College is in session and regular classes are held, excluding Saturdays and Sundays.

Distribution

- Any sale, giving, or exchange with or without personal profit.

Faculty member

- Any full-time or part-time instructor, counselor, or librarian employed by the College.

Knowing conduct

- Conduct one undertakes with reasonable awareness.

Report

- An allegation that a student has violated the Student Code of Conduct.

Respondent

- A student or student group charged by the College with a violation of the Standards of Student Conduct.

Student

- A person either enrolled in or auditing credit or non-credit courses at the College, on either a full-time or part-time basis.

Student Group

- Also referred to as a "student organization," a student group, organization, club or other student body that is registered with the College, identifies itself as an Ohlone student group, and/or receives funding from the College.

Victim

- A person who has been harmed or attacked or whose property has been damaged or lost through the misconduct of a student or student organization. This may include non-physical misconduct such as threatening or intimidating behavior and discriminatory behavior. The determination of whether an individual is considered a victim, for the purposes of this document, will be made by the Vice President of Student Services and/or the Associate Vice President of Human Resources, depending on the nature of the misconduct.

In all cases, the terms "will" and "shall" are used in the imperative sense.

II. Standards of Student Conduct

The College reserves the right to take any necessary and/or appropriate steps to protect the safety and well-being of the college community. While the jurisdiction of the College shall generally be limited to conduct which occurs on College premises or at College-sponsored events, a student who is charged with a felony as a result of off-campus behavior, or who represents a risk to the health or safety of the college community, or whose conduct causes or is foreseeably likely to cause a material and substantial disruption of school, may also be subject to student conduct action. In addition, the jurisdiction may be extended when a student, or a student organization, commits a prohibited act off campus against a student or employee of the College, or against the College itself, when such act is related to the student's or victim's status at the College.

The College maintains its firm commitment to providing reasonable accommodations as required by applicable law to students certified with disabilities, and such students are encouraged to discuss with DSPPS (Disabled Students Programs and Services) any concerns they have about the requirements set forth within these Standards of Student Conduct. When appropriate, the College will give consideration to whether a conduct violation directly related to a student's disability could have been mitigated by reasonable accommodations. However, it is important to understand that the Standards of Student Conduct described here and the associated Student Discipline Procedures will be applied to all students equally to the full extent allowed by applicable law, based exclusively on behavior and conduct.

Although not all-inclusive, the following actions, activities and behaviors are expressly prohibited.

Academic dishonesty

Engaging in any form of academic dishonesty including, but not limited to:

- cheating on an examination, quiz, or assignment
- plagiarizing, that is, the taking and passing off as one's own work the ideas, writings, or work of another, without citing the source
- submitting work from another course unless receiving advance approval to do so by the instructor
- stealing or possessing stolen examinations or course materials
- posing as another person or allowing another person to pose as oneself
- falsifying academic records, including unauthorized access to any databases with academic records
- receiving help from others in work to be submitted, if contrary to stated course rules.

Cases of academic dishonesty are subject to both academic and administrative sanctions. Academic sanctions pertain to the student's grade or status in the class where the offense occurred. Administrative sanctions pertain to the student's status at the College.

To learn more about this, see the Ohlone College [Procedure on Academic Dishonesty](#).

Dishonesty

- Knowingly furnishing false information to any College official, faculty member or College office.
- Forging, altering or misusing any College document, record, or instrument of identification (including student identification cards, passwords, PINs).

Disruptive behavior

Disruptive behavior including, but not limited to:

- behavior that causes a disruption to either academic endeavors or the administrative operation of the College;
- conduct that disrupts any authorized or sponsored College event;
- the blocking of an entrance, exit, or access to any College facility, area, road, stairway and/or

- walkway;
- behavior that infringes on the rights of other members of the college community; and leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area;
- engaging in expression which is obscene, libelous or slanderous, which is a true threat, 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 regulations, or the substantial disruption of the orderly operation of the College.
- This policy and other provisions in the Code will not be interpreted to prohibit any speech or behavior that is protected by applicable law or Constitutional provisions.

Threatening or intimidating behavior

The use of words or actions to abuse, harass, bully, haze, stalk or coerce any person in a threatening or intimidating manner (including verbally, in writing, or through electronic or other means such as cyberbullying), when judged from the perspective of a reasonable person in the position of the victimized individual.

- Bullying involves the repeated, unreasonable actions of an individual, or a group of individuals, directed toward another person or group, which are intended to intimidate, degrade, humiliate, or undermine; or which create a risk to the health or safety of the targeted individual or group.
- Stalking is defined here to be consistent with California Penal Code 646.9. It is the willful, malicious, and repeated following or harassing of another person with the making of a credible threat that intentionally places that person in reasonable fear for his or her safety, or that of his or her immediate family.
- Hazing involves the imposition, with or without the consent of the participants, of strenuous, dangerous, degrading, or humiliating tasks as part of a program of initiation or membership in any student organization or College program.

Harassment

- Engaging in any behavior that is harassing of any individual or group of individuals on the basis of any status protected under the College's policies and procedure prohibiting harassment. This includes any unwelcome conduct directed at a person or persons that creates a hostile, offensive or intimidating learning or working environment, when the unwelcome conduct is targeting any of the following characteristics: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military or veteran status.

To learn more about this, see [Administrative Procedure 3430, Prohibition of Harassment](http://www.ohlone.edu/org/board/policy/ap-chapter3/ap3430.html) at <http://www.ohlone.edu/org/board/policy/ap-chapter3/ap3430.html>

Sexual Harassment

- Committing sexual harassment as defined by law or by College policies and procedures.

Sexual Misconduct or Crimes

- Committing or attempting to commit a sexual assault (including but not limited to rape), sexual battery, sex crime, dating violence, domestic violence, or stalking, while on campus or related to a College-sponsored activity or event. To learn more about this, see Administrative Procedure 3540 at <http://www.ohlone.edu/org/board/policy/ap-chapter3/ap3540.html>

Endangerment of others

- Assault or battery.
- Threat of force or violence.

- Causing, attempting to cause, or threatening to cause physical harm to any person, or causing reasonable apprehension of such harm or threat.

Possession or Use of Weapons

- Possessing, selling or otherwise furnishing, using, or threatening others with any firearm, knife, explosive, hazardous materials, other dangerous object, or reasonable facsimile thereof, on College property or at College-sponsored activities, except by certified law enforcement officers either on duty or otherwise acting in accordance with the requirements of their position. Note that the term "weapon" includes any object or substance that is designed to inflict physical harm, cause injury, or incapacitate; or that the student uses or threatens to use to cause physical harm, injury or incapacitation.

Safety equipment tampering

- Tampering with, or the unauthorized use of, fire safety equipment such as extinguishers, smoke detectors, alarm pull stations or emergency exits, including activating a false fire alarm, failing to evacuate a facility during the sounding of a fire alarm or upon the direction of a staff member, or attempting to re-enter the building without permission of the proper authorities.

Damage or destruction

- Engaging in any act that results in damage or destruction, or that attempts to cause damage or destruction, of College or other property, equipment, facilities, systems, intellectual property, vehicles, vessels or the vehicles or property of another while on College property or while at a College activity, even if while off College property.

Theft

- Committing or attempting to commit robbery, theft, or extortion. This includes stealing College property or services, stealing property of any person, distributing stolen property, and/or knowingly receiving stolen College property or private property on College premises or while at a College activity, even if while off College property.

Unauthorized recording

- The preparation, giving, selling, transfer, distribution, or publication, of any contemporaneous audio, video or photographic recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, without the prior permission of the instructor or DSPS.
- The unauthorized preparation, giving, selling, transfer, distribution, or publication of any contemporaneous audio, video or photographic recording of any person or thing while in the classroom, or equivalent site of instruction, without the prior permission of the instructor or DSPS, except as permitted by any College policy or administrative procedure.
- The use, in any locker room, changing room or restroom, of electronic or other devices, such as cameras or camera phones, to make a video or photographic record.

Unauthorized entry upon or use of College facilities

- Being present in or using College premises, facilities or property when such presence or use has been prohibited.

Unauthorized technology usage

- Misusing, or using without authority or in violation of law, the College's information technology or telecommunications systems, including but not limited to the unauthorized or illegal use or misuse of College phones, computers, and/or network systems; the violation of the College's information technology policies and guidelines; the unauthorized entry or dissemination of electronic

information; the hacking, duplication or unauthorized use of copyrighted software; destruction, unauthorized transfer or alteration of electronic files; and unauthorized use of another individual's electronic identification number, such as a password, user name, ID number, Social Security number, and/or PIN.

To learn more about this, see the [Information Technology Department's Systems Use Requirements](http://www.ohlone.edu/org/infotech/systemsusepolicy.html) at <http://www.ohlone.edu/org/infotech/systemsusepolicy.html>.

Smoking

- Willful or persistent smoking in any College vehicles, buildings, indoor and outdoor facilities, disabled and general use parking lots, and all open areas of College property.

To learn more about this, see the [College's smoking policy](http://www.ohlone.edu/org/board/policy/ap-chapter3/ap3570.html) at <http://www.ohlone.edu/org/board/policy/ap-chapter3/ap3570.html>.

Alcohol

- Consuming, being under the influence of, possessing, selling, offering to sell or furnishing alcoholic beverages or an intoxicant of any kind on College premises or at College-sponsored activities, except as authorized in accordance with official College policies and applicable law.

Controlled substances, paraphernalia and poison

- Unlawfully possessing, selling, offering/arranging/negotiating to sell, furnishing, using, or being under the influence of (1) any controlled substance listed in California Health and Safety Code Sections 11053 et seq., (2) any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5, or (3) any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code, on College premises or at College-sponsored activities.

Gambling

- Gambling on College property or at College-sponsored activities, except as authorized by the President or his/her designee and by applicable law.

Unauthorized animals

- Privately owned animals are not permitted to enter into any College facility or be left unattended, except as may be authorized for individuals with documented disabilities who may need such assistance, or as authorized to fulfill a class assignment, or as necessary to participate in a College-sponsored program or activity.

Traffic/parking violations

- Persistent or repeated violation of traffic safety and parking regulations.

To learn more about this, see [Administrative Procedure 6750, Parking and Traffic Systems Use Requirements](http://www.ohlone.edu/org/board/policy/ap-chapter6/ap6750.html) at <http://www.ohlone.edu/org/board/policy/ap-chapter6/ap6750.html>.

Skates/skateboards

- Using skates or skateboards on College property.

Non-compliance and misconduct

- Failing to comply with the lawful direction of a faculty member, College official, safety or law enforcement officer acting in performance of his/her duties, and/or failing to identify oneself to these persons when requested to do so.
- Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

Conduct process abuse

- Abusing the College student discipline process, including but not limited to falsifying, distorting or

misrepresenting information before a conduct officer or body; instituting a student conduct code proceeding in bad faith; attempting to influence or discourage an individual's proper participation in, or use of, the student conduct system; harassing verbally or physically and/or intimidating a member of a student conduct body; or failing to comply with the terms of any disciplinary sanction imposed.

Legal violations

- Violating any local, state or federal law on College premises or at College-sponsored activities or events.

Lewd, indecent or obscene conduct

- Engaging in lewd, indecent, or obscene behavior (this includes indecent exposure) on College-owned or controlled property, or at College sponsored or supervised functions.

Willful disobedience

- Continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, College personnel.

Willful misconduct

- Willful misconduct that 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 by others, while on campus or while at a College-sponsored activity or event.

Students may be held accountable to both civil and criminal authorities and to the College for acts that constitute violations of the law and these Standards of Student Conduct. The College may proceed with the student discipline process while any criminal proceedings are in progress, and will not be subject to a challenge based upon the grounds that criminal charges connected with the same incident are pending, have been dismissed, reduced, resolved in favor of or against the criminal law defendant, or withdrawn. Any acts of student misconduct that the College deems to also be violations of criminal law shall be reported to law enforcement authorities.

III. Reporting Student Misconduct

When Students Witness Misconduct

Depending on the situation, students have multiple resources when they have witnessed misconduct.

- If you are in a situation where you or others are in danger of physical or emotional harm or if you have witnessed what you believe is a criminal act, contact Campus Police Services immediately at 510-659-6111 at Fremont or at 510-742-2311 at Newark.
- If you have witnessed student misconduct within a specific class or if your contact with the student committing misconduct is related to a specific class, inform the instructor for that class. It may be a situation that the instructor needs to deal with, or he/she may assist you in contacting other resources.
- If you have witnessed student misconduct in any other setting on campus, please contact the Office of the Ombudsperson at ombudsperson@ohlone.edu. For more information, see <http://www.ohlone.edu/org/ombudsperson/>.
- If you witness, or are the victim of, sexual harassment, sexual misconduct, a sex crime including sexual assault, dating violence, stalking, or domestic violence you may report it to any faculty member or administrator or directly to the Associate Vice President of Human Resources and Training, who serves as the College's Title IX Coordinator.

When Faculty Members Witness Misconduct

Depending on the situation, faculty have responsibilities to report misconduct and multiple resources when they have witnessed misconduct.

A. Unsafe conduct

1. **Any Unsafe Conduct:** First and foremost, if you are in a situation where you or others are in danger of physical or emotional harm or if you have witnessed what you believe is a criminal act, contact Campus Police Services immediately at 510-659-6111 at Fremont or at 510-742-2311 at Newark. If such an incident has occurred in your class, you must also report the details of the incident to your academic dean and the Vice President of Student Services.
2. **If a faculty member feels unsafe:** If, at any point, you feel that your working environment is unsafe or that you are being harassed or that you are the target of discriminatory behavior, contact the Associate Vice President of Human Resources and your UFO representative(s).

B. Misconduct in the classroom or in the course of instruction

As a faculty member, you have the right to temporarily remove a student from class for misconduct that is disruptive to the learning environment. Learn more about this under "Interim Suspensions" in the section on Consequences of Misconduct in this document. In all such cases, make sure to report the incident by the end of the day to your academic dean and to the Vice President of Student Services.

For matters of academic dishonesty, please follow the guidelines outlined in the [Procedure on Academic Dishonesty](#).

C. Importance of "connecting the dots"

There may be situations where a faculty member concludes that a student's misconduct only warrants discipline or corrective action at the classroom level by the faculty member. While it is within the purview of the faculty member to determine appropriate classroom-based sanctions, it is essential that faculty report the imposition of all discipline to their academic dean and/or Vice President of Student Services. Faculty are often only aware of the conduct they directly witness in their own classrooms and are therefore unaware of possible patterns or escalations of misconduct. Past findings show that

colleges need systems in place to identify such patterns of behaviors that, in isolation, may not appear serious. Faculty reporting promotes and maintains a safe learning environment for all members of the college community.

Similarly, there may be situations where a student has committed misconduct that a faculty member does not believe has risen to the level where sanctions are appropriate, and opts instead to address the matter through counseling the student or giving a warning. For such situations, faculty should consult the "I Have a Student Who..." resource at <http://www.ohlone.edu/org/counseling/ihaveastudentwho.html>. Additionally, faculty are strongly encouraged to also report the situation to their academic dean and/or the Vice President of Student Services, as the incident or behavior may be directly related to other incidents that have occurred and/or there may be resources for the student that the faculty member is not aware of.

When Other Employees Witness Misconduct

Other employees of the College also have multiple resources when they have witnessed misconduct.

1. First and foremost, if you are in a situation where you or others are in danger of physical or emotional harm or if you have witnessed what you believe is a criminal act, contact Campus Police Services immediately at 510-659-6111 at Fremont or at 510-742-2311 at Newark. If such an incident has occurred in your working environment, report the details of the incident to your direct supervisor as well.
2. If, at any point, you feel that your working environment is unsafe or that you are being harassed or that you are the target of discriminatory behavior, contact the Associate Vice President of Human Resources and your union representative(s).

IV. Consequences for Misconduct

Interim Suspensions

When there is evidence that the continued presence of a student on the College premises may pose a threat to him/herself or to others, or may substantially impede the lawful functions of the College, or for other good cause under applicable law, the College President or designee may suspend the student from the College or from a specified class or classes, restrict the student's access to College programs or services, or bar the student from the campus, for an interim period of up to ten (10) days. All hearing rights shall be afforded to the student on an interim suspension by the end of this period. (Ed. Code 66017). Sanctions of interim suspension are not appealable. Because they are imposed on the student, the absences that result cannot be used to drop the student. Further, the student should be provided the ability to make up any missed work if, at the conclusion of disciplinary procedures, he/she is returned to the classroom.

If any interim suspension is imposed upon a student who is a minor, the student's parent(s) or guardian(s) shall have the right to a conference with an appropriate administrator.

Sanctions

One or more of the following sanctions may be imposed for violations of the Standards of Student Conduct. No student shall be removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or college attendance in accordance with Education Code 76034.

1. Removal from class

The student is excluded by an instructor for the day of the removal and the next class meeting. When an alleged violation of the Standards of Student Conduct has occurred within a class, the instructor may remove the student from class for the day of the removal and the next class meeting, in accordance with California Education Code Section 76032. The instructor will report immediately the violation and the removal to his/her academic dean, the Vice President of Student Services, and the Superintendent/President. The student may not return to class prior to the end of the removal period without the concurrence of the instructor. If the removed student is a minor, the college president or the president's designee shall ask the parent or guardian of the student to attend a parent conference regarding the removal as soon as possible. If the instructor or the parent or guardian so requests, a college administrator shall attend the conference.

2. Written or verbal reprimand

An admonition is issued to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the College. A written or electronic record of the fact that a verbal reprimand has been given may become part of a student's record at the College for the time the student attends the College and may subsequently be classified as a Disposable Record and destroyed at a future date as allowed by Title 5 regulations. (5 CCR 59022).

3. Probation with Loss of Privileges

The student is reprimanded in writing and warned that a more severe disciplinary sanction may result in the event of further violations of any law or College regulation including Standards of Student Conduct within a designated period of time. In addition, the student will be restricted from participating in some or all extracurricular College activities during the designated period. Additional restrictions or conditions may also be imposed, such as limiting interactions with specified individuals or groups at the College.

Notification will not appear on the student's transcript but may be sent to appropriate offices within the College, such as the Office of Campus Activities.

4. Probation without Loss of Privileges

The student is reprimanded in writing and warned that a more severe disciplinary sanction may result in the event of further violations of any law or College regulation including Standards of Student Conduct within a designated period of time.

5. Restitution

The student is required to make payment to the College or to other person(s), group(s), or organization(s) for damages incurred as a result of the violation of the Standards of Student Conduct or law.

6. Withdrawal of Consent to Remain on Campus

A directive is issued by the College Superintendent/President that a student may not be present on campus for a period of up to fourteen (14) days because consent to remain on campus has been withdrawn, based upon reasonable cause to believe that the student has willfully disrupted the orderly operation of the campus. Any person for whom consent to remain on campus has been withdrawn who willfully and knowingly reenters the campus during the period for which consent has been withdrawn is guilty of a misdemeanor and subject to arrest, unless the person is present for the sole purpose of applying to the President for consent to reenter or to attend a hearing. (Penal Code Section 626.4).

7. Suspension

The student is excluded from the College for a specified period of time.

When a minor is suspended, the parent or guardian shall be notified in writing by the College President or the President's designee.

Short-term Suspension

The student is excluded by the College President or a designee (including the Vice President of Student Services) for good cause from one or more classes for a period of up to ten (10) days of instruction.

Long-term Suspension

The student is excluded by the College President or a designee (including the Vice President of Student Services) for good cause from one or more classes for the remainder of the school term or from all classes and activities of the College for one or more terms. When the suspension extends beyond the remainder of the current term, notification will appear on the student's transcript until the suspension period has expired. When suspended from the College, the student will have his/her ID card confiscated and/or invalidated for the period of the suspension. There shall be no reimbursement of any student fees, costs, or expenses.

8. Expulsion

After a hearing conducted in accordance with Education Code section 66017 and 76030, the student is excluded by the Board of Trustees from all College campuses and programs. Documentation of expulsion will appear on the student's College transcript. Upon expulsion, the student's ID card will be confiscated and invalidated. There shall be no reimbursement of any student fees, costs, or expenses.

In cases of Academic Dishonesty, academic sanctions may also be applied. These are described in detail in the [Procedure on Academic Dishonesty](#) at

<http://www.ohlone.edu/org/student-services/academicdishonesty.html>.

Sanctions for group or organization violations may include revocation or denial of registration and funding, as well as other appropriate sanctions.

V. Student Discipline Process

The office of the Vice President of Student Services or the President's designee shall coordinate all considerations of student discipline. When the case under investigation may have direct impact on instruction or the educational environment at the College, the Vice President of Academic Affairs shall also be involved. When the case under investigation may have direct impact on working conditions for employees of the College and/or involves alleged discriminatory actions against protected classes, the Associate Vice President of Human Resources shall also be involved. Campus Police Services will be consulted in all matters involving the safety and well-being of the college community, including any potentially criminal matters. See also the additional guidelines presented in Section VII below for cases involving attacking or threatening behavior.

Any alleged violation of the code of student conduct must be made in writing and provided to the Vice President of Student Services or the President's designee for consideration and action. A form is provided for this purpose, but Campus Police report or other written form is also acceptable. Any individual (student, faculty or staff) bringing forward a charge associated with threats, harassment, sexual misconduct (including sexual assault, dating violence, domestic violence, and stalking) or other violence will be informed of victims' rights and may prepare a written statement, in addition to that individual's factual summary, describing any outcome that they wish to see as a result of the College's investigation.

1. Initial Review and Consideration of Interim Measures

The Vice President of Student Services or President's designee will conduct a prompt initial review of the alleged violation(s) of the Standards of Student Conduct in order to determine whether sufficient conditions exist to impose an interim suspension or other interim measures pending a full investigation. Interim measures are steps taken while a discipline proceeding is pending in order to preserve the integrity of the investigation, the smooth operation of the College, and/or the safety of any alleged victims. Interim measures may be imposed at any point during the review, investigation and discipline processes.

This initial review shall include an interview of the student and the individual(s) alleging the violation, if practicable. Interim measures are appropriate where the allegations, if true, include violence or threats of violence, harassment, destruction of personal property, and/or intimidating behavior toward specific individuals such as sexual misconduct, stalking, bullying or hazing.

Interim measures are taken without a finding of wrongdoing and do not constitute evidence that the student is guilty of the conduct charged.

2. Investigation

The Vice President of Student Services or President's designee will oversee the conducting of a fair, thorough and timely investigation of the allegations. The information for a thorough investigation may come from a range of sources, including: reports from faculty, staff, administrators, students, or others who directly observe the behavior; requests from faculty to impose discipline; formal or informal complaints from employees, students or the community; and the student's relevant records such as prior disciplinary and academic history (if any). The scope of the investigation will depend on the severity and complexity of the allegations. At his/her discretion, the Vice President of Student Services or President's designee may engage the services of an outside investigator.

At a minimum, the investigation shall afford the accused student(s) and accusing witness(es) the opportunity to be interviewed and provide information to the investigator.

3. Action upon Conclusion of Investigation

The Vice President of Student Services or President's designee shall determine the appropriate action, based upon whether he or she finds that there has been a violation of the Student Code of Conduct, and if so, the seriousness of the violation. Other factors that the Vice President of Student Services or President's

designee may consider in determining the appropriate action may include such things as the availability of witnesses and documentary evidence, mitigating or exacerbating factors, consistency with similar situations, and whether the College has a legal duty to remediate a hostile work or education environment. Based on the findings of the investigation, the Vice President of Student Services or President's designee shall do one or more of the following:

- Determine that there was no violation or the facts are inconclusive as to whether there was a violation.
- File the report for future reference in the Office of Student Services' administrative files.
- Issue a verbal or written reprimand to the student or other corrective action.
- Impose discipline that does not involve removal (e.g. probation, restitution, etc.)
- Refer the student to a College or community agency for counseling or rehabilitative treatment.
- Initiate suspension or expulsion proceedings.

4. Process for Actions Less than Short-Term Suspension

A. No Discipline:

- The Vice President of Student Services or President's designee will inform the accused student in writing of the findings and closure of the investigation.
- If the allegations involved the filing of a complaint, the complainant will also be notified of the results of the investigation in conformance with the College's complaint procedures. See <http://www.ohlone.edu/core/policy-complaintprocedures.html>.
- There may be situations where discipline is not appropriate, but other steps should be taken to address the work or educational environment such as training, re-issuing of rules, or modifying the education or work environment of the faculty, staff or student reporting the misconduct. The Vice President of Student Services or President's designee will consider the appropriateness of such steps in all instances where he or she determines that discipline is not appropriate. In conducting this review, the Vice President of Student Services or President's designee will confer, as appropriate, with the Vice President of Academic Affairs, Associate Vice President of Human Resources, and/or alleged victim(s).

B. Discipline Up to and Including Probation With Loss of Privileges.

If the Vice President of Student Services or President's designee determines that misconduct occurred and that the appropriate sanction is no more severe than Probation with Loss of Privileges:

- The student will be notified in writing of the charges and proposed disciplinary action, and be given the opportunity for a meeting with the Vice President of Student Services or President's designee, at which time the student may refute the charges and/or provide any information related to the alleged misconduct.
- After meeting with the respondent student, if the Vice President of Student Services or President's designee does not find a basis to modify or rescind his/her recommendation; OR if the respondent has declined the opportunity to meet; OR if the respondent cannot be reached via telephone or email or does not respond to messages within two (2) days, the proposed sanction shall be imposed.
- If the misconduct involved any act of violence, sexual misconduct, deliberate destruction of property, threats, intimidation, bullying, stalking, hazing, harassment or other conduct that has harmed another, the Vice President of Student Services or President's designee will ensure that the victim is offered the opportunity to meet with an appropriate College administrator(s) to determine whether any further steps are necessary and appropriate to remediate that individual's work or educational environment. Cases involving harmed employees will additionally involve the Associate Vice President of Human Resources and/or the Vice President of Academic Affairs or designee.

C. Temporary removal from campus and withdrawal of consent

The President or President's designee 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/she must promptly leave or be escorted off campus. If consent is withdrawn by the Vice President of Student Services or President's designee, 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 withdrawal within the period of the withdrawal. The request shall be granted not later than seven (7) 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 fourteen (14) days from the date upon which consent was initially withdrawn. Any person from whom consent to remain on campus has been withdrawn who willfully and knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is guilty of a misdemeanor and subject to arrest. (Penal Code Section 626.4).

5. Processes Applicable to Short-Term Suspensions, Long-Term Suspensions, Interim Suspensions and Expulsions

If the Vice President of Student Services or President's designee determines that the appropriate sanction is Suspension or Expulsion, the following procedures shall apply:

- a. **Notice:** The Vice President of Student Services or President's designee shall provide the student with written notice of the conduct warranting discipline. The written notice will include the following:
 - The specific sections of the Standards of Student Conduct that the student is accused of violating.
 - A short statement of the facts supporting the accusation.
 - A short statement of the relationship to college activity or attendance.
 - The sanctions being considered.
 - A copy of the College's student discipline procedure, including but not limited to the provisions authorizing the College President and/or Governing Board to impose a sanction greater than that recommended by the Student Conduct Board.
 - If the respondent is a minor, the respondent's parent(s) or guardian(s) will also be notified and be able to attend meetings and hearings.
- b. **Meeting** – If the student chooses to meet with the Vice President of Student Services or President's designee, the College will offer the student the opportunity to meet no later than five (5) days after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation and must be given an opportunity to respond verbally or in writing to the accusation.

Within ten (10) days after the meeting date described above, the Vice President of Student Services or President's designee shall make a decision regarding whether to recommend a long-term suspension or expulsion, to impose a short-term suspension, or to impose some lesser disciplinary action. In the latter two cases, written notice of the Vice President's or President's designee's decision shall be provided to the student. The notice will include the length of time of the suspension or the nature of the lesser disciplinary action. The Vice President's or President's designee's decision on a short-term suspension shall be final.

If instead, the Vice President or President's designee recommends a long-term suspension or expulsion, the College President shall, within five (5) days after the meeting date described above, decide whether to impose a long-term suspension or recommend expulsion. Written notice of the College President's decision shall be provided to the student. The notice will include the right of the student to a formal hearing before

a long-term suspension or expulsion is imposed and a copy of this policy describing the procedures for a hearing. See the following section for more detailed descriptions of the process for making final decisions of long-term suspensions and expulsions.

If the Vice President of Student Services or President's designee has issued an Interim Suspension, then 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 (10) days of the beginning of the Interim Suspension.

VI. Hearing Process for Long-Term Suspensions and Expulsions

1. Notice of Hearing

If the College President decides to impose a long-term suspension or recommend expulsion, the formal hearing will be scheduled. The formal hearing before the Student Conduct Board shall be held within ten (10) days after the notice of hearing is sent. In all cases when a hearing is called, the respondent student shall be given a minimum of five (5) days after the notice of hearing is sent to prepare for the hearing and shall have the right to meet with the Vice President of Student Services or President's designee prior to the hearing to review the supporting documents, clarify the process, and ask questions. The respondent may waive, in writing, the five (5) days to prepare for the hearing.

A student may sign an agreement stipulating to the consequences and waiving all hearing rights and all challenges to the discipline consequences and process. If the hearing is waived, and the recommended discipline is a long-term suspension, the discipline shall be imposed. If the hearing is waived, and the recommended discipline is an expulsion, the College President's recommendation and the student's agreement and hearing waiver will be forwarded to the Board of Trustees. See the "Final Decision" section below for more information on this.

2. The Hearing Panel

The hearing panel for suspensions and expulsions is known as the Student Conduct Board. The office of the Vice President of Student Services or President's designee will coordinate the composition of the Student Conduct Board as follows: the Associated Students of Ohlone College (A.S.O.C. Council) shall appoint two students; the Ohlone Faculty Senate President shall appoint two faculty members; and the College President shall appoint three administrators, one of whom shall serve as chairperson of the Student Conduct Board. The appointed individuals must be available to attend the scheduled hearing. In all cases, anyone who will be a witness in the hearing process, or was involved in or a witness of the alleged incident, or has a unique relationship with a participant in the incident, shall be disqualified from serving on the Student Conduct Board.

3. Closed Nature of Hearings

All student conduct hearings are closed to the public and treated as confidential unless the respondent student requests that it be open to the public. Any such request must be made no less than five (5) days before the hearing. In a closed hearing, each witness (other than the student respondent and the College representative) shall only be present during the portion of the hearing when he/she is testifying, unless all parties and the panel agree to the contrary. The student respondent and the College representative, even if a witness, have the right to attend the entire hearing.

Student disciplinary information and files are confidential as per the federal Family Educational Rights and Privacy Act (FERPA). Therefore, all participants in a student conduct hearing are required to consider all information and decisions related to the hearing to be confidential. Any participant who fails to adhere to this expectation may be subject to disciplinary action.

The College will only disclose the final outcome of a student conduct hearing to the respondent, the victim of an act of violence, a non-forcible sex offense or other offense when disclosure is legally authorized, to College officials and faculty members who have a legitimate educational interest in the outcome, and as otherwise required or authorized by applicable law.

The hearing shall be recorded by the College either by audio recording or stenographic recording. The College recording shall be the only recording made unless the hearing panel chair's permission is granted to others to record, in which case the College recording will be the official record. No witness who refuses to be recorded may be permitted to give testimony. In the event the record is by audio recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify him/herself by name,

and thereafter shall ask witnesses to identify themselves by name when the witness speaks. The audio 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 audio recording, at his/her own expense, provided that the use of such copy is for any subsequent proceedings related to the case. The respondent student shall be allowed to listen to the recording (with staff present) upon request.

4. Use of Representatives

The student may represent himself/herself, and, at his or her own cost, may also be represented by a person of his/her choice including by an attorney. If the student wishes to be represented by an attorney, the student must notify in writing the Vice President of Student Services and the College President not less than five (5) days prior to the date of the hearing. The College representative may also utilize legal assistance at the hearing. The hearing panel may also use legal assistance before, during, or after the hearing. The panel's legal advisor may sit with the panel in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it. Any attorney advising the panel shall not also advise the College representative presenting the case.

Should the hearing involve a minor student, the student's parent(s) or guardian(s) may be present also. If this occurs, the parent(s) or guardian(s) are not permitted to address the Student Conduct Board or to speak on behalf of the student, unless acting as the student's representative. Parent(s) and guardian(s) may be called as a witness to testify if an eyewitness to the event or if they have other personal knowledge that is relevant.

In the event that the student fails to appear at the scheduled hearing, the hearing will occur in the student's absence, unless the student provides good cause that the panel receives before the time of the hearing. The Student Conduct Board will determine whether good cause is shown for the student's absence, and, if so, reschedule the hearing. If good cause is not shown, and the recommended discipline is a long-term suspension, the recommended discipline shall be imposed. If the recommended discipline is expulsion, the recommendation will be forwarded to the Board of Trustees for final action.

5. Evidence

The purpose of the hearing is for the Student Conduct Board to hear evidence, to make findings of fact, and to make recommended decisions based upon those facts. The burden of proof shall be on the College, represented by the Vice President of Student Services or President's designee and/or legal counsel.

The College shall have the opportunity to call witnesses to provide testimony and present documents. The student respondent shall have the right to question witnesses and documentary evidence presented by the College.

The respondent student shall have the opportunity to provide testimony and call witnesses to provide testimony and present documents. The College shall have the right to question witnesses and documentary evidence presented by the student.

Additionally, the respondent student may request that witnesses and other personnel with pertinent and relevant information, as determined by the Student Conduct Board, be called to testify against the alleged charges and/or in support of a less severe sanction. When the student respondent determines other witnesses are needed that are employed by the College, the student must request those witnesses in writing at least 5 days before the hearing date.

When an individual is not an eyewitness and is only presenting character evidence in mitigation of the proposed discipline, the individual is to present a declaration or a letter signed under penalty of perjury, with the individual's signature following this statement:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in the city of _____, California, on the _____ day of the month of _____, 201__.

The hearing panel will then determine whether to accept the declaration from the character witness or have the character witness testify at the hearing.

All testimony shall be taken under oath or affirmation of truthfulness; the oath or affirmation shall be administered by the hearing panel chair.

Written statements of witnesses shall be signed under penalty of perjury but shall not be used unless the witness is a character witness or is unavailable to testify, as determined by the Student Conduct Board. A witness who refuses to be recorded is considered to be unavailable.

All members of the Student Conduct Board shall have the opportunity to ask clarifying questions of the Vice President of Student Services or the President's designee, the student respondent, any victim, and any witness providing testimony at the hearing.

Technical or formal rules of evidence do not apply. 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. A party may object to evidence to alert the hearing panel to the questionable reliability of evidence, but the panel may still admit such evidence as the panel deems appropriate and reliable.

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. Irrelevant and unduly repetitious evidence may be excluded. No evidence other than that received at the hearing shall be considered.

Any witness who knowingly provides false information to a Student Conduct Board will be subject to disciplinary action and possibly law enforcement or criminal penalties.

The student's prior disciplinary history is permitted to be presented to the hearing panel but is not permitted to be included in the hearing panel's determination of whether the specific violation of the Standards of Student Conduct being considered has occurred. However, should the student be found responsible for violating the Standards of Student Conduct, any previous violations at the College may be considered in determining the specific sanction to recommend for the current offense. Other factors in determining the sanction include, but are not limited to, the severity of the violation, the frequency and severity of prior violations, whether other means of correction have failed to bring about proper conduct, whether the student's presence causes a continuing danger to the physical safety of the student or others, the demeanor of the student, and the general safety and welfare of members of the college community.

6. The Decision of the Student Conduct Board

All deliberations of the Student Conduct Board will be made in closed session, without the presence of the parties, their representative(s), the alleged victim(s), and witness(es).

All decisions by the Student Conduct Board shall be determined by majority vote, but a reasonable effort will be made to reach a unanimous consensus. Members of the Student Conduct Board shall act objectively and free of personal or discriminatory bias.

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 testimony and written documents produced at the hearing.

Findings shall be based on a preponderance of the evidence presented, unless the alleged misconduct may violate federal civil rights laws. The standard of evidence that will be used during any disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, stalking, harassment, or discrimination will depend on the source of law under which the complaint was filed. For Title 5 complaints under state regulations, the standard is whether there is probable cause to believe the violation occurred with respect to each allegation in the complaint. ("Probable cause is a suspicion founded

upon circumstances sufficiently strong to warrant a reasonable man in the belief that the charge is true.” Garfield v. Peoples Fin. & Thrift Co. of Riverside, 24 Cal. App. 2d 144, 153 (1937)). For complaints under Title IX and other federal civil rights laws, the standard is whether the preponderance of the evidence showed that the violation occurred with respect to each allegation in the complaint.

Within five (5) days of the close of the hearing, the Student Conduct Board shall prepare, and the chairperson shall deliver to the College President, a written report giving specific findings of fact as to each charge, 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 recommendation will also be sent to the Vice President of Student Services or President’s designee and the student charged.

7. The Final Decision

Long-Term Suspension

Following the hearing process described above, the College President shall render a final written decision within five (5) days of receiving the Student Conduct Board’s recommendation of a long-term suspension. The College President may accept, modify or reject the findings, decisions and recommendations of the Student Conduct Board, which includes the authority to choose a more or less severe sanction. The College President’s decision shall be based solely on the following:

1. The record of the hearing;
2. New and reliable evidence that was not available prior to the hearing and would not have been available to one using reasonable diligence;
3. Evidence that the discipline process, as outlined in the Student Code of Conduct, was not adhered to during the hearing, resulting in a significant and prejudicial impact on the final outcome of the hearing.

If the College President modifies or rejects the Student Conduct Board’s recommended decision, the College President shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions and shall explain why the final sanction differs from that recommended by the Student Conduct Board.

The decision of the College President shall be final unless he or she determines to impose the more severe sanction of expulsion. In this instance, the recommendation shall be forwarded to the Board of Trustees to make the final decision.

The President's office shall send a copy of his/her decision to the respondent student, the Vice President of Student Services or the President’s designee, and the chair of the Student Conduct Board. If the law authorizes or requires notice to the victim, such notice will be provided.

The College President shall also provide notice of the decision to the Ohlone College Board of Trustees, purely as information.

Expulsion

Following the hearing process described above, the College President shall render a final written decision within five (5) days of receiving the recommendation of the Student Conduct Board. The College President may accept, modify or reject the findings, decisions and recommendations of the Student Conduct Board, in the same manner as with a long-term suspension.

If the College President modifies or rejects the Student Conduct Board’s decision, the College President shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions and shall explain why the final sanction differs from that recommended by the Student Conduct Board.

If the final recommendation of the College President is to expel, he or she shall forward this recommendation to the Board of Trustees using the process described below. If the College President decides to reduce the sanction to anything less than expulsion, his or her decision is final.

The Board of Trustees shall consider any recommendation from the College President for expulsion at the next regularly scheduled meeting (or at a special meeting) of the Board after receipt of the recommended decision.

The Board 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 (or parents/guardians of a minor student) shall be notified in writing, by registered or certified mail or by personal service, of the date, time, and place of the Board's meeting. (Education Code Section 72122).

The student (or parents/guardians of a minor student) may, within forty-eight (48) hours after receipt of the notice, request that the hearing be held as a public meeting. (Education Code Section 72122).

Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board 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 may accept, modify or reject the findings, decisions and recommendations of the College President or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision that contains specific factual findings and conclusions. The Board's decision shall be based on:

1. The record of the hearing;
2. New and reliable evidence that was not available prior to the hearing and would not have been available to one using reasonable diligence;
3. Evidence that the discipline process, as outlined in the Student Code of Conduct, was not adhered to during the hearing, resulting in a significant and prejudicial impact on the final outcome of the hearing.

The decision of the Board shall be final.

The final action of the Board on the expulsion shall be taken in open session, and the result of the action shall be a public record of the College.

VII. When Student Misconduct Involves Harm or Threat of Harm to Others

It is imperative that all members of the Ohlone College community feel as safe as possible. Toward that end, this Student Code of Conduct includes information for anyone who has been the subject of student misconduct involving physical injury, destruction of personal property, harassment, sexual harassment, sexual misconduct, bullying, cyberbullying, hazing, and/or threats or intimidation as defined in this Conduct Code (referred to in this section generally as “attacking or threatening behavior”). "Student misconduct" means that the behavior occurred either on one of the College's campuses or connected to College-related interactions or activities.

In incidents of attacking or threatening behavior, the student disciplinary process will be collaboratively coordinated by the Vice President of Student Services, the Vice President of Academic Affairs, and the Associate Vice President of Human Resources, collectively referred to here as the Administrative Team. If the victim is a student, the Administrative Team will directly involve the College Ombudsperson if requested by the victim student. If the victim is an employee, the Administrative Team will directly involve the appropriate union representative if requested by the victim employee. For the purposes of this process, the Administrative Team will determine, in consultation with the appropriate representative if requested by an individual who is possibly the victim, whether an individual is considered a victim.

In some circumstances, a person may be uncomfortable with the word “victim,” but the rights in this section are intended to help provide such a person with support, empowerment, information, and closure. While the victim will be afforded the rights described here, he/she will always have the option to decline these rights, if that is preferred.

While the College is invested in supporting the needs of the victim, the privacy rights of all students and employees must also be protected. The following victims' rights have been established, keeping that balance of rights in mind.

Rights of Complainants

Victims of harassment, including sexual harassment and sexual misconduct, have the right to submit formal or informal complaints to the College. Such complaints trigger certain timelines, notification, and appeal rights regarding the investigation and issuance of Administrative Findings and Determination. Where such conduct is committed by a student, the student discipline process works in tandem with the other procedure. For more information about the College's harassment complaint procedure, see <http://www.ohlone.edu/org/admissions/core/policy-complaintprocedures.html> and <http://www.ohlone.edu/org/board/policy/ap-chapter3/ap3435.html>

Interim and Remedial Measures

The College recognizes that responding to allegations of student misconduct by initiating the discipline process may not be sufficient to address the safety concerns of alleged targets of the misconduct. The College therefore will take the following additional steps.

Interim Measures

Interim measures are steps taken after the College learns of a concern and while the investigation or discipline proceeding is pending in order to preserve the safety of any alleged victims, the integrity of the investigation, and/or the smooth operation of the College. Interim measures may include such things as imposing an interim suspension; the College securing a Temporary Restraining Order for an employee victim; transfer of the accused student to a different class or campus; movement of the alleged victim to a different classroom, office, campus, or class(es); increasing security and/or providing escorts. The initial review of all reports of student misconduct will include consideration of whether interim measures are appropriate. Interim measures are appropriate where the allegations, if true, include violence or threats of violence, sexual misconduct, harassment, destruction of personal property, and/or intimidating behavior

toward specific individuals such as stalking, bullying or hazing. Appropriate interim measures will depend upon the unique facts of each situation, including the severity and frequency of the allegations, the location of the alleged violation(s), and the status and wishes of the alleged victim(s).

Remediation of the Work or Educational Environment

As described in the discipline procedure, the Vice President of Student Services or President's designee may determine at various points in the process that: a) discipline is not appropriate; or b) that the appropriate discipline involves measures that do not exclude the student from campus.

In the event that the Vice President of Student Services or President's designee determines that sufficient conditions do not exist to warrant sanctions, or that the appropriate sanctions do not include exclusion from campus, the alleged victim will be notified in writing and offered a meeting to discuss whether there are appropriate measures that should be instituted for his or her safety and/or peace of mind. If the alleged victim is an employee, the meeting will include the Associate Vice President of Human Resources and/or the Vice President of Academic Affairs and the appropriate union representative.

Rights During a Student Conduct Board Hearing

The Vice President of Student Services or President's designee (or legal counsel) is responsible for presenting the College's case in support of the recommended disciplinary action. The Vice President of Student Services/designee/counsel will devote the time and resources necessary to present the case in a clear and complete manner that is consistent with the standards of evidence and proof applicable in these proceedings. As a general rule, this will include presenting the testimony of alleged victims who have direct knowledge of the matters under review. The Vice President of Student Services/designee/counsel may decide not to present the testimony of an alleged victim if he or she concludes that it is not reliable, not relevant to the charges, or is unduly duplicative of other testimony.

Regardless of whether the Vice President of Student Services/designee/counsel determines to call an alleged victim for the purpose of proving the charges, alleged victims of attacking or threatening behavior shall have the right to address the Student Conduct Board near the end of the hearing on the issue of the appropriate level of sanction(s) and the impact on the alleged victim if the accused student is permitted to remain on campus.

Rights to Limited Information at the Conclusion of the Student Conduct Process

Every student at the College has privacy rights associated with their records, including students who have violated the Student Code of Conduct. For a case of attacking or threatening behavior, the victim(s) will be afforded the following notifications:

- In a case where the final sanction recommended is Expulsion, the alleged victim(s) will be notified of such at least three (3) days prior to the scheduled Board of Trustees meeting where the expulsion recommendation will be considered and decided by the Board of Trustees.
- In a case where the recommendation is no sanction or a sanction that is no more severe than Probation with Loss of Privileges, the alleged victim(s) will be notified that the student respondent received an Informal Discipline sanction, without specifying which specific sanction it was. The alleged victim(s) will also be informed in the event that the respondent has been required to limit or eliminate contact with the victim(s) on College property or at College events or activities, giving the details of the contact restrictions. These informal discipline notifications will usually occur within three (3) days of the final determination of the sanction. As described above regarding remedial measures, each alleged victim will also be offered a meeting to discuss possible measures to address his/her safety and/or peace of mind.

VIII. Maintenance of Disciplinary Records

The office of the Vice President of Student Services shall maintain all student disciplinary records. Such records are confidential and will be kept separately from the student's academic records. In the event that a student is not found in violation of the Standards of Student Conduct or legal requirements, the case file shall be maintained and subsequently destroyed in compliance with legal requirements. (5 CCR 59022).

Student conduct files of all students found in violation of the Standards of Student Conduct or legal requirements shall be retained by the College for a period of at least ten (10) years.

Records of expulsions and suspensions shall be permanently retained.

Sanctions that are no more severe than Probation with Loss of Privileges shall be maintained for at least 3 years and may subsequently be re-classified as a Disposable Record and destroyed in compliance with legal requirements. (5 CCR 59022). If the records are destroyed in compliance with the legal requirements, the sanction shall not be reported, after destruction, to outside agencies.

Records for students who have been expelled or suspended will be provided to others when required or authorized by applicable law, indefinitely.