

## **BP 5500 Standards of Conduct**

**References:** Education Code Sections 66300, 66301, 76030 - 76038;  
Accreditation Standard II.A.7.b

### I. Purpose

- A. The Board of Trustees shall establish rules and regulations for student conduct while on campus and/or engaged in any college-sponsored activity. The Superintendent/President 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.
- B. This policy and the procedures shall clearly define the conduct that is subject to discipline, and the procedures shall identify potential disciplinary actions, including but not limited to the removal, suspension or expulsion of a student.
- C. The Board shall consider any recommendation from the Superintendent/President 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.
- D. The procedures shall be made widely available to students through the college catalog and other means. The Vice President of Student Services or designee shall be responsible for enforcing rules and regulations and administering the disciplinary functions for all activities of students at times and places when students are under the District's jurisdiction; however, an individual instructor is given the power to remove a student from his or her class for good cause for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the Vice President of Student Services for appropriate action.

### II. Scope of Application

- A. These rules apply to all actions of students of the District on District property and at all activities sponsored by the District or registered student organizations, whether occurring on or off the campuses or other instructional sites. Pursuant to Education Code Section 76034, 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, with the exception of disciplinary response to sexual assault and sexual exploitation. Student conduct occurring off campus and not part of a District activity will subject the student to the District's jurisdiction, standards of student conduct, and student discipline process if the student's off-campus conduct is sufficiently related to college attendance, i.e., disruption of the work and discipline of the college has actually occurred from the student's off-campus conduct, or facts exist that reasonably lead to a conclusion by District officials that disruption on campus will soon follow the student's off-campus conduct. In addition, a student's conduct off campus may in certain circumstances be outside the jurisdiction of the District for purposes of the District's discipline

process, yet result in adverse action within the student's pre-professional academic program if such program has requirements imposed by law as a condition to admission to the profession for which the academic program is preparing the student, e.g. nursing.

- B. The following conduct shall constitute good cause for discipline. Good cause includes, but is not limited to, the following offenses:
1. Violation of District policies, procedures, or regulations.
  2. Failure to comply with directions of District officials acting in the performance of their duties; disrupting, obstructing, or interfering with instructional, administrative, disciplinary, or other functions or activities of the District.
  3. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
  4. Unauthorized use of a personal electronic device in an instructional or testing environment (such as smart watch, cell phone or tablet).
  5. Dishonesty, forgery, alteration or misuse of college documents, records or identification; or knowingly furnishing false information to the District.
  6. Causing, attempting to cause, or threatening to cause physical injury to another person.
  7. Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife, or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a District employee, which is concurred in by the college president.
  8. Unlawful possession, use, sale, offer to sell or purchase, 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.
  9. Committing or attempting to commit robbery or extortion.
  10. Causing or attempting to cause damage to District property or to private property on campus.
  11. Unauthorized possession or use of any personal property or equipment of the District.
  12. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
  13. Willful or persistent smoking (including electronic cigarette devices) in any area where smoking has been prohibited by law or by regulation of the college or the District.

14. Committing sexual harassment as defined by law or by District policies and procedures.
15. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.
16. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying; "bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
  - a. Placing a reasonable student or students in fear of harm to that student's or students' person or property;
  - b. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health;
  - c. Causing a reasonable student to experience substantial interference with his or her academic performance;
  - d. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the District.
17. Engaging in intimidating or bullying against District personnel through words or actions. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, District personnel.
18. Willful misconduct which results in injury or death to a student or to college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
19. Lewd, indecent, or obscene conduct on District-owned or controlled property or at District-sponsored or supervised functions.
20. Engaging in expression 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.
21. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
22. 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.

23. Unauthorized entry upon or use of District facilities.
24. Sexual Assault, defined as actual or attempted sexual contact with another person without that person's consent, regardless of the victim's affiliation with the community college, including, but not limited to the following:
  - (1) Intentional touching of another person's intimate parts without that person's consent or other intentional sexual contact with another person without that person's consent.
  - (2) Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent.
  - (3) Rape, which includes penetration, no matter how slight, without the person's consent of either of the following:
    - (A) The vagina or anus of a person by any body part of another person or by an object.
    - (B) The mouth of a person by the sex organ of another person.
25. Sexual exploitation, defined as a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, regardless of the victim's affiliation with the community college, including, but not limited to, any of the following:
  - (1) Prostituting another person.
  - (2) Recording images, including video or photograph, or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent.
  - (3) Distributing images including video or photograph, or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure and objected to the disclosure.
  - (4) Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.
26. Any act which is defined as a felony, misdemeanor or infraction under the laws of the State of California.

Approved: 6/9/1976

Reviewed: 12/8/2015

Revised: 10/6/1993; 6/5/2002, 6/2/2010, 4/02/2014

