



# Student Conduct Policy

**4F8** Student Conduct (*Revised December 13, 2001*)—Since public education is furnished by the people, it is a privilege. The Board of Trustees of the Kern Community College District, in support of public education and the exercise of general supervision of the campuses, requires that student conduct must reflect the standards of appropriate behavior as defined in pursuant sections. (Education Code Section 76037) See **Procedure 4F8** of this Manual for Student Complaint Hearing Panel Procedures.

**4F8A** Students shall respect constituted authority. This shall include conformance to Federal and State laws, Board regulations, College regulations, and applicable provisions of civil law.

**4F8B** The District expects students to conduct themselves in a manner consistent with the educational purposes of the College. Student conduct should reflect consideration for the rights of others, and students are expected to cooperate with all members of the College community. (For specific guidelines regarding conduct, see **Policy 4F8D** of this Manual.)

**4F8C** College personnel are responsible for communicating appropriate student conduct and for reporting any violations thereof, and the College President or designee shall have the right to administer suitable and proper corrective measures for misconduct.

**4F8D** The Board of Trustees, the College President or designee may suspend a student for good cause or when the presence of the student causes a continuing danger to the physical safety of the student or others. The Board of Trustees may exclude from attendance in regular classes any student whose physical or mental disability is such as to cause his or her attendance to be inimical to the welfare of other students. (Education Code Sections 76020 and 76030)

As used in this section, *good cause* includes, but is not limited to, the following offenses that may result in the imposition of sanction(s) (See **Policy 4F8E** of this Manual):

“Good cause” may be established by using appropriate investigation standards, such as:

- Interview of witnesses
  - Review of Campus Security Report, if applicable
  - Review of written statements, if applicable
  - Review of pertinent documents, if applicable
  - Review of any other evidence, if applicable
1. Persistent or gross acts of willful disobedience and/or defiance toward College personnel.
  2. Assault, battery, or any other form of physical abuse of a student or College employee.

3. Verbal abuse of a student or College employee. This includes, but is not limited to: defamation, obscenity, or “fighting words.” (Education Code Section 66301)
4. Any conduct that threatens the health or safety of the individual, or another, including any such action that takes place at an event sponsored or supervised by the College.
5. Theft of or damage to the property of the College, another student, or staff.
6. Interference with the normal operations of the College (e.g., disruption of teaching and administrative functions, disciplinary procedures, pedestrian or vehicular traffic, or other College activities, including its public service functions).
7. Use of personal portable sound amplification equipment and other electronic devices (radios, cell telephones, pagers, and tape players, etc.) in a manner that disturbs the privacy of other individuals and/or the instructional program of the College.
8. Unauthorized entry into, or use of, College facilities, equipment, materials, or supplies.
9. Abuse of and/or tampering with the registration process.
10. Forgery, falsification, alteration, or misuse of College documents, records, or identification.
11. Dishonesty such as cheating, plagiarizing, or knowingly furnishing false information to the College and its officials. See **Appendix 4F8D** of this Manual for Student Conduct Definitions of Plagiarism and Cheating.
12. Disorderly, lewd, indecent, or obscene conduct.
13. Extortion.
14. Breach of the peace on College property or at any College-sponsored or supervised function.
15. The use, sale, possession, or being under the influence of alcohol or any other controlled substance prohibited by law, on campus or at any function sponsored or supervised by the College.
16. Illegal possession or use of firearms, explosives, dangerous chemicals, or other weapons on College property or at College-sponsored activities.
17. Smoking and/or the use of tobacco products inside all campus buildings and other unauthorized campus areas.
18. Failure to comply with directions of College officials, faculty, staff, or campus security officers who are acting in performance of their duties.
19. Failure to identify oneself when on College property or at a College-sponsored or supervised event, upon the request of a College official acting in the performance of his/her duties.
20. Gambling.

21. Harassment (verbal or physical or sexual) of any student or member of the College community. (Harassment is defined as an activity which causes substantial emotional distress and serves no legitimate purpose.) (See **Policy 11C2** of this Manual for a definition of sexual harassment.)
22. Abuse of computer resources. (See **Policy 3E** of this Manual regarding Information Technology policies)
23. Abuse of or disruption to the student conduct and/or complaint process, including but not limited to:
  - Failure to obey the summons of a College official or appropriate committee.
  - Falsification, distortion, or misrepresentation of information before a College official or appropriate committee.
  - Disruption or interference with the orderly conduct of an official College proceeding.
  - Attempting to influence the impartiality of a member of an official committee prior to and/or during the course of, an official College proceeding.
  - Harassment and/or intimidation of any person involved in the conduct and/or complaint process, prior to, during, and/or after the proceeding.
  - Failure to comply with the sanction(s) imposed under the Student Conduct Code.
  - Influencing or attempting to influence another person to commit an abuse of the conduct or complaint process system.
  - Repeated filing of frivolous and/or capricious complaints against College personnel.
24. Hazing. (See Education Code Sections 32050 and 32051)
25. Violation of other applicable Federal, State, and local laws (e.g., hate crimes) and College rules and regulations.
26. Persistent, serious misconduct where other means of correction have failed to bring about proper behavior.
27. Assisting another person, or soliciting another person, in any of the offences listed in numbers 1 through 26 of this policy.

[See **Procedure 4F10(a)** of this Manual for Student Complaint Procedures]

**4F8E Sanctions**--In accordance with the provisions of Education Code Sections 76031 and 76037, the Board of Trustees provides for the following sanctions for violations of the Code of Student Conduct, and more than one (1) of the sanctions listed below may be imposed for any single violation:

1. **WARNING:** Verbal notification of the student by a faculty member or administrator that continuation of the conduct may be cause for further disciplinary action;

2. CENSURE: A written reprimand or warning to the student by a faculty member or administrator; written referral of the student to a College office or community agency for counseling or rehabilitative treatment;
3. PROBATION: Prohibition of the student by the Administration from participating in designated privileges of College activities for a period of up to one (1) semester or other stipulated requirements to conform to specified standards or conduct;
4. RESTITUTION: Reimbursement to the College, as directed by the Administration, for repair or replacement of District property misused, misappropriated, or damaged by the student;
5. TEMPORARY REMOVAL: A faculty member may remove a student from his or her class for the day of the removal and the next class meeting. The faculty member shall immediately report the removal to the College President or designee for appropriate action. During the period of removal, a student shall not be returned to the class from which he or she was removed without the concurrence of the faculty member of the class. (Education Code Section 76032).

Whenever a minor is removed from a class, the parent or guardian shall be notified in writing by the College President or designee. If the student removed from class by a faculty member is a minor, the College President or designee shall ask the parent or guardian of the student to attend a parent conference regarding the removal as soon as possible. If the faculty member or the parent or guardian so requests, a College administrator shall attend the conference. During the period of removal, a student shall not be returned to the class from which he/she was removed without the concurrence of the faculty member of the class. (Education Code Sections 76031 and 76032);

6. SUSPENSION: Exclusion from any or all classes and activities of the College and from use of any District facilities. The College President or designee may suspend a student for good cause as follows:
  - From one (1) or more classes for a period of up to ten (10) days of instruction;
  - From one (1) or more classes for the remainder of the school term;
  - From all classes and activities of the College for one (1) or more terms.

In all cases of suspension, the student shall receive official notice from the College President or designee.

No student shall be suspended unless the conduct for which he/she is to be disciplined is related to College activity or campus attendance.

Suspensions of any student from the College shall be accompanied by a prompt hearing unless the charges have been disposed of administratively by mutual consent, or the student sends a written notification to the President of the College or designee indicating that he/she does not want to proceed with the hearing. [See **Procedure 4F8** of this Manual for Student Conduct Hearing Panel Procedures] If an immediate suspension is required in order to protect lives or property and/or to ensure the maintenance of order, a reasonable opportunity shall be afforded the suspended person

for a hearing within ten (10) days of the suspension. (Education Code Sections 66017 and 76030) (*Revised April 6, 2006*)

During the period of suspension, a student shall not be permitted to enroll in any College in the District. (Education Code Section 76031)

The College President shall report all suspensions of students to the Chancellor of the District. (Education Code Section 76031)

Whenever a minor is suspended from a College, the parent or guardian shall be notified in writing by the College President or designee. The parent or guardian of the student shall be asked to a conference regarding the removal. (Education Code Sections 76031 and 76032); and

7. **EXPULSION:** Termination of the student status by the Board of Trustees on the recommendation of the Chancellor.

No student shall be expelled unless the conduct for which he/she is to be disciplined is related to College activity or campus attendance.

Expulsion of any student from the District shall be accompanied by a prompt hearing. [See **Procedure 4F10(b)** of this Manual for Student Conduct Hearing Panel Procedures]. If an immediate expulsion is required in order to protect lives or property and/or to ensure the maintenance of order, a reasonable opportunity shall be afforded the expelled person for a hearing within ten (10) days of the expulsion. (Education Code Sections 66017 and 76030)

In cases of expulsion, the Chancellor or designee shall recommend action to the Board of Trustees after receiving the College President's recommendation and supporting documentation, including the hearing panel's recommendation and the hearing record.

After Board action, the Chancellor or designee shall notify the student by registered mail, return receipt requested. The expulsion may be for a specified or unspecified time and shall be from all Colleges, programs, and activities of the District.

In expulsion for an unspecified time, the student may, after a reasonable time, request the College President to remove the expulsion. If the College President approves the request, he/she shall make that recommendation to the Chancellor or designee who may recommend to the Board that the expulsion be removed. The Chancellor or designee shall notify the student of the Board's action.

**4F8F** The College President or designee shall report any violation of Penal Code Section 245 (assault with a deadly weapon) or Civil Code Section 52.1 and Penal Code Sections 422.6 through 422.95 (hate crime) to the appropriate law enforcement authorities. (Education Code Section 76035)

**4F8G** At a minimum, an instructor who determines that a student has cheated or plagiarized has the right to assign an "F" grade for the assignment or examination. However, each College may impose additional penalties as appropriate to their respective College discipline procedures.

(See **Appendix 4F8D** of this Manual for the definitions of plagiarism and cheating.) *(Revised May 1, 2003)*

**4F8H** Violation or violations of any law, ordinance, regulation, or rule regulating, or pertaining to, the parking of vehicles, shall not be cause for the suspension or expulsion of a student from a community college. (Education Code Section 76036)

**4F9** Student Rights--Each College will publish policies and procedures which protect the rights of students, including the right of privacy concerning records and information about each student. *(Revised January 7, 1993)*

### **Student Conduct Hearing Panel Procedures**

**For the purposes of these Procedures, an Instructional Day is defined as any of the days noted on the official Academic Calendar of the College as an instructional day, excluding Saturdays and Sundays.**

### **Student Conduct**

The Student Conduct Hearing Panel shall only be convened to hear the following cases:

- Cases in which the College President or designee recommends suspension or expulsion of a student for violation of the Student Conduct Policy. (Education Code Sections 66017 or 76030)
- Cases involving suspensions and expulsions in which a student requests a second hearing to appeal his/her alleged violation of the Student Conduct Policy, based on relevant new evidence which exists that was previously unavailable and that would substantially affect the findings of the Hearing Panel. The Hearing Panel Chair of the first hearing shall determine whether new evidence is substantial enough to warrant a second hearing.

### **Student Conduct Charges and Hearing**

1. The College President will determine and publicize which administrative office will receive and administer the following issues:
  - Student conduct charges
  - Student complaints
  - Complaints related to discrimination (see **Policy 11C4**)
  - Complaints related to sexual harassment (see **Policy 11C2**)
2. Any employee and/or student of the Kern Community College District may file charges against any student(s) for misconduct. Charges shall be prepared in writing and directed to the College President or designee. Charges should be submitted within ten (10) instructional days after the event takes place. Charges may not be filed after six (6) months from the date of the offense, except under extenuating circumstances.
3. The College President or designee shall within ten (10) instructional days of receiving the charges, conduct an investigation to determine if the charges can be disposed of

administratively by mutual consent of the parties involved. Such disposition shall be final, and there shall be no subsequent proceedings. All parties involved shall be notified in writing within ten (10) instructional days of the decision.

If the charges cannot be disposed of by mutual consent, all parties involved shall be notified by the College President or designee of the intent to proceed to a hearing within ten (10) instructional days, and establish a timetable for convening the Student Conduct Hearing Panel.

4. All charges shall be presented to the accused student(s) in written form. A time shall be set for a hearing, within ten (10) instructional days after the student(s) has (have) been notified. For compelling reasons, maximum time limits for scheduling of hearings may be extended for ten (10) additional instructional days at the discretion of the College President or designee.
5. All cases of suspension or expulsion must be accompanied by a prompt hearing held by the Student Conduct Hearing Panel.

### **Student Conduct Hearing Panel and Hearing Process**

#### ***Panel Composition***

- One (1) or two (2) faculty members appointed by the Academic Senate President
- One (1) or two (2) classified staff members appointed by CSEA or Classified Senate President
- One (1) or two (2) administrators appointed by the College President
- One (1) or two (2) students appointed by the ASB President
- One (1) ad hoc chair appointed by the College President. This Chairperson shall be a non-voting member of the Panel except in the cases of a tie vote.

Appointments to the Hearing Panel will be made in accordance with established practices and procedures in effect at the colleges within the district.

#### ***Notification***

In all student conduct cases before the Hearing Panel, the Chair of the panel or designee shall prepare and personally deliver or mail a written notice to the parties involved, including the Hearing Panel members, not less than ten (10) instructional days prior to the hearing. Notices personally delivered shall be evidenced by a signed receipt. Notices deposited in the United States mail, postage prepaid, return receipt requested, and sent to the last address available in college records, shall be presumed to have been received and read. The notice shall specify the time, date, and place of the hearing and shall include copies of the written complaint or incident report, the Student Conduct Policy, and the Hearing Panel Procedures. The notice shall also include a statement of the specific student conduct violation and the grounds which if proven, would justify sanctions, appraisal of the right to self-representation or representation by another student or staff member and appraisal of the right to present witnesses and to cross-examine witnesses presented. Finally, the notice shall contain a clear request for the student's response as to whether or not he/she wishes to proceed with the hearing, and a clear indication that no response from the student(s) within five (5) instructional days constitutes a waiver of the hearing option.

#### ***Preparation***

The Chair of the Hearing Panel or designee shall be responsible for making the necessary arrangements for the hearing. Arrangements shall include: scheduling a room, providing for a tape recorder, providing notice to the parties as indicated above, and any other arrangements.

### ***Challenge***

The student(s) accused of misconduct may challenge any member of the Hearing Panel for cause. Grounds for cause include: any personal involvement in the situation giving rise to the charge(s), any statement or act indicating that the person could not serve in an impartial manner. Any challenge must be made not less than five (5) instructional days prior to the hearing. Challenges shall be considered by the College President or designee. If a challenge is upheld by the College President or designee, he/she will direct that an alternate be appointed to the Hearing Panel.

### ***Guidelines for Hearing***

Hearings shall be conducted according to the following guidelines:

- The Chair of the Hearing Panel shall preside over the hearing and make decisions regarding procedures. The Chair's procedural decisions shall be final. In the hearing involving more than one (1) accused student the Chair may conduct separate hearings for each student.
- Hearings shall be closed and confidential. All witnesses shall be excluded from the hearing except when testifying. **(Moved from Procedure 4F10(b))**
- Admission of any person to the hearing shall be at the discretion of the Chair.
- The Chair shall call the hearing to order, introduce the parties, announce the purpose of the hearing, and read the alleged violation(s) aloud.
- The accused student(s) shall be given the opportunity to respond to all charges. He/she shall be provided an opportunity to present his/her own defense against the charges and to produce either oral testimony or written affidavits of witnesses on his/her behalf.
- The College, the accused, and the Hearing Panel shall have the privilege of presenting witnesses, subject to the right of cross-examination. Witnesses shall only be identified at the hearing.
- Formal rules of evidence shall not apply. All relevant evidence is admissible, including, but not limited to, statements of witnesses and relevant documents. The Chair shall decide on these matters.
- Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the Hearing Panel at the discretion of the Chair. Both parties shall be provided the opportunity during the hearing to refute or contest any evidence presented. The Chair will rule on the admissibility of evidence.

### ***Right to Representation***

The student(s) and the staff member(s) may represent themselves, or may be represented by another student or staff member.

### ***Right to Advisor***

The student(s) have the right to be assisted by any advisor they choose. However, the advisor, while permitted to attend the hearing, shall not be permitted to participate directly in the proceedings. In other words, the advisor shall not be allowed to address the Hearing Panel, cross-examine witnesses, or make arguments on behalf of his/her advisee.

Each party shall be afforded the opportunity to make a closing argument.

After the hearing, the Student Conduct Hearing Panel shall deliberate in private for the purpose of determining whether the accused has violated the Student Conduct Code sections(s) as charged.

The Hearing Panel shall make its decision and/or recommendation(s) based on the preponderance of evidence presented at the hearing. In situations where a consensus cannot be achieved, the decision or recommendation(s) shall be made by a simple majority vote.

There shall be a single verbatim record, such as a tape recording, of all testimony before the Hearing Panel. The record shall be the property of the College and/or District.

The hearing shall be held whether the accused attends or not so that the charges and supporting evidence become part of the official record.

### **Procedures Subsequent to Hearing**

#### **Notifications**

Within five (5) instructional days of the hearing date, the Hearing Panel shall recommend action to the College President in writing.

Upon receipt of the Hearing panel recommendation(s), the College President shall render a decision within five (5) instructional days and communicate that the decision, in writing, to all parties involved.

In all cases of suspension, the student(s) shall receive official notice from the College President or designee.

In cases of expulsion, the Chancellor or designee shall recommend action to the Board of Trustees after receiving the College President's recommendation and support documentation, including the Hearing Panel's recommendation and the hearing record.

After Board action, the Chancellor or designee shall notify the student by registered mail and return receipt requested. The expulsion may be for a specified or unspecified time and shall be from the Colleges, programs, and activities of the District.

In expulsion for an unspecified time, the student may, after a reasonable time, request the College President to remove the expulsion. If the College President approves the request, he/she shall make that recommendation to the Chancellor or designee who may recommend to the Board that the expulsion be removed. The Chancellor or designee shall notify the student of the Board's action.

#### **Appeals**

Under certain circumstances, the accused has the right to appeal the College President's decision. The appeal may be made on the following grounds only:

The Student Conduct Policy and/or Procedures were violated, and the violation resulted in demonstrable unfairness to the accused; or

Relevant new evidence exists which was previously unavailable and which would substantially affect the findings of the Hearing Panel.

Appeals must specify the grounds for the appeal and must be submitted in writing to the College President within:

Five (5) instructional days of written notification of the decision when delivered in person with a signed receipt, or Eight (8) instructional days of written notification of the decision when sent by registered mail and return receipt requested.

Following a review, the College President may affirm the findings or sanction(s), remand for a full or partial rehearing, modify the sanction(s), or dismiss the charge(s) against the student(s). Within ten (10) instructional days after receipt of the written appeal, the College President shall forward to the student(s) and to all parties involved a written notice of his/her decision regarding the appeal. The decision of the College President is final.

### **Confidential File**

Establishment of Confidential File

A confidential file shall be established on all student(s) who have been found to be in violation of the Conduct Code.

All reports, records, transcripts, tapes, etc., that are made a part of the hearing shall be retained in the office of the appropriate Vice President and such reports, records, transcripts, tapes etc., made a part of the hearing shall be held confidential, except as required by law.

A confidential file shall be established on student(s) involved in District related incidents investigated by campus security and/or law enforcement personnel.

**DEFINITIONS OF PLAGIARISM AND CHEATING**

**Definitions:** (Quoted from the Regulation at Cal State University, Long Beach, as printed in the its General Catalog dated 1990-91, page 56.)

**Definition of Plagiarism**--Plagiarism is defined as the act of using the ideas or work of another person or persons as if they were one's own, without giving credit to the source. Such an act is not plagiarism if it is ascertained that the ideas were arrived at through independent reasoning or logic or where the thought or idea is common knowledge.

Acknowledgement of an original author or source must be made through appropriate references, i.e., quotation marks, footnotes, or commentary. Examples of plagiarism include, but are not limited to, the following: the submission of a work, whether in part or in whole, completed by another; failure to give credit for ideas, statements, facts or conclusions which rightfully belong to another; in written work, failure to use quotations marks when quoting directly from another, whether it be a paragraph, a sentence, or even a part thereof; close and lengthy paraphrasing of another's writing or programming. A student who is in doubt about the extent of acceptable paraphrasing should consult the instructor.

Students are cautioned that, in conducting their research, they should prepare their notes by (a) either quoting material exactly (using quotation marks) at the time they take notes from a source; or (b) departing completely from the language used in the source, putting the material into their own words. In this way, when the material is used in the paper or project, the student can avoid plagiarism resulting from verbatim use of notes. Both quoted and paraphrased materials must be given proper citations.

**Definition of Cheating**--Cheating is defined as the act of obtaining, or attempting to obtain, or aiding another to obtain academic credit for work by the use of any dishonest, deceptive, or fraudulent means. Examples of cheating during an examination include, but are not limited to, the following: copying, either in part or in whole, from another's test or examination; discussion of answers or ideas relating to the answers on a examination or test unless such discussion is specifically authorized by the instructor; giving or receiving copies of an examination without the permission of the instructor; using or displaying notes, "cheat sheets," or other information or devices inappropriate to the prescribed test conditions, as when a test of competence includes a test of unassisted recall of information, skill, or procedure; allowing someone other than the officially enrolled student to represent the same. Also included is plagiarism as defined and altering or interfering with the grading procedures.

It is often appropriate for students to study together or to work in teams on projects. However, such students should be careful to avoid the use of unauthorized assistance, and to avoid any implication of cheating, by such means as sitting apart from one another in examinations, presenting the work in a manner which clearly indicates the effort of each individual, or such other method as is appropriate to the particular course.

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