



# ADMINISTRATIVE PROCEDURES

## MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT

No. 533.1

### STUDENT CONDUCT GUIDELINES

#### 1. STANDARDS OF CONDUCT

Students may be disciplined only for “good cause.” This conduct may be directed toward any College personnel, student, or other persons while on campus property, at a campus activity, or resulting from their campus relationship. “Good cause” includes, but is not limited to the following:

- 1.1. Students are expected to avoid any type of dishonesty, including, but not limited to, cheating, plagiarism, or other academic dishonesty; forgery, fabrication, furnishing false information to the College; alteration or misuse of College documents or records; aiding in dishonesty; misrepresentation of themselves or organizations to be a campus agent.

Detailed explanations of academic honesty and consequences of academic dishonesty are addressed in Academic Honesty Guidelines. (Regulation 533.2)

- 1.2 Disturbance of the peace, which includes, but is not limited to, obstruction or disruption of teaching or other College activities or property; assault, sexual assault or harassment, battery, or any threat of force or violence; physical or verbal abuse, intimidation, harassment, coercion; and/or any other conduct which threatens or endangers the health and safety of any person.
- 1.3 Use by any student of any electronic listening or recording device in any classroom without the prior consent of the instructor is prohibited, except as necessary to provide reasonable auxiliary aids and academic adjustments to disabled students. Willful violation is a misdemeanor. Ed Code Section 78907
- 1.4 Theft, attempted or threatened theft, or damage to, or threat of damage to, property.
- 1.5 Unauthorized entry to, or use of, College facilities, supplies, or equipment.
- 1.6 Violation of College policies and regulations or law; or failure to comply with the directions of a College official (including faculty) acting in the performance of their duties.
- 1.7 Use, possession, sale, or distribution of a “controlled substance,” as that term is defined by Health and Safety Code Section 11007, while on College premises or at any College sponsored activity; or disruptive presence on College premises or at a College sponsored activity while under the influence of a controlled substance. This includes “medicinal” marijuana. The Compassionate Use Act does not allow a person to medicate themselves with marijuana in violation of the restrictions contained in College policy.

- 1.8 Disorderly conduct, including, but not limited to, alcoholic intoxication, or lewd, indecent, or obscene conduct.
- 1.9 Use, possession or distribution of alcohol on campus, except as provided by College policy.
- 1.10 Unlawful possession or use of firearms, explosives, other weapons or dangerous chemicals on College premises or at College sponsored activities.
- 1.11 Smoking or use of tobacco products on College premises where smoking and use of tobacco products is prohibited by regulation of the Board of Trustees of the College.
- 1.12 Theft or other abuse of phones, electronic devices or computer time, including but not limited to:
  - Unauthorized entry into a file to use, read or change the contents, or for any other purpose.
  - Unauthorized transfer of a file.
  - Unauthorized use of another individual's identification and password.
  - Unauthorized use of electronic devices in the classroom, including but not limited to, head phones, cellular phones, and pagers.
  - Use of computing facilities to interfere with the work of another student, faculty member or Mendocino College official.
  - Use of computing facilities to send obscene or abusive messages.
  - Use of computing facilities to interfere with normal operation of Mendocino College computing systems.

## 2. FORMS OF DISCIPLINE

Students committing violations of Student Conduct Guidelines are subject to any of the following forms of discipline -- warning, censure, suspension from class by an instructor, disciplinary probation, loss of privileges and exclusion from activities, suspension, expulsion, exclusion from areas of campus or from official College functions, interim suspension, restitution, monetary fines, community service, holds on registration or requests for transcripts, diplomas or other student records, or other appropriate sanctions.

Any suspension must be reported to the Board of Trustees (Ed Code Section 76031).

The sanction of expulsion is authorized when other means of correction fail to bring about proper conduct or when the continuing presence of the student causes a threat to the physical safety of the student or others (Section 76030). Expulsion from the College for a definite period of time (usually 3 years or more) may also include loss of all College privileges, including College employment and the privilege of entering any portion of the College's premises except by written authorization from the Office of the President. Readmission after 3 years is contingent upon the student's application to, and approval of, the President.

No fees shall be refunded to students who are suspended or expelled.

### Interim Suspension

An accused student may be suspended and prohibited from campus on an interim basis, pending disciplinary review, when there is reasonable cause to believe that immediate suspension is required to protect lives or property or to assure the maintenance of order. The student shall be given prompt notice of the charges and opportunity for a hearing on the immediate suspension within 10 days. During the suspension, the student shall not, without prior written approval, enter the campus other than to attend the hearing. Violation of the conditions of the immediate suspension will be grounds for expulsion.

### Removal from Class

Instructors have the right to immediately remove a student from class for disruptive behavior or other violation of the Student Conduct Code, and if necessary, for the next class meeting. Instructors should immediately discuss the case with the Director of Student Life and Athletics to determine whether to prohibit the student from the second class session and/or whether to initiate additional disciplinary process. The Director of Student Life and Athletics will consult with the Dean of Student Services and notify the student in writing of when and under what conditions the student may return to class. If the student is under 18 years of age, a parent conference must be held with the student, the Director of Student Life and Athletics, and possibly the faculty member to discuss the conduct and removal as soon as possible.

### Campus Emergency

The President may declare a state of campus emergency and implement any necessary procedures.

Withdrawal for Psychiatric Reasons or Contagious Disease Conditions of physical or mental disability, filthy or vicious habits, or contagious or infectious disease (Section 76020) may lead to the involuntary withdrawal of students by the Dean of Students (in consultation with the Lead Counselor or Medical doctors) from Mendocino College or to other restrictions of student status when such disorder demonstrates that he or she a) poses a threat to self or others, or b) is unable to function within MC policies and regulations. Withdrawal in any specific case will be undertaken with extreme care, and only when no other available alternative is more appropriate – specifically, campus conduct and discipline regulations, State psychiatric commitment procedures, etc.

## 3. PROCEDURAL DUE PROCESS

- 3.1. **CHARGES.** Violation of College policies may be initiated against a student by another student, college personnel, or a non-college person. A complaint must be in writing, signed and presented to the Office of the Dean of Students, which will investigate and take appropriate action. The Office of the Dean of Students may also initiate disciplinary action on behalf of the College.
- 3.2 **NOTICE OF CONFERENCE.** A student charged with misconduct shall be given written notice to meet with the Dean of Students or other administrative officer designated by the President of the College. The student charged with a violation will be sent appropriate notice by regular mail at their official address listed in the Admissions and Records Office. If the student is a minor, a copy of the notice shall be delivered to the student's parent or guardian if they can be identified and located. This notice shall include the following information:

- 3.2.1 A written explanation of the incident and charges which have been made (i.e., the specific conduct involved and the specific regulations alleged to be violated);
  - 3.2.2 A summary of the facts that have been determined to date. This includes the opportunity for the student to inspect all documents relevant to the case, including police reports, which are in the possession of the Dean at the time of the meeting;
  - 3.2.3 A copy of the disciplinary procedures;
  - 3.2.4 The time and place of the conference;
  - 3.2.5 Whether it involves the necessity for interim suspension and withdrawal of consent to remain on campus.
- 3.3 DEAN'S CONFERENCE. At the conference with the Dean of Students or designated administrative officer, the student shall hear the evidence against him/her and provide rebuttal evidence.

The Dean of Students/administrative officer shall render a decision in writing to the student (and parent/guardian of a minor) indicating one of the following:

- 3.3.1 dismissal of the charges,
- 3.3.2 discipline less than suspension (with a written appeal to the Academic Vice President for final decision),
- 3.3.4 suspension or expulsion (with an appeal to the Student Appeals Committee) or direct referral without Dean's decision to the Student Appeals Committee

#### SUSPENSION OR EXPULSION

If the Dean of Students/administrative officer recommends suspension or expulsion, he/she shall notify the student in writing of the student's right to a hearing before the Student Appeals Committee. The student must, in writing, request a hearing with the Student Appeals Committee.

- 3.4. STUDENT APPEALS COMMITTEE
- 3.4.1. COMPOSITION. The Student Appeals Committee shall be composed of two (2) faculty and one administrator appointed by the Vice President of Academic Affairs and the Academic Senate; and one student (and an alternate) appointed by the Associated Students of Mendocino College.

The administrator appointee shall serve as chair of the committee.

#### 3.4.2 STUDENT APPEALS COMMITTEE PROCEDURES

##### Dean's Summary

It shall be the responsibility of the Office of the Dean of Students to submit to the Student Appeals Committee the Dean's Summary, which includes charges, and any written statements or evidence and disciplinary recommendations.

### Timing

A hearing of the Student Appeals Committee shall be convened no earlier than twenty-four (24) hours and no later than seven (7) days following the filing of a request for hearing by the student in the Office of the Dean of Students.

Order of Proceeding: The Dean's Notice letter shall be read aloud to the student unless he/she waives such reading. If the student admits the acts, he/she may make a statement concerning any mitigating circumstances and the Dean may respond and make a statement concerning any aggravating circumstances. Unless the Student Appeals Committee request additional information, no other evidence shall be taken and the hearing shall end.

In other cases, the hearing shall proceed with the Dean and/or his/her advisor presenting his/her case followed by the student and/or his/her advisor. Each shall have the opportunity to question witnesses, know the content and authorship of any written statements, and be given a chance to rebut.

The Chairperson of the Committee shall conduct the hearing and make all rulings as to the conduct of the hearing and admissibility of evidence. An orderly hearing shall be maintained and abusive or disruptive people shall be ejected or excluded. Irrelevant and repetitious evidence may be excluded as determined by the Chairperson.

The hearing shall not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. The Committee shall consider only the evidence received at the hearing and its findings should be based on a preponderance of the evidence.

The student shall not be required to give self-incriminating evidence at the hearing and no inference shall be drawn from his/her silence. The Dean shall request students and employees to present evidence when appropriate.

Advisors: The student and Dean may each be accompanied by an advisor of his/her choice, who may act on his/her behalf. If the student desires that this advisor be an attorney, then at least ten (10) working days' notice before the hearing must be given by the student in writing to the Dean.

Closed Hearings: Hearings shall be closed to everyone except the Student Appeals Committee; the student charged and one advisor; the Dean; the Dean's advisor; and witnesses, if any, only while they are presenting their evidence.

Confidentiality: The disciplinary hearing and any results must be kept confidential by all parties. Limited disclosure of disciplinary recommendations may be made between campuses as allowed by law. No disciplinary action other than "Disciplinary Expulsion", will normally appear on the student's academic transcript except in unusual circumstances deemed appropriate by the Committee.

The results of any disciplinary action by the College may be disclosed to an alleged victim of any crime of violence. "Crime of violence" is defined by State law to mean an offense in which there is the use, attempted use, or threatened use of physical force against a person or the property of another, or any other offense that is a felony and that by its nature involves a substantial risk that physical force against a person or the property of another and be used in the course of committing the offense. It is the alleged victim's obligation to keep the results of the disciplinary action or appeal confidential. (Penal Code Section 261-264.1, 286-289.)

Constitutionality: The Committee shall not receive nor consider arguments concerning the constitutionality or legal validity of campus regulations or statewide policy.

Absence of the Student Charged: If the student charged does not appear (personally or through his/her advisor) without satisfactory explanation for his/her absence having been made at his/her earliest opportunity, or should he/she leave or be rejected or excluded from the hearing before its conclusion, or adjournment, the hearing shall proceed without him/her, and the Committee shall render a decision based on the available evidence and make its report just as though the student charged had been present throughout the hearing.

Record of Hearing: A tape recording of the hearing shall be kept for 1 year.

Student Appeals Committee Decision: Following presentation of evidence, the Committee shall privately consider the evidence with all other persons excluded, and shall prepare a written recommendation for the President. The recommendation shall contain:

- A summary of the facts as found by the Committee, and a determination that the student did or did not commit the acts charged.
- Which of the specific causes for discipline was violated by the conduct.
- Findings on evidence, if any, in mitigation or aggravation with respect to discipline.
- The type of discipline.
- Such further information as the Committee may consider appropriate.

A minority report may be submitted if appropriate.

### 3.5 PRESIDENT'S DECISION

The President reviews the recommendation of the Student Appeals Committee and accepts, rejects or modifies the recommendation. The President shall inform the student within five working days of the outcome and the decision is final in case of suspension.

### 3.6 EXPULSION/BOARD OF TRUSTEES

If the President's decision is expulsion, the student may appeal to the Board of Trustees, in writing, specifying one of the following grounds and including supporting evidence:

- The decision lacks substantial basis in fact to support the findings.
- There is incongruity between the proposed sanction and findings.
- There is substantial unfairness in the proceedings which has deprived the student of a fair and impartial process.
- There is newly discovered important evidence, that despite due diligence on the part of the student, was not known at the time of the Student Appeals Committee hearing.

The Board of Trustees will review the written appeal and may uphold the President's recommendation to expel the student or impose any other disciplinary sanction.

#### Reference:

Ed Code 66017, 66300, 66301, 76030, 78907

Penal Code 626.4

Accreditation II.A.7.b

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