

APPENDIX VII

Student Discipline Procedures

Reference: Education Code Section 66300, 66301, 72122, 76030, 76120, 76224 (a)

A student enrolling in Moorpark College, Oxnard College, or Ventura College assumes an obligation to conduct him/herself in a manner compatible with the college's function as an educational institution. The purpose of this procedure is to provide a prompt and equitable means to address violations of the Student Code of Conduct which provides the student or students involved with appropriate due process rights. This procedure will be applied in a fair and equitable manner and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies. These Administrative Procedures are not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Sections 66301 and 76120, and will not be used to punish expression that is protected.

Student conduct must conform to the Student Code of Conduct established by the Governing Board of the Ventura County Community College District in collaboration with college administrators and students. Violations of such rules are subject to disciplinary actions which are to be administered by appropriate college authorities. The Ventura County Community College District has established procedures for the administration of the penalties enumerated here. College authorities will determine the appropriate penalty(ies).

Definitions of Key Terms

Chief Student Services Officer (CSSO) - A college's Vice President of Student Support or designee.

Day - Days during which the district is in session and primary term classes are in session, excluding Saturdays and Sundays.

District - The Ventura County Community College District.

Good Cause for Disciplinary Action - As used in this procedure, "good cause" for disciplinary action includes any violation of the VCCCD Student Code of Conduct as set forth in Board Policy 5500 student conduct is related to college activity or college attendance.

Attorney Use Policy

The intent of the Moorpark College, Oxnard College and Ventura College student conduct process is to provide a developmental opportunity to provide reflection and sustained behavioral change in instances where disruption to the learning environment has occurred. This process is not designed to be adversarial, even where there is a lack of agreement on the facts, circumstances, or proposed sanction.

As such, it is the policy of the colleges of the Ventura County Community College District to exclude the use of attorneys in student conduct proceedings. An exception to this policy is hereby granted in instances where the college has decided to proceed with a student conduct hearing based on the same behaviors for which the student is currently subject to prosecution for a felony offense or matters involving any violations of Title IX of the Federal Education Code. In such instances, the student may be accompanied by one attorney (or non-attorney) of his or her choice to act as an advisor. During the hearing, the advisor shall not speak

on behalf of the student. A representation letter is requested from the attorney five working days before the hearing.

Student Code of Conduct

The purpose of these standards is to ensure a safe, respectful, and productive learning environment for VCCCD students, staff, faculty, and administrators. In order for the colleges and the district to fulfill their mission of student learning achievement, all employees must feel secure in their work setting. Student conduct that negatively impacts the ability of students to meet their educational goals or employees to carry out their professional job responsibilities will be subject to the terms of this procedure.

Definitions: The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension, or expulsion of a student.

The procedures shall be made widely available to students through the college catalog and other means. Students who violate any of the following standards for student conduct while at the district office, on the college campus, or during off-campus college-sponsored activities are subject to the procedures outlined in Administrative Procedures 5520: Student Discipline Procedures:

1. Causing, attempting to cause, or threatening to cause physical injury to another person;
2. Possession, sale, or otherwise furnishing a weapon, including but not limited to, any actual facsimile of a firearm, knife, explosive or other dangerous object, or any item used to threaten bodily harm without written permission from a District employee, with concurrence of the College President or designee.
3. Unlawful possession, use, sale, offer to sell, or furnishing or being under the influence of any controlled substance listed in the California Health and Safety Code Sections 11053 et seq., an alcoholic beverage, or 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. (Use or possession of medical marijuana is not allowed on any college property.)
4. Committing or attempting to commit robbery or extortion.
5. Causing or attempting to cause damage to District property or to private property on campus.
6. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
7. Willful or persistent smoking (including e-cigarettes or use of similar mechanisms) in any area where smoking has been prohibited by law or by regulation of the college or the district.
8. Sexual Assault or sexual exploitation regardless of the victim's affiliation with the district.
9. Committing Sexual Harassment as defined by law or District policies and procedures. 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.
10. 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. The District's response to instances of sexual harassment will follow the processes identified in Board Policy 3430 Prohibition of Harassment (<https://go.boarddocs.com/ca/vcccd/Board.nsf/goto/?open&id=BW5VWP82C304>) and Administrative Procedure 3430 Prohibition of Harassment (<https://go.boarddocs.com/ca/vcccd/Board.nsf/goto/?open&id=BSSSR370E65E>).

11. 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 cyber-bullying.
12. Willful misconduct that results in injury or death to a student or to District personnel of which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
13. Disruptive behavior, willful disobedience, profanity, vulgarity, lewd, or other offensive conduct, on campus or during campus sponsored activities or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
14. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty as defined by the CSSO.
15. Dishonesty, forgery, alteration or misuse of District/college documents, records or identification, or knowingly furnishing false information to the District/college or any related off-site agency or organization.
16. Unauthorized entry to or use of District/college facilities.
17. Lewd, indecent or obscene conduction or expression on District-owned or controlled property, or at a District-sponsored or supervised functions.
18. Engaging in expression which is obscene, libelous, or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on District/college premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the district.
19. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
20. Unauthorized preparation, giving, selling, transfer, distribution, or publication of any recording or photography of an academic presentation in a classroom or equivalent site of instruction, including but not limited to written class materials, except as permitted by District policies or administrative procedures.
21. Violation of professional ethical code of conduct in classroom or clinical settings as identified by state licensing agencies (Board Registered Nursing, Emergency Medical Services Authority, Title 22, Peace Officers Standards and Training, California Department of Public Health).

Students who engage in any of the above are subject to the procedures outlined in Administrative Procedure 5520 Student Discipline Procedure (<https://go.boarddocs.com/ca/vcccd/Board.nsf/goto/?open&id=BXP3GB7D5712>).

Definitions:

Chief Student Services Officer (CSSO). A college's Vice President of Student Services or designee.

Day Days during which the district is in session and regular classes are held, excluding Saturdays and Sundays.

District The Ventura County Community College District.

Instructor Any academic employee of the district in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or another academic employee who has responsibility for the student's educational program.

Student Any person currently enrolled as a student at any college or in any program offered by the district who was also enrolled at the time of the alleged violation of the Standards of Student Conduct.

Time Limit Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence, in writing, by all parties.

Discipline Types in Order of Severity

The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct. The selection of the degree of severity of sanction to be imposed shall be commensurate with the severity of the offense. The availability of a less severe sanction does not preclude the imposition of a more severe sanction in any circumstance where the more severe sanction is deemed appropriate.

Removal from Class. Exclusion of the student by the instructor for the day of the removal and the next class meeting.

Written or Verbal Reprimand. An admonition 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 record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

Withdrawal of Consent to Remain on Campus. Withdrawal of consent by the CSSO for any person to remain on campus in accordance with California Penal Code Section 626.4 where the CSSO has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

The CSSO or 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/they must promptly leave or be escorted off-campus. If consent is withdrawn by the CSSO or 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 no later than seven 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 14 days from the date upon which consent was initially withdrawn.

Any person whose consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent

has been withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code Section 626.4).

Time Limits: Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

Short-term Suspension. Exclusion of the student by the CSSO for good cause from one or more classes for a period of up to ten consecutive days of instruction.

Immediate Interim Suspension. The CSSO may order the immediate suspension of a student where he/she/they conclude that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, 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.

Long-term Suspension. Exclusion of the student by the CSSO 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.

Expulsion. Exclusion of the student by the Board of Trustees from all colleges in the district for one or more terms.

Procedures for Disciplinary Actions (listed in order of severity)

Any times specified in these procedures may be shortened or lengthened if there is mutual written concurrence by all parties.

Reprimand

The CSSO or designee, upon recommendation from the instructor or other District or college employee, shall review the report of alleged misconduct. If it is determined that there has been a serious violation of the Student Code of Conduct or the Education Code, the CSSO or designee will notify the student that the continuation and/or repetition of misconduct may result in even more serious disciplinary action. This notification will be delivered in writing. Documentation of the misconduct and the written notice given to the student shall be permanently retained in the district discipline files. Reprimands may be appealed directly to the College President. Students may not request a hearing to appeal a reprimand.

Temporary Removal from Class

Any instructor may order a student removed from his/her/their class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the CSSO, Area Dean, and Department Chair. The CSSO shall arrange for a conference between the student and instructor regarding the removal. If the instructor or the student requests, the CSSO shall attend the conference. The student shall not be returned to class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the CSSO from recommending further disciplinary action in accordance with these procedures based on the facts that led to the removal.

Suspensions and Expulsions

Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

Notice. The CSSO will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:

- the specific section of the Student Code of Conduct that the student is accused of violating;
- a short statement of the facts supporting the accusation;
- the right of the student to meet with the CSSO to discuss the accusation, or to respond in writing, or both; and
- the nature of the discipline that is being considered.

Time limits. The notice must be provided to the student within 14 days of the date on which the conduct took place; in the case of continuous, repeated, or ongoing conduct, the notice must be provided within 14 days of the date on which conduct occurred which led to the decision to take disciplinary action.

Meeting. If the student chooses to meet with the CSSO, the meeting must occur no sooner than 14 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.

Short-term Suspension. Within 10 days after the meeting described above, the CSSO shall, pursuant to a recommendation from the designee, decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the CSSO'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 CSSO's decision on a short-term suspension shall be final.

Long-term Suspension.

Within 10 days after the meeting described above, the College President shall, pursuant to a recommendation from the CSSO or designee, decide whether to impose a long-term suspension. Written notice of the College President's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of AP 5520 Student Discipline Procedures describing the procedures for the hearing.

Expulsion.

Within 7 days after the meeting described above, the College President shall, pursuant to a recommendation from the CSSO or designee, decide whether to recommend expulsion to the Board of Trustees. Written notice of the College President's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of the AP 5520 Student Discipline Procedures describing the procedures for a hearing.

Hearing Procedures for Long-term Suspension and Expulsion

Request for Hearing. Within 5 days after receipt of the College President's decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the College President or designee and must include a date and the signature of the student or if the student is a minor, the student's parent, or guardian. If the request for a hearing is not received within 5 days after the student's receipt of the College President's decision or

recommendation in the case of expulsion, the student's right to a hearing shall be deemed waived.

Schedule of Hearing. The formal hearing shall be held within 20 days after a formal request for a hearing is received. The parties involved will be asked to attend the hearing and will be given sufficient notice in writing as to the time and place at least 10 days prior to the hearing date.

Hearing Panel. The hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student. At the beginning of the academic year, and no later than October 1st, the College President, the President of the Academic Senate, and the Associated Students President shall each provide the names of at least five persons who will serve on Student Disciplinary Hearing Panels. The College President, or designee, shall appoint the Hearing Panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a Hearing Panel.

Upon notification of the Hearing Panel's composition, the student and the district shall each be allowed one peremptory challenge. The College President shall substitute the challenged member or members and replace them with another member of the panel pool to achieve the appropriate Hearing Panel composition. In the event the pool names are exhausted in any one category, further designees shall be submitted by the College President (for administrators), the President of the Academic Senate (for faculty), or the Associated Student President (for students). The chairperson may, by giving written notice to both parties, reschedule the hearing as necessary pending the submission of alternate designees.

A quorum shall consist of all three members of the committee.

Hearing Panel Chair. The College President, or designee, shall appoint one member of the Hearing Panel to serve as the chair. The decision of the Hearing Panel Chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the Hearing Panel to the contrary.

Conduct of the Hearing

The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins. The facts supporting the accusation shall be presented by a college representative who shall be the CSSO or designee.

The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

After consultations with the parties, in the interests of justice, a time limit on the amount of time provided for each party to present its case, or any rebuttal, may be set by the hearing panel. Formal rules of evidence shall not apply. All members of the campus community shall be bound by the student code of conduct or code of professional ethics to provide only true testimony. Witnesses who are not members of the campus community will testify under oath subject to the penalty of perjury. Any relevant evidence may be admitted at the discretion of the Hearing Panel Chair, in consultation with the Hearing Panel. Hearsay evidence will be admissible but will be insufficient, alone, to establish a charge against

the student. The Hearing Panel Chair, in consultation with the Hearing Panel, shall be responsible for determining the relevancy of presented evidence and testimony, the number of witnesses permitted to testify, and the time allocated for testimony and questioning. The Hearing Panel Chair, in consultation with the Hearing Panel, shall further be responsible for instructing and questioning witnesses on behalf of the Hearing Panel, and for dismissing any persons who are disruptive or who fail to follow instructions. If either party refuses to adhere to the instructions of the Hearing Panel Chair, the right to the hearing will be deemed waived. The Hearing Panel Chair shall have the final decision on all procedural questions concerning the hearing.

Unless the Hearing Panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.

The student may represent himself/herself/themself and may also have the right to be represented by a person of his/her/their choice, except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

Hearings shall be closed and confidential unless the student requests that they be open to the public. Any such requests must be made no less than 5 working days prior to the date of the hearing.

In a closed hearing, witnesses shall not present at the hearing when not testifying, unless all parties and the panel agree to the contrary.

The hearing shall be recorded by the district either by tape recording or stenographic recording. The official recording shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Recordings shall remain in the custody of the district at all times unless released to a professional transcribing service. The student may request a copy of the recording.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape-recorded is not unavailable.

Within 5 working days following the close of the hearing, the hearing panel shall prepare and send to the College President a written decision. The decision shall include specific factual findings regarding the accusation and shall include specific conclusions regarding whether any specific section(s) of the Standards of Student Conduct was violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed if any. The decision shall be based only on the record of the hearing, and not on matters outside of that record. The record consists of the original accusation, the written response, if

any, of the student, and the oral and written evidence produced at the hearing.

College President's Decision

- Long-term suspension. Within 15 days following receipt of the hearing panel's recommended decision, the College President shall render a final written decision. The College President may accept, modify, or reject the findings, decisions, and recommendations of the hearing panel. If the College President modifies or rejects the hearing panel's decision, the College President shall review the record of the hearing, and shall prepare a new written decision that contains specific factual findings and conclusions. The decision of the College President shall be final.

- Expulsion. Within 15 days following receipt of the hearing panel's recommended decision, the College President shall render a written recommended decision to the Chancellor as a recommendation to the Board of Trustees. The College President may accept, modify, or reject the findings, decisions, and recommendations of the hearing panel. If the College President modifies or rejects the hearing panel's decision, he/she/they shall review the record of the hearing and shall prepare a new written decision which contains specific factual findings and conclusions. The College President's decision shall be forwarded to the Chancellor as a recommendation to the Board of Trustees.

Board of Trustees' Decision

The Board of Trustees shall consider any recommendation from the Chancellor for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

The Board shall consider an expulsion recommendation in a 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 shall be notified in writing, by registered or certified mail to the address last on file with the district or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within 48 hours after receipt of the notice, request that the hearing be held as a public meeting.

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 against the right to privacy of any student other than the student requesting the public meeting in a closed session.

The Board may accept, modify, or reject the findings, decisions, and recommendations of the Chancellor. If the Board modifies or rejects the Chancellor's recommendation, the Board shall review the record of the hearing, and shall prepare a new written decision that contains its specific factual findings and conclusions. The decision of the Board shall be final.

The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.