



STUDENT CODE OF CONDUCT

Yuba Community College District provides access to its services, classes, and programs without regard to national origin, religion, age, sex (gender), race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, or because a person is perceived to have one or more of the foregoing characteristics.

YUBA COMMUNITY COLLEGE DISTRICT
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YUBA COMMUNITY COLLEGE DISTRICT **STUDENT CODE OF CONDUCT**

Effective July 1, 2008

The governing board of Yuba Community College District (“District”) shall adopt specific rules and regulations governing student behavior, along with applicable penalties for violation of the rules and regulations. The board shall also adopt procedures by which all students are informed of such rules and regulations, with applicable penalties, and any revisions thereof. (Ed. Code § 66300.)

Section 1. Expected Conduct

In joining the academic community, College students are expected to conduct themselves in accordance with district standards and to comply with district rules and those adopted by state and local authority.

Section 2. Purpose

The purpose of providing this Code of Conduct is to give notice of inappropriate conduct and to provide a procedure for disciplining students that offers fair and objective treatment.

For students enrolled in Academy or other regulatory programs, compliance with Academy rules or regulations is a condition of satisfactory academic performance, rather than a matter of student discipline. Academy students may be terminated from participation in the Academy and receive a grade of Incomplete for violating Academy rules or regulations. Termination from an Academy program does not otherwise affect a student’s enrollment in the College, unless a separate disciplinary action is commenced pursuant to this Code of Conduct.

Section 3. Definitions of Terms Used in This Code of Conduct

(a) “College authority” means a member of the District governing board, Chancellor, the College President, the Vice President of Academic and Student Services, the Disciplinary Committee, a member of the campus police force, members of the College faculty and administration, and anyone else specifically designated as such by the College President.

(b) “College day” or “instructional day” means a day when the College’s regular instructional program is offered, including summer school.

(c) “Work day” means a day when the College’s regular operation is open to the general public.

(d) “Content-neutral” means regulation of speech and other expressive activity that is justified without reference to the content of the regulated speech.

(e) “Minor” means a person under 18 years of age. For a student enrolled at the College, the permission or consent required of and the rights accorded to the parents of the student, with

respect to access to the student's records, shall only be required of and accorded to the student, whether or not the student has attained the age of 18.

(f) "Class" includes the Yuba Community College District Library.

(g) "Instructor" includes the Yuba Community College District Librarian

Section 4. Campus Expression; Freedom of Speech

(a) Discussion and expression of all views is encouraged within the District, as is respect for the right of others to listen or not to listen, subject to the following provisions.

(b) The governing board of the District shall not make or enforce any rule subjecting any student to disciplinary sanction solely on the basis of conduct that is speech or other communication that, when engaged in outside a District campus, is protected from governmental restriction by the First and Fourteenth Amendments to the U.S. Constitution or Article I, Section 2 of the California Constitution.

(c) The governing board of the District has adopted rules and regulations relating to the exercise of free expression by students on College campuses maintained by the District, which include reasonable provisions for the time, place, and manner of conducting such activities, based on content-neutral criteria:

- (1) The colleges and campuses of the District are non-public forums, except for the areas designated by the Chancellor as designated public forums, which are generally available to students and the community as follows:
 - (a) Clear Lake Campus – the area between Buildings 400, 200, and 702.
 - (b) Woodland Community College – the central quad stage area between Buildings 200 and 700 and including the grassy area immediately north of the stage.
 - (c) Yuba College – the central area of the campus surrounding Building 400 and bordered by Buildings 100B, 200, 500, 1100 and 300.
- (2) These areas are subject to the following:
 - (a) Persons using the designated area(s) and/or distributing material in the designated area(s) shall not impede the progress of passersby, nor shall they force passersby to take material.
 - (b) No person using the designated area(s) shall touch, strike, or impede the progress of passersby, except for incidental or accidental contact, or contact initiated by a passerby.
 - (c) Persons using a designated area shall not use any means of amplification that creates a noise or diversion that disturbs the orderly conduct of the college, campus, or classes taking place at that time.
 - (d) Material distributed in the designated area(s) that is discarded or dropped in or around the designated area(s) other than in an appropriate receptacle must be retrieved and removed or properly discarded by those persons distributing the material prior to their departure from the designated area(s) that day.

- (e) No persons using the designated area(s) shall solicit donations of money, through direct for funds, sales of tickets, or otherwise, except where he or she is using the designated area(s) on behalf of and collecting funds for an organization that is registered with the Secretary of State as a nonprofit corporation or is an approved Associated Students organization or club.
- (3) All persons using the designated area(s) of the college shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within the designated area(s).
- (4) Posting – Students shall be provided with bulletin boards for use in posting student materials at campus locations convenient for student use. All materials displayed on a bulletin board shall clearly indicate the author or agency responsible for its production and shall be dated with the date of posting. Materials displayed shall be removed after the passage of 15 days.

(d) The rules and regulations adopted by the governing board of the District recognize the right of students to exercise free expression with regard to, but not necessarily limited to, the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges, or other insignia.

(e) However, the District prohibits that expression which is obscene, libelous, or slanderous according to current legal standards, or which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises, or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the College.

(f) At the same time, the District shall not adopt any rules or regulations, which may be deemed to be prior restraint of student speech.

Section 5. Campus Expression; Hate Violence

(a) The governing board of the District may adopt rules and regulations that are designed to prevent “hate violence” from being directed at students in a manner that denies them their full participation in the educational process, so long as the rules and regulations conform to standards established by the First and Fourteenth Amendments of the U.S. Constitution or Article I, Section 2 of the California Constitution.

(b) Acts shall not be considered “hate violence” based on speech alone, unless the speech itself threatens violence against a specific person or group of persons, the person or group of persons against whom the threat is directed reasonably fears that the violence will be committed because of the speech, and the person threatening violence had the apparent ability to carry out the threat. (See Section 14 (d) of this Code.)

Section 6. Dress Code

College students are expected to demonstrate maturity and exercise good judgment and taste in everyday attire. Whatever the student’s judgment, however, every individual is required

to wear shoes or bona fide street sandals in all campus buildings. In addition, there are other areas of the campus – for example, the gymnasium, tennis courts, track, and shop areas – where specific types of footwear may be required because of safety factors and/or potential damage to the flooring of the surface of the facility.

Section 7. Animals on Campus

(a) Except as provided below, students are not allowed to bring animals on campus without prior written approval from the College president or designee.

(b) This section does not apply to:

- (i) Dogs or other animals that are specially trained to assist blind, hearing impaired, or otherwise disabled College community members; or
- (ii) Animals brought to campus as patients of the Veterinary School, in accordance with Veterinary School rules.

(c) Whether an animal is legitimately on campus or not, no animal shall be left unattended in a motor vehicle at any time. A student who violates this provisions may be subject to disciplinary probation (see Sections 14 (a) – (c) below), including such penalties as ineligibility for participation in athletics and other student activities and withholding of grades and transcripts.

(d) Students should avoid feeding and other contact with feral cats and other wild animals on campus, as these animals may cause injury or disease.

Section 8. Parking Violations

(a) After five (5) parking violations, other than violations for parking in areas reserved for disabled community members, a student may be subject to disciplinary probation (see Sections 14 (a)-(c), below), including such penalties as ineligibility for participation in athletics and other student activities and withholding of grades and transcripts. In addition, a student who has accumulated five or more unpaid parking tickets may have his or her vehicle towed away and impounded at the owner's expense.

(b) A student receiving a violation for parking in a campus area reserved for disabled community members will be subject to disciplinary probation pursuant to subsection (a), above.

(c) All other traffic violations will be handled according to the provisions of the California Vehicle Code.

(d) No student may be expelled from school because of a parking violation.

Section 9. Student Identification

A student shall state his or her name whenever he or she is requested to do so by a College authority.

Section 10. Removal of Student from Class by Instructor

(a) An instructor may remove a student from his or her class for the day of removal and next class meeting. In the case of the Library, removal would be for the day and the next college day. The instructor shall immediately report the removal of the student to the College president or designee for appropriate action.

(b) Before ordering the removal of any student from his or her class, the instructor shall first give, or make reasonable efforts to give, the student a verbal or written notice of the reasons for the proposed removal. There need be no delay between the time notice is given to the student and the time of any discussion of the issues between the instructor and the student.

(c) If a student removed by an instructor 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 instructor or the parent or guardian so requests, a College administrator shall attend the conference.

(d) 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 instructor of the class.

(e) This action is independent of any other action taken pursuant to other disciplinary provisions of this Code of Conduct, even if the student's acts or omissions involved in both actions are the same.

Section 11. Authority to Suspend or Expel Students; Immediate Interim Suspension

(a) Consistent with the requirements of due process of law, the District governing board, the College president or designee, or an instructor shall suspend a student for good cause.

(b) In addition, the District governing board is authorized to expel a student for good cause when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others.

(c) The suspension or expulsion of a student shall be accompanied by a prompt hearing, or, where an immediate suspension is required to protect lives or property or to ensure the maintenance of order, a student may be put on immediate interim suspension, provided that a reasonable opportunity is afforded the suspended person for a hearing within ten (10) days.

Section 12. Scope of Disciplinary Authority; "Good Cause" Grounds for Discipline

Students are subject to discipline, as provided in Section 14, for any of the following behavior, if the behavior is related to College activity or attendance, which includes, but is not necessarily limited to, behavior that occurs on property owned or controlled by the College, at a College sponsored activity off College premises, or while going to or from a College sponsored activity in College provided or approved transportation.

Behavior constituting “good cause” for discipline includes, but is not necessarily limited to, the following:

- (1) Cheating or plagiarism in connection with the College academic program.
- (2) Forgery, alteration, or misuse of College documents, records, or identification, or knowingly furnishing false information to a College representative in connection with the performance of official duties.
- (3) Misrepresentation of oneself or of an organization as an agent of the College.
- (4) Obstruction or disruption, on or off College property, of teaching, research, administration, disciplinary procedures, or other college activities.
- (5) Physical abuse, on or off College property, of the person or property of any member of the College community or of members of his or her family or the threat of physical abuse.
- (6) Theft or unauthorized removal of, or non-accidental damage to, College property, or property in the possession of, or owned by, a member of the College community.
- (7) Unauthorized entry into, unauthorized use, or misuse, of College property.
- (8) Sale or knowing possession, on College property, of dangerous drugs, restricted dangerous drugs, or narcotics, as defined in California statutes, except when lawfully prescribed for medical or dental care or lawfully permitted for the purpose of research, instruction, or analysis.
- (9) Knowing possession or use of explosives, dangerous chemicals, or deadly weapons on College property or at a College function without prior authorization of the College president or designee.
- (10) Engaging in lewd, indecent, or obscene behavior on College property or at a College function.
- (11) Abusive behavior directed toward, or hazing of, a member of the College community.
- (12) Violation of any order of the College president or designee, notice of which was given prior to the violation and during the academic term in which the violation occurred, including notice by publication in the College newspaper, or by posting on an official bulletin board designated for this purpose, and which order is related to standards of student conduct and is consistent with any of the other provisions of this section.
- (13) Soliciting or assisting another to do any act that would subject a student to expulsion, suspension, probation, or other form of discipline pursuant to this code.
- (14) Discrimination or harassment, including sexual harassment, as defined in Administrative Procedure 3430 (Prohibition of Harassment).

(15) Acts of “hate violence,” as defined in Section 5, above, and Section 14, below.

(16) Commission of a computer-related crime, including, but not limited to, tampering, interference, damage, and unauthorized access to computer data and computer systems, as described in Penal Code section 502.

(17) Use of any electronic listening or recording device in any classroom without the prior consent of the instructor, except as necessary to provide reasonable auxiliary aids and academic adjustments to students with disabilities.

(18) Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

(19) Tampering with, damaging, or removing fire extinguishers, or any part of the fire alarm system (including smoke detectors and exit signs) or violating fire and fire protection regulations.

(20) Willful or persistent smoking or other use of tobacco where such use has been prohibited by law or by regulation of the governing board.

(21) Use, possession, or distribution of alcoholic beverages.

(22) Assault, battery, including sexual assault and sexual battery, or any threat of force or violence upon any member of the College community. This includes mutual affrays.

(23) Display of physical or mental disability in such a manner as to cause his or her attendance to be inimical to the welfare of other students.

(24) Causing, attempting to cause, or threatening to cause physical injury to another person.

(25) 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.

(26) Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code Section 11053 et. seq., 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.

(27) Committing or attempting to commit robbery or extortion.

(28) Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.

(29) Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.

(30) Lewd, indecent or obscene conduct or expression on District-owned or controlled property or at District sponsored or supervised functions.

(31) 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 premises, or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District.

(32) 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.

Section 13. Use of Technology Equipment or Devices

(a) While in a classroom, lab, or any instructional activity in which a student is participating or attending, using any technology equipment or devices not authorized by the instructor will not be allowed. Technology equipment includes but is not limited to cell phones, iphone, pagers, text messaging devices, notebooks, camera phones, personal digital assistant (PDA), etc. Any authorized use of notebooks or personal computers for college courses or activities shall be operated consistently with the District policy (AP 3720) governing the use of this technology equipment and the provisions of this Code of Conduct.

Section 14. Definitions of Terms Used for “Good Cause” Grounds for Discipline

(a) “Behavior” includes conduct or expression.

(b) “College property” includes both of the following:

- (i) Real or personal property in the possession of, or under the control of the governing board of the District.
- (ii) All district facilities whether operated by the District or by a District auxiliary organization.

(c) “Deadly weapon” includes, but is not necessarily limited to, any instrument or weapon of the kind commonly known as a blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, switchblade knife, pistol, revolver, or any other firearm, any knife having a blade longer than two and one-half (2½) inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club.

(d) “Hate violence” means any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons, or the property of any person or group of persons, because of the ethnicity, race, national origin, religion, sex, sexual orientation, disability, or political or religious beliefs of that person or group. Speech alone will not constitute “hate violence” unless such speech threatens violence against a particular person or group of persons; and the person or group of persons against whom the threat is directed

reasonably fears that, because of the speech, violence will be committed against them or their property and that the person threatening violence had the apparent ability to carry out the threat.

(e) “Hazing” means any method of initiation into a student organization or any pastime or amusement engaged in with regard to the organization that causes, or is likely to cause, bodily danger, or physical or emotional harm, to any member of the College community. “Hazing” does not include customary athletic events or other similar contests or competitions.

(f) “Member of the College community” includes a member of the governing board of the District, any academic, nonacademic, or administrative personnel and students of the College, and any other person while the person is on College property or at a College function.

(g) “Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, where, among others, the conduct has the effect of having a negative impact upon the individual’s work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment. (See Administrative Procedure 3430.)

Section 15. Forms of Discipline

The following forms of discipline, in order of severity, may be imposed on a student for behavior that constitutes “good cause,” as defined above, by College personnel authorized to do so, as provided under Section 15, below. A student shall be expelled or suspended for “good cause” and in accordance with procedures consistent with due process. The College president or designee may impose a lesser disciplinary sanction than suspension. However, the disciplinary sanctions need not be administered progressively but may be applied commensurate with the nature of the student’s offense.

(a) A verbal reprimand given in a disciplinary conference with an administrator. No record of the reprimand is made in the student’s permanent file.

(b) A written reprimand, also known as disciplinary probation, given after a disciplinary conference with an administrator. A copy of the written reprimand is filed in the student’s permanent file. In addition, if the student is a minor, a copy of the letter shall be sent to the student’s parent or guardian, and the parent or guardian shall be invited to confer with the college administrator imposing the discipline.

(c) Suspension from one or more classes for a period of up to 10 consecutive instructional days.

(d) Suspension from one or more classes for more than 10 consecutive instructional days, up to the remainder of the school term.

(e) Suspension from all classes and College activities for the remainder of the school term and one or more additional terms.

(f) Expulsion from college.

(g) The College president shall report all suspensions of students to the District governing board or to the District Chancellor.

Section 16. Disciplinary Authority

(a) The College president or designee is authorized to impose the disciplinary sanctions provided by sections 14(a) through 14(d) following a disciplinary conference with the appropriate college administrator.

(b) Imposition of the disciplinary sanctions provided by section 14(e) and (f) requires application of the due process procedures set out in Sections 16 and 17, below.

(c) The College president, at his or her discretion, may appoint a Disciplinary Committee. The Committee shall then have the authority to hear and decide any disciplinary sanction provided by section 14(e) and (f).

- (i) The Committee shall have three members:
 - A member of the faculty, selected by the Academic Senate;
 - A student, selected by the Associated Students of the College.
 - An administrator selected by the College president, who shall chair the Committee.
- (ii) Any Committee members who have not been selected, with notice of the selection given to the College president, by the twentieth college day of the Fall semester shall be appointed by the College president.
- (iii) No later than 15 work days after the selection of the members, the Committee shall be convened, and the authority and process for the Committee shall be reviewed.
- (iv) When a student has been charged for “good cause,” the Committee shall decide whether or not to impose discipline, as described in Section 14(e) or (f), in accordance with the procedures stated in this policy.

(d) Only the District governing board is authorized to expel a student.

Section 17. Due Process Hearing Procedures - Notice

The following is the procedure to be applied prior to imposition of discipline, pursuant to Section 19, below.

(a) Upon the filing of a notice of disciplinary action with the College President, or designee, the College shall give a written notice to the student that provides an opportunity to be heard, including the opportunity to present and rebut evidence, and:

- (i) includes a copy of this section of the Code of Conduct;
- (ii) identifies the behavior on which the charges are based with sufficient detail to permit the preparation of a defense;
- (iii) provides the ground(s) on which the disciplinary action is based;
- (iv) specifies the proposed penalty to be imposed;
- (v) indicates the effective date of the proposed disciplinary action;

- (vi) includes a post card or other form by which the student may request a hearing to defend him or herself against the disciplinary action and proposed penalty;
- (vii) includes a declaration that the student may be represented by anyone of his or her choosing. If the student does not elect to be represented by another person, he or she may have someone of his or her choosing present at the hearing.

(b) If the student to be suspended or expelled is a minor, notice of the proposed discipline shall be sent to the student's parent or guardian at the same time the student is served with the notice.

(c) The student must state in his or her request for a hearing if he or she will be represented by an attorney at the hearing and must include the attorney's name, address and telephone number. The hearing will subsequently be continued for an additional five (5) college days to allow the District time to secure counsel, if it chooses to do so.

(d) The District may also employ an attorney to assist the disciplinary authority in proceeding with the disciplinary action.

(e) To be timely, the student must submit a written request for a hearing within five (5) college days after he or she receives personal delivery of the written notice of the charges against him or her or within ten (10) college days after the District has sent written notice of the charges to the student by certified mail.

(f) If the student fails to make a timely written request for a hearing, the student has waived his or her right to a hearing and the proposed penalty may be imposed by the disciplinary authority without further notice to the student or any evidentiary hearing. Notwithstanding the foregoing sentence, if the proposed discipline is to be imposed by the governing board, notice to the student shall be provided pursuant to Education Code Section 72122.

(g) If the hearing is requested in a timely manner, the college will set the matter for hearing ten (10) college days after the request is received.

Section 18. Due Process Hearing Procedures – Hearing

(a) During the hearing, the student and the disciplinary authority shall have the following rights:

- (i) to call and examine witnesses, including adverse witnesses, and to introduce exhibits;
- (ii) to cross-examine opposing witnesses on any matter relevant to the issues;
- (iii) to rebut the evidence presented against him or her;
- (iv) to call and examine the student as if under cross-examination, if the student does not choose to testify on his or her own behalf.

(b) This hearing need not be conducted according to the technical rules of evidence and those related to witnesses.

- (i) 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,

- regardless of the existence of any common law or statutory rule, which might make improper the admission of such evidence over objection in civil actions.
- (ii) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible in a civil trial.
 - (iii) Oral evidence may be taken at the hearing, but only on oath or affirmation.
 - (iv) The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing.
 - (v) Irrelevant and unduly repetitious evidence shall be excluded.
 - (vi) Where the charge is sexual harassment, sexual assault, or sexual battery, evidence of specific instances of a complainant's sexual conduct with individuals other than the student so charged is presumed inadmissible, absent an offer of proof by the student establishing its relevance and reliability and that its probative value is not substantially outweighed by the probability that its admission will create substantial danger of undue prejudice toward the complainant or confuse the issues.

(c) The hearing shall be conducted by an impartial decision-maker. Although prior involvement in or technical knowledge about the matter at issue does not necessarily constitute grounds for disqualification, involvement as an investigator in the matter or in making the decision to suspend or expel the student would preclude a person from acting as the decision-maker at the hearing.

(d) The hearing shall either be recorded by a hearing reporter or by tape recorder. If a tape recorder is used, the tape of the hearing shall be maintained by the District for at least one year from the conclusion of the proceeding, at which time the recordings may be erased.

Section 19. Due Process Hearing – Recovery for Non-Accidental Damage to District Property

Any student who has caused non-accidental damage to District property may be required to reimburse the District for the loss. If the student denies responsibility for the damage, the procedures prescribed in Sections 16 and 17 will be followed. The District may seek a court judgment to effect collection.

Section 20. Imposition of Discipline

After the disciplinary authority has determined that the student's conduct merits discipline, that authority may:

- (a) Impose the disciplinary penalty proposed in the notice of charges, to take immediate effect; or
- (b) Impose a lesser disciplinary penalty than that requested, to take immediate effect; or
- (c) Declare the penalty to be imposed, pursuant to (a) or (b) above, then declare that it shall not go into immediate effect but shall be stayed for the period of the penalty, subject to a requirement of the student's good behavior during that period. To use this option, the student must also agree that his or her full sentence will be served (adjusted appropriately for the dates)

if this, or a subsequent Disciplinary Committee, determines that the student has not met the condition of good behavior. Such later determination by the Disciplinary Committee may be made based on sworn charges, without an evidentiary hearing.

Section 21. Due Process Hearing – Expulsion

In addition to the due process requirements provided by Sections 16 and 17, above, due process for an expulsion hearing requires that:

(a) The matter shall be heard by a qualified and disinterested attorney appointed by the College president.

(b) The timelines, other than those set for requesting a hearing, may be extended by the attorney upon the request of either party, if good cause is shown.

(c) At the conclusion of the hearing, the attorney shall prepare a proposed decision containing Findings of Fact and Determination of Issues, which shall be presented to the governing board of the District for approval at its next meeting, to be held at least five (5) college days from the date of the presentation of the proposed decision.

(d) The attorney's proposed decision may recommend imposition of discipline pursuant to the options allowed under Section 19, above.

(e) The governing board of the District shall act on the attorney's proposed decision, as provided by the following:

- (i) Accept the Findings and Determination of Issues as proposed;
- (ii) Accept the Findings and make its own Determination of Issues, including any stay of penalty, subject to the limitations of Section 19(c); or
- (iii) Reject the proposed Findings, review a transcript of the entire hearing and all exhibits, receive argument from both parties, and reach its own Findings and Determination of Issues.

Section 22. Confidentiality of the Hearing

(a) Whether it is conducted by the College disciplinary authority or the District governing board, the hearing shall be closed to the public and confidential, unless the student requests, in writing, at least five (5) college days prior to the date of the hearing, that such hearing be open to the public. However, if any discussion at such hearing might be in conflict with the right of privacy of any student other than the student requesting the public hearing, then that portion of the hearing shall be in closed session.

(b) Notwithstanding the provisions of the first sentence of (a), above, when the charge is sexual harassment, sexual assault, or sexual battery, the alleged victim shall have an equal right with the student charged to determine whether the hearing shall be open or closed. If there is disagreement, the hearing authority shall determine the issue consistent with the due process rights of the accused and any applicable provisions of State or federal law.

(c) When disciplinary action is taken against a student for sexual assault, sexual battery, sexual harassment, or physical abuse, the alleged victim of the sexual assault or physical abuse shall, to the extent possible, be informed within three (3) days of the results of any disciplinary action or proceeding by the College or the results of any appeal. The alleged victim shall keep the results of the disciplinary action or proceeding and appeal confidential.

Section 23. Implementation of Penalty

(a) A student who has been suspended from attending classes at, or expelled from the College shall not be enrolled at or allowed on any community college campus in the District for the period of the suspension or expulsion.

(b) This prohibition does not apply to:

(i) a student whose penalty has been stayed, pursuant to Section 19(c).

(c) Whenever a minor student is suspended or expelled from the College, the College president or designee shall provide written notice of the suspension or expulsion to the parent or guardian of the dependent minor student.

Section 24. Threat, Assault, or Attack Against District Employee

Any incident of threat, assault, or attack made by a student against any District employee shall be reported to the appropriate law enforcement authorities by the employee and his or her supervisor.

Section 25. Additional Rules and Regulations

The District governing board may adopt additional rules and regulations, which are not inconsistent with the requirements of the Education Code provisions pertaining to the removal, suspension, or expulsion of District students or with the requirements of due process.

Section 26. Penal Codes for Removal of Individuals from YCCD Property

PC 626.4 – Students

626.4. (a) The chief administrative officer of a campus or other facility of a community college, a state university, the university, or a school, or an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, may notify a person that consent to remain on the campus or other facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility.

(b) Whenever consent is withdrawn by any authorized officer or employee, other than the chief administrative officer, such officer or employee shall as soon as is reasonably possible submit a written report to the chief administrative officer. The report shall contain

all of the following:

(1) The description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number.

(2) A statement of the facts giving rise to the withdrawal of consent.

If the chief administrative officer or, in the chief administrative officer's absence, a person designated by him or her for this purpose, upon reviewing the report, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, he or she may enter written confirmation upon the report of the action taken by the officer or employee. If the chief administrative officer or, in the chief administrative officer's absence, the person designated by him or her, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

(c) Consent shall be reinstated by the chief administrative officer whenever he or she has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility. In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the two-week period. The written request shall state the address to which notice of hearing is to be sent. The chief administrative officer shall grant such a hearing not later than seven days from the date of receipt of the request and shall immediately mail a written notice of the time, place, and date of such hearing to such person.

(d) Any person who has been notified by the chief administrative officer of a campus or other facility of a community college, a state university, the university, or a school, or by an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to subdivision (a); who has not had such consent reinstated; and who willfully and knowingly enters or remains upon such campus or facility during the period for which consent has been withdrawn is guilty of a misdemeanor. This subdivision does not apply to any person who enters or remains on such campus or facility for the sole purpose of applying to the chief administrative officer for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

(e) This section shall not affect the power of the duly constituted authorities of a community college, a state university, the university, or a school, to suspend, dismiss, or expel any

student or employee at the college, state university, university, or school.

(f) Any person convicted under this section shall be punished as follows:

(1) Upon a first conviction, by a fine of not exceeding five hundred dollars (\$500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

(g) This section shall not affect the rights of representatives of employee organizations to enter, or remain upon, school grounds while actually engaged in activities related to representation, as provided for in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

PC 626.6 – Non Students

626.6. (a) If a person who is not a student, officer or employee of a college or university and who is not required by his or her employment to be on the campus or any other facility owned, operated, or controlled by the governing board of that college or university, enters a campus or facility, and it reasonably appears to the chief administrative officer of the campus or facility, or to an officer or employee designated by the chief administrative officer to maintain order on the campus or facility, that the person is committing any act likely to interfere with the peaceful conduct of the activities of the campus or facility, or has entered the campus or facility for the purpose of committing any such act, the chief administrative officer or his or her designee may direct the person to leave the campus or facility. If that person fails to do so or if the person willfully and knowingly reenters upon the campus or facility within seven days after being directed to leave, he or she is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction, by a fine of not more than five hundred dollars (\$500), by imprisonment in the county jail for a period of not more than six months, or by both that fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both that imprisonment and a fine of not more than five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both that imprisonment and a fine of not more than five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

(b) The provisions of this section shall not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

(c) When a person is directed to leave pursuant to subdivision (a), the person directing him or her to leave shall inform the person that if he or she reenters the campus or facility within seven days he or she will be guilty of a crime.

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