

4F8 Student Conduct

Section Four—Students/Instructional Services Governance Processes Relative to the District Board Policy Manual and Collegial Consultation With Academic Senates

Employ the Process of Mutual Agreement

Policies: None

Procedures: None

Appendices: None

Rely Primarily Upon the Advice and Judgment

Policies:

- (1) **4A2**, Student Responsibilities (*includes Policies 4A2A through 4A2G*)
- (2) **4A3**, Matriculation (*includes Policies 4A3A through 4A3G*)
- (3) **4A4**, Prerequisites, Corequisites, and Advisories on Recommended Preparation (*includes Policies 4A4A through 4A4E*)
- (4) **4A6**, Admission to Impacted Programs (*includes Policies 4A6A through 4A6K*)
- (5) **4A9**, Instructional and Other Materials (*includes Policies 4A9A through 4A9D*)
- (6) **4B1**, Educational Programs (*includes Policies 4B1A through 4B1D1*)
- (7) **4B5**, Program Review
- (8) **4B7**, Articulation (*includes Policies 4B7A through 4B7C*)
- (9) **4B10A**, (re: guest/visitors) (*includes Policies 4B10A1 through 4B10A7*)
- (10) **4B10B** (re: guest/visitors)
- (11) **4B11**, Controversial Issues in Curriculum (*includes Policies 4B11A through 4B11C*)
- (12) **4C**, Academic Regulations (*includes Policies 4C1 through 4C7*)
- (13) **4D**, Minimum Graduation Requirements (*includes Policies 4D1 through 4D1G*)

Procedures: None

Appendices: None

Proposed Addition to
Kern Community College District Board Policy Manual
Section Four – Students Instructional

Governance Process: Information Only

Reason for Revision: To Establish District 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 the Education Code 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 **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.~~ Assault, battery, or causing, or attempting to cause, or threatening to cause physical injury to a student or KCGD District 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)~~ Engaging in expression which is obscene, libelous, abusive, or slanderous or which incites students as to create a danger in the commission of unlawful acts on District premises, or the violation of District regulations, or the disruption of the orderly operation of the District.
 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.~~ Willful misconduct that threatens the health or safety of an individual or which results in injury or death to a student or District personnel 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, or possession of, or offering, or negotiating the sale of any drug or drug paraphernalia as defined in California Health and Safety Code Section 11014.5 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. 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 7D2** of this Manual for a definition of sexual harassment.)
21. Gambling. With the exception of a lottery approved by the Attorney General of the State of California. (Appropriate forms are available through the District's General Counsel's Office.)

22. Engaging in discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race, or ethnicity, religion, sexual orientation or any other status protected by law. (See Policy 7D2)
23. Intimidating conduct or bullying against another student or District personnel through words or actions, including direct physical contact, verbal assaults, such as teasing or name calling; social isolation or manipulation; and cyberbullying.
24. Abuse of computer resources. (See **Policy 3E** of this Manual regarding Information Technology policies)
25. Abuse of or disruption to the student conduct and/or complaint process, including but not limited to:
 - a. Failure to obey the summons of a College official or appropriate committee.
 - b. Falsification, distortion, or misrepresentation of information before a College official or appropriate committee.
 - c. Disruption or interference with the orderly conduct of an official College proceeding.
 - d. Attempting to influence the impartiality of a member of an official committee prior to and/or during the course of, an official College proceeding.
 - e. Harassment and/or intimidation of any person involved in the conduct and/or complaint process, prior to, during, and/or after the proceeding.
 - f. Failure to comply with the sanction(s) imposed under the Student Conduct Code.
 - g. Influencing or attempting to influence another person to commit an abuse of the conduct or complaint process system.
 - h. Repeated filing of frivolous and/or capricious complaints against College personnel.

~~Previously #26 Hazing. (See Education Code Sections 32050 and 32051)~~

26. Violation of other applicable Federal, State, and local laws (e.g., hate crimes) and College rules and regulations.
27. Persistent, serious misconduct where other means of correction have failed to bring about proper behavior.
28. 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:
 - a. From one (1) or more classes for a period of up to ten (10) days of instruction.

- b. From one (1) or more classes for the remainder of the school term.
- c. 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)~~

*Admin, August 17, 2015
ChC. August 25, 2015*