

## Student Conduct Standards

By enrolling in this DE course at Lake Tahoe Community College, you agree to abide by the College's official Student Conduct Standards. The policy is included below and is taken from the LTCC College Catalog.

### Student Conduct Standards

BP 5500 - STANDARDS OF STUDENT CONDUCT - References: Education Code Sections 66017, 66300, 66301, 72122, 76030-76037, 76120, and 76200; Penal Code Sections 501 (e)(3) and 646.9; Health and Safety Code Sections 104495, 11053, and 11014.5; Business and Professions Code Section 4160; Title 5 Section 59410; Family Educational Rights and Privacy Act (10 U.S. Code Section 2332g); ACCJC Accreditation Standards I.C.8 and 10 (formerly II.A.7.b); Board Policy and Administrative Procedure 5520

The Superintendent/President shall establish procedures, in consultation with the appropriate shared governance bodies, and designate appropriate staff members with the responsibility for the imposition of discipline on students in accordance with the requirements for due process of the federal and state law and regulations. The procedures shall clearly define the conduct that is subject to discipline, and shall identify potential disciplinary actions, including but not limited to the removal, suspension, or expulsion of a student.

No student shall be removed, suspended, expelled, or sanctioned unless the conduct for which the student is disciplined is related to College activity or College attendance. Pursuant to Education Code Section 72122, the Board shall consider any recommendation from the Superintendent/President for expulsion. The Board shall consider an expulsion recommendation in closed session unless the student requests that the matter be considered in a public meeting. Final action by the Board on the expulsion shall be taken at a public meeting.

These procedures shall be made widely available to students through the college catalog and other means. Students who engage in any of the activities outlined in this policy are subject to the procedures outlined in AP 5520 - Student Discipline Procedures.

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

- Causing or attempting to cause, or threatening to cause physical injury to another person.
- 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 by the college President.
- Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, 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.
- Committing or attempting to commit robbery or extortion.
- Causing or attempting to cause damage to district property or to private property on campus.

- Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District Property or private property on campus.
- Willful or persistent smoking in any area where smoking has been prohibited by law or District policies and procedures.
- Committing sexual harassment as defined by law or District policies and procedures.
- Engaging in harassing or discriminatory behavior based on disability, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.
- Engaging in intimidating conduct or bullying against other students through words or actions, including direct physical contact; verbal assaults, such as teasing or name calling; social isolation or manipulation, and cyberbullying.
- Willful misconduct which results in injury or death to a student or to college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
- Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of college personnel.
- Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
- Dishonesty, forgery, alteration, or misuse of college documents, records or identification, or knowingly furnishing false information to the District.
- Unauthorized entry upon or use of college facilities.
- Lewd, indecent, or obscene conduct on District-owned or controlled property or at District sponsored or supervised functions.
- 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 college premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.
- Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, or 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.

## **STUDENT DISCIPLINARY ACTIONS AND PROCEDURES**

BP 5520 STUDENT DISCIPLINE - Reference: Education Code Sections 66017, 66300, 72122, 76030; Administrative Procedure 5520

Students of Lake Tahoe Community College by virtue of Board policies, are ensured certain rights and privileges, and at the same time, assume certain responsibilities and standards of personal conduct. Due

process procedures have been established to ensure that individual rights and institutional standards are not abridged.

Generally, LTCC jurisdiction and discipline shall be limited to conduct which occurs on the district's college premises, learning sites, or at off-campus activities sponsored by LTCC. Any student found to have committed misconduct as described in this policy is subject to disciplinary sanctions. The Standards of Student Conduct, Board Policy 5500, and accompanying policies are published in the College's catalogs and other relevant print and electronic media.

The student discipline policy and procedures will apply to any student who deliberately prevents, physically or verbally:

- Students from pursuing their authorized curricular or co-curricular interests;
- Faculty and administrators from fulfilling their professional responsibilities;
- Classified employees from fulfilling their prescribed duties;
- Authorized guests from carrying out their prescribed duties;
- The safety of persons or the security of college property.

### **Violation of Law and LTCC Discipline**

1. If a student is charged only with an off-campus violation of federal, state, or local laws, but not with any other violation of the Standards of Student Conduct (BP 5500), disciplinary action may be taken and sanctions imposed for grave misconduct, which demonstrated flagrant disregard for the LTCC community, including but not limited to District property, programs, personnel, students and reputation. In such cases, no sanctions may be imposed unless the student has been found guilty in a court of law or has declined to contest such charges, although not actually admitting guilt (e.g., "no contest" or "nolo contendere").
2. LTCC disciplinary proceedings may be instituted against a student charged with violation of a law which is also a violation of the Standards of Student Conduct; for example, if both violations result from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under the Standards of Student Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

### **STUDENT DISCIPLINARY ACTIONS AND PROCEDURES**

AP 5520 STUDENT DISCIPLINE PROCEDURES - Reference: Education Code Sections 66300, 72122, and 76030; Board Policy 5520

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used 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 specifically 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 Section 76120, and will not be used to punish expression that is protected.

**Removal from Class** (Education Code Section 76032): Any instructor may order a student removed from his/her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the Chief Student Services Officer (CSSO) or designee and the appropriate dean. The appropriate dean shall arrange for a conference between the student and the instructor regarding the

removal. If the instructor or the student requests, the appropriate dean shall attend the conference. The student shall not be returned to the class during the period of the removal without the agreement of the instructor. Nothing herein will prevent the appropriate dean from recommending further disciplinary action in accordance with these procedures based on the facts that led to the removal.

**Withdrawal of Consent to Remain on 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 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 Superintendent/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 not 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 fourteen days from the date upon which consent was initially withdrawn.

Any person as to whom 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).

**Immediate Interim Suspension** (Education Code Section 66017): The CSSO or designee may order immediate interim suspension of a student where he/she concludes 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 has been recommended, which will be afforded to the student within ten (10) days.

**Short-term Suspensions, Long-term Suspensions, and Expulsions:** Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

- **Notice** – The CSSO or designee 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 Standards of Student 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 or designee to discuss the accusation, or to respond in writing; and
  - the nature of the discipline that is being considered.
- **Time limits** – The notice must be provided to the student within five 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 five 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 or designee, the meeting must occur within five 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 five days after the meeting described above (or if no meeting occurs, within ten days of the notice), the CSSO or designee shall, in consultation with the Vice President,

Academic Affairs, 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 or designee'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 or designee's decision on a short-term suspension shall be final.

**Long-term Suspension** – Within five days after the meeting described above (or if no meeting occurs, within ten days of the notice), the CSSO or designee shall, in consultation with the Vice President, Academic Affairs, decide whether to impose a long-term suspension. Written notice of the CSSO or designee'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 this policy describing the procedures for a hearing.

**Expulsion** – Within five days after the meeting described above (or if no meeting occurs, within ten days of the notice), the Superintendent/President shall, in consultation with the CSSO and the Vice President, Academic Affairs, decide whether to recommend expulsion to the Board of Trustees. Written notice of the Superintendent/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 this policy describing the procedures for a hearing.

**Hearing Procedures** – Request for Hearing.

Within ten days after receipt of the CSSO or designee's decision regarding a long-term suspension or the Superintendent/President's decision regarding expulsion, the student may request a formal hearing. The request must be made in writing to the CSSO or designee.

**Schedule of Hearing** – The formal hearing shall be held within ten days after a formal request for hearing is received.

**Hearing Panel** – The hearing panel for any disciplinary action shall be composed of two faculty, one administrator, and one student.

The Superintendent/President, the president of the Academic Senate, and the president of the Student Senate shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearing panels. The Superintendent/President 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.

**Hearing Panel Chair** – The Superintendent/President shall appoint one member of the 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 two or more other members of the panel to the contrary.

### **Conduct of the Hearing**

NOTE: The hearing must comply with principles of due process, including the right to confront and cross-examine witnesses.

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 supporting documentation shall be admitted.

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/ 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, and may also have the right to be represented by a person of his/her 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 it be open to the public. Any such request must be made no less than five days prior to the date of the hearing.

In a closed hearing, witnesses shall not be 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 or digital recording. The official recording shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony, either in person or in writing. 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. Tape 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 tape or digital recording; deliberations of the hearing will not be included.

All testimony shall be taken under oath or affirmation; the oath or affirmation shall be administered by the hearing panel chair. Written statements of witnesses shall not be used unless the witness is unavailable to testify. A witness who refuses to be taped recorded is not considered "unavailable."

Within ten days following the close of the hearing, the hearing panel shall prepare and send to the CSSO or designee a written decision. The decision shall include specific factual findings regarding the accusation and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were 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 matter 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.

### **CSSO or Designee's Decision:**

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

**Expulsion** – Within ten business days following receipt of the hearing panel's recommended decision, the CSSO, in consultation with the Vice President, Academic Affairs, shall render a written recommended decision to the Superintendent/President. The Superintendent/President may accept, modify, or reject the findings, decisions, and recommendations of the hearing panel. If the Superintendent/President modifies or rejects the hearing panel's decision, he/she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The Superintendent/President's decision shall be forwarded to the Board of Trustees.

**Board of Trustees Decision:** The Board of Trustees shall consider any recommendation from the Superintendent/President 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 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 and by email, 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 forty-eight 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 in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

The Board may accept, modify, or reject the findings, decisions, and recommendations of the Superintendent/President or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains 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.