

STANDARDS OF STUDENT CONDUCT

(Board Policy 5500)

The Superintendent/President shall establish procedures for imposing 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. The Board shall consider any recommendation from the Chief Student Services Officer 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.

See Administrative Procedures 5500, Standards of Student Conduct. The procedures shall be made widely available to students through the college catalog and other means.

Reference: Education Code Sections 66300, 66301; Accreditation Standard II.A.7.b

Last Date of Approval: February 20, 2014

Administrative Procedure (AP 5500)

Admission to Feather River College carries with it the presumption that the student will conduct him/herself as a responsible member of the College community. Thus, when a student is admitted to and/or enrolled at Feather River College (FRC), the student likewise assumes the obligation to observe standards of conduct that are appropriate to the pursuit of educational goals. It is expected that each student will obey federal, state, and local laws, will show respect for properly constituted authority, and will exhibit and maintain integrity and honor in all manners related to the College.

Students shall generally have an opportunity to participate in the formulation of policies and rules pertaining to student conduct; however, FRC administration and its Board will retain the authority to create and enact College policy.

Programs based on contracts with government agencies or external-funding sources operated outside of the College may adopt separate conduct procedures consistent with Feather River College's Code of Student Conduct, the programs' goals, and the principle of due process for all parties.

All employees are expected to report alleged violations of student conduct and other disruptive behavior to the Chief Student Services Officer (CSSO) utilizing the Incident Report form. Feather River College may take appropriate disciplinary action when student conduct is deemed by the CSSO or designee to be disruptive to the operation of the College or constitutes one or more of the behaviors identified below.

No student shall be removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or college attendance.

Violations

Student behavior, which after due process is found to be disruptive to classes or the general operation of the College, or to violate the rights of others or damage/destroy property, may result in disciplinary action including probation, suspension, or expulsion.

The following shall be subject to disciplinary procedures:

1. Illegal possession or use of any firearm, explosive, dangerous chemical, or other weapon.
2. Threatening, harassing, physically abusing, or endangering in any manner the physical or mental health and/or safety of any person.
3. Theft, willful destruction, damage, or misuse of any property belonging to or in the possession of the College or belonging to or in possession of any person.
4. The unlawful manufacture, distribution, dispensation, possession or use of alcohol or a controlled substance is prohibited in all facilities under the control and use of the District or at college-sponsored activities. If a student is suspected of being under the influence of any drug (legal or illegal) which threatens the health and/or safety of any person, he/she may be required to submit to a drug test (at their expense) prior to returning to class, clinical assignment, or any college activity.
5. Disruption of the orderly process of activities of the College, including unauthorized entry into, obstruction of, or occupation of any college property.
6. Dishonesty, including, but not limited to: cheating, plagiarism, knowingly furnishing false information to the College, forgery, alteration or misuse of College documents and records. The reporting and discipline procedure for incidents of academic dishonesty is described below in "Academic Dishonesty".
7. Unauthorized and inappropriate use of College computers and network systems (computing resources).
8. Violation of any criminal state or federal law not included in the above.

If a student is charged or convicted of an off-campus violation of the law, the matter shall not be cause for disciplinary action by the College unless there is a reasonable possibility, as determined by the CSSO or designee, that the behavior is substantially likely to disrupt the educational process of the College.

Academic Dishonesty

The faculty member who suspects a student of academic dishonesty shall document the commission of the act by recording the time, date, place, and a description of the act and collect the evidence such as photocopying the plagiarized examination, placement assessment, test, quiz, project, report, and/or other form of evaluating student learning.

The faculty member who has evidence of the act of dishonesty shall attempt to resolve the matter informally by speaking with the student, referencing Feather River College's Standards of Student Conduct. At this point, the faculty member may choose to take no further action or issue a lower grade, including a failing grade of "F" for the examination, placement assessment, test, quiz, project, report, and/or other form of evaluating student learning. If the latter action is imposed, the student must be informed during the informal discussion. In addition, the faculty member, who has evidence of the act of dishonesty is strongly encouraged to file a Student Incident Report with the CSSO and must inform the student of this action.

In the event that the offense is so serious as to warrant disciplinary action, or in the case of two instances of academic dishonesty by the same student, the CSSO will issue disciplinary action(s) according to the steps outlined in this procedure.

If the student challenges the instructor's determination of academic dishonesty, the CSSO will notify the Chief Instructional Officer (CIO) who will in turn convene an ad-hoc committee that will consist of the CIO plus two members, excluding the faculty member involved in the incident, chosen randomly from the Academic Senate. The CIO will serve as Chair. All members will be voting members. The ad-hoc committee will make a good-faith effort to schedule a hearing within ten business days of the establishment of the ad-hoc committee. The date, time and location of the hearing will be communicated in writing to all parties and will be scheduled at least ten business days from the date of notification.

At the hearing, the student will meet with the ad-hoc committee to hear the charges and present his/her side of the case. The student may bring an advocate, who may advise the student but not present the case. If the student misses the hearing, the committee may proceed with the process to completion. The committee shall determine by majority vote if the evidence presented by the student is significant enough to rescind the action imposed by the faculty member. The CIO will send a written notification within five business days of the committee's decision to the CSSO, faculty member, and the student.

Suspension

The CSSO or an instructor shall suspend a student for good cause. Good cause includes, but is not limited to a) continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, the open and persistent defiance of authority or, persistent abuse of college personnel b) assault, battery, or any threat of force or violence upon a student or college personnel c) willful misconduct which results in injury or death to a student or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District d) the use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule D in Section 4160 of the Business and Professional Code. e) willful or persistent smoking in any area where smoking has been prohibited by law or by regulation f) persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

An instructor may remove a student from his or her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the CSSO for appropriate action. If the student removed by an instructor is a minor, the CSSO shall ask the parent or guardian of the student to attend a parent conference regarding the removal as soon as possible. If the instructor of the parent or guardian so requests, a college administrator shall attend the conference. Following 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.

The CSSO may suspend a student for good cause as follows: a) from one or more classes for a period of up to 10 days of instruction b) from all classes for the remainder of the school term b) from all classes and activities of the community college for one or more terms. Whenever a minor is suspended from a community college a parent or guardian shall be notified in writing by the CSSO.

The CSSO shall, upon the suspension or expulsion of any student notify the appropriate law enforcement authorities of the county or city in which the school is situated of any acts of the student which may be in violation of Section 245 of the Penal Code.

Lesser sanctions may include but are not limited to: a) verbal or written reprimands b) probation c) ineligibility to participate in extracurricular activities d) restitution for damages e) community service f) any other sanction the College deems educationally appropriate.

Expulsion

The Board of Trustees 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. The expulsion of a student shall be accompanied by a hearing conducted within 10 days. The hearing board shall be responsible for reviewing the case and making recommendations to the College president. The hearing board shall be comprised of a) two members of the instructional staff appointed by the Academic Senate b) two students appointed by the ASFRC president c) CSSO will serve as chair and will not vote except to break a tie.

Disciplinary Due Process Hearing Procedures

In keeping with the purposes of the College, disciplinary actions other than those requiring expulsion are intended to be educational rather than punitive. Disciplinary proceedings will be conducted informally between the student(s) and the CSSO or designee.

1. When the CSSO receives information (either verbally or in writing through the use of the incident report) indicating that a student has committed a violation, the CSSO shall investigate the alleged violation. After preliminary investigation, the CSSO may: 1) dismiss the allegation as unfounded, either before or after conferring with the student 2) proceed with an informal hearing and assign an appropriate sanction.
2. During investigation of the charges, the status of the student shall not be altered nor shall his/her right to be present on the campus and to attend classes be suspended except for reasons related to the safety and well-being of students, faculty, staff, or College property, as determined by the Chief Student Services Officer or designee.
3. The student has the right to appeal any disciplinary (as distinct from academic) action to the president or designee solely on the basis of alleged procedural violation(s). If a violation is found to have occurred, the president or designee will remand the case to the CSSO or designee for reprocessing.

No disciplinary sanction shall be imposed unless the student has been notified of the charges against him/her and the nature and source of the evidence. In cases in which the College does not intend to suspend or expel a student, the source of information may be kept confidential if, at the discretion of the CSSO or his/her designee, he/she believes that revealing the source would create a risk of physical or emotional harm to the source, or might otherwise have a negative effect on enforcement of these rules. A student subject to these sanctions will be allowed to present his/her case to the CSSO and to have an advisor of his/her choice present. Advisors are not permitted to present the case but may advise the student.

Both the College and the student may seek legal advice at their own expense, but, to avoid an adversarial situation, neither the College nor the student will be represented by a lawyer during any meeting or hearing involving the College and the student. The student may withdraw from College of his/her own volition at any time during the disciplinary process. However, disciplinary sanctions may still be assessed, if the student withdraws from the College prior to the completion of the disciplinary process, or elects not to participate in disciplinary proceeding.

In cases that are not resolved informally, the CSSO or designee shall use the following hearing procedure:

Step 1: At an initial conference with the CSSO or designee, the student will be informed verbally and in writing of the charges and the maximum penalty which might result from consideration of the disciplinary matter. The College retains the right, upon learning new information and giving notice to the student, to revise the proposed penalty.

Step 2: The student must submit all of his/her evidence within 7 business days of the initial conference.

Step 3: After considering the evidence in the case and interviewing persons as appropriate, the CSSO, or designee, may take one of the following actions:

- a. Terminate the proceedings, exonerating the student.
- b. Dismiss the case after appropriate counseling and advice.
- c. Impose an appropriate sanction as described *above*.

The student will be notified in writing of the decision of the CSSO or designee. If the student decides to appeal the decision on the basis of alleged violation of due process, he or she may do so by filing a written appeal with the president or designee within 7 business days of the decision. The President or designee shall render a decision regarding the alleged violation of due process within 7 business days of its filing.

Readmission After Suspension

A student suspended from the College may be readmitted only on written petition to the CSSO designee. Petitions must, if applicable, indicate how specific reinstatement conditions have been met and reasons which support reconsideration. The CSSO or designee shall convey his/her decision in writing to the student; and in the case of non-readmission, shall express his/her reasons in writing. The decision of the CSSO or designee is final.

Records

Records of all disciplinary actions shall be kept by the CSSO in accordance with the state archival policies.

*Reference: Education Code, Section 66300, 66301; Accreditation Standard II.A.7.b
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