



## AP 5520 Student Discipline Procedures

### Standards for Student Discipline: Policy and Due Process Procedures

#### **Jurisdiction of Victor Valley College: Proscribed Conduct**

Generally, Victor Valley College jurisdiction and discipline shall be limited to conduct which occurs on Victor Valley College premises or at official VVC off-campus activities except as noted under C. 1. (below)

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

#### **A. Student Conduct Code – Rules and Regulations**

Any student found to have committed the following misconduct is subject to disciplinary sanctions. The Discipline Procedures are described in the following section of this publication, and they are available in the Office of the Dean of Student Services, Office of the Vice President of Student Services and the Office of the Director of Campus Police and Public Safety. Normally, any student found guilty of misconduct or more specifically, violence or threats of violence against another will be suspended from the college for at least one semester.

- 1a. Open contempt for any of the following safety rules and regulations.
- 1b. Acts of dishonesty, including, but not limited to the following:
  - a. Cheating, plagiarism, or other forms of academic dishonesty.
  - b. Furnishing false information to any Victor Valley College official, faculty member or office.
  - c. Forgery, alteration, or misuse of any Victor Valley College document, record, or instrument of identification.
  - d. Tampering with the election of any Victor Valley College recognized student organization.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other Victor Valley College activities, including its public-service functions on or off campus, or other authorized non-Victor Valley College activities, when the act occurs on Victor Valley College premises.
3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct, which threatens or endangers the health or safety of any person.
4. Committing sexual harassing or discriminatory behavior based on race, sex, religion, age, national origin, disability, or any other status protected by law.



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5. Attempted or actual theft of and/or damage to property of Victor Valley College or property of a member of the Victor Valley College community or other personal or public property.
6. Any fighting or challenging a fight, which threatens or endangers the health or safety of any person is immediate grounds for dismissal or removal from campus.
7. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property for the purpose of initiation, admissions into, affiliation with, or as a condition for continued membership in a group or organization.
8. Failure to comply with directions of Victor Valley College staff officials (including faculty) or law enforcement officers acting in performance of their duties and/or failure to identify oneself to one of these persons when requested to do so.
9. Unauthorized possession, duplication, or use of keys to any Victor Valley College premises or unauthorized entry to or use of Victor Valley College premises.
10. Violation of published Victor Valley College policies, rules, or regulations, including those concerning student organization and the use of college facilities or the time, place and manner of public expression or distribution of materials.
11. Violation of federal, state, or local law on Victor Valley College premises or at Victor Valley College sponsored or supervised activities.
12. Use, possession, or distribution of narcotic or other controlled substances or poison classified as such by Schedule D (Section 4160 of the Business and Professions Code) except as expressly permitted by law.
13. Use, possession, or distribution of alcoholic beverages except as expressly permitted by law and Victor Valley College regulations, or public intoxication.
14. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on Victor Valley College premises.
15. Possession of any article, not usually designated as a weapon, when used to threaten bodily harm on Victor Valley College premises.
16. Participation in a campus demonstration which disrupts the normal operations of Victor Valley College and infringes on the rights of other members of the Victor Valley College



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community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area, intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular on campus. Obstruction of the free flow of pedestrian or vehicular traffic on Victor Valley College premises or at Victor Valley College sponsored or supervised functions.

17. Conduct which is disorderly, lewd, indecent, or obscene or expression which interferes with the college's primary educational responsibility, or which adversely affects a student's standing as a member of the college community, breach of peace, or aiding, abetting, or procuring another person to breach the peace on Victor Valley College premises or at functions sponsored by, or participated in by, Victor Valley College.
18. Theft or other abuse of phones electronic devices or computer time, including but not limited to:
  - a. Unauthorized entry into a college system file to use, read, or change the contents, or for any other purpose.
  - b. Unauthorized transfer of a file (not educational related).
  - c. Unauthorized use of another individual's identification and password.
  - d. Unauthorized use of electronic devices in the classroom including but not limited to headphones, cellular phones, and pagers.
  - e. Use of computing facilities to interfere with the work of another student, faculty member or Victor Valley College staff official.
  - f. Use of computing facilities to download or view material deemed to be lewd, indecent and/or obscene matter that is not educational related.
  - g. Use of computing facilities to send obscene or abusive threatening messages.
  - h. Use of computing facilities to interfere with normal operation of Victor Valley College computing systems.
19. Abuse of the Student Conduct System, including but not limited to:
  - a. Failure to obey the summons of the Student Conduct Hearing Committee or Victor Valley College official.
  - b. Falsification, distortion, or misrepresentation of information.
  - c. Disruption or interference with the orderly conduct of a judicial proceeding or Student Conduct Hearing Committee.
  - d. Institution of a judicial proceeding or Student Conduct Hearing Committee knowingly without cause.
  - e. Attempting to discourage an individual's proper participation in, or use of, the Victor Valley College judicial system.
  - f. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of, the judicial proceeding or Student Conduct Hearing Committee.



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- g. Failure to comply with the sanctions imposed under the Student Code of Conduct and/or Education Code.
- h. Influencing or attempting to influence another person to commit an abuse of the judicial system.

### B. Other Campus Regulations

1. Only officially registered students are allowed to attend classes. Minors or other students who are not registered or do not have permission to be in the class may not remain in the classroom.
2. Students are not permitted to eat or drink in classrooms.
3. Per AP 3570, Victor Valley College is a smoke-free institution. Smoking or the use of any tobacco products, including smokeless devices such as e-cigarettes and the smoking of marijuana as well as the paraphernalia used for the smoking of marijuana is prohibited at all District sites including in personal vehicles.
4. Card playing on Victor Valley College premises is prohibited except in a designated game or recreation area.
5. Animals, dogs (except trained service animals such as guide dogs for the visually impaired or previously authorized animals) and other pets are not allowed on Victor Valley College premises.
6. Printed materials that are not class-related to be distributed must be approved for distribution by the Office of Student Activities.
7. Students must be fully attired, including shoes, while in the classroom or on Victor Valley College premises.
8. Library books and materials must be returned promptly.
9. Use of audio equipment on Victor Valley College premises is restricted to personal headphones or pre-approved authorized activities.
10. Children must be under the supervision of parents at all times.

### C. Violation of Law and Victor Valley College 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 this code, disciplinary action may be taken and sanctions imposed for grave misconduct, which demonstrated flagrant disregard for the Victor Valley College community. 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”).



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2. Victor Valley College disciplinary proceedings may be instituted against a student charged with violation of a law which is also a violation of this student code; 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 this student code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
3. When a student is charged by federal, state, or local authorities with a violation of law, Victor Valley College will not request or agree to special consideration for that individual because of his or her status as a student. Victor Valley College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators.

#### **D. Cheating and Plagiarism Defined**

The term “cheating” includes, but is not limited to:

- Use of any unauthorized assistance in taking quizzes, tests, or examinations;
- Dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments or – Acquisition, without permission, of tests or other academic material belonging to a member of the Victor Valley College faculty or staff.
- Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty as defined below.

The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the buying or selling of term papers or other academic materials.



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### Student Discipline Procedures and Due Process

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.

#### **Definitions**

District: Victor Valley Community College District.

Student: Any person currently enrolled as a student at the college or in any program offered by the District.

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

Short-term Suspension: Exclusion of the student by the dean or vice president, Student Services for good cause from one or more classes for a period of up to ten consecutive days of instruction.

Long-term Suspension: Exclusion of the student by the dean or vice president, Student Services for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

Expulsion: Exclusion of the student by the Board of Trustees from the college in the District for one or more terms.

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

Written or verbal reprimand: An admonition to the student to cease and desist from conduct determined to violate the Standards of the Student Conduct Code. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.



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Withdrawal of Consent to Remain on Campus: Withdrawal of consent by the dean or vice president, Student Services for any person to remain on campus in accordance with California Penal Code Section 626.4 where the dean or vice president, Student Services has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

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

### **Process for Initiating Discipline for Violations of the Academic Integrity Code and Student Behavior Code**

#### **A. Academic Integrity Code Violations**

1. Notice: Faculty/staff must inform the dean or vice president, Student Services via the Faculty/Staff Report Inappropriate Student Behavior within 10 business days that the alleged academic integrity violation occurred. If the student is hostile, the faculty member should contact the Campus Police immediately at x2555 (emergency).
2. Reporting: Immediately following the alleged violation, faculty/staff must:
  - a. Complete the Faculty/Staff Report Inappropriate Student Behavior Form via the Student Discipline section of VVC.edu
3. Meeting: Within 10 business days, the Office of the Dean or Vice President of Student Services will contact the student to inform him/her that Faculty/Staff Report Inappropriate Student Behavior Form has been received and schedule a meeting to discuss the alleged violation and the recommended action requested by the faculty initiator who completed the form.
  - a. The student will have an opportunity to hear the charges, provide his/her side of the story, and offer any mitigating factors.
  - b. The meeting with dean or vice president, Student Services is not an evidentiary hearing.
  - c. The dean or vice president, Student Services will consider the Faculty/Staff Report Inappropriate Student Behavior Form and accompanying information, the student's presentation, and the recommendation of the faculty initiator in determining whether and what sanction is appropriate.
4. Results of Meeting: The dean or vice president, Student Services will implement the determined sanction and send a follow up letter to the student summarizing the meeting and sanction imposed.
5. Informing the Faculty: Should the discipline result in student suspension, the vice president of Student Services will notify the initiating faculty member via email.

**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 dean or vice president, Student Services will provide the student with written notice of the conduct warranting the discipline. The written notice will include the



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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 dean or vice president, Student Services, or designee to discuss the accusation, or to respond in writing.
- The nature of the discipline that is being considered.

**Time limits:** The notice must be provided to the student within 10 business 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 10 business days of the date on which conduct occurred which led to the decision to take disciplinary action.

**Initial Meeting:** If the student chooses to meet with the dean or vice president, Student Services, the meeting must occur no sooner than 1 business day 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.

**Removal from Class** [Education Code Section 76032]:

Any instructor may order a student removed from his/her/their class for the day of the removal and the next class meeting. Using the “Inappropriate Student Behavior” form the instructor shall immediately report the removal to the vice president or dean, Student Services, and the dean of the area discipline. The dean of the area discipline shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the dean of the area discipline shall attend the conference. The student shall not be returned to the class during the period of the removal without a concurrence of the instructor. Nothing herein will prevent the dean of the area discipline from recommending further disciplinary procedures in accordance with these procedures based on the facts, which led to the removal.

**Short-term Suspension:** Within 5 business days after the initial meeting described above, the dean or vice president, Student Services shall 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 Vice President’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 dean or vice president, Student Services decision on a short-term suspension shall be final.

**Long-Term Suspension:** Within 10 business days after the initial meeting described above, the vice president, Student Services shall decide whether to impose a long-term suspension. Written notice of the Vice President’s decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and





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a copy of AP 5520 Student Discipline Procedures describing the procedures for a hearing.

**Expulsion:** Within 10 business days after the initial first meeting described above, the Superintendent/President shall, pursuant to a recommendation from the dean or vice president, Student Services, 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 AP 5520 Student Discipline Procedures describing the procedures for a hearing.

### Hearing Procedures

**Request for Hearing:** Within 10 business days after receipt of the Vice President's or Superintendent/President's decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the vice president, Student Services, or Superintendent/President, or designee.

**Schedule of Hearing:** The formal hearing shall be held within 15 business days after a formal request for hearing is received.

**Hearing Panel:** The hearing panel for any disciplinary action shall be composed of the following representatives: (1) administrator/manager, (1) faculty member and (1) student.

The college Superintendent/President, the president of the Academic Senate, and the ASB president 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 college 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 college Superintendent/President or designee 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 both of the 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 following procedure is legally advised.

- 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.



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- The facts supporting the accusation shall be presented by a college representative, who shall be the dean or vice president, Student Services or Director of Campus Police and Public Safety.
- The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
- Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.
- 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/their evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.
- The student may represent himself/herself/themself and may also have the right to be represented by a person of his/her/their choice. Except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than 5 business 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 7 business 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 recording or stenographic recording. The official recording shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording 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 recording.



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- All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded is not unavailable.
- Within 5 business days following the close of the hearing, the hearing panel shall prepare and send to the college Superintendent/President 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 the 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.

### College Superintendent/President's Decision

Long-term suspension: Within 5 business days following receipt of the hearing panel's recommended decision, the college Superintendent/President shall render a final written decision. The college Superintendent/President or designee may accept, modify, or reject the findings, decisions, and recommendations of the hearing panel. If the college Superintendent/President or designee modifies or rejects the hearing panel's decision, the college Superintendent/President or designee shall review the record of the hearing, and shall prepare a new written decision, which contains specific factual findings and conclusions. The decisions of the college Superintendent/President or designee shall be final.

Expulsion: Within 5 business days following receipt of the hearing panel's recommended decision, the college Superintendent/President or designee shall render a written recommended decision to the Board of Trustees. The college Superintendent/President or designee may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the college Superintendent/President or designee modifies or rejects the hearing panel's decision, he/she/they shall review the record of the hearing and shall prepare a new written decision which contains specific factual findings and conclusions. The college Superintendent/President or designee's decision shall be forwarded to the Board of Trustees.

**Board of Trustees Decision:** The Board of Trustees shall consider any recommendation from the college 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.



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[Education Code Section 72122.]

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

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

Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be 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 college Superintendent/President and/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.

Immediate Interim Suspension [Education Code Section 66017]: The college Superintendent/President or designee may order immediate suspension of a student where he/she/they 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 is recommended, will be afforded to the student within ten 10 business days.

Removal from Class [Education Code Section 76032]: Any instructor may order a student removed from his/her/their class for the day of the removal and the next class meeting. Using the "Inappropriate Student Behavior" form, the instructor shall immediately report the removal to the dean or vice president, Student Services, and the dean of the area discipline. The dean of the area discipline shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the dean of the area discipline shall attend the conference. The student shall not be returned to the class during the period of the removal without a concurrence of the instructor. Nothing herein will prevent the dean of the area discipline from recommending further disciplinary procedures in accordance with these procedures based on the facts, which led to the removal.

Withdrawal of Consent to Remain on Campus: The Director of Campus Police and Public Safety, vice presidents, deans, or the Superintendent/President may notify any person for whom there is a



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reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she/they must promptly leave or be escorted off campus. If consent is withdrawn by the Director of Campus Police and Public Safety, vice presidents, deans, or Superintendent/President, a written report must be promptly made to the dean or vice president, Student Services.

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 7 business days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than 14 business 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]

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

#### **No Disciplinary Action against Complainants or Witnesses in Sexual Assault Investigations**

An individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.