

APPENDICES

APPENDIX I

Student Conduct Code

Standards of Student Conduct (E.C.S. 66300)

In joining the academic community, the student enjoys the right and shares the responsibility in exercising the freedom to learn. Like other members of the academic community, students are expected to conduct themselves in accordance with the standards of the college that are designed to perpetuate its educational purposes. Students shall respect and obey civil and criminal law and shall be subject to legal penalties for violation of laws of the city, county, state, and nation. A charge of misconduct may be imposed upon a student for violating provisions of college regulations and the state education and administrative codes. When a student is subject to a charge of misconduct, such charge shall be processed in accordance with the following policy and procedure.

Disciplinary action may be imposed upon a student by an instructor, an administrator, or the governing board for proven misconduct or actual violation of specified college rules and state regulations. Instructors and administrators may place students on probation or temporary exclusion with respect to actions in a classroom, on campus, or at a college-sponsored activity within the procedures specified in this document. The Dean of Programs and Services or designee shall have the power to impose suspension and to recommend expulsion.

Students are subject to charges of misconduct for any of the following acts on college-owned or controlled property or at a college-sponsored activity:

1. Willful disobedience to directions of college officials acting in performance of their duties.
2. Violation of college rules and regulations including those concerning student organizations, the use of college facilities, or the time, place and manner of public expression or distribution of materials.
3. Dishonesty, such as cheating, or knowingly furnishing false information to the college.
4. Unauthorized entry to or use of the college facilities.
5. Forgery, alteration, or misuse of college documents, records or identification.
6. Obstruction or disruption of classes, administration, disciplinary procedures, or authorized college activities.
7. Theft of or damage to property or possession of stolen property belonging to the college, a member of the college community or a campus visitor.
8. Disorderly, lewd, indecent, or offensive conduct.
9. Obscene, libelous or slanderous expression, or expression which so incites students as to create a clear and present danger of the commission of unlawful acts on the college's campus, the violation of lawful college regulations or the substantial disruption of the college's orderly operation.
10. Assault or battery, abuse, or any threat of force or violence directed toward any member of the college community or campus visitor engaged in authorized activities.
11. Use, possession, distribution of alcoholic beverages, narcotics, hallucinogenic drugs, marijuana, or other dangerous drugs; or presence on campus while under the influence of alcoholic beverages, narcotics, hallucinogenic drugs, marijuana, or other dangerous drugs, except as expressly permitted by law.
12. Possession, while on the college campus or at an on- or off-campus college-sponsored function, of any of the following weapons (except persons given permission by the College President or his or her designated representatives or members of the law enforcement agencies, such as police officers: any instrument or weapon of the kind commonly known as blackjack, sling shot, fire bomb, billy club, sandclub, sandbag, metal knuckles; any dirk, dagger, firearm, (loaded or unloaded), such as pistol, revolver, rifle, etc.; any knife having a blade longer than five inches; any switchblade longer than

two inches; any razor with an unguarded blade; any metal pipe or bar used or intended to be used as a club; or any item used to threaten bodily harm.

Student Conduct: Disciplinary Action

Student conduct must conform to the student rules of conduct established by the Governing Board of Trustees of the Ventura County Community College District in collaboration with college administrators and students. Violations of such rules are subject to the following types of disciplinary actions, which are to be administered by appropriate college authorities against students who stand in violation. The Ventura County Community College District has established due process for the administration of the penalties enumerated here. Penalties are listed in degree of severity. College authorities will determine the appropriate penalty(ies):

1. **WARNING*** -- Notice to the student that continuation or repetition of specified conduct may be cause for other disciplinary action.
2. **REPRIMAND*** -- Written reprimand for violation of specified rules. A reprimand serves to place on record that a student's conduct in a specific instance does not meet the standards expected at the college. A person receiving a reprimand is notified that this is a warning that continued conduct of the type described in the reprimand may result in a formal action against the student.
*NOTE: Warnings and reprimands may be appealed directly to the President. They are not subject to a student conduct hearing.
3. **DISCIPLINARY PROBATION** -- Exclusion from participation in privileges or extracurricular college activities set forth in the notice of disciplinary probation involves notification in writing of the reason for disciplinary probation to the student(s) or president of the student organization involved.
4. **RESTITUTION** -- Reimbursement for damage or for misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damage.
5. **SUMMARY SUSPENSION** -- A summary suspension is for purposes of investigation. It is a means of relieving the tension of the student body or individual class due to a serious infraction of student behavior standards, removing a threat to the well-being of the students, or removing for the good order of the college a student or students whose presence would prevent the continued normal conduct of the academic community. Summary suspension is limited to that period of time necessary to insure that the purpose of the summary suspension is accomplished and in any case, no more than a maximum of five school days. Summary suspension is a type of suspension other than that ordinarily invoked by the instructor for disciplinary reasons in the classroom. The College President, Dean of Programs and Services, or other staff member designated by the President may summarily suspend a student when he or she deems it necessary for the safety and welfare of the college.
6. **DISCIPLINARY SUSPENSION** -- Disciplinary suspension follows a hearing based on due process. It shall be invoked by the College President, appropriate administrator, or other staff member designated by the President, upon the student for misconduct when other corrective measures have failed or when the seriousness of the situation warrants such action.
7. **EXPULSION** -- An expulsion is a long term or permanent denial of all campus privileges including class attendance. The governing board may expel a student who has been convicted of a crime arising out of a campus disturbance, or after a hearing by a campus body, and has been found to have willfully disrupted the orderly operation of the campus.

Student Conduct: Due Process

I. PRELIMINARY ACTION

- A. The Dean of Programs and Services or designee shall receive and may issue any charge of alleged misconduct made against a student by another student, faculty member, administrator, or

- classified personnel. Such person shall sign and submit a written statement specifying the time(s), place(s), and nature of the alleged misconduct.
- B. The Dean of Programs and Services or designee shall confer with the student for the purpose of advising the student of the charge, possible sanctions imposed upon him or her and his or her rights under college regulations, state and federal laws.
 - C. The Dean of Programs and Services or designee may also procure information relating to the charge from the student and other persons or sources. Whenever appropriate, the Vice President/designee of student services shall assess, or cause to have assessed, damage to property and injury to persons or other forms of misconduct.
 - D. At this point, the Dean of Programs and Services or designee may take any of the following actions:
 1. Dismiss the charge for lack of merit.
 2. Issue a warning or letter of reprimand.
 3. Place the student on disciplinary probation, require restitution, place on summary or disciplinary suspension.
 4. Recommend expulsion.
 5. Remand the case to a student conduct hearing.
 - E. At this time, if the student does not accept the decision of the Dean of Programs and Services or designee, the Executive Vice President/designee of student learning shall arrange for the meeting of the student conduct hearing committee following the procedures outlined in sections II and III of this document.
- II. COMPOSITION OF STUDENT CONDUCT HEARING COMMITTEE
The student conduct hearing committee, hereafter referred to as the hearing committee, shall be set up as follows:
- A. One student, one faculty member, and one administrator (other than the Dean of Programs and Services or designee and his or her immediate staff). These persons are appointed by the College President.
 - B. The President shall designate the chairperson of the hearing committee.
 - C. A minimum of one committee shall be selected annually.
 - D. Upon notification of the committee composition, each party is allowed one peremptory challenge, excluding the chairperson.
 - E. A quorum shall consist of all three members of the committee.
 - F. The chairperson will allow any proposed member of the committee to decline participation in the hearing.
- III. FORMAL HEARING PROCEDURES
- A. A hearing will be called by the chairperson within 15 working days of receipt of the Dean of Programs and Services or designee request.
 - B. Both parties will be asked to attend the hearing and will be given sufficient notice in writing as to the time and place. Notice shall be given by certified mail at least five working days prior to the hearing date.
 - C. At the time of the hearing, the chairperson shall state the charge. The committee shall hear testimony, examine witnesses and receive all evidence pertaining to the charge.
 - D. Both parties shall have the right to present statements, testimony, evidence and witnesses. Each party shall have the right to be represented by a single advisor but not a licensed attorney.
 - E. The accused person and/or representative may be present as well as the aggrieved person and/or his or her representative. No other persons except scheduled single witnesses and the hearing committee members shall be present.
 - F. The person making the charge shall assume the burden of proof. The rule of confidentiality shall prevail at all stages of the hearing.
 - G. The hearing committee shall judge the relevancy and weight of testimony and evidence. It shall make its findings of fact and limit its investigation to the formal charge. It shall also make a recommendation for disposition of the charge to the College President. Actions in this procedure shall be completed within five working days.

- H. The hearing committee shall submit its findings of fact and recommend action to both parties and to the President of the College. Upon receipt of the findings and recommendations, the President of the College shall:
 1. Concur with the committee's recommendation, or
 2. Not concur with the committee's recommendation, or
 3. Take alternative action.
 4. The College President shall state in writing the reasons for the action taken on the committee's recommendations. The President shall act within ten working days.
- I. If either party does not agree with the decision of the College President at this time, an appeal may be made to the Chancellor of the Ventura County Community College District; if he or she is still dissatisfied with the decision, an appeal may be made to the governing board who shall render the final decision.
- J. Records of all proceedings will be maintained by the College President in accordance with rules of confidentiality and board/state/federal laws, rules, regulations and contracts. Insertion of information regarding a case in an employee's personnel record will only be made in compliance with board/state/federal laws, rules, regulations and contracts.

APPENDIX II

Student Grievance

I. PURPOSE

Students are encouraged to pursue academic studies and other college-sponsored activities in order to promote intellectual growth and personal development. In seeking these ends, students should be free from improper interference by other members of the college community. A grievance may be initiated by a student whenever the student believes that he or she has been subject to unjust actions or denied normal student rights as stipulated in college regulations and in the state education and administrative codes. A grievance may be initiated by a student against any other student or any employee of the College.

II. DEFINITION

A grievance is an allegation of unjust action or denial of student rights. A grievance exists only when a specific educational wrong has occurred to a single student. This wrong must involve an unjust action or denial of student rights as defined in a specified college, college district or superior legal covenant or judgment. A grievance exists only when such an error or offense has some demonstrably correctable result. The outcome of a grievance must produce a tangible benefit to the student complaining or an actual redress of the wrong rather than a punishment for the person or persons found in error.

III. PROCEDURES

A. INFORMAL PROCESSES

When a student believes that a personal injustice has been sustained, an attempt should first be made to resolve the concern by informal means. Consultation should be made with the student, faculty member, administrator or classified person involved in order to seek direct resolution. If this process fails or, for some reason, cannot be accomplished, the aggrieved student should confer with the direct supervisor of the person allegedly causing the problem.

If both of these steps are unsuccessful, the aggrieved student should discuss the problem with the Executive Vice President of Student Learning (for all programs and services controlled by this person) or the Dean of Programs and Services or designee (for all other college programs and services).

B. FORMAL PROCESSES

If the aggrieved student believes that the informal consultation processes mentioned in section A have failed, the procedures and rules described below must be followed by both the student and the College. This process represents the formal grievance procedure of the College. However, the entire formal grievance process shall be discontinued at any time the parties can