

Harassment Restraining Order – Under California law (section 527.6 of the Code of Civil Procedure), courts can make orders to protect people from being harassed by others. These orders are enforced by law enforcement agencies. A victim who desires to obtain such an order must file an action in the Superior Court. Simplified procedures for obtaining such orders have been established by the courts. An instructional booklet that tells what court orders a victim of harassment can obtain and how to get them is available from the Clerk of the Ventura County Superior Court, Hall of Justice, 800 South Victoria Avenue, Ventura, CA 93009.

APPENDIX VII STUDENT DISCIPLINE PROCEDURES

Reference: Education Code Section 66300, 66301, 72122, 76030, 76033, 76232

A student enrolling in a Ventura County Community College District (VCCCD) institution, (Moorpark College, Oxnard College, Ventura College), assumes an obligation to conduct him/herself in a manner compatible with the college's function as an educational institution. The purpose of this procedure is to provide a prompt and equitable means to address violations of the Student Code of Conduct which provides to the student or students involved appropriate due process rights. This procedure will be applied 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 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 Sections 66301 and 76120, and will not be used to punish expression that is protected.

Student conduct must conform to the Student Code of Conduct established by the Governing Board of the Ventura County Community College District in collaboration with college administrators and students. Violations of such rules are subject to disciplinary actions which are to be administered by appropriate college authorities. The Ventura County Community College District has established procedures for the administration of the penalties enumerated here. College authorities will determine the appropriate penalty(ies).

Definitions of Key Terms

Chief Student Services Officer (CSSO) – A college's Vice President of Student Support or designee.

Day – Days during which the District is in session and primary term classes are in session, excluding Saturdays and Sundays.

District – The Ventura County Community College District.

Good Cause for Disciplinary Action – As used in this procedure, "good cause" for disciplinary action includes any violation of the VCCCD Student Code of Conduct as set forth in Board Policy 5500 and Education Code section 76033, when the conduct is related to college activity or college attendance.

Attorney Use Policy

The intent of the Ventura College student conduct process is to provide a developmental opportunity to provide reflection and sustained behavioral change in instances where a disruption to the learning environment has occurred. This process is not designed to be adversarial, even where there is lack of agreement on the facts, circumstances or proposed sanction.

As such, it is the policy of Ventura College to exclude the use of attorneys in student conduct proceedings. An exception to this policy

is hereby granted in instances where the college has decided to proceed with a student conduct hearing based on the same behaviors for which the student is currently subject to prosecution for a felony offense or matters involving any violations of Title IX of the Federal Education Code. In such instances, the student may be accompanied by one attorney (or non-attorney) of his or her choice to act as an advisor. During the hearing the advisor shall not speak on behalf of the student. A representation letter is requested from the attorney five working days before the hearing.

Student Code of Conduct

The purpose of these standards is to ensure a safe, respectful and productive learning environment for VCCCD students, staff, faculty and administrators. In order for the colleges and the district to fulfill their mission of student learning achievement, all employees must feel secure in their work setting. Student conduct that negatively impacts the ability of students to meet their educational goals or employees to carry out their professional job responsibilities will be subject to the terms of this procedure.

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

The procedures shall be made widely available to students through the college catalog and other means. Students who violate any of the following standards for student conduct while at the district office, on the college campus or during off-campus college-sponsored activities are subject to the procedures outlined in Administrative Procedures 5520: Student Discipline Procedures:

1. Causing, attempting to cause, or threatening to cause physical injury to another person or to one's self.
2. Possession, sale or otherwise furnishing a weapon, including but not limited to, any actual or facsimile of a firearm, knife, explosive or other dangerous object, or any item used to threaten bodily harm without written permission from a district employee, with concurrence of the College President or designee.
3. Use, possession, distribution, or offer to sell alcoholic beverages, narcotics, hallucinogenic drugs, marijuana, other controlled substances or dangerous drugs while on campus or while participating in any college-sponsored event.
4. Presence on campus while under the influence of alcoholic beverages, narcotics, hallucinogenic drugs, marijuana, other controlled substances or dangerous drugs except as expressly permitted by law. (Use or possession of medical marijuana is not allowed on any college property.)
5. Committing or attempting to commit robbery or extortion.
6. Causing or attempting to cause damage to District property or to private property on campus.
7. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
8. Willful or persistent smoking (including e-cigarettes or use of similar mechanisms) in any area where smoking has been prohibited by law or by regulation of the college or the District.
9. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact, verbal assaults, such as teasing or name-calling, social isolation or manipulation, and cyber-bullying.

10. Engaging in harassing or discriminatory behavior. The District's response to instances of sexual harassment will follow the processes identified in Board Policy and Administrative Procedures 3430.
11. Obstruction or disruption of classes, administrative or disciplinary procedures, or authorized college activities.
12. Disruptive behavior, willful disobedience, profanity, vulgarity, lewd, or other offensive conduct, on campus or during campus sponsored activities.
13. The persistent defiance of authority or abuse of District/college personnel.
14. Academic dishonesty, cheating, or plagiarism.
15. Dishonesty, forgery, alteration or misuse of District/college documents, records or identification, or knowingly furnishing false information to the District/college or any related off-site agency or organization.
16. Unauthorized entry to or use of District/college facilities.
17. 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/District premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.
18. Violation of District/college rules and regulations including those concerning student organizations, the use of District/college facilities, or the time, place, and manner (see AP 3900) of public expression or distribution of materials.
19. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
20. Unauthorized preparation, giving, selling, transfer, distribution, or publication of any recording or photography of an academic presentation in a classroom or equivalent site of instruction, including but not limited to written class materials, except as permitted by District policy, or administrative procedure.
21. Violation of professional ethical code of conduct in classroom or clinical settings as identified by state licensing agencies (Board of Registered Nursing, Emergency Medical Services Authority, Title 22, Peace Officers Standards & Training, California Department of Public Health).

Students who engage in any of the above are subject to the procedures outlined in AP 5520.

Faculty – Any academic employee of the District who has responsibility for the student's educational program.

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

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

Definitions of Types of Discipline

(listed in order of severity)

The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct. The selection of the degree of severity of sanction to be imposed shall be commensurate with the severity of offense. The availability of a less severe sanction does not preclude imposition of a more severe sanction in any circumstance where the more severe sanction is deemed appropriate.

Warning – Documented written or verbal notice to the student by the CSSO, or designee, that continuation or repetition of specific conduct may be cause for other disciplinary action. A warning is retained in the college discipline files for two complete academic years.

Reprimand – Written notice to the student by the CSSO, or designee, that the student has violated the Student Code of Conduct. A reprimand serves as documentation that a student's conduct in a specific instance does not meet the standards expected at the college and that further violations may result in more severe disciplinary sanctions. A reprimand is permanently retained in the college discipline files.

Temporary Removal from Class – Exclusion of the student by Faculty for good cause for the day of the removal and the next class meeting or activity. [Education Code Section 76032.]

Short-Term Suspension – Exclusion of the student by the CSSO, or designee, for good cause from one or more classes or activities for a period of up to ten (10) consecutive school days. [Education Code Sections 76030 and 76031.]

Immediate Interim Suspension – The College President or designee may order immediate suspension of a student for good cause from one or more classes and/or activities/programs, or from all classes and/or activities/programs of the college where he or 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 is recommended, will be afforded to the student within ten (10) days. A suspended student shall be prohibited from being enrolled in any community college within the District for the period of the suspension. [Education Code Sections 66017 and 76031; cf. Penal Code Section 626.2.]

Long-Term Suspension – Exclusion of the student by the College President for good cause from one or more classes and/or activities/programs, or from all classes and/or activities/programs of the college for up to the remainder of the semester and the following semester. A student suspended from all classes, activities and/or programs shall be prohibited from being enrolled in any community college within the District for the period of the suspension. [Education Code Sections 76030 and 76031.]

Expulsion – Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms 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. [Education Code Section 76030.]

Procedures for Disciplinary Actions

(listed in order of severity)

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

Warning – The CSSO or designee, upon recommendation from Faculty or other District or college employee, shall review the report of alleged misconduct. If it is determined that there has been a violation of the Student Code of Conduct or the Education Code, the CSSO or designee will notify the student that the continuation and/or repetition of misconduct may result in more serious disciplinary action. This notification may be delivered orally or in writing. Documentation of the misconduct and/or the notice given to the student shall be retained in the district discipline files for two complete academic years. Warnings may be appealed directly to the College President. Students may not request a student conduct hearing to appeal a warning. [Cf. Education Code Section 76232 - challenging content of student records.]