



Policy

**5500 Standards of Student Conduct**

The Chancellor shall establish procedures for the imposition of discipline on students in accordance with the requirements for due process of the federal and state law and regulations and within the requirements of YCCD Board Policy 3-8020 Due Process.

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 Chancellor 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.

The procedures shall be made widely available to students through the college catalog and other means.

The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student, except for conduct that constitutes sexual harassment under Title IX, which shall be addressed under BP 3433 Prohibition of Sexual Harassment under Title IX:

1. Causing, attempting to cause, or threatening to cause physical injury to another person.
2. Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife, or explosive is prohibited, unless the student has obtained prior written permission to possess the item from a District employee, which possession of the item is also concurred in by the college president. This section does not supersede or restrict California Penal Code Section [626.9\(o\)](#).
3. 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](#).
4. Committing or attempting to commit robbery or extortion.
5. Causing or attempting to cause damage to District property or to private property on campus.
6. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.

- 1 7. Willful or persistent smoking in any area where smoking has been prohibited by law or by  
2 regulation of the college or the District.
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- 4 8. Committing sexual harassment as defined by law or by District policies and procedures.
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- 6 9. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity,  
7 gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status  
8 protected by law, or political affiliation.
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- 10 10. Engaging in intimidating conduct or bullying against another student through words or actions.
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- 12 11. Willful misconduct which results in injury up to or including death to a student or to college  
13 personnel or which results in irreparable harm to any real or personal property owned by the  
14 District or on campus.
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- 16 12. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and  
17 persistent defiance of the authority of, or persistent abuse of, college personnel.
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- 19 13. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other  
20 academic dishonesty.
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- 22 14. Dishonesty, forgery, alteration or misuse of college documents, records, or identification; or  
23 knowingly furnishing false information to the District.
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- 25 15. Unauthorized entry upon or use of college facilities.
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- 27 16. Lewd, indecent, or obscene conduct on District-owned or controlled property or at District-  
28 sponsored or supervised functions.
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- 30 17. Engaging in expression which is obscene; libelous, or slanderous; or which so incites others as  
31 to create a clear and present danger of the commission of unlawful acts on college premises, or  
32 the violation of lawful District administrative procedures, or the substantial disruption of the  
33 orderly operation of the District.
- 34
- 35 18. Persistent, serious misconduct where other means of correction have failed to bring about  
36 proper conduct.
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- 38 19. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any  
39 commercial purpose, of any contemporaneous recording of an academic presentation in a  
40 classroom or equivalent site of instruction, including but not limited to handwritten or  
41 typewritten class notes, electronic recordings of video-conference/classroom recordings,  
42 except as permitted by any District policy or administrative procedure.
- 43
- 44 20. Sexual assault, defined as actual or attempted sexual contact with another person without that  
45 person's consent, regardless of the victim's affiliation with the community college.
- 46
- 47 21. Sexual exploitation, defined as a person taking sexual advantage of another person for the  
48 benefit of anyone other than that person without that person's consent, regardless of the  
49 victim's affiliation with the community college.

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2 Except in response to conduct specified in subdivisions 20 and 21, no student shall be removed,  
3 suspended, or expelled unless the conduct for which the student is disciplined is related to college activity  
4 or college attendance.  
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6 **Cross References (see also):**

7 YCCD Policy 3430 – Prohibition of Harassment  
8 YCCD Policy 3433 – Prohibition of Sexual Harassment under Title IX  
9 YCCD Policy 3434 – Responding to Harassment Based on Sex under Title IX  
10 YCCD Policy 3435 – Discrimination and Harassment Complaints and Investigations  
11 YCCD Policy 3540 – Sexual and Other Assaults on Campus  
12 YCCD Policy 3-8020 – Due Process  
13 YCCD Policy 4030 – Academic Freedom – Faculty  
14 YCCD Policy 5530 – Student Rights and Grievances  
15 YCCD Policy 5-8081 – Academic Freedom – Students  
16 YCCD Policy 7700 – Whistleblower Protection  
17 [YCCD Board of Trustees 2020-2021 Goals/Special Priorities – Priority #5](#)  
18

19 **References:**

20 Education Code Sections [66300](#), [66301](#), [76033](#) and [76034](#); [ACCJC Accreditation Standards I.C.8 and 10](#)  
21 (formerly II.A.7.b)  
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23 **Adopted:** June 28, 2004

24 **Revision Adopted:** ~~April 8, 2009, March 11, 2015, August 26, 2016~~, November 10, 2021

25 **Last Reviewed:** ~~August 26, 2016~~, November 10, 2021  
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## Administrative Procedure

### 5500 Standards of Student Conduct

The purpose of these administrative procedures is to provide a prompt and equitable means to address violations of the Standards of Conduct in a manner consistent with requirements of due process of law. Nothing in these procedures is intended to infringe upon the rights of students to engage in the lawful exercise of free expression as protected by the state and federal constitutions and by the provisions of state and federal law.

#### Article I: Definitions

A. Responding Party:

Any student accused of violating the Standards of Conduct.

B. Administrator:

A management employee of the District having significant responsibilities for formulating District policies or administering District programs.

C. Chief Student Services Officer:

The Vice President of Student Services or designee of Modesto Junior College and Columbia College.

D. College:

Columbia College, Modesto Junior College, and their respective programs.

E. College Premises:

All land, buildings, facilities, and other property in the possession of or owned, used or controlled by the District (including adjacent streets and sidewalks). Includes online or virtual classrooms or services.

F. Reporting Party:

Any person who submits a charge alleging that a student violated the Standards of Conduct. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been a victim will have the same rights under this Standards of Conduct as are provided to the Complainant, even if another member of the College community submitted the charge itself.

G. Day:

A day during which the District administrative offices are open for business.

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H. Disciplinary Action:

Sanctions imposed by appropriate College personnel.

I. District:

The Yosemite Community College District.

J. Guests:

Any non-member of the College community utilizing College facilities or designated public space.

K. Instructor:

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

L. Member of the College community:

Any person who is a student, staff or faculty member, administrator or any other person employed by the College or District. A person’s status in a particular situation shall be determined by Student Conduct Officer.

M. Policy:

Written regulations of the District or College as found in, but not limited to, the Standards of Conduct, student handbooks, computer use policy, the District or College web page, and College catalogs.

N. President

The President or designee of Columbia College and the President or designee of Modesto Junior College.

O. Student:

Any person who has been accepted for admission or is currently enrolled at a College or in any program offered by the District including, but not limited to:  
a. Full-time/Part-time/Non-credit/Auditing/Community Education  
b. Students on leave (medical or suspensions)

P. Student Conduct Officer:

The official at a College who is responsible for reviewing and processing student conduct matters.

1 Q. Due Process:  
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3 Due Process rights are basic human rights and are enumerated in the Fifth and Fourteenth  
4 Amendments of the United States Constitution. By establishing fair and equitable dispute  
5 resolution policies, it is the intent of the Governing Board of the Yosemite Community  
6 College District to respond to allegations of misconduct with a balance that protects the  
7 accuser while affording the safeguards of due process for the accused.  
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9 Article II: Standards of Conduct Authority  
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- 11 A. The Student Conduct Officer shall develop processes for the administration of the student  
12 conduct system and procedural rules for Student Conduct Hearings that are consistent with  
13 provisions of the Standards of Conduct Policy and Procedure.  
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15 B. All processes for the administration of the student conduct system, all procedural rules for  
16 hearings, and all decisions made by the Student Conduct Officer shall be in alignment with  
17 YCCD Board Policy 3-8020 Due Process.  
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19 Article III: Proscribed Conduct  
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- 21 A. Jurisdiction of the Yosemite Community College District Standards of Conduct. The Yosemite  
22 Community College District Standards of Conduct shall apply to conduct that occurs on College  
23 premises, at College or District sponsored activities, and to off-campus conduct that adversely  
24 affects the College community, or the pursuit of its objectives. Each student shall be  
25 responsible for his/her conduct from the time of application for admission through the final  
26 semester of attendance, even though conduct may occur before classes begin or after classes  
27 end, as well as during the academic year and during periods between terms of actual  
28 enrollment (and even if their conduct is not discovered until after the student is no longer  
29 enrolled). The Standards of Conduct shall apply to a student's conduct even if the student  
30 withdraws from school while a disciplinary matter is pending. Students are required to engage  
31 in responsible social conduct that reflects credit upon the College community and to model  
32 good citizenship in any community.  
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34 B. Standards of Conduct. Any student found to have committed or to have attempted to commit  
35 the following misconduct is subject to the disciplinary sanctions outlined in Article IV, except  
36 for conduct that constitutes sexual harassment under Title IX, which shall be addressed under  
37 AP 3433 Prohibition of Sexual Harassment under Title IX, and AP 3434 Responding to  
38 Harassment Based on Sex under Title IX:  
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40 1. Causing, attempting to cause, or threatening to cause physical injury to another  
41 person.  
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43 2. Possession, sale or otherwise furnishing any firearm, knife, explosive or other  
44 dangerous object, including but not limited to any facsimile firearm, knife, or  
45 explosive is prohibited, unless the student has obtained prior written permission to  
46 possess the item from a District employee, which possession of the item is also  
47 concurred in by the college president. This section does not supersede or restrict  
48 California Penal Code Section [626.9\(o\)](#).  
49

- 1 3. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence  
2 of, any controlled substance listed in Chapter 2 (commencing with Section [11053](#)) of  
3 Division 10 of the California Health and Safety Code, an alcoholic beverage, or an  
4 intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating  
5 the sale of any drug paraphernalia, as defined in California Health and Safety Code  
6 Section [11014.5](#).
- 7
- 8 4. Committing or attempting to commit robbery or extortion.
- 9
- 10 5. Causing or attempting to cause damage to District property or to private property on  
11 campus.
- 12
- 13 6. Stealing or attempting to steal District property or private property on campus, or  
14 knowingly receiving stolen District property or private property on campus.
- 15
- 16 7. Willful or persistent smoking in any area where smoking has been prohibited by law  
17 or by regulation of the college or the District.
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- 19 8. Committing sexual harassment as defined by law or by District policies and  
20 procedures.
- 21
- 22 9. Engaging in harassing or discriminatory behavior based on disability, gender, gender  
23 identity, gender expression, nationality, race or ethnicity, religion, sexual orientation,  
24 or any other status protected by law, or political affiliation.
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- 26 10. Engaging in intimidating conduct or bullying against another student through words  
27 or actions.
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- 29 11. Willful misconduct which results in injury or death to a student or to college personnel  
30 or which results in cutting, defacing, or other injury to any real or personal property  
31 owned by the District or on campus.
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- 33 12. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open  
34 and persistent defiance of the authority of, or persistent abuse of, college personnel.
- 35
- 36 13. Cheating, plagiarism (including plagiarism in a student publication), or engaging in  
37 other academic dishonesty.
- 38
- 39 14. Dishonesty, forgery, alteration or misuse of college documents, records, or  
40 identification; or knowingly furnishing false information to the District.
- 41
- 42 15. Unauthorized entry upon or use of college facilities.
- 43

- 1 16. Lewd, indecent, or obscene conduct on District-owned or controlled property or at  
2 District-sponsored or supervised functions.
- 3
- 4 17. Engaging in expression which is obscene; libelous, or slanderous; or which so incites  
5 others as to create a clear and present danger of the commission of unlawful acts on  
6 college premises, or the violation of lawful District administrative procedures, or the  
7 substantial disruption of the orderly operation of the District.
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- 9 18. Persistent, serious misconduct where other means of correction have failed to bring  
10 about proper conduct.
- 11
- 12 19. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for  
13 any commercial purpose, of any contemporaneous recording of an academic  
14 presentation in a classroom or equivalent site of instruction, including but not limited  
15 to handwritten or typewritten class notes, except as permitted by any District policy  
16 or administrative procedure.
- 17
- 18 20. Sexual assault, defined as actual or attempted sexual contact with another person  
19 without that person's consent, regardless of the victim's affiliation with the  
20 community college.
- 21
- 22 21. Sexual exploitation, defined as a person taking sexual advantage of another person  
23 for the benefit of anyone other than that person without that person's consent,  
24 regardless of the victim's affiliation with the community college.

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26 Except in response to conduct specified in subdivisions 20 and 21, no student shall be removed,  
27 suspended, or expelled unless the conduct for which the student is disciplined is related to college activity  
28 or college attendance.

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30 C. Violation of Law and College Discipline

- 31
- 32 1. College disciplinary proceedings may be instituted against a student charged with conduct  
33 that potentially violates both the criminal law and the Standards of Conduct (that is, if  
34 both possible violations result from the same factual situation) without regard to the  
35 pendency of civil or criminal litigation in court or criminal arrest and prosecution.  
36 Proceedings under the Standards of Conduct may be carried out prior to, simultaneously  
37 with, or following civil or criminal proceedings off campus at the discretion of the  
38 President or designee. Determinations made or sanctions imposed under this Standards  
39 of Conduct shall not be subject to change because criminal charges arising out of the same  
40 facts giving rise to violation of the Standards of Conduct were dismissed, reduced, or  
41 resolved in favor of or against the criminal law defendant.
- 42
- 43 2. When a student is charged by federal, state, or local authorities with a violation of law,  
44 the College will not request or agree to special consideration for that individual because  
45 of his or her status as a student. If the alleged offense is also being processed under the  
46 Standards of Conduct, the College may advise off-campus authorities of the existence of  
47 the Standards of Conduct and of how such matters are typically handled within the



1 College community. The College will attempt to cooperate with law enforcement and  
2 other agencies in the enforcement of criminal law on campus and in the conditions  
3 imposed by criminal courts for the rehabilitation of student violators (provided that the  
4 conditions do not conflict with campus rules or sanctions). Individual students and other  
5 members of the College community, acting in their personal capacities, remain free to  
6 interact with governmental representatives as they deem appropriate.

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8 Article IV: Student Conduct Procedures

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10 A. Charges

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12 1. Charges against a student for violations of the Standards of Conduct may be directed to  
13 the Student Conduct Officer or appropriate administrator of the area in which the  
14 standards of conduct were alleged to be violated. Any charge should be submitted as  
15 soon as possible after the event takes place, preferably within the same semester. The  
16 District Title IX Administrator, College Title IX Campus Coordinator or one of his/her  
17 Deputy Coordinators should be notified of any charges involving sex/gender harassment,  
18 discrimination, or sexual misconduct.
- 19  
20 2. A written record of the charges and final outcome shall be forwarded to the Student  
21 Conduct Officer for centralized record keeping.
- 22  
23 3. The Student Conduct Officer or appropriate administrator will coordinate a preliminary  
24 investigation to determine if the charges have merit. If it is determined that the charges  
25 do not have merit the case will be closed.
- 26  
27 a. If the Student Conduct Officer or appropriate administrator determines that further  
28 investigation beyond the preliminary stage is warranted, the Student Conduct  
29 Officer or appropriate administrator shall inform the individual against whom  
30 allegations have been made (referred to as the Responding Party or "RP"), in writing,  
31 of the nature and scope of all charges brought against the RP, at least ten business  
32 days before an initial meeting with an administrator or investigator. At minimum,  
33 unless legally prohibited, a copy of Board Policy 3-8020 and a written detailed  
34 summary of the allegations will be provided, including reference to time(s), date(s)  
35 and location(s), individuals involved, specific conduct alleged, and policies alleged to  
36 have been violated. The written complaint shall be provided unless otherwise  
37 prohibited by law or if such disclosure would compromise the integrity of the  
38 investigation, or the safety of a complainant or witness.
- 39  
40 b. If possible, the charges will be disposed of administratively by mutual consent of the  
41 parties involved on a basis acceptable to the Student Conduct Officer or appropriate  
42 administrator. Such disposition shall be final and there shall be no subsequent  
43 proceedings.
- 44  
45 c. If the charges are not admitted or cannot be disposed of by mutual consent, at the  
46 discretion of the Student Conduct Officer or appropriate administrator, a Student  
47 Conduct Hearing may be held.
- 48

1 d.If the student admits to violating institutional rules, but sanctions are not agreed to,  
2 subsequent process, including a hearing if necessary, shall be limited to determining  
3 the appropriate sanction(s).  
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5 The goal of the hearing is to provide an equitable resolution via Due Process as out-lined  
6 in YCCD Policy 3-8020, respecting the civil and legal rights of all participants.  
7

8 At the hearing, the findings of the investigation will be admitted, but are not binding on  
9 the decider(s) of fact. The investigator(s) will present the facts of the case and give  
10 evidence. The hearing will determine whether clear and convincing evidence supports  
11 that the responding party violated the policies.  
12

13 B. Sanctions

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15 1. The following sanctions may be imposed upon any student found to have violated the  
16 Standards of Conduct:  
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18 a. Reprimand – A verbal or written warning to cease and desist from conduct that has  
19 been determined to violate the Standards of Conduct. A record of the fact that a  
20 reprimand has been given may be retained as part of the student’s discipline record  
21 for the period of one year. The reprimand is considered in the event of future  
22 violations during the period of retention. It is the student’s responsibility to request  
23 that the record be removed upon expiration of the period of retention.  
24

25 b. Removal of Student from Class – For good cause, an Instructor may order a student  
26 removed from class and an Administrator may order a student removed from a  
27 facility. The student shall not be allowed to return to class or the facility without  
28 concurrence of the Instructor or Administrator.  
29

30 1. Removal from class – Removal shall be for a maximum period of two class  
31 sessions, which shall be the day of the removal and the next regular class  
32 meeting.  
33

34 c. Discretionary Sanctions - Work assignments, essays, service to the College, or other  
35 related discretionary assignments which may include:  
36

37 1. Loss of Privileges – Denial of specified privileges for a designated period  
38 of time.  
39

40 2. Restitution - Compensation for loss, damage, or injury. This may take the  
41 form of appropriate service or monetary or material replacement.  
42

43 d. Disciplinary Probation – A written reprimand for violation of specified regulations.  
44 Probation is for a designated period of time and includes:  
45

1. Conditions imposed that must be met within the designated timeframe and
2. The probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.

e. Suspension – Involuntary removal of a student, for good cause, from one or more classes or from the College by action of the Student Conduct Officer for a specified period of time, after which the student is eligible to return. Conditions for readmission may be specified. A student placed on suspension from all classes and activities of a College may not enter College premises nor be enrolled in any College or program in the District for the period of suspension and is subject to arrest if found to be on the premises. (Penal Code §[626.2](#))

1. Short-Term Suspension: Removal from one or more classes for a period of up to 10 consecutive days.
2. Long-Term Suspension:
  - a. Removal from one or more classes for the remainder of the academic term;
  - b. Removal from one or more classes for one or more academic terms; or
  - c. Removal from all classes and activities of the College for one or more academic terms.

f. Expulsion – Permanent separation of the student from the District.

1. A student may be expelled for good cause where other means of correction have failed to bring about proper conduct or when the presence of the student causes a continuing danger to the physical safety of students or others.
2. Disciplinary action of expulsion may only be recommended by Student Conduct Officer or the Chief Student Services Officer.
3. The recommendation to expel a student shall be made to the College President.

1                                   4. Only the Board of Trustees may expel a student at the recommendation  
2                                   of the District Chancellor.

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4                                   2. More than one of the sanctions listed above may be imposed for any single violation.

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6                                   3. Other than College expulsion, disciplinary sanctions shall not be made part of the  
7                                   student’s permanent academic record, but shall become part of the student’s  
8                                   disciplinary record. Cases involving the imposition of sanctions other than College Long-  
9                                   Term Suspension or College expulsion shall be expunged from the student’s confidential  
10                                  record five (5) years after final disposition of the case.

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12                                  C. Student Conduct Hearings

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14                                  1. The Responding Party shall be notified by student e-mail of the date, time and location  
15                                  of the Student Conduct Hearing. The student shall have at least ten (10) days’ notice.

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17                                  2. Student Conduct Hearings shall be conducted by a Student Conduct Officer according to  
18                                  the following guidelines:

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20                                   a. Prior to the Student Conduct Hearing, the Student Conduct Officer, or designee, will  
21                                   coordinate an investigation of the charges. Under no circumstances will the Student  
22                                   Conduct Officer serve as both investigator and adjudicator. The Student Conduct  
23                                   Officer, or designee, will present the facts of the investigation at the student conduct  
24                                   hearing. All proceedings should be conducted in a respectful and dignified manner.

25  
26                                   b. Student Conduct Hearings normally shall be closed and confidential unless the  
27                                   Accused Student requests that it be open to the public. Any such request must be  
28                                   made no less than five days prior to the date of the hearing.

29  
30                                   c. The Reporting Party, Responding Party and their respective advisors, if any, shall be  
31                                   allowed to attend the entire portion of the Student Conduct Hearing at which  
32                                   information is received (excluding deliberations). Admission of any other person to  
33                                   the Student Conduct Hearing shall be at the discretion of the Student Conduct  
34                                   Officer.

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36                                   d. In Student Conduct Hearings involving more than one Responding Party, the Student  
37                                   Conduct Officer, at his or her discretion, may permit the hearings concerning each  
38                                   student to be conducted either separately or jointly.

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40                                   e. The Reporting Party and the Responding Party shall have the right to be assisted by  
41                                   an advisor if they so choose, at their own expense. The advisor may be a friend,  
42                                   mentor, family member, attorney or any other supporter a party chooses who is  
43                                   both eligible and available. If the student chooses to be represented by an attorney,

1 notification must be made to the District not less than five days prior to the date of  
2 the hearing. The Student Conduct Officer may also request legal assistance. Any  
3 legal advisor provided to the Student Conduct Officer may serve in an advisory  
4 capacity.

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6 f. Witnesses will provide information to and answer questions from the Student  
7 Conduct Officer, or designee.

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9 g. After the portion of the Student Conduct Hearing concludes in which all pertinent  
10 information has been received, the Student Conduct Officer shall determine  
11 whether the Responding Party has violated each section of the Standards of Conduct  
12 which the student is charged with violating. The Student Conduct Officer's  
13 determination shall be made on the basis of the clear and convincing standard.

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15 h. Formal rules of process, procedure, or technical rules of evidence, such as are  
16 applied in criminal or civil court, are not used in Student Conduct proceedings.

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18 3. Pertinent records, exhibits, and written statements (including Student Impact  
19 Statements) may be accepted as information for consideration by the Student Conduct  
20 Officer. Prior to the Student Conduct Officer taking any final disciplinary action against  
21 the RP, the Student Conduct Officer shall provide to the RP any relevant documents,  
22 including any final investigative report and notice of the right to respond to the charges,  
23 either orally, in writing, or both, prior to the disciplinary action. Such notice will be  
24 provided at least ten (10) working days prior to any disciplinary action or hearing.

25  
26 4. During the hearing, the RP will have the right to present RP's side of the issues, refute  
27 the evidence, and produce any oral or written documentary evidence, in real time. The  
28 RP's representative also has the right to question witnesses, including the accuser, and  
29 respond to another party's version of events.

30  
31 5. There shall be a single verbatim recording, of all Student Conduct Hearings, except  
32 deliberations shall not be recorded. The record shall be the property of the College. The  
33 student may receive a copy of the recording upon request.

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35 6. If Responding Party, with notice, does not appear for the Student Conduct Hearing, the  
36 information in support of the charges shall be presented and considered even if the  
37 Responding Party is not present.

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39 7. Concerns may be accommodated for the personal safety, or fears of confrontation of the  
40 Reporting Party, Responding Party, or other witness during the hearing by providing  
41 separate facilities, by using a visual screen, or by permitting participation by telephone,  
42 video conferencing, written statement, or other means, where and as determined in the  
43 sole judgment of Student Conduct Officer to be appropriate.

1                   8. Within ten (10) days following the close of the Student Conduct Hearing, the Student  
2                   Conduct Officer shall submit a written decision. The decision shall include specific factual  
3                   findings regarding the charges, conclusion as to the standards of student conduct that  
4                   were violated, and specific disciplinary action to be imposed, if any.  
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6                   D. Immediate Interim Suspension – In certain circumstances, the Student Conduct Officer or  
7                   designee, with approval from the Vice President of Student Services, may impose a College  
8                   suspension prior to the hearing before a Student Conduct Hearing. Violation of the interim  
9                   suspension conditions shall be grounds for further sanction(s).  
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11                   1. Immediate Interim suspension may be imposed only:  
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13                             a. To ensure the safety and well-being of members of the College community or  
14                             preservation of College property;  
15

16                             b. To ensure the student’s own physical or emotional safety and well-being; or  
17

18                             c. If the student poses an ongoing threat or disruption of, or interference with, the  
19                             normal operations of the College.  
20

21                   2. During the immediate interim suspension, a student shall be denied access to the College  
22                   premises or all other College activities or privileges for which the student might  
23                   otherwise be eligible, as the Student Conduct Officer may determine to be appropriate.  
24                   Violation of the immediate interim suspension shall be grounds for further sanction(s).  
25

26                   3. The interim suspension does not replace the regular process, which shall proceed on the  
27                   normal schedule, up to and through a Student Conduct Hearing, if required.  
28

29                   E. Notification  
30

31                   1. E-Mail – Whenever these procedures call for or permit notice or other communication to  
32                   be delivered, such communication may be made by Student Email Account, which shall  
33                   be deemed sufficient compliance with the provision and the communication shall be  
34                   presumed to have been received. A student’s failure or refusal to open the  
35                   communication shall not cause service to be defective. Notice shall be considered  
36                   received three (3) days after it was sent.  
37

38                   2. If Responding Party is a minor his or her parent/guardian shall be included in the  
39                   notification to be called to a Student Conduct proceeding when the disciplinary action  
40                   includes removal from class or facility or more progressive discipline.  
41

42                   3. Except in the case of Immediate Interim Suspension as provided in Article IV(D), before  
43                   implementing disciplinary action of Long-Term Suspension or Expulsion, the Responding

1 Party shall be provided with a written notice of the conduct warranting the disciplinary  
2 action by Student Email or personal service, which shall include:

- 3
- 4 a. The section(s) of the Standards of Conduct the student is charged with violating.
- 5
- 6 b. A brief statement of the facts supporting the charges.
- 7
- 8 c. The nature of the imposed disciplinary action.
- 9
- 10 d. The right of the student to appeal the decision (except where the decision of the  
11 Chief Student Services Officer and President is final (i.e. appeals)).

- 12
- 13 4. The College President or designee shall report all Long-Term Suspensions and make  
14 recommendation(s) of expulsions of students to the Chancellor.
- 15
- 16 5. In cases of assault, upon the Long-Term Suspension or expulsion of any student, the  
17 Chancellor, President, or designee shall notify the appropriate law enforcement  
18 authorities of any acts of the student which may be in violation of the Penal Code.

19

20 F. Appeals

- 21
- 22 1. Any imposed sanction may be appealed by the Accused Student(s) within five (5) days of  
23 the decision. Such appeals shall be in writing and shall be delivered to the Chief Student  
24 Services Officer or designee.
- 25
- 26 2. Failure to appeal within the specified time limits constitutes waiver of the right to further  
27 appeal.
- 28
- 29 3. Except as required to explain the basis of new information, an appeal shall be limited to  
30 a review of the record of the Student Conduct Hearing and supporting documents for one  
31 or more of the following purposes:
- 32
- 33 a. A procedural error occurred that significantly impacted the outcome of the  
34 hearing (e.g. substantiated bias, material deviation from established procedures,  
35 etc.);
- 36
- 37 b. To consider new evidence, unavailable during the original hearing or  
38 investigation, that could substantially impact the original finding or sanction. A  
39 summary of this new evidence and its potential impact must be included;
- 40
- 41 c. To determine whether the sanction(s) imposed were appropriate for the violation  
42 of the Standards of Conduct which the student was found to have committed.

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- 4. The Chief Student Services Officer or designee may accept, modify, or reject the findings, conclusions and recommendations of the Student Conduct Officer. If the Chief Student Services Officer or designee modifies or rejects the decision, s/he shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Chief Student Services Officer or designee shall be final.
  
- 5. When recommendations to expel a student are made to the President, s/he shall render a decision to accept, modify or reject the findings, conclusions and recommendations of the Student Conduct Officer or Chief Student Services Officer. If the President modifies or rejects the decision upon review of the Hearing record and appeals record, if any, s/he shall prepare a new written decision, which contains specific factual findings and conclusions. The decision of the President shall be final.

G. Consideration of Expulsion by the Board of Trustees

- 1. The College President shall submit a written recommendation of expulsion of a student through the Chancellor to the Board of Trustees.
  
- 2. The Board of Trustees shall consider the recommendation for expulsion at the next regularly scheduled meeting of the Board following the meeting at which the recommendation was received.
  
- 3. The Board shall hold closed sessions when it considers disciplinary action regarding expulsion of a student. The Board shall notify the Responding Party, by registered or certified mail or by personal service of the intent of the Board to call a closed session to consider expulsion. The notification shall specify the date, time, and place of the meeting at which the Board will consider disciplinary action and shall be provided at least 48 hours prior to the meeting.
  
- 4. Final action of the Board must be taken in open session. The student shall not be identified by name or other designation that would disclose the identity of the student.
  
- 5. The Board may accept, modify, or reject the recommendations of the College President. If the Board modifies or rejects the decision, the Board shall review the Hearing record and record of the appeal, if any, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final.
  
- 6. The Responding Party shall be notified in writing of the Board’s final decision.

Article V: INTERPRETATION AND REVISION



- 1           A. Any question of interpretation or application of the Standards of Conduct shall be referred  
2           to the Student Conduct Officer or his or her designee for final determination.  
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4           B. The Standards of Conduct shall be reviewed at least every 6 years under the direction of the  
5           Student Conduct Officer.  
6

7           **Cross References (see also):**

8           YCCD Policy 3430 – Prohibition of Harassment

9           YCCD Policy 3433 – Prohibition of Sexual Harassment under Title IX

10          YCCD Policy 3434 – Responding to Harassment Based on Sex under Title IX

11          YCCD Policy 3435 – Discrimination and Harassment Complaints and Investigations

12          YCCD Policy 3540 – Sexual and Other Assaults on Campus

13          YCCD Policy 3-8020 – Due Process

14          YCCD Policy 4030 – Academic Freedom – Faculty

15          YCCD Policy 5530 – Student Rights and Grievances

16          YCCD Policy 5-8081 – Academic Freedom – Students

17          YCCD Policy 7700 – Whistleblower Protection

18          [YCCD Board of Trustees 2020-2021 Goals/Special Priorities – Priority #5](#)

19  
20          **References:**

21          Education Code Sections [66300](#), [66301](#), [76033](#) and [76034](#); [ACCJC Accreditation Standards I.C.8 and 10](#)  
22          (formerly II.A.7.b)

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24          **Procedure Last Revised:** ~~January 14, 2009; March 11, 2015; August 26, 2016;~~ November 10, 2021

25          **Last Reviewed:** ~~August 26, 2016;~~ November 10, 2021