

**The Jeanne Clery Disclosure of Campus Security
Policy and Campus Crime
Statistics Act**

MENDOCINO-LAKE
COMMUNITY COLLEGE DISTRICT

2007/2008

September 25, 2008

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

This is the annual report on crimes on campus for the period from July 1, 2007 to June 30, 2008.

This report includes the following:

- Procedures for REPORTING CRIMES AND OTHER EMERGENCIES
- Three years of crime statistics for MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT
- Policies regarding:
 - CAMPUS SAFETY
 - SEXUAL ASSAULT RESPONSE PROCEDURE
 - ALCOHOL AND ILLEGAL DRUGS
 - SEXUAL ASSAULT RESPONSE POLICY
 - CODE OF STUDENT CONDUCT POLICY
 - STUDENT CONDUCT GUIDELINES
- Education code #76033, "Good Cause" Defined

Questions regarding this report should be directed to Larry Wise, Director of Maintenance and Operations, 468-8031.

REPORTING CRIMES AND OTHER EMERGENCIES

For most emergencies on campus, you will need to call either 9-1-1, Facility Services at 3076, or Security at 3155. The chart below will help you decide which action is appropriate:

Call 9-1-1: (Also call Facility Services at x3076 (or 3155), to notify them that you have notified 9-1-1.)	<ul style="list-style-type: none">• Life-Threatening Medical Emergency such as:<ul style="list-style-type: none">severe chest painsrespiratory distress or cessation of breathingshocksevere burnsuncontrolled bleedingunconsciousness (except for seizures)chokingpoisoningoverdosesuspected fracture of back, neck, or spine• ANY Fire• Hazardous material release IF it has high potential to injure someone or cause a fire
Call Facility Services at x3076/3155: 7 AM – 5 PM Monday – Friday (Spring & Fall Semesters) 7 AM – 5 PM Monday – Friday (Summer)	<ul style="list-style-type: none">• Other non-serious medical emergency• A Hazardous material release with low potential for fire or injury.• Psychological crisis, civil disturbance, crime or violent incident• Any other major or minor emergency, or incident
Call Facility Services phone at 621-1009	<ul style="list-style-type: none">• Non-urgent emergency whenever the Facility Services office doesn't answer.
Call Facility Services Security: 468-3155 or 621-1009	<ul style="list-style-type: none">• Utility failure.
Call President's Office, x3073, (daytime) Evening and weekends call Security: 468-3155	<ul style="list-style-type: none">• Any incident with potential for adverse publicity to the college.
Call Evening supervisor x3155 5 – 10 PM, Monday – Thursday	<ul style="list-style-type: none">• Student or faculty issue during evening hours.

Mendocino-Lake Community College District

Main Campus - Ukiah

Lake Center - Lakeport,

Offense Type	Year	On Campus	Public Property	Total
Murder & Non-negligent Manslaughter	2005	0	0	0
	2006	0	0	0
	2007	0	0	0
Negligent Manslaughter	2005	0	0	0
	2006	0	0	0
	2007	0	0	0
Sex offenses - Forcible	2005	0	0	0
	2006	1	0	1
	2007	0	0	0
Sex offenses - Non-forcible	2005	0	0	0
	2006	0	0	0
	2007	0	0	0
Robbery	2005	0	0	0
	2006	0	0	0
	2007	0	0	0
Aggravated Assault	2005	1	1	2
	2006	0	0	0
	2007	1	0	1
Burglary	2005	1	0	1
	2006	0	0	0
	2007	0	0	0
Motor Vehicle Theft	2005	1	0	1
	2006	0	0	0
	2007	0	0	0
Arson	2005	0	0	0
	2006	0	0	0
	2007	0	0	0
TOTALS		5	1	6

No hate crimes were reported in 2005, 2006, or 2007

Disciplinary Actions/ Judicial referrals	Year	On Campus	Public Property	Total
Liquor Law Violations	2005	0	1	1
	2006	0	0	0
	2007	0	0	0
Drug Violations	2005	0	0	0
	2006	0	0	0
	2007	0	0	0
Weapons Violations	2005	0	0	0
	2006	0	0	0
	2007	0	0	0
TOTALS		0	1	1

Willits Center - Willits, and Point Arena Field Station

Offense Type	Year	On Campus	Public Property	Total
No Clery offenses	2005	0	0	0
	2006	0	0	0
	2007	0	0	0
Disciplinary Actions/ Judicial referrals	2005	0	0	0
	2006	0	0	0
	2007	0	0	0

No hate crimes were reported in 2005, 2006, or 2007



BOARD POLICY

No. 607

MENDOCINO - LAKE COMMUNITY COLLEGE DISTRICT

CAMPUS SAFETY

The Board of Trustees of the Mendocino-Lake Community College District is committed to a safe and secure work and learning environment in all District facilities and affirms that reasonable effort shall be made to provide conditions which are safe for students, employees, and members of the general public.

The Superintendent/President shall be responsible for meeting the requirements of the law and for developing applicable rules and regulations.

All students, employees and Trustees are expected to observe safety precautions and notify the Vice President of Administrative Services of potentially unsafe conditions.

The District shall establish a Safety Committee comprised of representatives of College constituent groups to identify safety concerns, develop recommendations, and assist management in the implementation of approved recommendations. Recommendations developed by the Safety Committee shall be forwarded to the Vice President of Administrative Services who will bring them to the Planning and Budgeting Committee (PBC) as needed.

A report shall be published annually of all crimes committed on campus that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication.

A safety plan shall be prepared and posted or otherwise made available to students and employees.

Title 5 Section 630
Ed Code 67380 et. al.

Adopted: December 19, 1978
Revised: June 4, 2008



ADMINISTRATIVE PROCEDURES

308.1

MENDOCINO - LAKE COMMUNITY COLLEGE DISTRICT

SEXUAL ASSAULT RESPONSE PROCEDURE

The Office of the Dean of Student Support, Retention and Outreach shall have full responsibility, except for public information, for the administration and follow-up of the sexual assault program. This listing of resources and services shall be updated by the College's Dean of Student Support, Retention and Outreach or other designated employees, annually, no later than August 1, or more frequently as required. This includes:

- Making available to students and staff, District policy on sexual assault.
- Meeting legal reporting requirements.
- Identifying available services for the victim.
- Developing and updating a description of campus resources available to victims as well as appropriate off-campus services.
- Implementing procedures for keeping the victim informed of the status of any student disciplinary proceedings in connection with the sexual assault.

It shall be the responsibility of the Dean of Student Support, Retention and Outreach to see to it that any victim of sexual assault committed at or upon the grounds of or upon off-campus grounds or facilities maintained by the District, or at any College sponsored activity or event, shall receive information and referral for treatment. Services available include immediate short-term crisis assistance, and long-term counseling referral to agencies in the community. This information shall be provided with sensitivity and in consideration of the personal needs of the victim.

Any student who is a victim of sexual assault at a District facility as referred to in Policy 308, is encouraged to notify the office of the Dean of Student Support, Retention and Outreach. Both female and male contacts shall be available at the office of the Dean of Student Support, Retention and Outreach for students who require services. The Dean of Student Support, Retention and Outreach, with the consent of the victim, shall notify Campus Security, local law enforcement agencies, and if the victim is under the age of 18, the parent or guardian of the victim.

Any faculty and staff who are victims are encouraged to notify the Department of Human Resources.

Pursuant to legal requirements, the Campus Security will notify the appropriate local law enforcement agency of the reported sexual assault, and obtain an ambulance to transport the victim to the hospital, as necessary.

In accordance with the federally mandated public disclosure law “Student Right to Know Act,” the District, on an annual basis, shall notify student and employees of statistics concerning specific types of crime, including sexual assault. This notice shall be made through appropriate publications/mailings. The names of the victims will not be reported in the statistics.

In cases of violent crimes considered to be a threat to other students and employees, the District’s Superintendent/President shall make timely reports, respecting the confidentiality of the victim, to the College community in a manner that will aid in the prevention of similar occurrences.

Upon notification of a sexual assault, the Campus Security or the Dean of Student Support, Retention and Outreach will distribute to the victim a description of campus resources and services available to the victim, as well as appropriate off-campus services. Each student or employee who is a victim of sexual assault will receive a copy of the District’s policy and procedures on sexual assault.

The listing of resources and services shall be available through the Counseling Department, Campus Security and other units where appropriate.

A victim of sexual assault shall be provided with information about pursuing the following remedies or actions against the perpetrator:

1. Employees

- Criminal prosecution
- Civil prosecution

College disciplinary process: violation of this policy will cause disciplinary action which may include termination of employment or may require an employee to participate in a rehabilitation program.

2. Students

- Criminal prosecution
- Civil prosecution

College disciplinary process: Students are required to comply with this policy to remain in good standing and as a condition of continued attendance at the college. Violation of this policy will be cause for disciplinary action against the student, up to and including expulsion, and/or may require the student to participate in a rehabilitation program.

Student discipline shall be accomplished in accordance with provisions of the California Education Code sections 76030-76037.

3. Non-Student Employer

- Criminal prosecution
- Civil prosecution

A victim of sexual assault shall be kept informed by the District Superintendent/President of the status of and disposition of any College disciplinary proceedings in connection with the sexual assault.

The Counseling Department shall assist, upon request, the victim of sexual assault in dealing with academic difficulties that may arise because of the victimization and its impact.

The identity of a victim of sexual assault shall remain confidential unless otherwise prescribed by law. Requests for information regarding the sexual assault from the press, concerned students, parents, and Mendocino College employees not involved in the assault or its investigation will be handled by the College's Public Information Office in accordance with these regulations:

- The Family Educational Right and Privacy Act
- Applicable California Education and Administrative Code sections and Mendocino-Lake College District Policy.

DISSEMINATION

These procedures shall be published in all student, faculty and staff handbooks, College catalog and schedule of classes, given to any student or employee who is the victim of sexual assault and published in any other printed material deemed appropriate by the College's Dean of Student Support, Retention and Outreach.

These procedures will also be disseminated at the College's orientation and at periodic workshops to be scheduled by the College's Dean of Student Support, Retention and Outreach.

Education Code 67385.7, 70902 (b)(7)

Adopted: May 6, 1992

Revised: November 27, 2007



BOARD POLICY

No. 310

MENDOCINO - LAKE COMMUNITY COLLEGE DISTRICT

ALCOHOL AND ILLEGAL DRUGS

It is the policy of the Board of Trustees to prohibit possession, consumption, selling, giving or delivering, of alcoholic beverages in any form by any person on the College grounds or at official college activities off campus. Furthermore, no person may be disruptive due to the influence of alcohol on college grounds or at official college activities off campus.

The same policy prohibits the possession, consumption, selling, giving, or delivering of illegal drugs including the use of marijuana for "medicinal" purposes on campus or at official college activities off campus. Furthermore, no person may be disruptive due to the influence of illegal drugs on the college grounds or at official college activities off campus.

Persons violating this policy are subject to applicable college policies and administrative regulations as well as state and federal laws.

The exception to this policy for Mendocino-Lake Community College District is the following as excerpted from the Business & Professions Code Section 25608:

"...(a) The alcoholic beverage is acquired, possessed, or used in connection with a course of instruction given at the school and the person has been authorized to acquire, possess, or use it by the governing body or other administrative head of the school.

"...(d) The alcoholic beverages are acquired, possessed, or used during an event not sponsored by any college at a performing arts facility built on property owned by a community college district and leased to a nonprofit organization which is a public benefit corporation formed under Part 2 (commencing with Section 5110) or Division 2 of Title 1 of the Corporations Code. As used in this subdivision, "performing arts facility" means an auditorium with more than 300 permanent seats..."

"...(g) The alcoholic beverage is wine which is acquired, possessed, or used during an event sponsored by a community college district or an organization operated for the benefit of the community college district where the college district maintains both an instructional program in viticulture on no less than five acres of land owned by the district and an instructional program in enology, which includes sales and marketing.

"...(i) The alcoholic beverages are acquired, possessed, or used during events at a college-owned or college-operated stadium or other facility. As used in this subdivision, "events" means fundraisers held to benefit a nonprofit corporation that has obtained a license pursuant to this division for the event. "Events" does not include football games or other athletic contests sponsored by any college or public community college. This subdivision shall not apply to any

public education facility in which any grade from kindergarten to grade 12, inclusive, is school..."

Bus. and Prof. Code: 25608, Health and Safety Code: 11006.5 et seq., Education Code: 76034

Adopted: December 19, 1978

Revised: May 1, 2002

February 5, 2003



POLICY

No. 308

MENDOCINO - LAKE COMMUNITY COLLEGE DISTRICT

SEXUAL ASSAULT RESPONSE POLICY

Mendocino-Lake Community College District shall, to the extent possible, ensure that students, faculty and staff who are victims of a sexual assault committed at or upon the grounds of or upon off-campus grounds or facilities maintained by the District or College, or at a College sponsored activity or event, shall receive information, follow-up services and referrals to local community treatment centers.

The College, through the office of the Dean of Student Services, shall make available sexual assault awareness information to students and employees.

Sexual assault is a criminal activity prohibited in all employee and student areas, buildings, properties, facilities, service areas, satellite centers of the Mendocino-Lake Community College District and all Non-District areas where Mendocino classes/instruction or College sponsored activities are conducted.

“Sexual Assault” includes, but is not limited to: rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

Sexual assault awareness and sexual violence prevention information will be posted on the College internet website. Information on these topics will be presented at new student orientations and available from the Office of the Dean of Student Services.

Ed. Code 67385, 67385.7

Adopted: May 6, 1992
Revised: March 5, 2008



BOARD POLICY

No. 533

MENDOCINO - LAKE COMMUNITY COLLEGE DISTRICT

CODE OF STUDENT CONDUCT POLICY

Student's conduct shall not infringe on the rights of others, and shall conform to college student conduct guidelines as outlined in Administrative Regulations 533.1 and 533.2.

The Director of Personnel Services will handle discrimination complaints that deal with Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendment of 1972, and/or Section 504 of the Rehabilitation Act of 1973.

The Vice President of Academic Affairs, and the Dean of Student Services shall address student grievances involving the interpretation, application, or alleged violation of College rules, regulations, policies, and procedures in accordance with the College's Student Grievance and Due Process Policy and Administrative Regulation.

Adopted: May 6, 1992
Revised: April 2, 2003



ADMINISTRATIVE REGULATION

NO. 533.1

MENDOCINO - LAKE COMMUNITY COLLEGE DISTRICT

STUDENT CONDUCT GUIDELINES

I. STANDARDS OF CONDUCT

Students may be disciplined only for “good cause.” This conduct may be directed toward any College personnel, student, or other persons while on campus property, at a campus activity, or resulting from their campus relationship. “Good cause” includes, but is not limited to the following:

- A. Students are expected to avoid any type of dishonesty, including, but not limited to, cheating, plagiarism, or other academic dishonesty; forgery, fabrication, furnishing false information to the College; alteration or misuse of College documents or records; aiding in dishonesty; misrepresentation of themselves or organizations to be a campus agent.

Detailed explanations of academic honesty and consequences of academic dishonesty are addressed in Academic Honesty Guidelines. (Regulation 533.2)

- B. Disturbance of the peace, which includes, but is not limited to, obstruction or disruption of teaching or other College activities or property; assault, sexual assault or harassment, battery, or any threat of force or violence; physical or verbal abuse, intimidation, harassment, coercion; and/or any other conduct which threatens or endangers the health and safety of any person.
- C. Theft, attempted or threatened theft, or damage to, or threat of damage to, property.
- D. Unauthorized entry to, or use of, College facilities, supplies, or equipment.
- E. Violation of College policies and regulations or law; or failure to comply with the directions of a College official (including faculty) acting in the performance of their duties.
- F. Use, possession, sale, or distribution of a “controlled substance,” as that term is defined by Health and Safety Code Section 11007, while on College premises or at any College sponsored activity; or disruptive presence on College premises or at a College sponsored activity while under the influence of a controlled substance. This includes “medicinal” marijuana. The Compassionate Use Act does not allow a person to

medicate themselves with marijuana in violation of the restrictions contained in College policy.

- G. Disorderly conduct, including, but not limited to, alcoholic intoxication, or lewd, indecent, or obscene conduct.
- H. Use, possession or distribution of alcohol on campus, except as provided by College policy.
- I. Unlawful possession or use of firearms, explosives, other weapons or dangerous chemicals on College premises or at College sponsored activities.
- J. Smoking or use of tobacco products on College premises where smoking and use of tobacco products is prohibited by regulation of the Board of Trustees of the College.
- K. Theft or other abuse of phones, electronic devices or computer time, including but not limited to:
 - 1. Unauthorized entry into a file to use, read or change the contents, or for any other purpose.
 - 2. Unauthorized transfer of a file.
 - 3. Unauthorized use of another individual's identification and password.
 - 4. Unauthorized use of electronic devices in the classroom, including but not limited to, head phones, cellular phones, and pagers.
 - 5. Use of computing facilities to interfere with the work of another student, faculty member or Mendocino College official.
 - 6. Use of computing facilities to send obscene or abusive messages.
 - 7. Use of computing facilities to interfere with normal operation of Mendocino College computing systems.

II. FORMS OF DISCIPLINE

Students committing violations of Student Conduct Guidelines are subject to any of the following forms of discipline -- warning, censure, suspension from class by an instructor, disciplinary probation, loss of privileges and exclusion from activities, suspension, expulsion, exclusion from areas of campus or from official College functions, interim suspension, restitution, monetary fines, community service, holds on registration or requests for transcripts, diplomas or other student records, or other appropriate sanctions.

Any suspension must be reported to the Board of Trustees (Ed Code Section 76031).

The sanction of expulsion is authorized when other means of correction fail to bring about proper conduct or when the continuing presence of the student causes a threat to the physical safety of the student or others (Section 76030). Expulsion from the College for a definite period of time (usually 3 years or more) may also include loss of

all College privileges, including College employment and the privilege of entering any portion of the College's premises except by written authorization from the Office of the President. Readmission after 3 years is contingent upon the student's application to, and approval of, the President.

No fees shall be refunded to students who are suspended or expelled.

Interim Suspension

An accused student may be suspended and prohibited from campus on an interim basis, pending disciplinary review, when there is reasonable cause to believe that immediate suspension is required to protect lives or property or to assure the maintenance of order. The student shall be given prompt notice of the charges and opportunity for a hearing on the immediate suspension within 10 days. During the suspension, the student shall not, without prior written approval, enter the campus other than to attend the hearing. Violation of the conditions of the immediate suspension will be grounds for expulsion.

Removal from Class

Instructors have the right to immediately remove a student from class for disruptive behavior or other violation of the Student Conduct Code, and if necessary, for the next class meeting. Instructors should immediately discuss the case with the Dean of Student Services to determine whether to prohibit the student from the second class session and/or whether to initiate additional disciplinary process. The Dean will consult with the Dean of Instruction and notify the student in writing of when and under what conditions the student may return to class. If the student is under 18 years of age, a parent conference must be held with the student, the Dean of Student Services, and possibly the faculty member to discuss the conduct and removal as soon as possible.

Campus Emergency

The President may declare a state of campus emergency and implement any necessary procedures.

Withdrawal for Psychiatric Reasons or Contagious Disease Conditions of physical or mental disability, filthy or vicious habits, or contagious or infectious disease (Section 76020) may lead to the involuntary withdrawal of students by the Dean of Students (in consultation with the Lead Counselor or Medical doctors) from Mendocino College or to other restrictions of student status when such disorder demonstrates that he or she a) poses a threat to self or others, or b) is unable to function within MC policies and regulations. Withdrawal in any specific case will be undertaken with extreme care, and only when no other available alternative is more appropriate – specifically, campus conduct and discipline regulations, State psychiatric commitment procedures, etc.

III. PROCEDURAL DUE PROCESS

- A. CHARGES. Violation of College policies may be initiated against a student by another student, college personnel, or a non-college person. A complaint must be in writing, signed and presented to the Office of the Dean of Students, which will investigate and

take appropriate action. The Office of the Dean of Students may also initiate disciplinary action on behalf of the College.

- B. NOTICE OF CONFERENCE. A student charged with misconduct shall be given written notice to meet with the Dean of Students or other administrative officer designated by the President of the College. The student charged with a violation will be sent appropriate notice by regular mail at their official address listed in the Admissions and Records Office. If the student is a minor, a copy of the notice shall be delivered to the student's parent or guardian if they can be identified and located. This notice shall include the following information:
1. A written explanation of the incident and charges which have been made (i.e., the specific conduct involved and the specific regulations alleged to be violated);
 2. A summary of the facts that have been determined to date. This includes the opportunity for the student to inspect all documents relevant to the case, including police reports, which are in the possession of the Dean at the time of the meeting;
 3. A copy of the disciplinary procedures;
 4. The time and place of the conference;
 5. Whether it involves the necessity for interim suspension and withdrawal of consent to remain on campus.
- C. DEAN'S CONFERENCE. At the conference with the Dean of Students or designated administrative officer, the student shall hear the evidence against him/her and provide rebuttal evidence.

The Dean of Students/administrative officer shall render a decision in writing to the student (and parent/guardian of a minor) indicating one of the following:

1. dismissal of the charges,
2. discipline less than suspension (with a written appeal to the Academic Vice President for final decision),
3. suspension or expulsion (with an appeal to the Student Appeals Committee) or direct referral without Dean's decision to the Student Appeals Committee

SUSPENSION OR EXPULSION

If the Dean of Students/administrative officer recommends suspension or expulsion, he/she shall notify the student in writing of the student's right to a hearing before the Student Appeals Committee. The student must, in writing, request a hearing with the Student Appeals Committee.

D. STUDENT APPEALS COMMITTEE

1. COMPOSITION. The Student Appeals Committee shall be composed of two (2) faculty and one administrator appointed by the Vice President of Academic Affairs

and the Academic Senate; and one student (and an alternate) appointed by the Associated Students of Mendocino College.

The administrator appointee shall serve as chair of the committee.

2. STUDENT APPEALS COMMITTEE PROCEDURES

Dean's Summary

It shall be the responsibility of the Office of the Dean of Students to submit to the Student Appeals Committee the Dean's Summary, which includes charges, and any written statements or evidence and disciplinary recommendations.

Timing

A hearing of the Student Appeals Committee shall be convened no earlier than twenty-four (24) hours and no later than seven (7) days following the filing of a request for hearing by the student in the Office of the Dean of Students.

Order of Proceeding: The Dean's Notice letter shall be read aloud to the student unless he/she waives such reading. If the student admits the acts, he/she may make a statement concerning any mitigating circumstances and the Dean may respond and make a statement concerning any aggravating circumstances. Unless the Student Appeals Committee request additional information, no other evidence shall be taken and the hearing shall end.

In other cases, the hearing shall proceed with the Dean and/or his/her advisor presenting his/her case followed by the student and/or his/her advisor. Each shall have the opportunity to question witnesses, know the content and authorship of any written statements, and be given a chance to rebut.

The Chairperson of the Committee shall conduct the hearing and make all rulings as to the conduct of the hearing and admissibility of evidence. An orderly hearing shall be maintained and abusive or disruptive people shall be ejected or excluded. Irrelevant and repetitious evidence may be excluded as determined by the Chairperson.

The hearing shall not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. The Committee shall consider only the evidence received at the hearing and its findings should be based on a preponderance of the evidence.

The student shall not be required to give self-incriminating evidence at the hearing and no inference shall be drawn from his/her silence. The Dean shall request students and employees to present evidence when appropriate.

Advisors: The student and Dean may each be accompanied by an advisor of

his/her choice, who may act on his/her behalf. If the student desires that this advisor be an attorney, then at least ten (10) working days' notice before the hearing must be given by the student in writing to the Dean.

Closed Hearings: Hearings shall be closed to everyone except the Student Appeals Committee; the student charged and one advisor; the Dean; the Dean's advisor; and witnesses, if any, only while they are presenting their evidence.

Confidentiality: The disciplinary hearing and any results must be kept confidential by all parties. Limited disclosure of disciplinary recommendations may be made between campuses as allowed by law. No disciplinary action other than "Disciplinary Expulsion", will normally appear on the student's academic transcript except in unusual circumstances deemed appropriate by the Committee.

The results of any disciplinary action by the College may be disclosed to an alleged victim of any crime of violence. "Crime of violence" is defined by State law to mean an offense in which there is the use, attempted use, or threatened use of physical force against a person or the property of another, or any other offense that is a felony and that by its nature involves a substantial risk that physical force against a person or the property of another and be used in the course of committing the offense. It is the alleged victim's obligation to keep the results of the disciplinary action or appeal confidential. (Penal Code Section 261-264.1, 286-289.)

Constitutionality: The Committee shall not receive nor consider arguments concerning the constitutionality or legal validity of campus regulations or statewide policy.

Absence of the Student Charged: If the student charged does not appear (personally or through his/her advisor) without satisfactory explanation for his/her absence having been made at his/her earliest opportunity, or should he/she leave or be rejected or excluded from the hearing before its conclusion, or adjournment, the hearing shall proceed without him/her, and the Committee shall render a decision based on the available evidence and make its report just as though the student charged had been present throughout the hearing.

Record of Hearing: A tape recording of the hearing shall be kept for 1 year.

Student Appeals Committee Decision: Following presentation of evidence, the Committee shall privately consider the evidence with all other persons excluded, and shall prepare a written recommendation for the President. The recommendation shall contain:

1. A summary of the facts as found by the Committee, and a determination that the student did or did not commit the acts charged.

2. Which of the specific causes for discipline was violated by the conduct.
3. Findings on evidence, if any, in mitigation or aggravation with respect to discipline.
4. The type of discipline.
5. Such further information as the Committee may consider appropriate.

A minority report may be submitted if appropriate.

E. PRESIDENT'S DECISION

The President reviews the recommendation of the Student Appeals Committee and accepts, rejects or modifies the recommendation. The President shall inform the student within five working days of the outcome and the decision is final in case of suspension.

F. EXPULSION/BOARD OF TRUSTEES

If the President's decision is expulsion, the student may appeal to the Board of Trustees, in writing, specifying one of the following grounds and including supporting evidence:

1. The decision lacks substantial basis in fact to support the findings.
2. There is incongruity between the proposed sanction and findings.
3. There is substantial unfairness in the proceedings which has deprived the student of a fair and impartial process.
4. There is newly discovered important evidence, that despite due diligence on the part of the student, was not known at the time of the Student Appeals Committee hearing.

The Board of Trustees will review the written appeal and may uphold the President's recommendation to expel the student or impose any other disciplinary sanction.

Adopted: May 6, 1992
Revised November 3, 1993
March 5, 2003

Education code #76033, "Good Cause" Defined

Sections 76030-76037

76030. Consistent with requirements of due process of law, with the provisions of this article, and with the rules of student conduct adopted by the governing board under Section 66300, the governing board, the president of a community college or the president's designee, or an instructor shall suspend a student for good cause. In addition, the governing board is authorized to expel a student for good cause when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. The suspension or expulsion of a student shall be accompanied by a hearing conducted pursuant to the requirements of Section 66017.

76031. The adopted rules of student conduct may authorize the president of a community college or the president's designee to suspend a student for good cause as follows:

- (a) From one or more classes for a period of up to 10 days of instruction.
- (b) From one or more classes for the remainder of the school term.
- (c) From all classes and activities of the community college for one or more terms.

The adopted rules of student conduct shall prohibit a student from being enrolled in any community college in the district for the period of suspension.

The president of the community college shall report all suspension of students to the governing board or to the district superintendent.

Whenever a minor is suspended from a community college, the parent or guardian shall be notified in writing by the president or the president's designee.

Nothing in this section shall be construed to prohibit the president of a community college or the president's designee from imposing a lesser disciplinary sanction than suspension. A lesser sanction may include, but need not be limited to, verbal or written reprimand, probation, or ineligibility to participate in extracurricular activities.

76032. The adopted rules of student conduct may authorize an instructor to remove a student from his or her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the chief administrative officer for appropriate action.

If the student removed by an instructor is a minor, the college president or the president's designee shall ask the parent or guardian of the student to attend a parent conference regarding the removal as soon as possible. If the instructor or the parent or guardian so requests, a college administrator shall attend the conference. During the period of removal, a student shall not be returned to the class from which he or she was removed without the concurrence of the instructor of the class.

76033. As used in this article, "good cause" includes, but is not limited to, the following offenses:

- (a) Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
- (b) Assault, battery, or any threat of force or violence upon a student or college personnel.

(c) Willful misconduct which results in injury or death to a student or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the district.

(d) The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code.

(e) Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the governing board.

(f) Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

76034. No student shall be removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or college attendance.

76035. The president or the president's designee at a community college shall, upon the suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is situated of any acts of the student which may be in violation of Section 245 of the Penal Code.

76036. Any violation or violations of law, ordinance, regulation, or rule regulating, or pertaining to, the parking of vehicles, shall not be cause for the removal, suspension, or expulsion of a student from a community college.

76037. Nothing in this article shall be construed to limit the authority of a governing board to adopt additional rules and regulations which are not inconsistent with the requirements of this article. These additional rules may, among other things, prescribe specific rules and regulations governing student behavior, along with applicable penalties for violations of the adopted rules and regulations, and may prescribe appropriate due process procedures, including procedure by which students shall be informed of these rules and regulations.