



Student Life Office

Memorandum

TO: All College Employees

FROM: Carolyn Keys, Dean, Student Services

RE: **STUDENT MISCONDUCT GUIDELINES**

The great majority of Mt. SAC students are respectful, well-behaved and well intentioned. Unfortunately, in recent years, the problem of the disruptive college student has increased significantly, not just at Mt. SAC but nationally. Each year a small percentage of our students engage in behavior that contaminates the academic climate of the classroom, makes teaching and learning difficult and interferes with the legitimate instructional, administrative and service functions of the College.

The Mt. SAC Standards of Conduct Policy requires that students maintain high standards of conduct showing decency and respect for others. Mt. SAC is committed to providing a positive educational environment that fosters a strong campus community.

Violations to the policy should be well documented and reported in a timely manner. It is important that you immediately respond to and address unacceptable behavior and interference to learning. Ignoring disruptive behavior will not cause it to disappear; often the opposite occurs.

Fairness and consistency are most important, being sensitive not to be overly punitive in your reaction. If at all possible, resolve the issue at your own level if you feel comfortable doing so, but do not put yourself at risk. It is your responsibility to inform the student that the behavior(s) being exhibited are not acceptable and will not be tolerated.

A student who has documented disabilities and is disruptive should not receive special accommodations when violating College policy. The law does not expressly prohibit a college from disciplining a student for misconduct, even when the behavior is directly related to his/her physical or mental disability.

When necessary, incident reports will be investigated. Documentation will be kept on file in the Student Life Office. The student(s), the professor and/or College personnel will be treated with respect. Do not feel self-conscious about reporting incidents of misconduct.

SUGGESTIONS FOR FACULTY

- Be specific about the type of behavior you expect a student to demonstrate in your classroom. Be reasonable about your expectations and firm in your adherence to your standards.
- Be consistent in dealing with all students. It is important to notify a student the **first** time a particular unacceptable behavior is encountered. The higher your tolerance level the more intolerable the behavior may become. Make sure that the penalties you impose are fair, humane, and proportionate to the infraction. Some behaviors may only necessitate a warning. It is important that the penalty assessed is legally enforceable.
- Communicating your classroom rules and behavioral expectations through your syllabus is a good practice. Be very specific about the behavior you find acceptable and most importantly your definition of cheating and plagiarism. A general statement about academic honesty is not sufficient as it is open to interpretation. Give examples of collaborative learning vs. cheating. Alleviate as many gray areas as possible. Having each student sign a contract relating to the above can prove beneficial to you should a student file a grievance. The syllabus should communicate to all students that their rights and privileges to learn in the classroom will be protected by the professor.
- Common disruptive behaviors should be addressed. These may include:
 - ✓ Obstruction or disruption of the educational process
 - ✓ Willful disobedience and/or the open and persistent defiance of authority
 - ✓ Verbal or physical threats to students, faculty, or staff
 - ✓ Excessive talking in class
 - ✓ Turned on pagers and cell phones
 - ✓ Passing notes in class
 - ✓ Excessive lateness
- In determining behavioral standards for your classroom, you may wish to consult with your colleagues and appropriate administrators so as to better ensure that the standards you have established are both reasonable and legally enforceable.

PROCEDURES TO FOLLOW

- Do not ignore disruptive behavior. It is important that disruptiveness be addressed as quickly as possible. Some behaviors may be more appropriately discussed outside of the class. Behaviors often become worse when an intervention is not timely and decisive. Doing nothing can be construed by the perpetrator as the professor's implied consent to such actions.
- Any professor may remove a student from his/her class for the remainder of the class period when the inappropriate behavior occurs and the next class meeting. The removal of the student should be immediately reported to the Student Life Office (ECS 76032). If the student is deemed to be dangerous to self, others, or campus property, please call Public Safety (909) 274-4555 and more serious steps will be taken. The Misconduct Report form will assist in the documentation of the violation of the Standards of Conduct Policy. Provide any and all evidence including signed witness statements if available. The information must be written and signed by the person reporting the inappropriate behavior. Record keeping is important should future disciplinary action need to be imposed. You must communicate your future expectations/behavior change(s) to the student before the student returns to your class.
- Depending upon the type of incident, the appropriate Division Dean or Department Chair may be called upon to resolve the situation.
- The student may be subject to suspension for a stipulated time period or expulsion. Other sanctions may include, but are not limited to: verbal or written reprimands, a signed discipline contract with the Student Life Office, required attendance at a Character Development workshop, community service, or being made ineligible to participate in extracurricular activities. (ECS 76031)
- If an incident occurs during the evening hours, report it to the Student Life Office as soon as you are able. Your initial communication of the problem can be by telephone or e-mail, but a written report must be submitted before a disciplinary meeting with the student can occur.

CLASSIFIED STAFF/FACULTY/MANAGERS

- The College will make every effort to protect your personal safety. If you are the target of verbal or physical abuse or feel threat thereof, you may call the Public Safety Office at x 4555 or the Student Life Office at x4525 to seek assistance and/or report the incident. Report any such incident to your supervisor or have the "acting out" person talk directly to your reporting supervisor. If you feel you are in immediate danger, DIAL 911, then notify Public Safety immediately.
- All employees should have a system in place regarding the procedure to follow when dealing with a crisis situation. Anyone observing a potentially volatile situation

should intervene if they feel that they have the skills necessary to assist, or report such activity to a colleague, supervisor, or Public Safety.

STUDENT MISCONDUCT REPORT FORM

1. If you believe a student has violated the College Standards of Conduct Policy, document what occurred and the action you have taken (if any). Describe in detail the events and actions that illustrate the student's misconduct.
2. Complete the Misconduct Report form and send it to the Student Life Office. Prior to action being taken by the Student Life Office, the report form must be submitted within five (5) school days of the occurrence. **Phone reports will not be taken.**
3. The Director, Student Life will determine what, if any, additional action needs to be taken. You do not have the authority to impose discipline on behalf of the College. The faculty or staff who reported the misconduct will receive a copy of the initial letter sent to the student. Faculty will receive a notice of an administrative withdrawal if the student has been suspended or removed from the class during the semester.
4. Students who are subject to suspension or expulsion are ensured due process and are entitled to a hearing to determine whether or not the suspension or expulsion is justified.
5. For faculty, if the behavior violates your syllabus or a signed contract, attach the syllabus which states the consequences of such action(s) include the action you have taken (if any).
6. FERPA (Family Educational Rights and Privacy Act) protects against the disclosure of student disciplinary records by the Student Life Office except for certain circumstances. If the student's behavior causes him/her to be suspended, the employee reporting the misconduct will receive a notice of the final results of the disciplinary hearing.

Chronic offenders develop a cumulative history of misconduct when all College personnel consistently document seriously disruptive incidents thus assisting in the imposition of discipline by the College.

The Student Life Office is here to assist you in providing the best possible service for students while creating the most positive work environment for you. If you have any questions, or would like advice, please contact the office at x4525 or (909)274-4525.

Mt. San Antonio College
Standards of Conduct

Extracted from Board Policy Section 5500

References:

Education Code Section 66300; Accreditation Standard II.A.7.b

The College President/CEO 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.

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 College President/CEO 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.

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, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a College employee, which is concurred in by the College President/CEO.
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 College property or to private property on campus.

6. Stealing or attempting to steal College property or private property on campus, or knowingly receiving stolen College property or private property on campus.
7. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the College.
8. Committing sexual harassment as defined by law or by College policies and procedures.
9. Engaging in harassing or discriminatory behavior based on national origin, religion, age, sex (gender), race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, or because a person is perceived to have one or more of the foregoing characteristics.
10. Willful misconduct which results in injury or death to a student or to College personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the College or on campus.
11. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, College personnel.
12. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
13. Dishonesty; forgery; alteration or misuse of College documents, records or identification; or knowingly furnishing false information to the College.
14. Unauthorized entry upon or use of College facilities.
15. Lewd, indecent or obscene conduct on College-owned or controlled property, or at College-sponsored or supervised functions.
16. 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 premises, or the violation of lawful College administrative procedures, or the substantial disruption of the orderly operation of the College.
17. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
18. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any College policy or Administrative Procedure.
19. Harassment of students and/or College employees that creates an intimidating, hostile, or offensive environment.
20. Violation of College rules and regulations including those concerning affiliate clubs and organizations, the use of College facilities, the posting and distribution of written materials, and College safety procedures.

Previous section adopted 6/23/04

Student Discipline Procedures

References: AP 5520, Education Code Sections 66300, 72122, and 76030

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by State and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

The Student Discipline Procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the State and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

HEARING PROCEDURES

Students who are subject to a long-term suspension or expulsion will have a discipline hearing scheduled for them within ten (10) school days after meeting with the Student Life Director or designee. If the student fails to respond to the request to meet, a hearing will be schedule within twenty (20) school days after the notification to meet was sent by certified mail.

Hearing Panel

The hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student. The Student Services Vice President, the Academic Senate President, and the Associated Students President shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearings. The Student Services Dean or designee shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

Hearing Panel Chair

The Student Services Dean or designee shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

Conduct of the Hearing

The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins. The facts supporting the accusation shall be presented by a College representative who shall be the Student Life Director.

The College representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the hearing panel determines to proceed otherwise, the College representative and the student shall each be permitted to make an opening statement. Thereafter, the College representative shall make the first presentation, followed by the student. The College representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the College representative to prove by substantial of evidence that the alleged reports are true.

The student may represent himself or herself, and may also have the right to be represented by a person of his or her choice including an attorney if in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five (5) school days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the College representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it. Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than five (5) *school* days prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.

The hearing shall be tape recorded by the College and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. The hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. The tape recording shall remain in the custody of the College at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded is not unavailable.

Within ten (10) school days following the close of the hearing, the hearing panel shall prepare and send to the Student Services Vice President a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matters outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

STUDENT SERVICES VICE PRESIDENT'S DECISION

Long-term suspension

Within ten (10) school days following receipt of the hearing panel's recommended decision, the Student Services Vice President shall render a final written decision. The Student Services Vice President may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Student Services Vice President modifies or rejects the hearing panel's decision, the Student Services Vice President shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Student Services Vice President shall be final.

CEO/COLLEGE PRESIDENT'S DECISION

Expulsion

Within ten (10) school days following receipt of the hearing panel's recommended decision, the Student Services Vice President shall forward the decision to the College President/CEO. The College President/CEO or designee shall render a written recommended decision to the Board of Trustees. The College President/CEO or designee may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the College President/CEO or designee modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The College President's/CEO's or designee's decision shall be forwarded to the Board of Trustees.

BOARD OF TRUSTEES' DECISION

The Board of Trustees shall consider any recommendation from the College President/CEO for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision. The Board of Trustees shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures (Education Code Section 72122). The student shall be notified in writing, by registered or certified mail or

by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

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

Even if a student has requested that the Board of Trustees consider an expulsion recommendation in a public meeting, the Board of Trustees will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

The Board of Trustees may accept, modify or reject the findings, decisions and recommendations of the College President/CEO and/or the hearing panel. If the Board of Trustees modifies or rejects the decision, the Board of Trustees shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board of Trustees shall be final.

The final action of the Board of Trustees on the expulsion shall be reported out at a public meeting, and the result of the action shall be a public record of the College.

Immediate Interim Suspension (Education Code Section 66017)

The Student Services Dean or designee may order immediate suspension of a student 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) school days.

Removal from Class (Education Code Section 76032)

Any instructor may order a student removed 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 Director, Student Life. At the instructor's and/or the student's requests, the Student Life Director shall schedule and attend a conference between the faculty and student. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the Director, Student Life from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

Withdrawal of Consent to Remain on Campus(California Penal Code 626.4)

The Student Services Dean or the Student Life Director may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If consent is withdrawn by the Student Services Dean or Student Life Director, a written report must be promptly made to the Student Services Vice President or designee.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven (7) school days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than five (5) school days from the date upon which consent was initially withdrawn.

Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest. (Penal Code Section 626.4)

Time Limits

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

**Please contact the Student Life Office
x4525 or Student Life Center, Building 9C
for questions and/or concerns regarding this policy**