

Chapter 7 – Student Rights and Responsibilities

Academic Freedom: Board Policy 4030

Controversial issues and divergent viewpoints have existed among men throughout the history of civilization. Only in a constitutional republic such as ours has a high degree of freedom of expression been permitted. There must be freedom of the student and teacher to present their viewpoints in and out of the classroom. American democracy is strong enough to stand on its own merits and to survive criticism and comparison with any system so long as its advantages and virtues are not deliberately slighted in such comparisons. However, an atmosphere of responsibility to the students, the College, the community and the nation must accompany these freedoms. To carry out their mutual responsibilities to each other and to ensure these principles of academic freedom, the Board of Trustees, the administration and faculty agree to support certain guiding principles and procedures as set forth below.

1. The faculty member shall:
 - (a) Be entitled to freedom of expression in teaching his/her subjects in the classroom. He/she shall encourage fair examination of controversial questions. He/she shall encourage students, by word and example, to form their own opinions based upon critical judgment and documented facts. In his/her presentation of subject matter to his/her students, he/she shall distinguish between objective facts and his/her personal evaluation of facts.
 - (b) Be supported in his/her right to participate in legal political activities of the community, state and nation during off-duty hours. No disciplinary action may be brought to coerce him/her for political purposes. (Education Code 13004, 13754). He/she shall permit no outside political activities to interfere with his/her academic duties. He/she should always make clear to audiences that the opinions expressed regarding outside political activities are his/her own and not to be taken as necessarily representing the policies of the College. He/she should refrain from making irresponsible statements to any group.
 - (c) Be ever cognizant that it is illegal to advocate the overthrow of the Government by force (Education Code 9455). He/she should make a clear distinction between the description of such philosophies as might fall in that category and the advocacy of such philosophies.
 - (d) Emphasize the need for maintaining a level of individual integrity and responsibility consistent with good community relations of the College, when associated with student activities that reach beyond the classroom.
 - (e) Provide a fair platform for the presentation of facts when outside speakers are invited to the classroom on the campus. Such speakers should be free to speak on topics which are relevant to questions being discussed in the classroom or campus situation. It may, at times, be desirable for the faculty members and administration to provide information and viewpoints to rebut opinions expressed by such speakers in order to encourage critical analysis of the questions discussed.
2. Classroom policy regarding the discussion of controversial issues shall be:
 - (a) That free classroom expression by the instructor and the students be encouraged so long as topics are pertinent to the course being taught. The instructor is careful to be accurate, responsible and aware of the immaturity of some of the students in presenting and discussing controversial topics.
 - (b) That the instructor avoids prejudicial indoctrination. He/she points out to students that there may be other recognized views, and he/she carefully distinguishes between personal opinion and documented fact. He/she avoids imposing his/her opinion regarding controversial topics through the pressure of his/her authority in the classroom.
 - (c) That discussion of religious concepts is free from restraint so long as it is an integral part of the subject being taught and does not become sectarian indoctrination.
 - (d) That the teacher respects the student's right to differ in opinion in any discussion of controversial issues, without penalty, attack, or reflection in grading.

Academic Honesty

Academic dishonesty is the fraud and deception for the purpose of improving a grade or obtaining course credit, and includes all student behavior intended to gain or provide unearned academic advantage by fraudulent and/or deceptive means.

The student has the full responsibility for the content and integrity of all academic work submitted. Ignorance of a rule does not constitute a basis for waiving the rule or the consequences of that rule. Students unclear about a specific situation should ask their instructors, who will explain what is and is not acceptable in their classes.

Violation of this policy will result in appropriate disciplinary action. Specific examples of academic dishonesty include but are not limited to:

Taking Information

- a. Copying graded homework assignments from another student.
- b. Working together on a take-home test or homework when not specifically permitted by the instructor.
- c. Looking at another student's paper during an examination.
- d. Looking at text or notes during an examination when not specifically permitted by the instructor.
- e. Accessing another student's computer and using his/her data as one's own.

Providing Information

- a. Giving one's work to another to be copied or used in an oral presentation.
- b. Giving answers to another student during an examination.
- c. After taking an examination, informing a student enrolled in a later course section of questions that appear on the examination.
- d. Providing a term paper to another student.
- e. Taking an examination, writing a paper, or creating computer data or artistic work for another.

Plagiarism

- a. Failing to give credit for ideas, statement of facts, or conclusions derived by another author. Failure to use quotation marks when quoting directly from another, whether it be a paragraph, a sentence, or a part thereof.
- b. Submitting a paper acquired from a "research" or term paper service.
- c. Copying another person's assignment and handing it in as one's own.
- d. Giving a speech or oral presentation written by another and claiming it as one's own work.
- e. Claiming credit for artistic work done by someone else, such as a music composition, photos, a painting, drawing, sculpture, or design.
- f. Presenting another's computer data as one's own.

Other Academic Dishonesty

- a. Planning with one or more fellow students to commit any form of academic dishonesty together.
- b. Having another student take one's examination or do one's computer data or lab experiment.
- c. Lying to an instructor to increase a grade.
- d. Submitting papers or speeches that are substantially the same for credit in two different courses without prior approval of the instructors involved.
- e. Altering a graded work after it has been returned, then submitting the work for re-grading unless specifically allowed by the instructor.
- f. Removing tests from the classroom without the approval of the instructor, or stealing tests.
- g. Copying computer software from a floppy disk or a hard drive unless specifically allowed by the instructor.

Academic Renewal: Board Policy 4240

A student may petition the Scholastic Standards Committee to have up to 30 units of "D" or "F" grades removed from the computation of his/her grade point average for students who need a means of tempering their previous academic record so they may successfully accomplish an academic goal. (Title 5, Section 55044). Contact the Admissions and Records Office for petition forms. Updated 1/16/08

Attendance Policy

Attendance policies at Shasta College are based on the belief that students can profit from college only if they attend regularly and are adequately prepared for their classes.

Students are expected to attend all classes. A student who fails to attend the first class meeting of a course without notifying the instructor may be dropped from the class. In addition, an instructor may drop a student for excessive absences. **IT IS ALWAYS THE STUDENT'S RESPONSIBILITY TO OFFICIALLY DROP OR WITHDRAW FROM THE CLASS.** Students who fail to file the necessary withdrawal forms, even though they stop attending class or fail to pay registration fees, will be assigned a course grade.

Equal Opportunity

Shasta College employs policies and procedures to strengthen and guarantee the premise of equal opportunity for all. Specifically, the College:

1. Practices nondiscrimination in academic programs, employment, promotion, transfer and assignment on the basis of color, ethnic group identification, race, religion, national origin, gender, sexual orientation, age, physical and mental disability, veteran and/or marital status.
2. Reviews its policies and procedures to preclude the possibility of unintentional discrimination against women, minorities, individuals with disabilities and others.
3. Maintains the policy that unless specifically exempted by statute, every course, course section or class, the average daily attendance of which is to be reported for state aid, whenever offered shall be fully open to enrollment and participation by any person who has been admitted to the college and who meets such prerequisites as may be established pursuant to Chapter II, Div. 2, Part IV, Title 5, of the California Code of Regulations, commencing with Section 51820.

Extenuating Circumstances (Withdrawal)

Students who must withdraw from college after the fourteenth week of class (75 % of the term for classes less than a full term) because of extenuating circumstances, verifiable cases of accidents/illnesses, or other circumstances beyond the control of the student, may petition the Scholastic Standards Committee for authorized withdrawals from their classes. Petitions are available in the Admissions and Records Office.

Smoking and Tobacco Use Restrictions: Board Policy 3555

1. No use of tobacco products is permitted within any college owned and/or leased facility.
2. No use of tobacco products is permitted on the grounds of any college-operated athletic field or facility.
3. No use of tobacco products is permitted in college-owned vehicles.
4. The sale of tobacco products on all college-owned and/or leased property is prohibited.
5. Use of tobacco products on college-owned or leased property is permitted only in special designated areas which are set aside for smoking purposes and are removed from all buildings and major pathways.

Student Equity Policy: Board Policy 5300

Shasta College attempts to ensure equal opportunity to all students and shall provide prompt review of any complaints of discrimination based on race, color, religion, sex, handicap, age, or economic conditions.

Student Records, Directory Information and Privacy Rights

Reference: Education Code Sections 76200, et. Seq.; Title 5, Sections 54600, et seq.; Board Policy 5040

The Superintendent/President shall assure that student records are maintained in compliance with applicable federal and state laws relating to the privacy of student records.

Access to Records. Educational records shall be available for inspection and review, during normal working hours, by presently and formerly enrolled students.

Where the record(s) may contain information concerning more than the inquiring student, only that part pertaining to the inquiring student may be revealed.

Any currently enrolled or former student of the District has a right of access to any and all student records relating to him or her maintained by the district.

No District representative shall release the contents of a student record to any member of the public without the prior written consent of the student, other than directory information as defined in this policy and information sought pursuant to a court order or lawfully issued subpoena, or as otherwise authorized by applicable federal and state laws.

Students shall be notified of their rights with respect to student records, including the definition of directory information contained here, and that they may limit the information.

Directory information shall include:

- Student participation in officially recognized activities and sports including weight, height and high school of graduation of athletic team members.
- Degrees and awards received by students, including honors, scholarship awards, athletic awards and Dean's list recognition.

Standards of Conduct: Board Policy 5500

Students and visitors to a Shasta College campus are expected to obey all California State laws and all Federal laws that pertain to behavior on a college campus. The following regulations represent reasonable standards of conduct for students and visitors, and shall be followed at all times on a Shasta College campus. Generally, Shasta College's jurisdiction and discipline shall be limited to conduct that occurs on Shasta College premises or that is related to school activities.

Rules and Regulations: Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Board Policy, Section 3550, 5505, 5510.

1. Acts of dishonesty, including but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty. Academic dishonesty is the willful and intentional fraud and deception for the purpose of improving a grade or obtaining course credit, and includes all student behavior by fraudulent and/or deceptive means. The student has the full responsibility for the content and integrity of all academic work submitted.
 - b. Furnishing false information to any Shasta College official, faculty member or office.
 - c. Forgery, alteration or misuse of any Shasta College document, record or instrument of identification.
 - d. Tampering with the election of any Shasta College recognized student organization.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other Shasta College activities including its public-service functions on or off campus, or other authorized non-Shasta College activities when the act occurs on Shasta College premises.
3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or conduct which threatens or endangers the health and safety of any person.
4. Attempted or actual theft of and/or damage to property of Shasta College or property of a member of the Shasta College community or other personal or public property.
5. Hazing, defined as an act that endangers the mental or physical health or safety of a student, or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with or as a condition for continued membership in a group or organization.
6. Failure to comply with direction of Shasta College officials or law enforcement officers acting in the performance of their duties, and/or failure to identify oneself to one of these persons when requested to do so.
7. Unauthorized possession, duplication or use of keys to any Shasta College premises or unauthorized entry to or use of Shasta College premises.
8. Violation of published Shasta College policies, rules or regulations.
9. Violation of federal, state or local law on Shasta College premises or at Shasta College sponsored or supervised activities.
10. Use, possession or distribution of narcotic or other controlled substances except as expressly permitted by law.
11. Public intoxication or use, possession or distribution of alcoholic beverages except as expressly permitted by law and Shasta College regulations.

Student Standards of Conduct (continued):

12. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on Shasta College premises.
13. Participation in a campus demonstration that disrupts the normal operations of Shasta College and infringes on the rights of other members of the Shasta College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction that unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
14. Obstruction of the free flow of pedestrian or vehicular traffic on Shasta College premises or at Shasta College sponsored or supervised functions. The use of bicycles, roller blades and skateboards is not permitted in heavy traffic areas or in buildings.
15. Conduct that is disorderly, lewd or indecent; breach of peace; or aiding, abetting or procuring another person to breach the peace on Shasta College premises or at functions sponsored by or participated in by Shasta College.
16. Theft or other abuse of computer time and network resources, including but not limited to:
 - a. Unauthorized entry into a file to use, read or change the contents, or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Unauthorized use of another individual's identification and password.
 - d. Unauthorized use of phone and electronic devices such as radios, etc.
 - e. Use of computing facilities to interfere with the work of another student, faculty member or Shasta College official.
 - f. Use of computing facilities to send obscene or abusive messages.
 - g. Use of computing facilities to interfere with normal operations of Shasta College computing systems.
17. Abuse of the judicial system, including but not limited to:
 - a. Failure to obey the summons of a Shasta College official.
 - b. Falsification, distortion or misrepresentation of information before a hearing officer.
 - c. Disruption or interference with the orderly conduct of a judicial proceeding.
 - d. Institution of a judicial proceeding knowingly without cause.
 - e. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
 - f. Attempting to influence the impartiality of a member of a judicial body prior to and/or during the course of the judicial proceeding.
 - g. Failure to comply with the sanction(s) imposed under the Student Code.
 - h. Influencing or attempting to influence another person to commit an abuse of the judicial system.
18. Willful or persistent smoking in any area where smoking is prohibited by lawful authority (Board Policy, Section 3555)
19. Littering of any kind.
20. Misrepresentation of oneself or of an organization to be an agent of Shasta College.

Student Discipline Sanctions: Board Policy 5505*

*Refer to the Board Policy for any current updates of Language

Sanctions which may be imposed shall include the following:

1. ~~Warning: Notice to the student that continuation or repetition of specified conduct may be cause for other disciplinary action.~~
2. ~~Censure: Written reprimand for violation of specified regulations.~~
3. ~~Disciplinary Probation: Exclusion from participation in designated privileges or extracurricular college activities for a specified period of time.~~
4. ~~Restitution: Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.~~
5. ~~Interim Suspension: In compliance with Education Code Section 76032, students may be suspended from classes and other designated areas for a specified period of time, for the day of the removal and the next class meeting.~~
6. ~~Suspension: Exclusion from classes and campus property and/or sponsored activities.~~
7. ~~Expulsion: Permanent termination of student's status without possibility of readmission to the college.~~

Student Discipline Responsibility: Board Policy 5510*

*Refer to the Board Policy for any current updates of language

1. ~~Disciplinary Responsibility~~
~~The Dean of Students shall be responsible for administering the Code of Conduct. All violations of the Code shall be reported immediately to the Dean of Students by any person who has knowledge of the commission of any such violations. In the absence of the Dean, any member of the academic staff while conducting a class, conducting a field trip, or supervising a student activity may invoke interim suspension as a sanction to maintain order.~~

Student Disciplinary Hearings and Review:

Board Policy 5515*

*Refer to the Board Policy for any current updates of language

1. ~~Preliminary Hearing: The Dean of Students will conduct a preliminary hearing to determine the facts of any alleged violation of the Code of Conduct. This hearing shall be carried out within 48 hours or (2) two school days of notification of the alleged violation.~~
2. ~~Disciplinary Hearing: After the preliminary hearing, the Dean of Students will hold a second hearing within 48 hours or two (2) school days which shall establish the disciplinary action to take place. During this hearing, the Dean will review the evidence compiled in the preliminary hearing and will impose those sanctions that he/she deems appropriate. The Dean will inform the student charged with misconduct the reason for the charge of misconduct together with a description of the sanction imposed. He/she will further inform the student of his/her right to appeal to the appropriate administrator.~~
~~The Dean of Students shall ensure that the best interests of any student charged with an offense are served, recognizing the student's primary need to sustain academic progress. The Dean may recommend appropriate professional counseling services where the mental or physical health of the student may have been a contributing factor in the misconduct.~~
3. ~~Appeal Procedure: After being informed in writing by the Dean of Students, it will be the student's responsibility to request in writing a hearing before the appropriate administrator regarding his/her appeal within three (3) school days. If the student does not appeal, the decision of the Dean of Students will be final. If the student elects to appeal, the sanction imposed may be suspended until the time of the hearing.~~
4. ~~Administrative Review: The appropriate administrator, upon written appeal from the student, will review the findings in the disciplinary action and the sanctions imposed. The appropriate administrator may modify the sanctions as imposed by the Dean of Students.~~
5. ~~Mandatory Review of Extreme Sanctions: On the recommendation of the District Superintendent/ President, the Board may review any disciplinary sanction. When suspension or expulsions are imposed as sanctions, the Board will review all suspensions and recommendations for expulsion.~~
6. ~~Cooperation with Law Enforcement Agencies: The Dean of Students shall cooperate fully with state and federal law enforcement agencies in the investigation and enforcement of state and federal law within the limitations imposed by statute assuring students of the right to privacy.~~

Student Discipline:

Board Policy/Administrative Procedure 5520

(Formerly BP/AP 5505, 5510 and 5515)

BOARD POLICY 5520: (Board approved 4/13/11)

The Superintendent/President shall establish procedures for the imposition of student discipline in accordance with the requirements of due process as provided by applicable federal and state laws and regulations.

The Dean of Students will serve as the Discipline Officer unless a different official is so designated by the Superintendent/President.

The disciplinary procedures shall identify potential disciplinary actions, including but not limited to the removal, suspension or expulsion of a student.

The Board of Trustees shall consider any recommendation from the Superintendent/ President for expulsion and revoking or withholding a degree or certificate. The Board of Trustees shall hear the matter in closed session unless the student requests the matter be heard in open session. Final action by the Board on any expulsion shall be taken in open session.

The disciplinary procedures shall be made available to students through the college catalog, the District website and other similar means.

ADMINISTRATIVE PROCEDURE 5520: (Board approved 4/13/11)

The purpose of these administrative procedures is to provide a means to address violations of the Standards of Conduct set forth in Board Policy 5500 (BP 5500).

These administrative procedures are not intended to substitute for criminal or civil proceedings that may be initiated by other agencies and will be used in a fair and equitable manner, and not for purposes of retaliation. These procedures are not considered a legal proceeding. Therefore, students do not have a right to counsel during a student disciplinary hearing.

I. DEFINITIONS:

Discipline Officer: The Dean of Students or such other official so designated by the Superintendent/President.

District: The Shasta-Tehama-Trinity Joint Community College District.

School Day: Any day during which the District is in session and regular classes are held, excluding Saturdays and Sundays.

Student: Any person enrolled in any program at the District, either full-time or part-time. Persons who withdraw after allegedly violating the Standards of Conduct are considered "students" for the purposes of these procedures. The Standards of Conduct apply to all locations and activities of the District, including online courses and District-sponsored events.

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

Educational Administrator: Any administrator who provides leadership and direction for the operations of the District whose responsibilities include supervision of managers, staff or instructors and the management of the institutional relations among students, faculty and staff.

Expulsion: Permanent separation of the student by the Board of Trustees from all courses and activities offered by the District.

Good Cause: Any offense defined by Education Code section 76033 and such other causes as set forth in the Standards of Conduct.

Hearing Authority: The Vice President of Student Services or such other official so designated by the Superintendent/President and with responsibility for the first appeal level.

Removal from Class: Exclusion of the student by an instructor for the day of the removal and the next class meeting.

Reprimand (Written or Verbal): An admonition to the student to cease and desist from conduct determined to violate the Standards of Conduct.

Immediate Interim Suspension (Education Code Section 66017): The immediate suspension of a student when the Discipline Officer or any educational administrator concludes that immediate suspension is required to protect students or others from injury, to protect property, or to ensure the maintenance of order at the District provided that a reasonable opportunity for a hearing be afforded the suspended student within ten (10) days.

Short-Term Suspension: Exclusion of the student for good cause from one or more classes, school activities, and/or all District facilities for a period of up to five (5) school days.

Long-Term Suspension: Exclusion of the student for good cause from one or more classes, school activities and/or all District facilities for more than five (5) school days.

Withdrawal of Consent to Remain on Campus: Withdrawal of consent by the Discipline Officer for any person to remain on campus in accordance with California Penal Code Section 626.4 where the Discipline Officer has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

II. EXPECTED STUDENT CONDUCT

The Standards of Conduct are set forth in BP 5500 and apply to conduct that relates to District activity or District attendance, including conduct that occurs while at District campuses or facilities, or at District sponsored activities, including before classes begin, after classes end, during the academic year, and during periods between terms of actual enrollment. The Standards of Conduct shall apply even if the student withdraws from school while a disciplinary matter is pending.

III. SANCTIONS

One or more of the following sanctions may be imposed upon any student found to be in violation of the Standards of Conduct:

- Warning:** Verbal notice to the student by the Discipline Officer that the student is violating or has violated the District's Standards of Conduct and that a continuation of the specified conduct by the student may lead to further disciplinary action. The warning will be documented by the Discipline Officer and may become part of the student's record for a period of up to one year.
- Reprimand:** A written or verbal admonition to the student by the Discipline Officer to cease and desist from conduct determined to violate the Standards of Conduct. A record that a reprimand has been given shall be documented and may become part of a student's record for a period up to one year.
- Disciplinary Probation:** A written reprimand by the Discipline Officer for violation of a specific provision of the Standards of Conduct that invokes probation for a designated period of time, which includes the possibility of more severe disciplinary sanctions should the student violate any of the Standards of Conduct during the probationary period.
- Restitution:** Reimbursement by the student for damage(s), injury or misappropriation of District property or to instructional materials/equipment—caused by the students' misconduct. Restitution/reimbursement may be one or more of the following: appropriate service, monetary or material replacement. Pursuant to Title 5 of the California Code of Regulations, Section 59410, students who fail to provide the required restitution will have their grades, transcripts, diplomas, and registration privileges withheld until the financial obligation to the District is satisfied. The Discipline Officer shall provide the student with an opportunity to be heard prior to the imposition of a restitution order.
- Removal from Class or Instruction-Related Activity:** Any instructor may order a student removed from his or her class or instructional activity for the day of the removal and the next class or activity meeting. The instructor shall immediately report the removal to the Discipline Officer. The Discipline Officer will arrange for a meeting with the student regarding the removal. The student shall not be allowed to return to the class or instructional activity during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the Discipline Officer from further disciplinary sanctions in accordance with these procedures, and based on the facts which led to the removal. If the student removed is a minor, the Discipline Officer 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/guardian so requests, the Discipline Officer shall attend the conference.
- Loss of Privileges:** Denial of privileges that do not involve restrictions on class attendance for a designated period of time.
- Residence Halls Suspension:** Separation of the student from the Residence Halls for a definite period of time for violation of the Student Residential Housing Agreement or Standards of Conduct after which the student is eligible to return. Conditions for readmission to the Residence Halls may be specified.
- Residence Halls Contract Revocation:** Permanent separation of the student from the Residence Halls for continued or serious violations of the Student Residential Housing Agreement or Standards of Conduct without possibility of readmission, which may also include revoking the privilege to be in or near the Residence Halls for any reason.
- District Suspension:** Subject to notice and appeal hearing requirements, separation of the student for good cause from all classes, school activities and/or all District campuses for a definite period of time after which the student may be eligible to return.
- District Expulsion:** Permanent separation of the student by the Board of Trustees from all courses and activities offered by the District.
- Revocation of Degree or Certificate:** A degree or certificate awarded by the District may be revoked for fraud, misrepresentation, or other violation of District standards in obtaining the degree or certificate. Such a revocation shall be by action of the Board of Trustees.
- Withholding of Degree or Certificate:** The District may withhold awarding a degree or certificate otherwise earned until the completion of the process set forth in these procedures, including

the completion of all sanctions imposed, if accusations of misconduct affect the student's entitlement to the degree or certificate.

13. **Withdrawal of Consent to Remain on Campus:** The Discipline Officer 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 Discipline Officer, the officer will immediately notify the Vice President of Student Services and the Superintendent/President. The person from whose consent has been withdrawn may submit a written appeal in accordance with Sections VI and VII of these procedures.

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 attend a hearing, is subject to arrest (Penal Code section 626.4).

14. **Discretionary Sanctions:** Work assignments, essays, service to the District, or other related discretionary assignments that are determined to be appropriate by the Discipline Officer to remedy a violation of the Standards of Conduct or that serve as an educational lesson in response to such a violation.

IV. DISCIPLINE INVOLVING STUDENT GROUPS

Sanctions upon student groups or organizations may be imposed as follows:

1. Those relevant sanctions listed in Section III of these procedures.
2. Loss of selected rights and privileges for a specified period of time.
3. Deactivation: Loss of all privileges, including District recognition, for a specified period of time.

Accusations that a student group or organization has collectively violated the Standards of Conduct, terms that govern the group or organization, or any conditions of District operations, shall be initially reviewed by the Discipline Officer who shall have authority to impose sanctions on the group or organization.

No sanctions shall be imposed until the Discipline Officer has provided the group or organization with a written statement of the accusations and given the group or organization an opportunity to respond.

V. RECORDS OF DISCIPLINARY ACTION

In accordance with Education Code section 76220, the District shall establish, maintain and destroy student records according to regulations adopted by the Board of Governors of the California Community Colleges. The Discipline Officer will create a record of disciplinary actions, along with relevant supporting documents and evidence. This record shall be maintained as a confidential student disciplinary record and may not be released without the permission of the student, except as permitted by law. The student shall have the right to inspect the record and to challenge the contents. Disciplinary records shall be retained in a manner consistent with state law.

In accordance with Education Code section 76234, whenever there is included in any student record, information concerning any disciplinary action taken by the District in connection with any alleged sexual assault or physical abuse or any conduct that threatens the health and safety of the alleged victim, the alleged victim of the sexual assault or physical abuse shall be informed within three (3) days of the results of any disciplinary action by the District and the results of any appeal.

VI. SUSPENSION/EXPULSION PROCEDURES

The following procedures shall be followed before any suspension or recommendation of expulsion except in the event that an emergency/interim suspension is imposed as set forth herein.

- A. **Administration.** The Discipline Officer shall administer these procedures and take appropriate action, subject to the approval of the District Superintendent/President and the Governing Board if required herein or otherwise by law.
- B. **Reporting of conduct.** Alleged student misconduct shall be reported to the Discipline Officer.
- C. **Investigation.** Upon receiving a report of alleged student misconduct, the Discipline Officer shall initiate an investigation.
- D. **Notice.** Before imposing this discipline, the Discipline Officer shall make reasonable efforts to give the student written notice of the reason for the proposed disciplinary action. If the student is a minor, the Discipline Officer shall also notify the parent or guardian of the investigation and charges.

- E. **Opportunity to be Heard.** Within a reasonable period of time following the delivery to the student of the notice referred to above, the Discipline Officer shall offer the student an opportunity to attend a meeting at which time the student may present a rebuttal to the accusation or otherwise offer relevant comment on the proposed suspension or recommendation of expulsion. If the student fails to arrange such a meeting (or fails to appear for a meeting the student arranged), the decision of the Discipline Officer shall be made without input from the student.

- F. **Determination after Meeting.** The Discipline Officer shall decide whether or not to proceed with the proposed suspension or recommendation of expulsion after hearing the student's explanation and considering all of the information. The Discipline Officer shall send the student a written notice of the decision via personal delivery or certified mail to the student's last known address, as set forth in subsection (H) below.

- G. **Notice to the District's Hearing Authority.** The Discipline Officer shall report any disciplinary action imposed to the District's Hearing Authority (the Vice President of Student Services or such other official so designated by the Superintendent/President.)

- H. **Short-Term Suspension Notification.** The Discipline Officer shall send the student a written notice of determination within three (3) school days after the meeting described in subsection (E). The notice shall inform the student of the decision and the length of the suspension, if any. The notice shall also inform the student that the decision is final. The notice shall be hand delivered or sent via certified mail to the student's last known address.

- I. **Long-Term Suspension and/or Recommendation for Expulsion Notification.** The Discipline Officer shall send the student a written notice of determination within five (5) school days after the meeting described in subsection (E). The notice shall be hand delivered or sent via certified mail to the student's last known address. The notification shall include:

1. A statement of the charges, the reason for the suspension or recommended expulsion, and a description of facts related to the misconduct, including the evidence against the student, the date of the incident(s), time of the incident(s), and location of the offense(s);
2. A copy of the Standards of Conduct;
3. An explanation that the student who has been suspended is entitled to appeal the decision and has a right to an appeal hearing ("appeal hearing"). The notification shall also state that a request for an appeal hearing shall be filed within five (5) school days of the receipt of the notification. Mailed notice is presumed received three calendar days after mailing. The written request for an appeal hearing must be submitted to the Hearing Authority, and must cite the specific ground(s) for the appeal (from those listed below), and provide information which substantiates the ground(s) on which the appeal is being made. The failure to request a hearing in a timely manner shall constitute a waiver of the right to a hearing;
4. Grounds for appeal: A student may appeal the decision of the Discipline Officer on the grounds that:
 - i. fair consideration was not provided to the student (i.e., there is evidence that some aspect of the meeting described in subsection (E) was prejudicial, arbitrary, or capricious); or
 - ii. new and significant information, not reasonably available at the time of the initial meeting, has become available; or
 - iii. the sanction or remedy imposed is not in due proportion to the nature and seriousness of the offense. Any evidence supporting these grounds must be included in the request for an appeal hearing.
5. A statement that the student has the right to be accompanied at an appeal hearing" by an on-campus advisor of his or her choice. If the student decides to be accompanied by an advisor, the name and address of that advisor shall be submitted to the Hearing Authority at the time the appeal is filed;

- J. **Schedule of Hearing.** The Hearing Authority shall schedule an appeal hearing no later than ten (10) school days after a timely written request for a hearing is received by the District.

VII. HEARING AUTHORITY'S APPEAL PROCEDURES

- A. Sanctions recommended by the Discipline Officer may be appealed, by the student charged, to the Hearing Authority (the Vice President

of Student Services or such other official so designated by the Superintendent/President). The appeal must be in writing and received by the Hearing Authority within five (5) school days of receipt of notification of right to appeal.

- B. Upon receipt from the student of a request to appeal within the time stated above, the Hearing Authority will review the facts of the Discipline Officer's findings and recommended sanctions. Sanctions recommended by the Discipline Officer **may** or **may not** be suspended until such time as the appeal hearing is held.
- C. If after the review, the Hearing Authority determines that an appeal is warranted then the appeal hearing will be conducted with the student within ten (10) school days of receipt of the request to appeal.
- D. Additional parties and/or witnesses to the violation may be requested to meet with the Hearing Authority to verify information obtained from the hearing held with the Discipline Officer.
- E. The Hearing Authority may uphold, modify or reject any or all disciplinary sanctions recommended by the Discipline Officer. If the Hearing Authority modifies or rejects any or all sanctions recommended, the Hearing Authority shall prepare a new written decision which contains specific factual findings and conclusions. The Hearing Authority's decision shall be sent via certified or registered mail to the student's last known address. The Hearing Authority shall report all suspensions, recommendations of expulsion, and recommendations to revoke or withhold a degree or certificate to the Superintendent/President within five (5) school days.
- F. If the student fails to attend the appeal hearing without prior notice of cancellation, or without rescheduling another hearing, the Hearing Authority may uphold, modify, or reject the disciplinary sanctions recommended by the Discipline Officer without input from the student. Sanctions imposed could result in suspension, expulsion, or revoking or withholding a degree or certificate.
- G. In cases **not** resulting in long-term suspension, expulsion, or revoking or withholding of a degree or certificate, the decision of the Hearing Authority shall be final.
- H. In cases where a recommendation of long-term suspension, expulsion, or the revoking or withholding of a degree or certificate has been rendered, notice shall be forwarded immediately to the Superintendent/President.

VIII. EMERGENCY INTERIM SUSPENSION

- A. The Discipline Officer may impose an emergency/summary suspension if deemed warranted. It is an extraordinary measure and shall be utilized only when necessary to protect individuals from injury or death, or damage to property, or to ensure the maintenance of order pending an opportunity for the student to be heard.
- B. A meeting shall be provided to the student within five (5) school days of an emergency/summary suspension (Education Code section 66017). The procedures set forth in sections VI and VII shall apply to the meeting and any appeal hearing.
- C. An emergency/summary suspension shall be reported to the Board of Trustees at its next regular meeting after such suspension has been imposed.

IX. SUPERINTENDENT/PRESIDENT

In cases where long-term suspension, expulsion, or revoking or withholding a degree or certificate is recommended, the following shall apply:

- A. **Long-Term Suspension:** Within ten (10) school days following receipt of the recommended decision, the Superintendent/President shall render a final written decision. The Superintendent/President may uphold, modify or reject the disciplinary sanctions recommended by the Hearing Authority. If the Superintendent/President modifies or rejects the suspension recommendation, the Superintendent/President shall review the record of the hearings, and prepare a new written decision which contains specific factual findings and conclusions. The decision of the Superintendent/President shall be final except as to expulsions or revoking or withholding of a degree or certificate. The final decision shall be sent via certified or registered mail to the student's last known address. The Superintendent/President shall report all suspensions, whether short- or long-term, of any student to the Board of Trustees in closed session at its next regular meeting after the suspension has been imposed.

- B. **Expulsion or Revoking or Withholding a Degree or Certificate:** Within ten (10) school days following receipt of the recommended decision, the Superintendent/President shall render a written recommended decision to the Board of Trustees. The Superintendent/President may uphold, modify or reject the disciplinary sanctions recommended by the Hearing Authority. If the Superintendent/President modifies or rejects the expulsion recommendation, or the recommendation to revoke or withhold a degree or certificate, the Superintendent/President shall review the record of the hearings and prepare a new written decision which contains specific factual findings and conclusions. The Superintendent/President's decision shall be forwarded to the Board of Trustees.

X. BOARD OF TRUSTEES

In cases where expulsion or revoking or withholding a degree or certificate is recommended, the following shall apply:

- A. The Board of Trustees shall consider any recommendation from the Superintendent/President for expulsion and/or revoking or withholding a degree or certificate at its next regularly scheduled meeting or as soon thereafter as is practicable. The Board of Trustees shall consider an expulsion recommendation in closed session, unless the student requests the matter be heard in open session in accordance with these procedures and Education Code section 72122. The Board may 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 (Education Code section 76030).
- B. The student shall be notified in writing, by registered or certified mail or by personal service, at least five (5) school days prior to the meeting, of the date, time, and place of the meeting of the Board of Trustees. The student may, within forty-eight (48) hours after receipt of the notice, request that the hearing be held in open session. Even if a student has requested that the Board of Trustees hear an expulsion recommendation in open session, the Board of Trustees may deliberate in closed session in accordance with Education Code section 72122.
- C. A closed hearing will be closed to everyone except the following:
 1. the student charged;
 2. an advisor/advocate for the student charged, if so desired. If the student chooses to be accompanied by an attorney, the student must notify the District in writing of his/her intent to bring an attorney at least two (2) school days prior to the hearing. Failure to notify the District will result in a postponement of the hearing;
 3. the District Superintendent/President and/or President's designee;
 4. the Board of Trustees;
 5. Counsel for the District;
 6. the student's parent(s) or guardian, if the student is a minor;
 7. Campus Security or such other law enforcement personnel deemed necessary for the safety of meeting participants.
- D. The hearing shall be conducted in accordance with the following procedures:
 1. The President of the Board of Trustees will serve as chair of the hearing, and will rule on all questions of procedure and admission of evidence.
 2. Hearings need not be conducted in accordance with strict rules of evidence or the formality of a court hearing.
 3. Before commencement of the hearing, the Board of Trustees shall review a description of the charges, notices, evidence, findings, and a copy of the proposed decision from the college-level disciplinary appeal hearing. The Board of Trustees shall consider no evidence other than that evidence received in the hearing process.
 4. The District Superintendent/President or designee shall make a brief statement to the Board of Trustees, referring to relevant evidence regarding the alleged misconduct.
 5. The accused student may then make a brief statement to the Board of Trustees and present any relevant evidence.
 6. The statements shall be limited to five (5) minutes each.

7. Upon completion of these statements, the Board of Trustees will have an opportunity to ask questions of both the student and the District Superintendent/President or designee.
8. The Board of Trustees will conclude the hearing, dismiss the parties, and privately deliberate as to a decision.
9. The Board of Trustees shall issue a statement of decision including findings of fact and a determination that the accused student did or did not commit the act(s) charged, a finding that the student's act(s) did or did not constitute a violation of the Standards of Conduct, and a decision as to whether the expulsion proposed by the District Superintendent/President will be upheld or modified. The Board of Trustees may also recommend further investigation. Pursuant to Education Code section 72122, regardless of whether the matter is heard in open or closed session, the final action of the Board of Trustees shall be taken in open session, and the result of the action shall be a public record. The name of the student, however, shall not be released.
10. The hearing (but not the deliberations of the Board of Trustees) shall be recorded either in written format or electronically. The record shall be the property of the District. The student may read the record or listen to the tape at a mutually agreeable location at the District. An accused student may, upon request, be provided a copy of the written record or electronic recording at his or her own expense.
11. A written statement of the Board of Trustees' decision shall be sent via certified or registered mail to the student's last known address within three (3) school days after the conclusion of the hearing.
12. If the Board of Trustees' decision is unfavorable to the student, the student shall have the right to submit a written statement of his/her objections to the decision. This statement shall become a part of the student's records.
13. The decision of the Board of Trustees is final and not subject to further appeal.

XI. NOTIFICATION

The District Superintendent/President or designee shall, upon suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the District is situated of any acts of the student that may be in violation of section 245 of the Penal Code (Education Code section 76035).

XII. EXTENSIONS OF TIME

Calendar restraints may be extended with the agreement of both parties.

Student Grievance Policy: Board Policy 5425

*Refer to the Board Policy for any current updates of language

Definition of Student Grievance

For the purpose of this policy, a student grievance is defined as a claim by a student that his/her student legal rights have been adversely affected by a college decision or action. This policy is available for students who desire to pursue grievance procedures against an employee of the District.

Students may initiate a grievance action in accordance with Administrative Procedures 5425.

The student shall be entitled to representation of his/her choice, other than legal counsel, at all complaint meetings.

Note: This Policy and the related Administrative Procedure is not available for use by any student or applicant for admission who believes that he/she has been subjected to unlawful discrimination. The basis for filing a complaint of unlawful discrimination and the procedures to be used to file such a complaint are set forth in the District's Unlawful Discrimination Policy and Procedures 3430, which can be obtained in the Human Resources Office in the Shasta College Administration Building 100, Room 121, 11555 Old Oregon Trail, Redding, CA 96003 or on the District's web site at: <http://shastacollege.edu/board/adminprocedures/>

Student Grievance Procedure

Levels for Resolving a Grievance

FIRST LEVEL – Informal Grievance

Any student with a grievance should first attempt to resolve the matter by means of an informal meeting with the person(s) against whom the student has the grievance. This discussion must take place within ten (10) school days of the alleged incident.

SECOND LEVEL – Informal Grievance

If the grievance cannot be resolved as specified at the first level within ten (10) school days, the grievant should contact the immediate supervisor or Dean of the appropriate department or program. This discussion must take place within ten (10) school days after contact at the second level. The Supervisor or Dean has ten (10) school days to respond to the student's grievance.

THIRD LEVEL – Informal Grievance

If the grievance cannot be resolved at the second level within ten (10) school days, the grievant should contact the appropriate Vice President. The Vice President will review the grievance with the supervisor or administrator and attempt to resolve the grievance informally. This discussion must take place within ten (10) school days after contact at the third level. The appropriate Vice President has ten (10) school days to respond to the student's grievance.

FOURTH LEVEL – Formal Grievance

If the grievance cannot be resolved informally at the third level, the grievant will be asked to state the grievance in writing within ten (10) school days. Then a formal hearing will be scheduled within ten (10) school days of receipt of the written complaint. The employee being grieved shall have the opportunity to respond in writing. A Vice President, as appointed by the President, will conduct the hearing.

The hearing will include the grievant(s) and the person(s) grieved against. Each shall be entitled to: 1) representation of his/her choice, including legal counsel when mutually agreed; 2) the right to present witnesses and evidence; 3) the right to question opposing witnesses. Official minutes of the hearing will be recorded, and, upon request, available to any person party to the hearing. The Vice President as appointed by the President shall have ten (10) school days after the date of the hearing to render a written decision.

FIFTH LEVEL – Formal Grievance

If the grievance cannot be resolved at the fourth level within ten (10) school days, the grievant may seek a review with the college Superintendent/President. A copy of the stated grievance and minutes of the hearing, if any, will be submitted to the Superintendent/ President for review. The Superintendent/President shall have ten (10) school days to render a written decision.

SIXTH LEVEL – Formal Grievance

If the grievance cannot be resolved at the fifth level within ten (10) school days, the grievant may seek a review before the District Board of Trustees at its next regularly scheduled meeting.

Record of Grievance

A record of the grievance may only be entered into an employee's personnel file in compliance with an employee's contract and the disciplinary process.

Student Computer Technology Access

This is to communicate what other users, instructors, and the District expect of students when using college computer technology and facilities. Failure to conform to these stipulations may result in disciplinary action. Violations of regulations in the use of computer technology will be addressed in accordance with Shasta College Standards of Conduct (BP 5500) and Sanctions (BP 5505), available for reference in the College Catalog or by requesting a copy from Student Services.

Access to computing resources is a privilege. Use of any Shasta College computer system constitutes agreement to comply with Shasta College Administrative Procedures for Responsible Computing. Computer technology and facilities are provided for the purpose of completing academic requirements. The District may access, review, copy and disclose information entered or retained in computer technology and communications resources.

- A. Students may use the technology and facilities to:
1. Complete course assignments;
 2. Conduct academic research;
 3. Communicate with faculty and students.

B. User Responsibilities. User responsibilities include, but are not limited to:

1. Using only their own designated ID, passwords/PIN, and accounts, and keeping IDs, passwords/PIN, and account information confidential. It is recommended that users change their passwords/PIN periodically;
2. Using software and electronic materials, including shareware, in accordance with copyright, trademark, and licensing agreements and restrictions;
3. Accurately identifying and representing themselves in electronic messages, files, and transactions;
4. Saving all work on a flash drive or other removable storage media and not on the hard drive unless instructed to do so by their instructor;
5. Allowing lab technicians to scan removable media before it is inserted into or otherwise connected to the computer as a precaution to insure the safety of the computers;
6. Asking appropriate Shasta College personnel for assistance if unfamiliar with the system software.

C. Prohibitions. Prohibitions include, but are not limited to:

1. Circumventing or attempting to circumvent local, network, or remote security measures;
2. Unauthorized use of accounts, access codes, passwords, or identification numbers;
3. Violating copyrights, trademarks, and/or license agreements;
4. Copying software that has not been placed in the public domain and distributed as freeware; inspecting, changing, altering, copying, or distributing proprietary data programs, files, disks, or software without authorization;
5. Accessing, using or copying another user's account, ID number, password, electronic files, data, or e-mail without prior authorization; or allowing such use by others;
6. Falsely identifying and/or representing oneself in the use of computer technology and communications resources;
7. Altering or attempting to alter system software;
8. Altering or attempting to alter system hardware without Technology Support approval;
9. Damaging equipment, data, software, software protection, encryption or restriction on applications and files; including introducing invasive or destructive programs (such as viruses, worms, and Trojan horses);
10. Modifying or attempting to crash or hack into computer technology or communications resources;
11. Accessing or attempting to access restricted portions of any operating system or security software;
12. Installing or removing software;
13. Using computer technology and/or communications resources for private commercial purposes;
14. Using District computer technology and communications resources in any unlawful manner including fraudulent, threatening, libelous, obscene, or harassing communications; procuring, or distributing obscene or pornographic material.

Student Designated Free Speech Area – Board Policy 3900

~~Students of the District shall be permitted to exercise their rights of free expression subject to the time, place and manner policies and procedures contained in Board Policy 5550.~~

~~All persons using the areas of the college generally available to students and the community shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within the areas generally available to students and the community. Material distributed in the areas generally available to students and the community that is discarded or dropped in or around the areas generally available to students and the community other than in an appropriate receptacle must be retrieved and removed or properly discarded by those persons distributing the materials prior to their departure from the areas generally available to students and the community that day.~~

Students, employees, and members of the public shall be free to exercise their rights of free expression, subject to the requirements of this policy.

District property is a non-public forum, except for those areas that are designated public forums available for the exercise of expression by students,

employees, and members of the public. The Superintendent/President shall enact such administrative procedures as are necessary to reasonably regulate the time, place, and manner of the exercise of free expression in the designated public forums.

The administrative procedures established by the Superintendent/President shall not prohibit the right of students to exercise free expression including, but not limited to, the use of bulletin boards or the distribution of printed materials or petitions in those parts of the college designated areas generally available to students and the community, and the wearing of buttons, badges, or other insignia.

Speech shall be prohibited that is defamatory, obscene according to current legal standards or which so incites others as to create a clear and present danger of the commission of unlawful acts on District property or the violation of District policies or procedures, or the substantial disruption of the orderly operation of the District.

Nothing in this policy shall prohibit the regulation of hate violence directed at students in a manner that denies their full participation in the educational process (Education Code Section 66301(e)), so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, and of Section 2 of Article 1 of the California Constitution. Students may be disciplined for harassment, threats, or intimidation unless such speech is constitutionally protected.

Revised 6/10/10 as a result of Board of Trustee action on 6/9/10