BP 5500  STANDARDS OF STUDENT CONDUCT

References:
Education Code, Sections 66300, 66301, 67386, 76033, and 76034;
ACCJC Accreditation Standards I.C.8 and 10 (formerly II.A.7.b)

The President/Superintendent shall establish procedures for the imposition of discipline on students in accordance with the requirements for due process of the state and federal laws 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.

A complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

Due process requires that in all significant disciplinary situations a student is informed of charges against him/her, is given an opportunity to refute them, and has the opportunity to appeal a decision.

The Board of Trustees shall consider any recommendation from the President/Superintendent for expulsion. The Board of Trustees 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 of Trustees 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.

Students enrolling in Cerritos College assume an obligation to abide by all District regulations on District-owned or controlled property or at District-sponsored or supervised functions.

Students who fail to adhere to District regulations are subject to disciplinary actions.
In all disciplinary actions, the student shall be informed of the nature of the charges against him/her and given a fair opportunity to refute them. The District shall not be arbitrary in its actions.

The following conduct while on District-owned or controlled property or at District-sponsored or supervised functions shall constitute good cause for discipline, including but not limited to the removal, suspension, or expulsion of a student.

1. Assault, battery, or any threat of force or violence, or causing, attempting to cause, or threatening to cause physical injury to another person, in person or in an online environment and, when the victim or victims are associated with the District, whether or not the location is associated with the District.

2. Possession, use, sale, or otherwise furnishing any firearm, knife, explosive, or other dangerous object or chemical, including but not limited to any facsimile firearm, knife, or explosive on District-owned or controlled property or at District-sponsored or supervised functions without the prior authorization of the President/Superintendent or designee.

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. Theft, attempted theft of, or willful damage to District property or property in the possession of, or owned by, a member of the college community or knowingly receiving stolen property or private property on District premises.

6. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the District.

7. Sexual assault or sexual exploitation regardless of the victim’s affiliation with the District.

8. Committing sexual harassment as defined by law or by District policies and procedures in person or in an online environment and, when the victim or victims are associated with the District, whether or not the location is associated with the District.

9. Engaging in harassing or discriminatory behavior based on national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics, or any other status protected by law in person or in an online environment and, when the victim or victims are associated with the District, whether or not the location is associated with the District.

10. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.
11. Willful misconduct that results in injury or death to a student, client, patient, visitor, guest, or to District personnel or that results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.

12. Endangering a student, client, patient, visitor, guest, or District employee or contributing to or causing harm to the health, safety, and/or well-being of such others.

13. Disruptive behavior, continual or willful disobedience and/or persistent defiance of the authority, habitual profanity or vulgarity, or abuse of District personnel or where the presence of the student causes a continuing danger to the physical safety of students or others.

14. Cheating, or engaging in other academic dishonesty including copying from another’s work; discussion prohibited by the instructor; obtaining exam copies without permission; and using notes, other information, or devices that have been prohibited.

15. Misrepresentation and/or impersonation, including arranging for or allowing another individual to impersonate or otherwise misrepresent himself or herself to be a student generally or to be a particular student either in person or in an online environment, and/or impersonating or otherwise misrepresenting oneself to be another person in person or in an online environment.

16. Plagiarism, in individual or group work or in a student publication, including the act of taking the ideas, words or specific substantive material of another and offering them as one’s own without giving credit to the source.

17. Dishonesty; forgery; alteration or misuse of District documents, records, or identification; or knowingly furnishing false information to the District.

18. Unauthorized entry upon, into, or use of District facilities, either in person or in an online environment.

19. Lewd, indecent or obscene conduct on District-owned or controlled property; at District-sponsored or supervised functions; or directed at and for the purpose of harming another individual or group associated with the District, whether carried out in person or in an online environment, and whether or not the location is associated with the District.

20. Engaging in expression that is obscene; libelous or slanderous; or that 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 District administrative procedures, or the substantial disruption of the orderly operation of the District.

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

22. 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 Board policy or administrative procedure.

23. Unauthorized use of audio, video or other listening, recording or transmitting device in any classroom, service area or District activity without prior consent of the instructor, service area manager, or activity advisor except as necessary for reasonable accommodation.
24. Failure, as a person involved in sexual activity, to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent.

- Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent. “Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity.

  a. In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:

    i. The accused’s belief in affirmative consent arose from the intoxication or recklessness of the accused.

    ii. The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

  b. In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

    i. The complainant was asleep or unconscious.

    ii. The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.

    iii. The complainant was unable to communicate due to a mental or physical condition.

25. Sexual assault, defined as actual or attempted sexual contact with another person without that person’s consent, regardless of the victim’s affiliation with the college; and, effective January 1, 2016, regardless of whether such conduct is related to college activity or college attendance; including, but not limited to, any of the following: (1) Intentional touching of another person’s intimate parts without that person’s consent or other intentional sexual contact with another person without that person’s consent. (2) Coercing, forcing, or attempting to coerce or force a person to touch another person’s intimate parts without that person’s consent. (3) Rape, which includes penetration, no matter how slight, without the person’s consent, of either of the following: (A) The vagina or anus of a person by any body part of another person or by an object. (B) The mouth of a person by a sex organ of another person.

26. Sexual exploitation, defined as a person taking sexual advantage of another person for the benefit of anyone other than that person without that person’s consent, regardless of the victim’s affiliation with the college; and, effective January 1, 2016, regardless of whether such conduct is related to college activity or college attendance; including, but not limited to, any of the following: (1) Prostituting another person. (2) Recording images, including video or photograph, or audio of another person’s sexual activity, intimate body parts, or
nakedness without that person’s consent. (3) Distributing images, including video or photograph, or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure and objected to the disclosure. (4) Viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent, and for the purpose of arousing or gratifying sexual desire.

27. Misrepresentation of oneself or of an organization to be an agent of the District.

28. Continued disruption on or off District property of the District’s educational or student services activities, administrative functions and procedures, public service functions, authorized curricular or co-curricular activities, other functions, or prevention of authorized guests from carrying out the purpose for which they are on District property.

29. Abuse of any person or any possession of any person, on District-owned or controlled property.

30. Violation of state or local laws, Board policies, or administrative procedures concerning the registration of student organizations, the use of District facilities, or the time, place, and manner of public expression.

31. Abusive behavior directed toward coercion of, or hazing of, or bullying of a member of the college community, in person or in an online environment and, when the victim or victims are associated with the District, whether or not the location is associated with the District.

32. Violation of Board policies or administrative procedures governing the use of student user accounts, computers, and telecommunication resources, including but not limited to the unauthorized entry, opening, or viewing of a file; the unauthorized use of another individual’s identification and password; arranging for, allowing, and/or impersonation of one person by another; sending obscene or abusive messages or files; and/or use of computing facilities to interfere with the work of another student or employee of District.

33. Engaging in physical or verbal disruption, intimidation, or harassment of such severity or pervasiveness as to have the purpose or effect of unreasonably interfering with a student’s academic performance, or District employee’s work performance, or of creating an intimidating, hostile or offensive educational or work environment, in person or in an online environment and, when the victim or victims are associated with the District, whether or not the location is associated with the District.

34. Violation of a duly issued restraining order, stalking, and/or a pattern of conduct with intent to follow, alarm, or harass another person, and which causes the person to reasonably fear for his or her safety, and where the pattern of conduct persisted after the person has demanded that the pattern of conduct cease.

35. Failure to identify oneself when requested to do so by District officials acting in the performance of their duties.

36. Any other cause not listed above which is identified as “Good Cause” by the Education Code or that disrupts the college, its mission, or campus life.

Office of Primary Responsibility: Vice President, Student Services
Date Adopted: May 16, 2007
Dates Revised: March 4, 2009; May 2, 2012; February 17, 2016