

5012. ADMINISTRATIVE REGULATIONS ON STUDENT CONDUCT

5012.1 The Dean of Student Affairs will administer these administrative regulations.

5012.2 Students' conduct at Long Beach City College must conform to District policy, as well as to college regulations and procedures. The Student Code of Conduct is a key component of the student conduct procedures. The primary purpose of these procedures is to provide a fair and equitable means to address violations of the Student Code of Conduct, which guarantees due process rights consistent with state and federal law. It is not intended to substitute for criminal or civil proceedings that may be initiated by other individuals or entities. 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 and expulsion of the student.

It is the responsibility of all College employees to report to the Office of Student Conduct any student behavior that is unsafe or violates the Student Code of Conduct.

Definitions

District	Long Beach Community College District.
Student	Any person currently enrolled as a student at the District or in any program offered by the District.
Non-Student	Any person not currently enrolled as a student at the District or in any program offered by the District. Such individuals are considered members of the general public and are not entitled to the same rights, considerations, or services of a Student.
Instructor	Any academic employee of the District in whose class a Student subject to disciplinary action 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.
Staff	Any individual in a non-academic position with active employment status with the District, including but not limited to classified, management, full-time, part-time, permanent, probationary, limited-term, temporary, and substitute status.

Notification Letter	Written notification that requests that the Student schedule a hearing with the Director or designee to discuss reported claims of conduct violation and that also details the Student's alleged violations.
Hearing	A meeting to discuss reported claims of Student Code of Conduct violations with the Director or designee.
Business Day	Unless otherwise provided, Business Day shall mean a weekday Monday to Friday, excluding public holidays and weekends, during which the District is in session and regular classes are held.
Summary Suspension	Exclusion of the Student by the Dean for Student Affairs for good cause from one or more classes for a period of up to ten consecutive days of instruction.
Disciplinary Suspension	Exclusion of the Student by the Director or designee for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the District for one or more terms.
Expulsion	Long-term or permanent exclusion of the Student from the District by the Board of Trustees.
Removal from Class	Exclusion of the Student by an Instructor for no more than two consecutive days of class instruction.
Written or Verbal Reprimand	An admonition to the Student to cease and desist from conduct determined to violate the Student Code of Conduct. Written reprimands may become part of a Student's permanent record at the District. A record of verbal reprimand may become part of a Student's record at the District for a period of up to one year.
Withdrawal of Consent to Remain on Campus	Withdrawal of consent by the Dean of Student Affairs for any person to remain on campus in accordance with Penal Code Section 626.4 where the Dean of Student Affairs has reasonable cause to believe that an individual has willfully disrupted the orderly operation of the District.

Code of Conduct

The Student Code of Conduct applies to all enrolled Students and student organizations associated with the District. It informs Students of their rights

and responsibilities related to standards of behavior and good standing. These standards, are upheld through an educational disciplinary process that supports the District's academic mission. References:

The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension, or expulsion of a student:

- A. Causing, attempting to cause, or threatening to cause physical, mental or emotional injury to another person; including but not limited to, assault or battery, abuse, or any threat of force or violence in verbal or written form directed toward any Student, District employee, District vendor, District visitor engaged in authorized activities.
 - 1. Threats often can be classified into one of four categories: direct, indirect, veiled, conditional.
 - (a) A "direct threat" identifies a specific target and is delivered in a straightforward, clear and explicit manner.
 - (b) With an "indirect threat" the plan, the intended victim, the motivation, and other aspects of the threat are masked or equivocal.
 - (c) A "veiled threat" is one that strongly implies but does not expressly threaten violence.
 - (d) A "conditional threat" is a threat often seen in extortion cases. It warns that a violent act will happen unless certain demands or terms are met.
- B. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, immigration status, age, religion, sexual orientation or any other status protected by law.
- C. Engaging in intimidating conduct or bullying against another Student or member of the College Community through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyber bullying via electronic mail, text messaging, or social media platforms.
- D. Committing sexual harassment as defined by law or by District Policies or Regulations.
- E. Sexual assault as defined in Education Code Section 76033(g).

- F. Physical assault or verbal assault on any Student, District employee, District vendor, District visitor, on or off-campus grounds or facilities maintained by the District, or upon grounds or facility frequented by affiliated student organizations.
- G. The obstruction or disruption, on or off-campus, of the District's educational or administrative processes, activities or any other District function.
- H. Soliciting or assisting another to do any act which would subject a Student to expulsion, suspension, probation, or other discipline pursuant to Student Code of Conduct.
- I. Disruptive behavior, willful disobedience, or the open and persistent defiance of the authority of, or persistent harassment or abuse of, or egregious use of time and resources of, College personnel.
- J. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty; or any behavior that would violate class policies or instructions (i.e. use or presence of cell phones or other electronic devices).
- K. Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.
- L. Persistent misconduct where other means of correction have failed to bring about proper conduct.
- M. Failure to comply with proper directives of District personnel.
- N. Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to, any facsimile firearm, knife or explosive.
- O. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Health and Safety Code Sections 11053 et seq., 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 Health and Safety Code Section 11014.5.
- P. Committing or attempting to commit robbery, theft, burglary, or extortion.

- Q. Causing or attempting to cause damage to District property or to private property on campus.
- R. Theft, stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
- S. Smoking or use of electronic cigarettes in any area where smoking has been prohibited by law or District regulation.
- T. Willful or reckless misconduct that results in injury or death to a Student, to District personnel, or to a member of the College Community, or which results in cutting, defacing, or other injury to any real or personal property owned by the District.
- U. Unauthorized entry to or use of District facilities.
- V. Lewd, disorderly, indecent or obscene conduct or expression on District- owned or controlled property, or at District sponsored or supervised functions.
- W. Engaging in expression which is obscene, libelous or slanderous, or which so incites others as to create a clear and present danger of the commission of unlawful acts on District premises, or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District.
- X. 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 District Policy or Administrative Regulation.
- Y. Knowingly accessing and without permission altering, damaging, deleting, destroying, or otherwise using District data, email, computer system, or computer network in order to either (a) devise or execute any scheme or artifice to defraud, deceive, defame, slander or extort, or (b) wrongfully control or obtain money, property, or data.
- Z. Violation of District policies or regulations including those concerning the formation and registration of student organizations, the use of college facilities, or the time, place and manner of public expression.

- AA. Any other behavior or action not listed herein which is identified as good cause for discipline by the District Superintendent/President or designee, including those set forth in Education Code Sections 76020, 76033, or 78907.

5012.3 Immediate Disciplinary Actions

When serious violations of college regulations or procedures occur as a result of inappropriate student conduct, the College shall take immediate action to resolve the problem. This action may occur as follows:

- A. Removal from Class by Instructor (Education Code Section 76032) - Any Instructor is authorized to remove a Student from their class for the class meeting where the infraction occurs as well as the next scheduled class meeting. The Instructor shall immediately report the removal of the Student to the Director or designee, including the reason for removal, for appropriate action.
- B. If the Student removed by an Instructor is a minor, the College president or designee shall ask the parent or guardian of the Student to attend a parent conference regarding the removal as soon as possible. If the Instructor or the parent or guardian so requests, a College administrator shall attend the conference.

Nothing herein will prevent the Division Dean from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal. Records of removal by the Instructor will be retained by the Office of Student Affairs. Make up assignments/exams are at the discretion of the Instructor.

- C. Removal from Instructional/Student Support Programs or Services by Faculty or Staff - Any faculty or staff working in an instructional or student support services program, such as the library, student success centers, or the Counseling Office, is authorized to remove a Student from the program or service area where the infraction occurs. The faculty or staff shall immediately report the removal of the Student to the Dean of Student Affairs or designee, including the reason for removal, for appropriate action.
- D. Summary Suspension by Administration - A summary suspension is an administrative action for the purpose of removing any immediate tension or threat to the well-being of students and staff in order to assure that an appropriate academic environment exists. It is also for the purposes of further investigation of reported inappropriate conduct and to determine what disciplinary action, if any, is appropriate. The Director or designee may summarily suspend a Student for good cause

for a period of up to ten instructional days to ensure that the intended purpose is served.

5012.4 Disciplinary Sanctions

Violations of these regulations and procedures are subject to the following types of disciplinary sanctions to be administered by the appropriate College authorities. The Vice President, Student Services, is responsible for establishing due process procedures that are fair and equitable. Sanctions are listed in degree of severity, but not necessarily in sequential order and may be imposed singly or in combination. A Student has the right to appeal suspensions and expulsions through established due process procedures.

- A. Warning - Notice to the Student that continuation or repetition of specified conduct may be cause for other disciplinary action.
- B. Reprimand - Notice to the Student in writing that officially recognizes a violation of the Student Code of Conduct or campus rules (see college catalogue). The reprimand admonishes the Student to avoid future infractions in order to avoid additional formal action.
- C. Probation - An official disciplinary action which returns the Student to the College based on the Student's promise of appropriate future behavior. Any violation of this promise will mandate further disciplinary action.
- D. Social Suspension - Social suspension limits a Student's presence on campus to scheduled class attendance. Loss of other privileges can be set forth in the Notice of Social Suspension for a specified period of time. Written notification of social suspension will specify the reason, terms, and conditions of the suspension to the Student(s) or the president of the student organization involved.
- E. Disciplinary Suspension - Disciplinary suspension follows an investigation and determination of responsibility based on due process procedures (see 5012.5). It shall be utilized by the Superintendent-President, appropriate administrator, or other staff members designated by the Superintendent-President, upon Students for violations of the Student Code of Conduct when other corrective measures have failed or the seriousness of the situation warrants such action.
- F. Expulsion - An expulsion is a long term or permanent denial of all campus privileges including class attendance. The Board of Trustees may expel the Student after a hearing by the Dean of Student Affairs or Vice President for Student Services, or upon recommendation of the Superintendent-President. Permanent expulsion and active prosecution

shall automatically result for any student found to be in possession of a firearm.

- G. Restitution - Reimbursement for damage or for misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damage.

5012.5 Due Process

- A. When infractions are reported, the Director or designee shall initiate a meeting. During the meeting, the Student is notified of their rights and provided with a copy of the College's Student Conduct Procedures, this includes the right to cross-examine the complainant in accordance with procedures outlined by the District.
- B. The Student has the right to timely notification of allegations, as well as the right to be heard. If the Student feels that they have been unfairly accused or mistreated, they have the right to report that behavior during the process.
- C. If the Student fails to schedule or appear at the meeting within seven business days of first notification via the Notification Letter, the Director or designee may proceed with the adjudication process without the Student.
- D. Conduct Violation Resolution Procedures
 - 1. Procedure I – A mutually agreed upon meeting with the Director or designee to discuss the allegations of violations of the Student Code of Conduct as stated in the Notification Letter.
 - (a) The Director or designee will discuss the allegations with the Student, make a determination of responsibility, and sanction when warranted, and inform the Student of their right to appeal.
 - (b) If the proposed discipline involves expulsion, the Director or designee shall forward that recommendation to the Superintendent-President.
 - (c) If, after adequate notification, the Student fails to appear at a meeting called by the Director or designee, the Director or designee may proceed as if the conference had been held.

- (d) If the Student decides to appeal, the Director or designee must schedule appeal meeting at the earliest possible time and provide the Student with a written statement of violations and the proposed sanction(s).
- (e) If the Student files a written appeal it may be filed through the Office of Student Conduct. Appeals will be heard by the Vice President for Student Services or designee. Appeal decisions are final. The sanction from the adjudication process will remain in effect until an appeal decision is made.

2. Procedure II - Appeals

- (a) The Director or designee shall arrange an appeal meeting with the Vice President for Student Services or designee at the earliest possible time.
- (b) The Director or designee shall provide the Student and the Vice President for Student Services or designee with a written statement of the claims of Student Code of Conduct violation and finding of responsibility.
- (c) The Director or designee shall arrange to have the appeal meeting audio or video recorded, and the digital recording shall be maintained by the Director or designee until the matter is resolved.
- (d) Appeals shall be conducted in a manner consistent with the orderly conduct of business of the College that is most conducive to the determination of the truth. It is not contemplated that the appeal hearing will be conducted with the procedural formality of a court.
- (e) The Student may select another student, staff member or family member to assist them at the Appeal. The Student has the right to speak and testify on their own behalf, to present written statements of witnesses and to question and hear the testimony and question of those who testify against them.
- (f) After hearing all complete submission of evidence, the Dean of Student Affairs or designee shall immediately review all information, based on the evidence presented, determine the truth or falsity of the charges and what sanction, if any, should be imposed.

- (g) When the Dean of Student Affairs or designee has completed their deliberations, they shall give the Director or designee written notice of their decision to uphold or reject the recommended sanction from the adjudication process. The Director or designee will be responsible for communicating this decision in writing to the Student.
- (h) If the final recommended sanction involves expulsion, the Dean of Student Affairs or designee shall forward their recommendation to the Superintendent-President.

E. College Review Board

1. Responsibility

As an agency of the College, the College Review Board shall be responsible for reviewing and making recommendations to the Office of Student Conduct and, to the Superintendent-President relative to matters brought before it at the discretion of the Dean of Student Affairs.

2. Membership

- (a) Faculty: Two Instructors appointed by the Academic Senate.
- (b) Students: Two Students appointed by the Associated Student Body Cabinet of the College.
- (c) Administration: Two members of the administrative staff of the College appointed by the Administrators' Association.
- (d) The Associated Student Body President or designee shall serve as the co-chairperson. If the Associated Student Body President is the subject of the due process action, the Dean of Student Affairs shall appoint an impartial member of the Associated Student Body Cabinet to serve as co-chairperson.

5012.6 Mental Health Clearance

A mental health clearance may be required before the Student is readmitted to a particular class or allowed to come onto District if the Student was removed from campus through a disciplinary sanction that involved mental health concerns or due to the Student's presence on campus being a threat to themselves or others. The Director or designee must receive a letter from a licensed mental health professional stating that in their professional opinion either that:

- A. The Student is no longer continuing the behavior which gave rise to the disciplinary action taken against the Student or,
- B. The Student's presence on campus is not a threat to themselves, or others, if the Student's removal was due to the potentiality of the Student harming self or others.

The mental health professional must be licensed by the State of California as a licensed clinical social worker, licensed marriage and family therapist, licensed psychologist, or a licensed psychiatrist, and the Director must verify that the mental health professional is credentialed to render such a professional opinion. The Student shall bear the cost and expense of obtaining a mental health clearance.

Sources/References:

Education Code Sections 66300, 66301, 76020, 70632, 76033, 78907

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