

Students shall be expected to obey all local, state, and federal laws and such campus regulations as prescribed for the effective operation of Napa Valley College.

The Standards of Student Conduct provide uniform procedures to assure due process when a student (a) is charged with a violation of these standards, or (b) wishes to resolve specific concerns in an expeditious and fair manner. All proceedings held in accordance with these procedures shall relate specifically to an alleged violation of the established Standards of Student Conduct.

Education Code Sections 66300, 66301, 76030-76037.

ADMINISTRATIVE REGULATIONS

Standards of Student Conduct

Board Policy 6310

I. INTRODUCTION

Free inquiry and free expression are essential attributes of an educational community. As members of the community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truths. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus and in the community. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the college community. Students should endeavor to exercise their freedom with maturity and responsibility.

II. STUDENT CONDUCT

The primary purpose of Board Policy 6310 is to provide notice to all students of the type of conduct that is expected of each student. Procedures are set forth that are fair and timely to all concerned parties (student charged, victim, district) in order to determine whether a violation(s) of conduct has occurred. The District is defined as the Napa Valley Community College District. Students shall be disciplined only for good cause which shall include, but not limited to, the following categories of misconduct.

- A. Dishonesty, such as cheating, plagiarism or knowingly furnishing false information to the college.
- B. Forgery, alterations or misuse of, or unauthorized access to college documents, records or identification.
- C. Continual willful and knowing obstruction or disruption of teaching, counseling, administration, disciplinary procedures, college activities, or other authorized activities or operations on college premises (E.C. 69810).
 - a. Technology-related disruptions include, but are not limited to, the use of headsets, any portable music devices, cellular telephones, pagers, or text messages in the classroom/Library, unless authorized by an appropriate faculty or staff member.
- D. Willful misconduct which results in injury or death to a student, campus visitor, or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the college or an attempt to cause damage to any real or personal property owned by the college. [EC 76033(c)]

- E. Continued or significant disruptive behavior, continued or significant willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of authority or persistent abuse, either written or verbal, of college personnel acting in the performance of their duties. [EC 76033(a)]
- F. Harassment of any type, pictorial, written, or oral, including but not limited to harassment that is sexual or racial in nature, of any college student or employee, on the basis of ethnic group identification, national origin, religion, age, sex, gender, gender identity, gender expression, genetic condition, genetic information, race, color, ancestry, sexual orientation, or physical or mental disability, or on the basis of these perceived characteristics or based on association with a person or group with one or more of these actual or perceived characteristics, including status as a non-native English, including status as a non-native English speaker.. Types of harassment may include:
 - a. Making unsolicited written, verbal, physical, and/or visual contacts with sexual overtones.
 - b. Continuing to express sexual interest after being informed that the interest is unwelcome.
 - c. Making reprisals, threats of reprisal, or implied threats of reprisal following a rebuff of harassing behavior.
 - d. Engaging in explicit or implicit coercive sexual behavior within the educational environment that is used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
- G. Bullying which is defined as the aggressive and hostile acts of an individual or group of individuals which are intended to torment, frustrate, provoke, or humiliate, mentally or physically injure or intimidate, and/or control another individual or group of individuals. It is a type of interpersonal aggression that goes beyond incivility and is marked by frequency, intensity and duration.

Such aggressive and hostile acts can occur as a single, severe incident or repeated incidents, and may manifest in the following forms:

- a. Physical Bullying includes pushing, shoving, kicking, poking, and/or tripping another; assaulting or threatening a physical assault; damaging a person's work area or personal property; and/or damaging or destroying a person's work product.
 - b. Verbal/Written Bullying includes ridiculing, insulting or maligning a person, either verbally or in writing; addressing abusive, threatening, derogatory or offensive remarks to a person; and/or attempting to exploit an individual's known intellectual or physical vulnerabilities.
 - c. Nonverbal Bullying includes directing threatening gestures toward a person or invading personal space after being asked to move or step away.
 - d. Cyber bullying is defined as bullying an individual using any electronic form, including, but not limited to, the Internet, interactive and digital technologies, or mobile phones.
 - e. Sabotaging or undermining an individual or group's work performance or education experience.
- H. Theft, attempted theft, or willful damage to property of the college, a member of the college community, or campus visitor, while that property is properly on District property.

- I. Willful or persistent smoking in any area on college property where smoking has been prohibited by law or by regulation of the Board of Trustees of Napa Valley College. [EC(76033(e))]
- J. Unauthorized entry into college facilities, or unauthorized use of college facilities, supplies or equipment.
- K. Violation of college rules and/or the misuse of college facilities.
- L. The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule D in section 4160 of the Business and Professions Code. [(EC 76033(d))]
- M. Use, possession, or distribution of alcoholic beverages on college property, appearance on campus or at any college sponsored event after consuming alcoholic beverages unless authorized for legal age students at approved events under Board Policy 3400.
- N. Disorderly, lewd, indecent, or obscene conduct on college owned or controlled property or at college sponsored or supervised functions.
- O. Possession, use or threat of use, of any deadly weapon on college property or at college sponsored events, including but not limited to any dirk, dagger, ice pick, or knife having any blade longer than 2 ½ inches, razor with an unguarded blade, firearms (loaded or unloaded), explosives, pipes or bars used or intended for use as a club, or any item, such as a chain, taser, stun gun, or chemical agent used to threaten bodily harm.
- P. Assault, battery, extortion, robbery, unlawful fighting, or any threat of force or violence upon a student, campus visitor or college personnel. [EC 76033(b), Penal Code, 415.5(a)]
- Q. Persistent or serious misconduct where other means of correction have failed to bring about proper conduct. [E.C.Sec. 76033(f)]
- R. Failure to observe precautions which the college deems necessary to insure the safety of the student or others, or failure to comply with directions of District officials, faculty, staff, or persons charged with campus security acting in performance of their duties.
- S. Tampering with, or unauthorized entry to any college computer and/or unauthorized altering of any college computer generated or stored information.[Calif. P.C. 502{e(3)}] Computer-related misconduct includes:
 - a. Knowingly accessing and without permission adding, altering, damaging, deleting, destroying or otherwise using any data, computer, computer system, or network, any computer software or computer programs, and/or
 - b. Knowingly accessing and without permission taking, copying, or making use of any data from a computer or computer system or network, or taking or copying any supporting documentation whether existing or residing internal or external to a computer, computer system or network, and/or
 - c. Knowingly and without permission using or causing to be used computer services or disrupting or

causing the disruption of computer services or denying or causing the denial of computer services to an authorized user, and/or

- d. Knowingly and without permission providing or assisting in providing a means of accessing a computer or a computer system or network in violation of the above, and/or
 - e. Knowingly introducing any computer contaminant into any District computer or computer system or network.
- T. Sexual assault or threat of, on college owned or controlled property upon a student, campus visitor, or college personnel.
- U. Intentionally preventing, alone or in concert with others, an individual from entering or exiting a campus health care facility or other District facility by physically detaining the individual or physically obstructing the individual's passage. [Penal Code, 602.10, 602.11]
- V. Soliciting or assisting another to do any act which would subject a student to removal, suspension or expulsion, under this regulation.

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

Any violation or violations of any law, ordinance, regulation, or rule regulating or pertaining to the parking of vehicles shall not be cause for the removal, suspension or expulsion of a student. (E.C. Sec. 76036)

PENALTIES FOR MISCONDUCT

Depending on the situation, students may be removed from class, warned, censured, put on conduct probation, suspended or terminated from financial aid, suspended, or expelled.

III. DISCIPLINARY ACTIONS, DEFINITIONS AND STUDENT DISCIPLINE TERMS

- A. Disruptive Behavior: This type of behavior includes all willful and knowing behavior which interferes with the legitimate instructional, administrative, or service functions of the college. In identifying disruptive behavior, the instructor or administrator will consider the impact the disruption(s) is having on the students/staff as well as on himself/herself in the delivery of instruction or service to all students. See section IV for procedures to follow in response to disruptive behavior.
- B. Warning: A warning, written or oral, may be initiated by any faculty member or college administrator. Verification of the warning should be sent in writing to the Office of Student Services. The Vice President of Student Services will determine if there exists good cause to initiate a greater disciplinary action.
- C. Censure: Written reprimand for violation of specific regulations which will become part of the student's file and is considered in the event of future violations.
- D. Conduct Probation: Exclusion from participation in designated privileges or extracurricular college activities for a specific period of time. If a student violates any condition of probation or is charged with a violation of the Standards of Student Conduct during the probationary period, this shall be grounds for revocation of the student's probationary status and for further disciplinary action.

- E. Restitution: Reimbursement for damage to or misappropriation of property which may take the form of appropriate service to repair or otherwise compensate for damages. Restitution may be imposed in combination with any other penalty.
- F. Suspension or Termination of Financial Aid: Students who accept financial aid are deemed to have agreed to observe District rules. Misconduct may result in ineligibility for state financial aid for a period not less than the period for which a recipient has been suspended for willfully and knowingly disrupting the orderly operation of the District, or ineligibility for state financial aid for a period not to exceed two years subsequent to a determination that a recipient willfully and knowingly disrupted the orderly operation of the campus. The period of ineligibility shall also be up to two years if a recipient is arrested and convicted of a public offense likely to disrupt the peaceful conduct of the activities of the campus . (Education Code Section 69810, 68911)
- G. Suspension: Temporary exclusion from student status, and withdrawal of consent to remain on campus for a specific period of time.
 - 1. Regular: Suspension is recommended following administrative review. Student may be suspended (a) from one or more classes up to one term of instruction; (b) from one or more classes for the remainder of the school year; (c) from all District classes and activities for one or more terms.
 - 2. Summary: In cases of emergency to protect lives or property and to ensure the maintenance of order, or where there is reasonable cause to believe that a person has willfully disrupted the orderly operation of the campus or a campus facility, suspension is immediate. [EC 66017, Penal Code, 626.4]
- H. Expulsion: Permanent termination of student status and denial of access to the campus in accordance with law. Readmission is contingent upon showing rehabilitation by the student. (E.C. Section 76030)
- I. Administrator: The Vice President of Student Services, or another administrator designated by the Superintendent/President, to maintain order, handle disciplinary questions on campus or represent the District before a Disciplinary Hearing Committee.
- J. Hearing Officer: An administrator selected from names submitted by President for the Disciplinary Hearing Panel.
- K. Days: Days during which college is in session and regular classes are held, including summer session days, and excluding Saturdays, Sundays and holidays, unless otherwise specified in the procedures.

IV. PROCEDURES

- A. Disruptive Behavior: If a student willfully and knowingly disrupts a class, the operation of a college office/center, or a college activity, or endangers students or staff members, the faculty member or administrator may remove the student from the class for that class meeting and the next class meeting or the student may be summarily suspended from the office or the activity for up to two days. During this period the student may not return to the office or classroom without the approval of the instructor or the office supervisor. (E.C. Sec. 76031)
 - 1. If a student is removed for one class meeting, no additional disciplinary procedures are necessary. If the student removed by the instructor is a minor, the instructor shall notify the Vice President of Student Services, who shall ask a parent or guardian of the student to attend a parent conference

regarding the removal of the student as soon as possible. (E.C. 76032)

2. If a student is removed from class for the day of the incident and the next class meeting, the instructor shall send a written report of the action to his or her division chair who shall forward the information to the Vice President, Student Services and the President. If the student removed by the instructor is a minor, the Vice President of Student Services shall ask a parent or guardian of the student to attend a parent conference regarding the removal of the student as soon as possible. (E.C. 76032)
 3. During the period following the removal from class for the day of the incident and the following class meeting, the student shall be allowed to return to class until due process and disciplinary procedures are completed unless the student is further suspended as a result of administrative review as outlined under Section IV, C.
- B. Review: The Director of Public Safety or designee shall provide the administrator with a written report containing facts which may constitute an alleged violation of the Standards of Student Conduct. To the extent possible, within three (3) days of receipt of said report, the administrator will inform the student in writing of the alleged offense and request that the student schedule a meeting within five (5) days of the date of the letter. If no meeting is scheduled, a second letter will be sent setting a rescheduled meeting within three (3) days of the date of the second letter. Reports forwarded by faculty members or administrators who remove a student from class or summarily suspend a student will, to the extent possible, be addressed in 72 hours by the administrator or other designee.
- C. Emergency: When a situation is determined by the administrator or designee to constitute a substantial and material threat of significant injury to students or staff on campus, a student may be suspended pursuant to this section. Notice to the student that consent to remain on campus has been withdrawn, and the reasons for the withdrawal, will be provided at the student's address of record as soon as possible. In no event is such consent to be withdrawn for longer than fourteen (14) calendar days from the date on which the consent is initially withdrawn (Penal Code Section 626.4). Where such action is taken, the administrator shall inform the Superintendent/President who shall confirm the suspension within twenty-four (24) hours. An informal meeting shall be scheduled as soon as possible, but not later than ten (10) days from the time the suspension is ordered. (E.C. 66017) That informal meeting and all action taken thereafter shall be in accordance with District procedures outlined in Section V, but any hearing shall be held within seven (7) days of the student's request for one.

V. RESOLUTION

- A. Informal Meeting/Resolution: The purpose of the informal meeting is to outline the Code of Conduct alleged violation to the student and to allow the student to respond to the allegations. The administrator will consider the written input from the Public Safety report in addition to verbal input from the college personnel involved in the incident and the type of disciplinary action expected. After reviewing the situation with the student, the administrator may conclude that a warning or censure or suspension of less than ten (10) days is appropriate, and so deliver the warning or censure. If the student does not attend an informal meeting or the rescheduled meeting, the administrator will make a determination on the evidence presented.

If, after reviewing the situation with the student, and college personnel, the administrator concludes that a consequence greater than a warning, or a censure or suspension of less than ten (10) days is appropriate, the administrator shall so inform the student of the recommended disciplinary action, his or her right to a formal hearing, and his or her right to an advocate at the hearings who shall not be an

attorney. The student however, may consult with an attorney, at his/her own expense, in preparation for the hearing.

1. Waiver: The student shall be afforded the opportunity to waive the right to a formal hearing and agree to the imposition of a sanction mutually agreed upon by the student and the administrator. Any such waiver shall be in writing and in the form attached as Appendix A of these procedures. If the student and administrator mutually agree upon a suspension, that agreement shall be sent to the President for his/her concurrence in the agreement. This mutual agreement between student and administrator is not appealable.

B. Formal Resolution:

1. Administrative Hearing: If the student exercises the right to a formal hearing and if the recommended disciplinary action is a suspension of more than ten (10) days, the matter will be referred to the Disciplinary Hearing Committee. If the student did not attend the informal meeting or rescheduled the meeting and the recommended action is a suspension of more than (10) days, then the administrator will so notify the student. All notices for a hearing will follow the procedures outlined in Section V, B., 3.
2. Disciplinary Hearing Committee: If the student requests a hearing and the recommended disciplinary action is a suspension of greater than ten (10) days, the Disciplinary Hearing Committee will hear the matter within ten (10) days and thereafter render a decision.
3. Notice of Hearing:
 - a. The student will be provided with written notice of the hearing not less than seven (7) calendar days prior to the hearing. Service shall be made by certified first class mail or personally. Notices sent to the last address available in the records of the college and deposited in the United States certified mail, postage prepaid and return receipt requested, shall be presumed to have been received and read.
 - b. The hearing notice shall specify the time and place of the hearing and contain a statement of the charges against the student, including applicable financial aid termination. A copy of these procedures shall be enclosed. Notice shall also specify if there is to be an interim exclusion from the college campus pursuant to Penal Code Section 626.4. Copies of such notice will be sent to the student's instructors and the college Department of Public Safety.

VI. DISCIPLINARY HEARING COMMITTEE

- A. The Hearing Panel: There shall be a standing panel from which a Disciplinary Hearing Committee may be appointed by the administrator. The panel shall be made up of the following:
 1. Three students whose names are submitted by the student government.
 2. Three faculty members whose names are submitted by the Faculty senate president.
 3. Three administrators whose names are submitted by the Administrative Senate.
- B. The Disciplinary Hearing Committee: From the panel described above, members will be appointed by the administrator to a committee consisting of one student, one instructor, and one administrator to hear each disciplinary case.

- C. The Hearing Format: The panel, administrator, student, and others will follow the hearing format described in the Hearing Booklet. The recommendation by the administrator shall in no way affect the authority of a Disciplinary Hearing Committee to recommend a sanction less severe or greater than the sanction proposed by the Vice President of Student Services.
- D. Recommendation: The Disciplinary Hearing committee shall make a recommendation to the President within five (5) days of the conclusion of the formal hearing. The student and administration will be notified at the same time.

VII. PRESIDENT'S DECISION

- A. Within five (5) days following receipt of the administrator's or Hearing Committee's recommendation, the President shall make a written decision. The President shall base his/her decision only upon the record of the hearing and the recommendation of the administrator or Hearing Committee, and shall not consider matters outside of that record, except that the President may consider prior disciplinary actions related to the student in determining whether other means of correction affected the student's conduct. The President may adopt the administrator's or the committee's recommendations for action, may adopt a less severe sanction, or may adopt a more severe sanction.
- B. The President should promptly send a copy of his/her decision, together with the administrator's or the Hearing Committee's decision, to the student, administrator, and to any other person(s) directly involved in the complaint, providing such other persons are authorized to receive information pursuant to state and federal law regarding privacy of student records.
- C. If the decision is to suspend a student, the President shall notify the Board of Trustees of that decision (Education Code Section 76031). If the decision is to expel a student, the President shall recommend such action to the Board of Trustees. Only the Board of Trustees shall be authorized to take such action (Education Code Section 76030).
- D. When the decision is to recommend expulsion of a student to the Board of Trustees, the President may suspend the student pending action by the board.

VIII. APPEAL

- A. Student(s), faculty members(s), or administrator(s) directly involved in a complaint may appeal to the President the recommendations of the administrator resulting from the informal meeting. Suspensions which are the result of mutual agreement including the student are not appealable by the student sanctioned.
- B. Within three (3) days from notice of hearing recommendations, the student may appeal the recommendation to the President. Any such appeal shall be submitted in writing and shall be based only on the record and decision of the administrator or the Hearing Committee. The President or designee shall decide the appeal within ten (10) working days upon receipt of the appeal. The President will base the appeal on the records, and if desired but not required, on an interview with the student.
- C. The student may appeal a suspension decision of the President that is greater than two terms to the Board of Trustees. Any such appeal shall be submitted in writing within five (5) days following receipt of the President's decision and shall be based only on the record and decision of the administrator or the Hearing Committee and the President.

- D. The Board of Trustees should consider student disciplinary cases at any regularly scheduled or special board meeting held within forty-five (45) days after receipt of the appeal. This review will normally occur in a closed hearing, unless the student or the parent or guardian of a minor student, requests in writing 48 hours prior to the hearing, that the hearing be held in public. Notwithstanding a request that the hearing be held in public, any disclosure or discussion that might be in conflict with the right to privacy of any student other than the student (or parent or guardian of such student) requesting the hearing, shall be in closed session.
- E. Upon review, the Board will either confirm, modify, or reject the decision of the President. The Board's action shall be limited to a review of the record of the Hearing Committee, and the Board shall not consider any evidence outside that record, except that the Board may consider whether other means of correction affected conduct. The Board's action shall be final and binding on all parties.

VIII. MISCELLANEOUS

- A. The fact of any disciplinary action and reasons therefore shall be recorded on the student's records subject to access, review, and comment by the student, as authorized by the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g) and Education Code Section 76210 et seq., Board Policy 6410. All access or release of such records shall also be in accordance with applicable state and federal law.
- B. Specified times may be shortened or lengthened by mutual concurrence of the District and the student against whom disciplinary proceedings are undertaken.
- C. Non-Student Disciplinary Action: Use of the Napa Valley College Campus is intended for enrolled students and community members participating in authorized activities. Non-students are welcome on the campus only if they abide by all college rules and regulations. If non-students abuse college facilities, violate college rules or refuse directions from college officials, they may be asked to leave and be prohibited from returning. Campus Public Safety officers will enforce this policy in cooperation with college officials.

IX. LIMITATIONS

These provisions do not apply to existing student Title IX grievance procedures (Board Policy 6310, A.R.1), evaluation of student progress (Board Policy 6310, A.R. 2) residence determination (Board Policy 6421) and residency appeals (Board Policy 6421), and other academic and legal requirements for admission and retention. Disciplinary measures may be taken by the college independently of and in addition to any charges filed through civil and/or criminal authorities, for violation of the laws of the city, county, state, and nation.

X. NOTICE

Students shall be notified of these regulations through appropriate college publications, and these regulations shall be available in the library, the President's Office and the Student Government Office. Copies of the regulations and any questions may be directed to the Vice President of Student Services in the Office of Student Services.

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