

BP 5529 STUDENT CONDUCT

5529.1 Introduction

The California Education Code (section 66300) requires every community college governing board to adopt specific rules governing student behavior along with applicable penalties for violation of such rules.

Students enrolling at College of the Canyons (the College) assume an obligation to abide by all College regulations.

- A. For the purposes of this policy, at the time an alleged violation occurs, a student is defined as an individual who:
1. has submitted an application to the College for the current or upcoming terms; or
 2. is enrolled in, or registered in an academic program of the College, including classes for credit, noncredit classes, fee based training classes, and programs including but not limited to the Employee Training Institute, Community Education, and free workshops where teaching or training occurs, or;
 3. has met the conditions for part one (1) or two (2) above in the immediately preceding semester or intersession.

5529.2 Grounds for Disciplinary Action

A student may be disciplined for one or more of the following causes, which must be College/District related and which may occur either on any District site or elsewhere off-site during a College-sponsored activity or event, or through any online interaction the student may have with another member of the campus community. In cases involving alleged rape, sexual assault, domestic violence, dating violence or stalking, in which both the alleged complainant and the accused are both students of the College, jurisdiction extends to matters which may occur either on or off campus, and not necessarily in conjunction with a College-sponsored activity or event.

This list is not intended to be exhaustive, but is an example of good and sufficient causes for disciplinary action.

- A. Any theft, conversion, or damage or destruction, including, but not limited to, cutting, defacing, vandalizing, or marking with graffiti, of and/or to any property, real or personal, belonging to the College, a member of the College staff, a student, or a campus visitor, or knowingly receiving stolen College or District property or private property on campus.
- B. Forgery, alteration or misuse of College documents, keys, records, or identification, or knowingly furnishing false information to the College or one of its officials, or any fraud activity including, but not limited to, reversing credit card charges to avoid paying fees, or failure to make good on returned checks cashed by the College.

- C. Cheating, plagiarism, fabrication, and other forms of academic dishonesty, and/or facilitating academic dishonesty, including, but not limited to: having other students or non-students take courses, tests, placement exams, or write papers; access to, or use of electronic devices, during exams; opening internet browsers while taking closed book, closed note proctored exams.
- D. Violation of classroom rules, as determined by each course syllabus, including, but not limited to, the use of cell phones, and other unauthorized devices, attendance and punctuality standards, decorum standards, safety standards, including, but not limited to the wearing of specified footwear and/or safety gear and/or protective clothing or uniforms, and other standards found in the course syllabus.
- E. Physical or verbal abuse, or harassment, including, but not limited to, sexual harassment, or any threat of force or violence including physical altercation, flaming, bashing, bullying, intimidation, harassment, sharking or any abusive, threatening, coercive, or hostile behavior, including online interaction, directed toward any member of the College, or members of his or her family, or a campus visitor, or any harassing or discriminatory behavior based on race, sex, sexual orientation, religion, age, national origin, disability, or any other status protected by law.
- F. Sexual Harassment
Sexual harassment is defined as unwelcome conduct of a sexual nature that may include unwelcome sexual advances, requests for sexual favors, and/or other verbal, non-verbal, or physical conduct of a sexual nature. Sexual harassment also encompasses nonsexual conduct, provided the behavior is unwelcome, is based on sex or sexual stereotyping, and has the effect of interfering with a student's ability to participate in or benefit from a school program, such as participation in athletics, employment or co-curricular activities.

Examples of sexual harassment include, but are not limited to:

- making sexual propositions or pressuring students and other member of the campus community for sexual favors;
- unwanted touching of a sexual, or non-sexual, nature;
- writing graffiti of a sexual nature;
- displaying or distributing sexually explicit drawings, pictures, photographs, or written materials;
- performing sexual gestures or touching oneself sexually in front of others;
- telling sexual or dirty jokes;
- spreading sexual rumors or rating other students and other members of the campus community as to sexual activity or performance; or,
- circulating or showing e-mails or Web sites of a sexual nature
- requesting another person to provide nude photographs or photographs of a sexual or illicit nature of him/herself

- G. Sexual Assault/Rape

Sexual assault occurs when physical sexual activity is engaged in without the consent of the other person, and includes, but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

Sexual assault is defined as actual or attempted sexual contact with another person without that person's consent, regardless of the victim's affiliation with the community college, 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 (Education Code Section 76033).
4. For the purposes of this policy Sexual Assault may occur in the absence of affirmative consent.
 - a. "Affirmative Consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the 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.
 - b. "Incapacitation" is defined as the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drug consumed affects a person's decision-making capacity, awareness or consequences, and ability to make fully informed judgments. Being intoxicated by drugs or alcohol does not diminish one's responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether the accused knew or whether a reasonable person should have known that the complainant was incapacitated.
 - c. "Developmental incapacitation" is defined as the inability for a person to provide consent based upon diminished developmental disability.

H. Sexual Misconduct: Sexual misconduct is non-consensual sexual activity that does not involve touching. The misconduct may include, but is not limited to:

- Electronically recording, photographing, or transmitting intimate or sexual utterances, sounds, or images of another person
- Allowing third parties to observe sexual acts
- Engaging in voyeurism
- Exposing oneself
- Transmitting sexually explicit photos or videos of oneself to others through any means electronically, including, but not limited to, social media, email, texting, or any other form of electronic transmission, or through any other forms of delivery

I. Sexual Exploitation

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 community college, 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 know 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.
5. 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. (Education Code Section 76033)

J. Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. Alleged stalking activity includes, but is not limited to, that which occurs in person, through electronic devices, online, or through social media.

Examples of stalking include, but are not limited to:

- Following
- Obsessive behavior
- Unwanted and/or excessive phone calls or other forms of communication
- Unwanted letters or messages
- Unwanted gifts or threatening gifts
- Damage to property
- Appearance at places of residence, school, work
- Threats to person, family, or friends
- Inappropriate confrontations and approaches

K. Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

L. Domestic Violence

Includes felony or misdemeanor crimes of violence committed by:

1. A current or former spouse of the victim;
2. A person with whom the victim shares a child in common;
3. A person who is cohabitating with or has cohabitated with the victim as a spouse;
4. A person who is cohabitating with or has cohabitated with the victim other than as a spouse;
5. A person similarly situated to a spouse of the victim under California law; or
6. Any other person against an adult or youth victim who is protected from that person's acts under California law.

M. Misuse of any student contact information obtained in any manner, including, but not limited to, sending harassing, stalking, threatening, offensive, indecent, lewd, or obscene correspondence or photos either through email, texting or social media, or making harassing, stalking, threatening, offensive, indecent, lewd, or obscene phone calls to another student.

N. Misuse of email or engaging in other inappropriate forms of communication with College faculty or staff, including, but not limited to, communication by written notes, phone, voicemail, or any form of electronic communication.

- O. Manufacture, use, possession, distribution, sale, offer to sell, furnishing, arranging or negotiating the sale of any drug or drug paraphernalia, or being under the influence of alcohol, narcotics, recreational drugs (whether legal or illegal), or other dangerous drugs, or the abuse of any lawfully prescribed medication which causes the student to be so impaired as to be a danger to oneself or others, or to be disruptive to the educational or administrative process, on campus, or off campus at any College-sponsored event, including day and night while the student is under the supervision of the College and its personnel, even when formal activities of the event (athletic event, conference, field trip, etc.) have ended.
- P. Unauthorized entry into, unauthorized use of, possession of, or misuse of, College or District property, facilities, supplies or equipment, or vehicles, or unauthorized occupancy of any buildings or other facilities owned, rented, leased, or otherwise under the control of the College or District.
- Q. Disorderly, lewd, indecent, obscene, or offensive conduct on District-owned or controlled property or at College-sponsored or supervised functions, or engaging in expression which is libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on College or District premises, or the violation of lawful College or District regulations, or the substantial disruption of the orderly operation of the College or District.
- R. Possession, use, or sale of any weapons including, but not limited to, firearms, knives, explosives, dangerous chemicals, or other potentially harmful implements, substances, or objects, which could be classified as a weapon, or any imitation or replica weapons, which may cause alarm to the College community while on the College campuses or at a College or District-sponsored function without prior authorization of the Chief Executive Officer (CEO) or designee.
- S. Failure to identify oneself to or failure to comply with directions of College officials acting in performance of their duties including, but not limited to, the provisions of the Penal Code Sections 626.6 and 626.8.
- T. Obstruction or disruption, on or off campus, of the College's education process, administrative process, or other College function, or the open and persistent defiance of authority. This includes all extracurricular activities including, but not limited to, internships, service-learning activities, athletic events, conference travel, and field trips during all hours the student is under supervision of the College and its personnel.
- U. Violation of any order of the CEO or designee, notice of which has been given prior to such violation and which order is not inconsistent with any of the other provisions of this policy. This notice may be given by publication in the College newspaper, web site, social network, or by posting on an official bulletin board designated for this purpose.
- V. Soliciting or assisting another to undertake any act, which would subject a student to expulsion, suspension, probation, or other discipline pursuant to this policy.

- W. Abusive behavior directed toward, or hazing of, a member of the College community, or any act, which injures, degrades, disgraces or tends to injure, degrade, or disgrace any fellow student or member of the campus community.
- X. Any other cause not listed above which is identified as good cause by Education Code Sections 76032 and 76033.
- Y. Abuse of computing facilities or computer time, including but not limited to unauthorized entry into a file to use, read, or change the contents or any other purpose; unauthorized transfer of a file; unauthorized use of another individual's identification or password; use of computing facilities to interfere with the work of another student, faculty member, or College official; and/or use of computing facilities to interfere with a College computing system. For specifics, refer to the College of the Canyons Acceptable Use Agreement.
- Z. Committing any act or engaging in any behavior that threatens or endangers the health or safety of another individual on campus or at any college sponsored activity or event.
- AA. Willful misconduct that results in injury or death to a student or to College or District personnel or a campus visitor.
- BB. Unauthorized preparation, selling, giving, 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, or any materials that are the intellectual property of a faculty member, except as permitted by any district policy or administrative procedure.
- CC. Gambling on College or District property.
- DD. Willful or persistent smoking of tobacco products, or the use of an electronic cigarette, hookah pen or pipe, or similar device used to ingest flavored serums, with or without nicotine and which dispense vapors, in any area where smoking or use of vapor emitting electronic cigarettes, pens, pipes or similar devices has been prohibited by law or by regulation of the College or District.
- EE. Failure to follow and comply with established guidelines and regulations of off-site entities while participating in college-sponsored, off-campus activities including, but not limited to, conferences, retreats, field trips, excursions, internships, externships, service-learning or volunteer placements, and athletic events.
- FF. Violation of College or District policies or of campus regulations including those concerning chartering and registration of student organizations, use of College or District facilities, or the time, place and manner of public expression.
- GG. Any attempt to misuse a campus parking permit issued by the College or District including, but not limited to, selling a College-issued student parking permit to another student, giving an expired student parking permit to another student, allowing a current or expired student

parking permit to be borrowed by another student, making use of any stolen College-issued parking permit, creating or making any form of falsified or fake student or faculty/staff parking permit with the intent for use on a District campus.

- HH. Violations of California Vehicle Code or local traffic violations, which cause a threat to persons or property, or the orderly operation of the College by virtue of the nature or frequency of the violations.
- II. Failure to pay, in a timely manner, parking citations written by the College's Campus Safety Officers for parking violations, which occur on the College's campuses.
- JJ. False accusations or malicious charges against another student or member of the campus community.
- KK. Violation of federal, state, or local statute or ordinance, or District policy, rule, or regulation while on College property and during all hours, off campus, while the student is under the supervision of the College and its personnel.
- LL. Attempting to perform any actions that are cause for disciplinary action identified above.

Approved by the Board of Trustees: June 27, 2018

Next Review Date: Spring, 2024