



# Student Code of Conduct

These policies and procedures are reprinted from the AVC Board Policies, Section 5500, found [here](#).

## BP 5500 Standards of Conduct

### Section 1 - General Provisions

1. The Board of Trustees of the Antelope Valley Community College District expects students to conduct themselves in a manner consistent with the educational purposes of the college. Student conduct must reflect the standards of behavior as defined in pursuant sections (Education Code §76030 - §76037). Student conduct should reflect consideration for the rights of others and students are expected to cooperate with all members of the college community.
2. Students shall also respect federal and state laws, board regulations, college regulations, and applicable provisions of civil law.
3. College personnel are responsible for communicating appropriate student conduct and for reporting violations thereof. The vice president of student services or designee has the right to administer suitable and proper corrective measures for misconduct.
4. Nothing in this article shall be construed to limit the authority of the board of trustees to adopt additional rules and regulations as long as they are not inconsistent with the requirements of this article. These additional rules may, among other things, prescribe specific rules and regulations governing student behavior, along with applicable penalties for violations of the adopted rules and regulations, and may clarify appropriate due process procedures, including procedure by which students shall be informed of these rules and regulations. (CA Ed. Code §76037).
5. A student may be removed, suspended, or expelled only for conduct associated with college activities or college attendance. Students may be disciplined for harassment, threats, or intimidation, unless constitutionally protected. Violation of any law, ordinance, regulation or rule pertaining to the parking of vehicles shall not be cause for suspension or expulsion of a student from the college. (CA Ed. Code §76034, §66301 (d)).
6. A student may be suspended by the board of trustees, the college president, or vice president of student services for good cause, or when the presence of the student causes a continuing danger to the physical safety of the student or others. The board of trustees may exclude students of filthy or vicious habits, or students suffering from

contagious or infectious diseases, or any student whose physical or mental disability is such as to cause his or her attendance to be inimical to the welfare of other students. (CA Ed. Code §76020 and §76030).

7. "Good Cause" may be established by using appropriate investigation standards, such as:
  - a. Interview of witnesses.
  - b. Review of a Campus Security Report(s), if applicable.
  - c. Review of written statements, if applicable.
  - d. Review of pertinent documents, if applicable.

## Section 2 - Guidelines for Student Conduct

Good cause includes, but is not limited to, the following offenses:

### 1. Academic Violations

- a. Violation of the Academic Honesty Policy: Dishonesty, including but not limited to, cheating, or plagiarism. Plagiarism – from the Latin word for “kidnap” – involves using another’s work without giving proper credit, whether done accidentally or on purpose. This includes not only words and ideas, but also graphs, artwork, music, maps, statistics, diagrams, scientific data, software, films, videos and the like. Plagiarism is plagiarism whether the material is from published or unpublished sources. It does not matter whether ideas are stolen, bought, downloaded from the Internet, or written for the student by someone else – it is still plagiarism. Even if only bits and pieces of other sources are used, or outside sources reworded, they must still be cited. To avoid problems, students should cite any source(s) and check with the instructor before submitting an assignment or project. Students are always responsible for any plagiarism in their work. An instructor who determines that a student has cheated or plagiarized has the right to give an “F” grade, or numerical equivalent, for the assignment or examination. Antelope Valley College reserves the right to utilize electronic means to investigate possible academic violations. Enrollment in any class implies student agreement and consent that all assignments are subject to submission for textual similarity review to an electronic database. (Board Approved 6/21/04)
- b. Violation of class assignments, examination rules, e.g., communicating or transferring information to another student, using any materials such as books, notes, etc., other than those expressly allowed for the exam, looking at another student’s exam, etc.
- c. 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 college policy or administrative procedure.

## 2. General College Violations

- a. Forgery, alteration, or misuse of college documents, records, identification, or knowingly furnishing false information to the college. Abuse of and/or tampering with the registration process.
- b. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other college activities, including, but not limited to, its community service functions, or of other authorized activities on college premises.
- c. Engaging in expression which is obscene, libelous or slanderous, or which 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 college administrative procedures, or the substantial disruption or the orderly operation of the college.
- d. Unauthorized entry into or use of college supplies, equipment, and or facilities.
- e. Violation of college policies or of campus regulations including, but not limited to, campus regulations concerning student organizations, the use of college facilities, or the time, place, and manner of public expression, library procedures, college bills, debts, and parking.
- f. Theft of, or damage to, property of the college, or of a member of the college community, or campus visitor, or knowingly receiving stolen college or private property on campus.
- g. Use of personal portable sound amplification equipment and other electronic devices (radios, cell telephones, pagers, and tape players, etc.) in a manner that disturbs the privacy of other individuals and/or the programs of the college.

## 3. Computer Usage Violations

Theft or abuse of computer time, including, but not limited to:

- a. Unauthorized entry into a file, database, or computer to use, read, or change the contents, or for any other purpose.
- b. Unauthorized transfer of a file.
- c. Unauthorized use of another person's identification and password.
- d. Use of computing facilities to interfere with the work of another student, faculty member, or college official.
- e. Use of computing facilities to send obscene or abusive messages, or to defame or intentionally harm other persons.
- f. Use of computing facilities to interfere with normal operation of the college computing system.
- g. Use of computing facilities for student's personal financial gain or for solicitation of any kind.
- h. Violation of applicable AVC "Computer Use Guidelines."

## 4. Behavior Violations

- a. Disorderly, lewd, indecent or obscene conduct, or habitual profanity or vulgarity on college-owned or controlled property, or at college-sponsored or supervised functions.

- b. Assault, battery, or verbal abuse or conduct that threatens or endangers the health or safety of a student, college personnel, or campus visitor.
  - c. Hazing or any act that injures, degrades, or disgraces or tends to injure, degrade, or disgrace any student, college personnel, or campus visitor.
  - d. Gambling on District property.
  - e. Failure to identify oneself when on college property or at a college-sponsored or supervised event, upon the request of a college official acting in the performance of their duties.
  - f. Actions, which result in injury or death of a student, college personnel, or campus visitor, or damage to property owned by the district.
  - g. Failure to comply with directions of college officials acting in the performance of their duties, open and persistent defiance of the authority of college personnel, or persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
  - h. Unauthorized entry on the campus or into the facility to which access has been denied after suspension or dismissal, during the suspension period. (CA Penal Code 626.2).
  - i. Committing or attempting to commit extortion.
  - j. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation or any other status protected by law.
  - k. 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.
  - l. Sexual assault or sexual exploitation regardless of the victim's affiliation with the district.
5. Substance Violations
- a. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with §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 §11014.5, on college property, or at any college sponsored event.
  - b. Willful or persistent smoking, including the use of electronic cigarettes (vapers) in any area where smoking has been prohibited by law or by regulation of the governing board.
6. Weapons Violations
- a. Possession or use of any dangerous or deadly weapon or instrument on any college-owned or controlled property or at any college-sponsored or supervised function. For purposes of these guidelines, a "dangerous or deadly weapon or instrument" includes, but is not limited to any: firearm, shotgun, rifle pistol, air rifle, BB gun, folding pocket knife with a blade longer than two and one-half

inches, dirk, dagger, locking blade knife, switch blade knife; brass knuckles, blackjack, billy club, nun-chuck sticks, sling shot, tazer, stun gun, shocker, razor blade, acid, metal pipe, sharpened wood or metal trap, or any other weapon, instrument or object designed or modified to inflict physical harm on another person or animal. In the interest of protecting students, college personnel, or campus visitors, the college retains discretion to determine what constitutes a dangerous or deadly weapon or instrument. Certain exceptions can be made for classes or college-sponsored events. Prior written authorization from the vice president of student services, or designee, must be obtained before these items can be brought on-campus or to a college-sponsored event.

- b. Possession or use of replica or imitation weapons on any college-owned or controlled property or at any college-sponsored or supervised function.
- c. Possession or use of firecrackers, fireworks, pyrotechnics, or any other explosive device on any college-owned or controlled property or at any college-sponsored or supervised function.

Students who engage in any of the above are subject to the measures outlined in Administrative Procedure 5520.

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These policies and procedures are reprinted from the AVC Administrative Procedures, Section 5520, found [here](#).

## AP 5520 Student Discipline Procedures

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees the student or students involved the due process rights guaranteed them by state and federal constitutional protection. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies. These administrative procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code §76120, and will not be used to punish expression that is protected.

### Definitions

**District** – The Antelope Valley Community College District.

**Student** – Any person currently enrolled as a student at any college or in any program offered by the District.

**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.

**Short-Term Suspension** – Exclusion of the student by the Superintendent/President for good cause from one or more classes for a period of up to ten consecutive days of instruction.

**Long-Term Suspension** – Exclusion of the student by the Superintendent/President for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

**Written or Verbal Reprimand** – An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

**Withdrawal of Consent to Remain on Campus** – Withdrawal of consent by the vice president of student services or designee for any person to remain on campus in accordance with California Penal Code §626.4 where the vice president of student services has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

**Day** – Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays.

#### **Notification of Alleged Code of Conduct Violation**

Upon receiving information that the Standards of Student Conduct may have been violated, written notification to the student or students will be sent outlining the allegations, and instructing them to schedule an appointment with the vice president of student services. With the exception of a minor, who must be accompanied by a parent or guardian, the student shall not have an advisor or legal representation at this meeting, unless approved/permitted by the vice president of student services.

The Board of Trustees provides the following sanctions for violation of the Standards of Student Conduct. One or more of the sanctions listed below may be imposed for any single or multiple violation(s). Any times specified in these procedures may be shortened or lengthened, if there is mutual concurrence by the parties.

## Section I: List of Sanctions

### 1. Reprimand

A reprimand is a warning stating that the continued conduct of the type described in the reprimand may result in a subsequent formal action against a student by the District.

- a. Verbal: Verbal notification to the student by a college staff member in a position of authority that continuance of the conduct may be cause for further disciplinary action. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

- b. Written: A written notification to a student by the vice president of student services to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the college.

The college is not required to provide an appeal process for students who receive a written or verbal reprimand.

## 2. Temporary Suspension by Instructor (Education Code §76032):

- a. An instructor may order a student removed from his/her class for the day of suspension and the next class meeting.
- b. The instructor shall immediately report the suspension (verbally and subsequently in writing) to the appropriate dean and to the vice president of student services.
- c. A conference will be initiated between the student, the instructor and division dean regarding the removal.
- d. The student shall not be returned to the class during the period of the removal, without the concurrence of the instructor, the instructor's dean and the vice president of student services.
- e. No instructor shall be allowed to suspend a student without first apprising the student of the reason for suspension and permitting such student to present his/her version of the incident causing suspension.
- f. If the student is a minor, the instructor shall ask the parent or guardian of the student to attend a parent conference regarding the suspension as soon as possible. A college administrator shall attend the conference, if the instructor or parent or guardian so requests.
- g. Nothing herein will prevent the vice president of student services from recommending further disciplinary procedures in accordance with these procedures based on the facts that led to the removal, or the student's previous violations.

## 3. Disciplinary Probation

Disciplinary probation is a formal action of the District against a student for misconduct, and the action may result in the student being removed from all college organization offices and being denied the privilege of participating in all college or student sponsored activities, including public performances. Disciplinary probation may be imposed on a student for a period not to exceed one year. The college is not required to provide an appeal process for students who are placed on disciplinary probation.

## 4. Restitution

Financial compensation for damage to or misappropriation of property. Restitution may take the form of appropriate service to repair or otherwise compensate for damages.

5. Campus Community Service

In-kind campus community service may be imposed for violations of the code of conduct.

6. Withdrawal of Consent to Remain on Campus

The vice president of student services or designee 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 vice president of student services (or designee), a written report must be promptly placed in the student's discipline file.

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 come for a meeting or hearing, is subject to arrest (Penal Code §626.4).

## Section II. Short-term Suspensions, Long-term Suspensions, and Expulsions

Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

1. **Notice:**

The vice president of student services will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:

- a. The specific section of the Standards of Student Conduct that the student is accused of violating.
- b. A short statement of the facts supporting the accusation.
- c. The right of the student to meet with the vice president of student services or designee to discuss the accusation, or to respond in writing.
- d. The nature of the discipline that is being considered.

2. **Time limits:**

The notice must be provided to the student within 10 days of the date on which the conduct took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within 10 days of the date on which conduct occurred which led to the decision to take disciplinary action.

3. **Meeting:**

If the student chooses to meet with the vice president of student services or designee, the meeting must occur no sooner than 10 days after the notice is provided. At the



meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

#### 4. **Immediate Interim Suspension (Education Code §66017):**

The Superintendent/President or designee may order immediate suspension of a student where he/she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.

#### 5. Short-term Suspension

- a. Within 10 days after the meeting described above, the Superintendent/President shall, pursuant to a recommendation from the 10 days, decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter.
- b. Written notice of the Superintendent/President's decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action.
- c. The Superintendent/President's decision on a short-term suspension shall be final.
- d. Suspension may include any or all classes of the college and from use of any District facilities. The Superintendent/President may suspend a student for good cause as follows:
  - From one or more classes for the remainder of the school term.
  - From all classes of the college for one or more terms.  
[During this period of suspension, a student shall not be permitted to enroll in classes at the college. (CA Ed. Code §76031)]
  - From the use of District facilities and all available services.

In all cases of suspension, the student shall receive official notice from the vice president of student services. If delivery is refused, the written notification will be considered as being received, and the suspension will go forward.

#### 6. Long-term Suspension

Within 10 days after the meeting described above, the Superintendent/ President shall, pursuant to a recommendation from the vice president student services, decide whether to impose a long-term suspension. Written notice of the Superintendent/President's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.

## 7. Expulsion

- a. Within 10 days after the meeting described above, the Superintendent/President shall, pursuant to a recommendation from the vice president of student services, decide whether to recommend expulsion to the Board of Trustees. Written notice of the Superintendent/President's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing. Within 5 days after receipt of the Superintendent/President's decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the vice president of student services.
- b. After board action, the Superintendent/President shall notify the student by "Certified Mail – Return Receipt Requested," or by hand-delivery with a signed receipt. If delivery is refused, the written notification will be considered as being received, and the board action will go forward. The expulsion may be imposed for a specified or unspecified time, and shall include all programs, services, and activities of the college.
- c. For expulsions imposed for an unspecified time, the student may, after a reasonable time (not less than one year), request in writing that the college Superintendent/President removes the expulsion. If approved by the college Superintendent/President, he/she shall make that recommendation to the Board of Trustees. The Superintendent/President shall notify the student of the board's decision.

## Section III. College Hearing Panel Procedures

### 1. Schedule of Hearing

- a. The formal hearing shall be held within 10 days after a formal request for hearing is received.
- b. The college hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student. A quorum of three members must be present for the hearing to take place.
- c. The Superintendent/President, the president of the academic senate and the ASO president shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearing panels. The Superintendent/President shall appoint the college hearing panel members from the names on these lists. However, no administrator, faculty member, or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel. All members of the hearing panel will be asked to sign a written statement attesting to their neutrality.

## 2. College Hearing Panel Chair

The Superintendent/President shall appoint one member of the panel to serve as the chair. The decision of the college hearing panel chair shall be final on all matters relating to the conduct of the hearing, unless there is a vote by both other members of the panel to the contrary.

## 3. Conduct of the Hearing

- a. Students will be notified, in writing, of the date, time, and place of the hearing.
- b. The members of the hearing panel shall be provided with a copy of the allegation(s) against the student and any written response provided by the student before the hearing begins.
- c. The facts supporting the allegation(s) shall be presented by a college representative who shall be the vice president of student services or designee.
- d. The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter. The student shall not have any other representation, except as provided in item (g).
- e. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.
- f. Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make their first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove, by preponderance of evidence, that the facts alleged are true.
- g. The student may represent himself/herself, and may also have the right to be represented by a person of his/her choice. The student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The college hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel, but shall not be a member of the panel, nor vote with it.
- h. Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than 5 days prior to the date of the hearing.
- i. In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.

- j. The hearing shall be recorded by the college, either by electronic recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give statements. In the event the recording is by electronic recording, the college hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Electronic recording shall remain in the custody of the district, either at the college or the District office, at all times, unless released to a professional transcribing service. The student may request a copy (in writing) of the recording.
- k. All testimony shall be taken under oath; the oath shall be administered by the college hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used, unless the witness is unavailable to testify. A witness who refuses to be recorded is not available.
- l. Within five days following the close of the hearing, the hearing panel shall prepare and send to the Superintendent/President a written decision. The decision shall include specific factual findings regarding the allegation(s), and shall include detailed conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matters outside of that record. The record consists of the original allegation(s), the written response, if any, of the student, and the oral and written evidence produced at the hearing.

#### 4. Superintendent/President's Decision

##### a. Long-Term Suspension

Within five days following receipt of the college hearing panel's recommended decision, the Superintendent/President shall render a final written decision. The Superintendent/President may accept, modify, or reject the findings, decisions, and recommendations of the college hearing panel. If the Superintendent/President modifies or rejects the college hearing panel's decision, the Superintendent/President shall review the record of the findings and conclusions, and shall prepare a new written decision, which contains specific factual findings and conclusions. The decision of the Superintendent/President shall be final.

##### b. Expulsion

Within five days following receipt of the college hearing committee's recommended decision, the Superintendent/President shall render a written recommended decision to the Board of Trustees. The Superintendent/President may accept, modify, or reject the findings, decisions, and recommendations of the college hearing panel. If the Superintendent/President modifies or rejects the

college hearing panel's decision, the Superintendent/President shall review the record of the hearing, and shall 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 in cases in which the expulsion is upheld.

#### 5. Board of Trustees Decision

- a. The Board of Trustees shall consider any recommendation from the Superintendent/President for expulsion at the next regularly scheduled meeting of the board after receipt of the recommended decision.
- b. The board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting. Any such request must be made, in writing, no less than five day prior to the date of meeting. (Education Code §72122).
- c. The student shall be notified in writing, by registered or certified mail or by personal service, at least three days prior to the meeting, of the date, time, and place of the board's meeting. If delivery is refused, the recommendation will be submitted to the board, regardless of whether the student is present.
- d. The student may, within 48 hours after receipt of the notice, request that the hearing be held as a public hearing. Even if a student has requested that the board consider an expulsion recommendation in a public meeting, the board will hold any discussion that might be in conflict with the right of privacy of any student, other than the student requesting the public meeting, in closed session.
- e. The board may accept, modify, or reject the findings, decisions, and recommendations of the Superintendent/President. If the board modifies or rejects the decisions, the board shall review the record of the hearing, and shall prepare a new written decision, which contains specific factual findings and conclusions. The decision of the board shall be final.
- f. The final action of the board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District. (CA Ed. Code §72122).

**2/6/06**

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