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Information Desk

(408) 867-2200

askwvc@westvalley.edu

5.19 – Student Conduct Policy

Student Conduct Policy

It shall be the policy of the District to enforce a student code of conduct the purpose of which is to promote and maintain orderly conduct of a responsible student body in a manner compatible with the District and College function as an educational institution (Education Code 76030).

5.19.1 Students are subject to State and Federal laws and to the specific regulations established by the District and/or each College in the District. Violators shall be subject to disciplinary action, including possible cancellation of registration, and may be denied future admission to the Colleges of the District. Criminal actions may also result in referral for prosecution.

5.19.2 Prohibited actions that may result in disciplinary action against a student include, but are not limited to, the following:

- a. Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority, or persistent abuse of, College or District personnel.
- b. Assault, battery, or any threat of force or violence upon a student or College/District personnel.
Physical or verbal abuse or any conduct that intimidates, endangers, or threatens the health or safety of any person (either on campus or at any event sponsored or supervised by the College/District).
- c. Theft of or damage to property (including College/District property or the property of any person while s/he is on the College campus).
- d. Interference with the normal operations of the College/District.
- e. Unauthorized entry into, or use of, College/District facilities.
- f. Forgery, alteration, or misuse of College/District documents, records, or identification.
- g. Dishonesty (such as cheating, plagiarism, or knowingly furnishing false information to the College or to a College/District official).
- h. Disorderly conduct or lewd, indecent, or obscene conduct or expression on any College-owned or controlled property or at any College-sponsored or supervised function.
- i. Extortion or breach of the peace on College/District property or at any College/District -sponsored or supervised function.
- j. The manufacture, possession, sale, distribution, or use of narcotics or other dangerous or illegal drugs, as defined in California statutes, on College/District property or at any function sponsored or supervised by the College.
- k. Possession or use of alcoholic beverages on College/District property or at any function sponsored or supervised by the College/District.

- l. Illegal possession or use of firearms, explosives, dangerous chemicals, or other weapons on College/District property or at College/District-sponsored or supervised activities.
- m. Smoking in classrooms or other unauthorized areas on College/District property as designated by the District non-smoking policy (See Chapter 2.9).
- n. Failure to satisfy College/District financial obligations (including fines, loans, borrowed property, et cetera).
- o. Failure to comply with verbal directions or posted regulations of College/District officials, faculty, staff, or District Police officers who are acting in performance of their duties.
- p. Failure to identify oneself when on College/District property or at a College/District-sponsored or supervised event, upon request of a College/District official acting in the performance of his/her duties.
- q. Gambling in any form.
- r. Violations of College or District policies or regulations concerning the registration of student organizations, the use of College/District facilities, or the time, place, and manner of public expression.
- s. Acts of physical, verbal, or sexual harassment.
- t. Acts of discrimination based on sex, color, religion, age (for individuals 40 years and over), physical or mental disability, ancestry, national origin, race, creed, medical condition, marital or parental status, or sexual orientation.
- u. Violation of other applicable federal and state statutes and District and College policies.

5.20 – Student Discipline Policy

Definitions

For the purpose of these Rules and Regulations, the following words and terms are defined as follows:

1. The term 'Governing Board' shall mean the Governing Board of the West Valley Mission Community College District.
2. The word 'District' shall mean the West Valley Mission Community College District, a public community college district of the State of California.
3. The word 'College' shall mean West Valley and/or Mission Community College, colleges operated and maintained by the West Valley Mission Community College District.
4. The term 'College Hearing Board' shall mean the West Valley Mission Community College Hearing Board, an administrative agency of the College; organized and existing primarily to hear and decide on or recommend appropriate disciplinary action in cases brought before it under these Rules and Regulations.
5. The term 'President' shall mean the Presidents of the West Valley Mission Community College District who is the President of West Valley and/or Mission Community College, or in his/her absence, the acting President.

6. The terms 'Vice President,' or 'Vice President of Student Services,' shall mean the Vice President of Student Services of the West Valley Mission Community College District or his/her designee.
7. The term 'member of the College community: shall mean the District Trustees, the academic, support staff and administrative personnel of the District or College, the students of the College and any other person or persons while on District or College property or at a District or College function or activity.
8. The term 'District property' shall include real and personal property owned, controlled, or in the possession of the Governing Board of the West Valley Mission Community College District, and the real or personal property of all District food service, retail and resident facilities, whether operated directly by the District, a District or College auxiliary organization, or an independent contractor of the West Valley Mission Community College District, and whether located at West Valley or Mission College or elsewhere.
9. The term 'deadly weapon' shall include human hands (when they are classified

1. Failure to comply with the directions of District or College officers or employees acting in the performance of their duties; or violation of District or College policies or regulations.
2. Violating District regulations concerning the registration of student organizations, use of College facilities, and the time, place, or manner of public expression, distribution of leaflets, pamphlets or other materials.
3. Academic dishonesty, such as cheating or plagiarism.

15. Unauthorized preparation, giving, selling, transfer, distribution, or publication for any commercial purpose, or any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction.

Pursuant to California Education Code 76030 - 76037, the following types of discipline may be initiated at any time when a student is found to be in violation of the policies or rules and regulations of the West Valley-Mission Community College District or its colleges. College authorities will determine which type of action is appropriate. Any member of the college community (i.e., faculty, staff, and student) may file a written complaint with a college administrator against any student for misconduct.

Prior to initiation of these formal disciplinary actions, the parties involved are highly encouraged to seek resolution through informal efforts. Should either party wish to pursue an informal resolution, appropriate college personnel (counselor, department chair, division chair, dean, and/or the Vice President of Student Services) are available to meet with the parties to mediate and assist with these informal efforts.

Types of Disciplinary Actions

1. **Official Warning** (Education Code Section 76031). An official warning is a written notice from the Vice President of Student Services or a designee of the President to the student that states if the misconduct is continued, it may result in further disciplinary action. Written official warnings shall not be made a part of the student's permanent record.
2. **Removal from Class** (Education Code Section 76032). An instructor may remove a student from his or her class when the student's conduct interferes with the instructional process. The duration will be for the day of removal and may extend through the next class meeting, or a total of two (2) consecutive class meetings. The instructor shall immediately report the removal to the Vice President of Student Services and to the appropriate Division Chair or administrator. A written report shall be provided to the Vice President of Student Services. The Division Chair or appropriate administrator shall arrange for a conference between the student and the instructor regarding the removal. Upon request of either the instructor or the student, the Division Chair or appropriate administrator shall attend the conference. During the period of removal, the student shall not return to the class without the concurrence of the instructor. The student has the right to return to class after two consecutive class meetings, pending further disciplinary action, if any. Nothing herein will prevent the Division Chair or the appropriate administrator from recommending further disciplinary actions in accordance with these procedures based on the facts which led to the removal.

Within five (5) days following the conference, if further action is required, the Division Chair or appropriate administrator will refer the student to the Vice President of Student Services for further disciplinary actions. The Vice President of Student Services shall decide whether to recommend suspension, whether to impose some lesser disciplinary action, or whether to end the matter. The Vice President of Student Services shall provide the student a

written notification of the decision and the type of disciplinary action being imposed. A record of the disciplinary action will be entered in the student's discipline file and will be maintained in the Office of the Vice President of Student Services.

(Education Code Section 76032): An instructor may remove a student who is a minor from his or her class when the student's conduct interferes with the instructional process. The duration will be for the day of removal and may extend through the next class meeting, or a total of two consecutive class meetings. If the student removed by an instructor

the student's discipline file and will be maintained in the Office of the Vice

be reported to the College President within ten (10) business days. The President shall either approve or disapprove the action within five (5) business days of receipt of the disciplinary suspension recommendation. If the President approves, he/she shall impose disciplinary suspension.

3. The President, at his/her discretion, may stay the disciplinary suspension, if si

witnesses. Written statements, if any, shall be submitted under penalty of perjury.

8. After submission of all relevant evidence, the College Hearing Board shall immediately meet in private, and based upon the evidence presented to it, determine the truth of the charges and the recommended disciplinary action, if any, to be imposed upon the student. Upon reaching its decision, the College Hearing Board shall reconvene and announce its decision and recommend the appropriate disciplinary action. Appropriate disciplinary action may include specific sanctions, terms and conditions.
9. The Vice President of Student Services and the student shall be given written notice of the decision of the College Hearing Board and the discipline or sanctions recommended to be imposed within five (5) working days. The Vice President shall implement such disciplinary action, except as provided in the following paragraph of this section.
10. If the recommended disciplinary action involves disciplinary suspension, the College Hearing Board shall forward the findings of fact to the President within ten (10) business days. If the President concurs in the recommendations, he/she shall impose disciplinary suspension. If the President disapproves, he/she shall advise the College Hearing Board within five (5) business days.

Any student who has held a recommendation of disciplinary suspension imposed against him/her has the right of appeal to the President. The President, at his/her discretion, may stay the disciplinary suspension, if he/she feels that the decision to stay will not endanger any individual or the College.

If the proposed disciplinary action recommended is expulsion, the President shall initiate proceedings before the Board of Trustees, as set forth in section titled Procedures Before the Board of Trustees.

If, at the conclusion of the hearing before the College Hearing Board, the student wishes to appeal the discipline imposed or recommended, he/she shall immediately inform the Vice President of Student Services in writing (see Student Appeal Procedures section).

Appeals concerning expulsion shall be scheduled for a hearing before the Board of Trustees by the President. Appeals concerning other forms of disciplinary action shall be directed to the President for disposition.

1. The membership of the College Hearing Board shall be as follows:

1. **Students.** Two (2) students each appointed to an annual term by the Student Senate of the Associated Students of West Valley or Mission College for a one (1) year term, and who shall be appointed not later than the third week of the fall semester.
2. **Faculty.** Two (2) faculty members each appointed by the Academic Senate for a one (1) year term, and who shall be appointed not later than the third week of the fall semester.

3. **Classified.** Two (2) classified employees appointed by the Classified Senate for a one (1) year term, and who shall be appointed not later than the third week of the fall semester.
4. **Administration.** A member of the administrative staff of the College shall be appointed by the President for a one (1) year term. The Vice President of Student Services cannot serve in this capacity.
2. As an administrative agency of the College, the College Hearing Board shall be responsible to the President for acting, reviewing, and making recommendations relative to matters brought before it in accordance with the procedures outlined in these procedures. The College Hearing Board shall appoint one member of the panel to serve as the chairperson.
3. No administrator, faculty member, classified staff, 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 the College Hearing Board.
4. The Chairperson of the College Hearing Board shall convene a meeting of the Board at the earliest possible opportunity after appointment of members in the

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Trustees may sit in an advisory capacity to provide legal counsel but shall not be a member of the panel or vote with it.

4. A recitation of the privilege of the student and/or the parent or guardian to employ the services of a shorthand reporter or stenographer at his/her or their own expense to record the hearing.
3. The Chancellor shall have written summary of the hearing transcribed into the minutes of the meeting of the Board of Trustees, and if the hearing is conducted in closed session, these minutes shall be transcribed and kept in a separate closed session minutes book not open for public inspection.
4. If after notification, the student fails to appear at the hearing before the Board of Trustees, the Board of Trustees may declare the student in default and proceed as if the student were present at the hearing.

letter of notification required to be given by Paragraph 8 of this Section shall contain a statement of such condition and its duration.

10. The College shall retain records of all disciplinary investigations, proceedings, and action.

With the exception of recommendations of expulsions which are subject to appeal to the Board of Trustees, students may appeal the findings of the College Hearing Board to the College President. Such appeal may be based **only on the following grounds**:

1. Required procedures were not properly followed;
2. New evidence, not reasonably available at the time of the hearing is presented and is of sufficient importance to warrant reconsideration;
3. The findings were unsupported by evidence in record made before the hearing;
or
4. The sanction imposed for the violation was unreasonably harsh or inappropriate when viewed within the context of the nature of violation.

- The student has five (5) days from receipt of the findings of the hearing to file a written appeal with the Vice President of Student Services. The Vice President of Student Services will forward this appeal to the College President.
- Upon receipt of the written appeal, the President has ten (10) days to conduct an appeal hearing and five (5) days from that appeal to hand deliver or mail (by certified mail).
- The appeal hearing shall consist of a review of the record of the student's original and presentation of information pertinent to the grounds for the appeal.
- Upon mutual agreement between the student and the College President, time limits may be extended.

5.21 – Student Grievances and Appeals Pol

A grievance may arise from a decision or action that has an adverse effect on a student with respect to his/her education rights. It may arise when a student believes he/she has been denied education rights provided by college, state and federal policies, rules, or laws. A student may seek redress through the following procedures:

1. The complainant will first attempt to resolve his/her grievance by discussion with the person or group directly involved in the matter within five (5) working

