

Student Services

1 BP 5500 STANDARDS OF STUDENT CONDUCT

2 References:

3 Education Code, Sections 66300, 66301, 67386, 76033, and 76034;
4 ACCJC Accreditation Standards I.C.8 and 10 (*formerly II.A.7.b*)

5 The President/Superintendent shall establish procedures for the imposition of discipline
6 on students in accordance with the requirements for due process of the state and federal
7 laws and regulations.

8 The procedures shall clearly define the conduct that is subject to discipline, and shall
9 identify potential disciplinary actions, including but not limited to the removal, suspension,
10 or expulsion of a student.

11 A complainant or witness who participates in an investigation of sexual assault, domestic
12 violence, dating violence, or stalking will not be subject to disciplinary sanctions for a
13 violation of the District's student conduct policy at or near the time of the incident, unless
14 the District determines that the violation was egregious, including but not limited to, an
15 action that places the health or safety of any other person at risk or involves plagiarism,
16 cheating, or academic honesty.

17 Due process requires that in all significant disciplinary situations a student is informed of
18 charges against him/her, is given an opportunity to refute them, and has the opportunity
19 to appeal a decision.

20 The Board of Trustees shall consider any recommendation from the President/
21 Superintendent for expulsion. The Board of Trustees shall consider an expulsion
22 recommendation in closed session unless the student requests that the matter be
23 considered in a public meeting. Final action by the Board of Trustees on the expulsion
24 shall be taken at a public meeting.

25 The procedures shall be made widely available to students through the College catalog
26 and other means.

27 Students enrolling in Cerritos College assume an obligation to abide by all District
28 regulations on District-owned or controlled property or at District-sponsored or supervised
29 functions.

30 Students who fail to adhere to District regulations are subject to disciplinary actions.

31 In all disciplinary actions, the student shall be informed of the nature of the charges
32 against him/her and given a fair opportunity to refute them. The District shall not be
33 arbitrary in its actions.

34 The following conduct while on District-owned or controlled property or at District-
35 sponsored or supervised functions shall constitute good cause for discipline, including but
36 not limited to the removal, suspension, or expulsion of a student.

- 37 1. Assault, battery, or any threat of force or violence, or causing, attempting to cause,
38 or threatening to cause physical injury to another person, in person or in an online
39 environment and, when the victim or victims are associated with the District,
40 whether or not the location is associated with the District.
- 41 2. Possession, use, sale, or otherwise furnishing any firearm, knife, explosive, or
42 other dangerous object or chemical, including but not limited to any facsimile
43 firearm, knife, or explosive on District-owned or controlled property or at District-
44 sponsored or supervised functions without the prior authorization of the
45 President/Superintendent or designee.
- 46 3. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the
47 influence of, any controlled substance listed in Chapter 2 (commencing with
48 Section 11053) of Division 10 of the California Health and Safety Code, an
49 alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or
50 offering, arranging, or negotiating the sale of any drug paraphernalia, as defined
51 in California Health and Safety Code, Section 11014.5.
- 52 4. Committing or attempting to commit robbery or extortion.
- 53 5. Theft, attempted theft of, or willful damage to District property or property in the
54 possession of, or owned by, a member of the college community or knowingly
55 receiving stolen property or private property on District premises.
- 56 6. Willful or persistent smoking in any area where smoking has been prohibited by
57 law or by regulation of the District.
- 58 7. Committing sexual harassment as defined by law or by District policies and
59 procedures in person or in an online environment and, when the victim or victims
60 are associated with the District, whether or not the location is associated with the
61 District.
- 62 8. Engaging in harassing or discriminatory behavior based on national origin, religion,
63 age, gender, gender identity, gender expression, race or ethnicity, color, medical
64 condition, genetic information, ancestry, sexual orientation, marital status, physical
65 or mental disability, pregnancy, or because he or she is perceived to have one or
66 more of the foregoing characteristics, or based on association with a person or
67 group with one or more of these actual or perceived characteristics, or any other
68 status protected by law in person or in an online environment and, when the victim
69 or victims are associated with the District, whether or not the location is associated
70 with the District.
- 71 9. Engaging in intimidating conduct or bullying against another student through words
72 or actions, including direct physical contact; verbal assaults, such as teasing or
73 name-calling; social isolation or manipulation; and cyberbullying.
- 74 10. Willful misconduct that results in injury or death to a student, client, patient, visitor,
75 guest, or to District personnel or that results in cutting, defacing, or other injury to
76 any real or personal property owned by the District or on campus.

- 77 11. Endangering a student, client, patient, visitor, guest, or District employee or
78 contributing to or causing harm to the health, safety, and/or well-being of such
79 others.
- 80 12. Disruptive behavior, continual or willful disobedience and/or persistent defiance of
81 the authority, habitual profanity or vulgarity, or abuse of District personnel or where
82 the presence of the student causes a continuing danger to the physical safety of
83 students or others.
- 84 13. Cheating, or engaging in other academic dishonesty including copying from
85 another's work; discussion prohibited by the instructor; obtaining exam copies
86 without permission; and using notes, other information, or devices that have been
87 prohibited.
- 88 14. Misrepresentation and/or impersonation, including arranging for or allowing
89 another individual to impersonate or otherwise misrepresent himself or herself to
90 be a student generally or to be a particular student either in person or in an online
91 environment, and/or impersonating or otherwise misrepresenting oneself to be
92 another person in person or in an online environment.
- 93 15. Plagiarism, in individual or group work or in a student publication, including the act
94 of taking the ideas, words or specific substantive material of another and offering
95 them as one's own without giving credit to the source.
- 96 16. Dishonesty; forgery; alteration or misuse of District documents, records, or
97 identification; or knowingly furnishing false information to the District.
- 98 17. Unauthorized entry upon, into, or use of District facilities, either in person or in an
99 online environment.
- 100 18. Lewd, indecent or obscene conduct on District-owned or controlled property; at
101 District-sponsored or supervised functions; or directed at and for the purpose of
102 harming another individual or group associated with the District, whether carried
103 out in person or in an online environment, and whether or not the location is
104 associated with the District.
- 105 19. Engaging in expression that is obscene; libelous or slanderous; or that so incites
106 students as to create a clear and present danger of the commission of unlawful
107 acts on college premises, or the violation of lawful District administrative
108 procedures, or the substantial disruption of the orderly operation of the District.
- 109 20. Persistent, serious misconduct where other means of correction have failed to
110 bring about proper conduct.
- 111 21. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for
112 any commercial purpose, of any contemporaneous recording of an academic
113 presentation in a classroom or equivalent site of instruction, including but not
114 limited to handwritten or typewritten class notes, except as permitted by any Board
115 policy or administrative procedure.
- 116 22. Unauthorized use of audio, video or other listening, recording or transmitting
117 device in any classroom, service area or District activity without prior consent of
118 the instructor, service area manager, or activity advisor except as necessary for
119 reasonable accommodation.
- 120 23. Failure, as a person involved in sexual activity, to ensure that he or she has the
121 affirmative consent of the other or others to engage in the sexual activity. Lack of
122 protest or resistance does not mean consent, nor does silence mean consent.
- 123 • Affirmative consent must be ongoing throughout a sexual activity and can be
124 revoked at any time. The existence of a dating relationship between the

125 persons involved, or the fact of past sexual relations between them, should
126 never by itself be assumed to be an indicator of consent. "Affirmative consent"
127 means affirmative, conscious, and voluntary agreement to engage in sexual
128 activity.

- 129 a. In the evaluation of complaints in any disciplinary process, it shall not be
130 a valid excuse to alleged lack of affirmative consent that the accused
131 believed that the complainant consented to the sexual activity under
132 either of the following circumstances:
133 i. The accused's belief in affirmative consent arose from the
134 intoxication or recklessness of the accused.
135 ii. The accused did not take reasonable steps, in the circumstances
136 known to the accused at the time, to ascertain whether the
137 complainant affirmatively consented.
- 138 b. In the evaluation of complaints in the disciplinary process, it shall not be
139 a valid excuse that the accused believed that the complainant
140 affirmatively consented to the sexual activity if the accused knew or
141 reasonably should have known that the complainant was unable to
142 consent to the sexual activity under any of the following circumstances:
143 i. The complainant was asleep or unconscious.
144 ii. The complainant was incapacitated due to the influence of drugs,
145 alcohol, or medication, so that the complainant could not understand
146 the fact, nature, or extent of the sexual activity.
147 iii. The complainant was unable to communicate due to a mental or
148 physical condition.

149 24. Sexual assault, defined as actual or attempted sexual contact with another person
150 without that person's consent, regardless of the victim's affiliation with the college;
151 *and, effective January 1, 2016, regardless of whether such conduct is related to*
152 *college activity or college attendance;* including, but not limited to, any of the
153 following: (1) Intentional touching of another person's intimate parts without that
154 person's consent or other intentional sexual contact with another person without
155 that person's consent. (2) Coercing, forcing, or attempting to coerce or force a
156 person to touch another person's intimate parts without that person's consent.
157 (3) Rape, which includes penetration, no matter how slight, without the person's
158 consent, of either of the following: (A) The vagina or anus of a person by any body
159 part of another person or by an object. (B) The mouth of a person by a sex organ
160 of another person.

161 25. Sexual exploitation, defined as a person taking sexual advantage of another
162 person for the benefit of anyone other than that person without that person's
163 consent, regardless of the victim's affiliation with the college; *and, effective*
164 *January 1, 2016, regardless of whether such conduct is related to college activity*
165 *or college attendance;* including, but not limited to, any of the following:
166 (1) Prostituting another person. (2) Recording images, including video or
167 photograph, or audio of another person's sexual activity, intimate body parts, or
168 nakedness without that person's consent. (3) Distributing images, including video
169 or photograph, or audio of another person's sexual activity, intimate body parts, or
170 nakedness, if the individual distributing the images or audio knows or should have
171 known that the person depicted in the images or audio did not consent to the
172 disclosure and objected to the disclosure. (4) Viewing another person's sexual

- 173 activity, intimate body parts, or nakedness in a place where that person would have
174 a reasonable expectation of privacy, without that person's consent, and for the
175 purpose of arousing or gratifying sexual desire.
- 176 26. Misrepresentation of oneself or of an organization to be an agent of the District.
- 177 27. Continued disruption on or off District property of the District's educational or
178 student services activities, administrative functions and procedures, public service
179 functions, authorized curricular or co-curricular activities, other functions, or
180 prevention of authorized guests from carrying out the purpose for which they are
181 on District property.
- 182 28. Abuse of any person or any possession of any person, on District-owned or
183 controlled property.
- 184 29. Violation of state or local laws, Board policies, or administrative procedures
185 concerning the registration of student organizations, the use of District facilities, or
186 the time, place, and manner of public expression.
- 187 30. Abusive behavior directed toward coercion of, or hazing of, or bullying of a member
188 of the college community, in person or in an online environment and, when the
189 victim or victims are associated with the District, whether or not the location is
190 associated with the District.
- 191 31. Violation of Board policies or administrative procedures governing the use of
192 student user accounts, computers, and telecommunication resources, including
193 but not limited to the unauthorized entry, opening, or viewing of a file; the
194 unauthorized use of another individual's identification and password; arranging for,
195 allowing, and/or impersonation of one person by another; sending obscene or
196 abusive messages or files; and/or use of computing facilities to interfere with the
197 work of another student or employee of District.
- 198 32. Engaging in physical or verbal disruption, intimidation, or harassment of such
199 severity or pervasiveness as to have the purpose or effect of unreasonably
200 interfering with a student's academic performance, or District employee's work
201 performance, or of creating an intimidating, hostile or offensive educational or work
202 environment, in person or in an online environment and, when the victim or victims
203 are associated with the District, whether or not the location is associated with the
204 District.
- 205 33. Violation of a duly issued restraining order, stalking, and/or a pattern of conduct
206 with intent to follow, alarm, or harass another person, and which causes the person
207 to reasonably fear for his or her safety, and where the pattern of conduct persisted
208 after the person has demanded that the pattern of conduct cease.
- 209 34. Failure to identify oneself when requested to do so by District officials acting in the
210 performance of their duties.
- 211 35. Any other cause not listed above which is identified as "Good Cause" by the
212 Education Code or that disrupts the college, its mission, or campus life.

213 Office of Primary Responsibility: Vice President, Student Services

Date Adopted: May 16, 2007
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