

AP 5500 STANDARDS OF STUDENT CONDUCT

References: Education Code Sections 66300, 66301, and 76033; ACCJC Accreditation Standard I.C.8 and 10 (formerly II.A.7.b)

The following is a list of offenses that constitute “good cause” for discipline that could result in the removal, suspension, expulsion or other sanctions of a student. A student maybe removed, suspended, expelled or sanctioned for sexual assault or sexual exploitation as defined in paragraphs 23(a) and 23(b) below regardless of the victim’s affiliation with the college and regardless whether the offense is or is not related to a college activity or attendance and even if the conduct takes place on property not owned or controlled by the college. No student shall be removed, suspended, expelled, or sanctioned for any other conduct, unless the conduct for which the student is disciplined is related to college activity or college attendance. As used in this procedure, “good cause” includes, but is not limited to, the following offenses:

1. Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or open and persistent defiance of the authority of, or persistent abuse of, college personnel.
2. Assault, battery, or any threat of force or violence upon a student or college personnel.
3. Willful misconduct which results in injury or death to a student or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District.
4. The use, sale, offer to sell, possession or furnishing of, or presence under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 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 Section 11014.5, or any poison classified as such by Schedule D in Section 4160 of the

Business and Professions Code.

In accordance with Education Code Section 67385.7 and in an effort to encourage victims to report assaults, the following exception will be made: The victim of a sexual assault will not be disciplined for the use, possession, or being under the influence of alcoholic beverages or controlled substances at the time of the incident if the assault occurred on District property or during any of the aforementioned District activities.

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5. Use of any tobacco products is prohibited on any SBCC campus and in any SBCC owned or leased facility regardless of location as well as in all state and auxiliary vehicles.
6. Persistent disruptions or serious misconduct including inordinate demands for time and attention from District employees or at any campus activity, including, but not limited to, abuse of the disciplinary process, where other means of correction have failed to bring about proper conduct.
7. Committing or attempting to commit robbery or extortion.
8. Causing or attempting to cause damage to District property or to private property on campus.
9. Academic dishonesty, including, but not limited to cheating, plagiarism (including plagiarism in a student publication), or using other individuals to take course or placement exams. Violations of Standard "9" will be resolved according to the Governing Board's adopted Academic Integrity Policy (BP/AP 5550 titled Academic Integrity)
10. Dishonesty; forgery, alteration, or misuse of College documents, records, or identification, or knowingly furnishing false information to the college.
11. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other College activities, including but not limited to, its community services functions or

of other authorized activities on College premises.

12. Verbal harassment, physical abuse or hazing or 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, on or off College premises, of the person or property of any member of the College community or members of his/her family or the threat of any such physical abuse at any College authorized or governed activity.

13. Stealing or attempting to steal District property or private property on campus or knowingly receiving stolen District property or private property on campus, including, but not limited to the theft or abuse of computer time or knowingly receiving stolen District property or private property on campus.

14. Unauthorized entry upon or use of College facilities.

15. Violation of Board policies, administrative procedures, or campus regulations, including, but not limited to, campus regulations concerning student organizations, use of District facilities, gambling and hazing, or the time, place and manner of public expression.

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16. Computer-related crimes or unauthorized, abusive or inappropriate use of campus computers, computer networks and computer software, including violations of software licensing agreements.

17. Failure to comply with directions of District officials acting in the performance of their duties, or failure to identify oneself for just cause when requested to do so by College officials acting in the performance of their duties.

18. Lewd, indecent, or obscene conduct or expression on District-owned or controlled property, or at District-sponsored or supervised functions.

19. Unauthorized use of listening or recording devices on campus or at District-sponsored activities. 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 class notes.

20. Attendance at any session of any class by a student or person who is not officially enrolled in that class.

21. Possession, sale, or otherwise furnishing any firearm, knife, explosive, dangerous chemical, or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a District employee, which is concurred in by the Superintendent/President or designee.

22. Students possessing an unauthorized facsimile firearm.

23(a) Sexual assault, defined as actual or attempted sexual contact with another person without that person's consent, regardless of the victim's affiliation with the college, including, but not limited to, any of the following: (1) Intentional touching of another person's intimate parts without that person's affirmative consent or other intentional sexual contact with another person without that person's affirmative consent; (2) Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's affirmative consent; and (3) Rape, which includes penetration, no matter how slight, without the person's affirmative 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.

23(b) 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 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 the person's affirmative 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 knows or should have known that the person depicted in the images or audio did not

affirmatively consent to the disclosure and objected to the disclosure; and (4) Viewing, another person's sexual activity, intimate body parts, or nakedness in a place where that person would have reasonable expectation of privacy, without that person's affirmative consent, and for the purpose of arousing or satisfying sexual desire.

24. Engaging in speech or other expression intended to insult or use of "fighting" words or non-verbal symbols directed at an individual's disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law which is obscene, libelous or slanderous, or which by their very utterance or expression are likely to incite a violent reaction as to create a clear and present danger of the commission of unlawful acts on college premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.

25. Attempting, soliciting, or assisting another to do any act which would subject a student to expulsion, suspension, or other discipline pursuant to this procedure and related policy.

26. Committing sexual harassment as defined by law or by District policies and procedures, which may include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, that is sufficiently severe, persistent or pervasive to limit the ability of a member of the college community (student, faculty, staff) to participate in or benefit from an education program or activity, or to create a hostile or abusive educational environment.

27. Stalking or repeatedly following or harassing another person through conduct composed of a series of acts that seriously alarm, annoy, torment, or terrorize in a manner that threatens to place that person in reasonable fear for his/her safety or the safety of his/her immediate family.

28. 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.

Students who engage in any of the above are subject to the procedures outlined in AP 5520 titled Student Discipline Procedures.

NOTE: AP 5231.1 titled Student Discipline Procedures (Pages 3-12 of current SBCC AP

5231) is included in its entirety in new AP 5520 titled Student Discipline Procedures.

Date Approved: September 2, 2014 (*This procedure replaces current SBCC AP 5231*) **Legal**
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