

General Institution

BP 3410 NONDISCRIMINATION

References:

Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.;
Title 5 Sections 53000 et seq. and 59300 et seq.;
Penal Code Section 422.55;
Government Code Sections 12926.1 and 12940 et seq.;
Labor Code Section 1197.5;
Title 2 Sections 10500 et seq.;
Accreditation Standard II.B.2.c

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, gender, gender identity, gender expression, **chosen name, chosen pronouns**, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because ~~he/she~~ **they are** perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The Chancellor shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, **chosen name, chosen pronouns**, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, or because ~~he/she~~ **they are** perceived to have one or more of the foregoing characteristics, or because of ~~his/her~~ **their** association with a person or group with one or more of these actual or perceived characteristics

Complaint Report, Investigation, and Resolution Process

Any student or employee who believes that they have been harassed, bullied, or retaliated against in violation of this procedure should immediately report such incidents by following the procedures described in AP 3435 titled Discrimination and Harassment Complaint Procedures. Complaints against or by students, depending on the circumstances, are set forth in either AP 3435 or AP 5530. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention. In cases involving complaints against represented employees, please refer to the collective bargaining agreement for additional procedures and protections.

General Institution

AP 3410 NONDISCRIMINATION

References:

Education Programs

Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.;

Penal Code Sections 422.55 et seq.;

Title 5 Sections 59300 et seq.;

Accreditation Standard II.B.2.c

Employment

Education Code Sections 87100 et seq.;

Title 5 Sections 53000 et seq.;

Government Code Sections 11135 et seq. and 12940 et seq.

Title 2 Sections 10500 et seq.

~~NOTE: It is legally required for districts to have this procedure.~~

Education Programs

The District shall provide access to its services, classes and programs without regard to, national origin, religion, age, gender, gender identity, gender expression, **chosen name, chosen pronouns**, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because ~~he/she~~ **they are** perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, "gender" means sex, and includes a person's gender identity and gender expression. "Gender expression" mean's a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

The District shall not prohibit any student from enrolling in any class or course on the basis of gender.

Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.

Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

Employment

The District shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, including as a Vietnam-era veteran.

All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District's needs.

The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity.

The District will not discriminate against a person who serves in an unpaid internship or any other limited-duration program to provide unpaid work experience in the selection, termination, training, or other terms and treatment of that person on the basis of their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, chosen name, chosen pronouns, age, sexual orientation, or military and veteran status.

Complaint Report, Investigation, and Resolution Process

Any student or employee who believes that they have been harassed, bullied, or retaliated against in violation of this procedure should immediately report such incidents by following the procedures described in AP 3435 titled Discrimination and Harassment Complaint Procedures. Complaints against or by students, depending on the circumstances, are set forth in either AP 3435 or AP 5530. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention. In cases involving complaints against represented employees, please refer to the collective bargaining agreement for additional procedures and protections.

General Institution

BP 3430 PROHIBITION OF HARASSMENT AND BULLYING

References:

Education Code Sections 212.5, 44100, 66252, and 66281.5;
Government Code Sections 12923, 12940 and 12950.1;
Civil Code Section 51.9;
Title 2 Sections 10500 et seq.;
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e;
Age Discrimination in Employment Act of 1967 (ADEA);
Americans with Disabilities Act of 1990 (ADA)

All forms of harassment are contrary to basic standards of conduct between individuals. State and federal law and this policy prohibit harassment and the District will not tolerate harassment. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of unlawful harassment, including that which is based on any of the following statuses: race, ethnicity, religious creed, color, national origin, ancestry, immigration status, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, chosen name, chosen pronouns, age, or sexual orientation, or because ~~he/she/they~~ **is are** perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. The District will investigate all allegations of retaliation swiftly and thoroughly. If the District determines that someone has retaliated, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student, employee, unpaid intern, or volunteer who believes that ~~he/she/they~~ **has have** been harassed, **bullied**, or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435. The District requires supervisors to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

To this end the Chancellor shall ensure that the institution undertakes education and training activities to counter harassment and to prevent, minimize or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The Chancellor shall establish procedures that define harassment on campus. The Chancellor shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures to resolve complaints of harassment and discrimination. State and federal law and this policy prohibit retaliatory acts by the District, its employees, students, and agents.

The District will publish and publicize this policy and related written procedures (including the procedure for making complaints) to administrators, faculty, staff, students, unpaid interns, and volunteers particularly when they are new to the institution. The District will make this policy and related written procedures (including the procedure for making complaints) available in all administrative offices and will post them on the District's website.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Unpaid interns and volunteers who violate this policy and related procedures may be subject to disciplinary measures up to and including termination from the internship or other unpaid work experience program.

Complaint Report, Investigation, and Resolution Process

Any student or employee who believes that they have been harassed, bullied, or retaliated against in violation of this procedure should immediately report such incidents by following the procedures described in AP 3435 titled Discrimination and Harassment Complaint Procedures. Complaints against or by students, depending on the circumstances, are set forth in either AP 3435 or AP 5530. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention. In cases involving complaints against represented employees, please refer to the collective bargaining agreement for additional procedures and protections.

Adopted: June 16, 2015; Edited November 20, 2017

Board Reviewed: April 20, 2021

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General Institution

AP 3430 PROHIBITION OF HARASSMENT **AND BULLYING**

References:

Education Code Sections 212.5; 44100; 66281.5;
Government Code Section 12940;
Title 2 Sections 10500 et seq.;
Title 5, Sections 59320 et seq.;
Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

~~**NOTE:** This procedure is legally required.~~

The District is committed to providing an academic and work environment free of unlawful harassment **and bullying**. This procedure defines sexual harassment and other forms of harassment on campus. The procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District is set forth in AP 3435.

This procedure and the related policy protect students and employees in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District bus, or at a class or training program sponsored by the District at another location.

Definitions 

General Harassment **and Bullying**: Harassment or bullying based on race or ethnicity, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, **chosen name, chosen pronouns**, age, or sexual orientation of any person, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment shall be found where a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his/her/their ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.

For sexual harassment under Title IX, complainants must proceed under BP 3433 (Prohibition of Sexual Harassment under Title IX, AP 3433 Prohibition of Harassment Based on Sex under Title IX. For other forms of sexual harassment or gender-based harassment, complainants should use this procedure.

Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition:

Verbal – Inappropriate or offensive remarks, slurs, jokes, or innuendoes based on a person's race, gender, chosen name, chosen pronouns, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, chosen name, chosen pronouns, race nationality, sexual orientation, or other protected status.

Physical – Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, chosen name, chosen pronouns, race, national origin, sexual orientation, or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

Visual or Written – The display or circulation of visual or written material that degrades an individual or group based on gender, chosen name, chosen pronouns, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons,

drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

Environmental – A hostile academic or work environment exists where it is permeated by sexual innuendo: insults or gratuitous or abusive comments directed at an individual or group based on gender, chosen name, chosen pronouns, race, nationality, sexual orientation, ~~or another protected status; or gratuitous comments~~ regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, racial or ethnic groups, sexual orientations, genders, or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her/their immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Cyber/Virtual – The display or circulation of visual material that degrades an individual or group based on gender, chosen name, chosen pronouns, race, nationality, sexual orientation, or other protected status, or inappropriate or offensive remarks, slurs, jokes, or innuendoes based on a person's race, gender, chosen name, chosen pronouns, sexual orientation, individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation in an online or cyber environment. Additionally, unwelcome flirting or propositions, demands for sexual favors, verbal abuse, threats or intimidation, or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, chosen name, chosen pronouns, race nationality, sexual orientation, or other protected status shall be included under this form of harassment.

Sexual Harassment: In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

- submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;

- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment; or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

"Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

"Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender, **chosen name, chosen pronouns,** is sufficiently severe or pervasive to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person ~~of the same gender~~ would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e., a sexual assault.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person ~~of the same gender as the victim~~ would perceive the conduct as harassment based on sex.

Examples: Harassment includes, but is not limited to the following misconduct:

- **Verbal** - Inappropriate or offensive remarks, slurs, jokes, or innuendoes based on a person's protected status, including but not limited to sex. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.
- **Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting,

lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.

- **Visual or Written:** The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.
- **Environmental:** An academic or work environment that is permeated with racially or sexually oriented talk, innuendo, insults or abuse not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his/her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.
- **Cyber/Virtual:** This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, social media, videos, or other electronic media transmissions that display material that degrades an individual or group based on gender, chosen name, chosen pronouns, race, nationality, sexual orientation, or other protected status, or inappropriate or offensive remarks, slurs, jokes, or innuendoes based on a person's race, gender, chosen name, chosen pronouns, sexual orientation, individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation. Additionally, unwelcome flirting or propositions, demands for sexual favors, verbal abuse, threats or intimidation, or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, chosen name, chosen pronouns, race nationality, sexual orientation, or other protected status shall be included.

Consensual Relationships

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty members, or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty member, or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may

change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. If such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

Academic Freedom

No provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom are, however, not limitless and this procedure will not protect speech or expressive conduct that violates federal or California anti-discrimination laws.

To the extent the harassment policies and procedures conflict with the District's policy on academic freedom, the harassment policies and procedures shall prevail. If the faculty member wishes to use sexually explicit materials in the classroom as a teaching technique, the faculty member must review that use with an administrator to determine whether this violates the sexual harassment policy.

Complaint Report, Investigation, and Resolution Process

Any student or employee who believes that ~~he/she~~ **they have** ~~has~~ been harassed, **bullied**, or retaliated against in violation of this procedure should immediately report such incidents by following the procedures described in AP 3435 titled Discrimination and Harassment Complaint Procedures. **Complaints against or by students, depending on the circumstances, are set forth in either AP 3435 or AP 5530.** Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention. In cases involving complaints against represented employees, please refer to the collective bargaining agreement for additional procedures and protections.

Approved: May 19, 2015; Edited November 2016
Board Reviewed: March 16, 2021

Student Services BP 5500 STANDARDS OF STUDENT CONDUCT

References:

Education Code Sections 66300 and 66301;
ACCJC Accreditation Standards I.C.8 and 10

The Chancellor shall establish procedures for the imposition of discipline on students in accordance with the requirements for due process of the federal and state law and regulations.

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

The Board of Trustees shall consider any recommendation from the Chancellor for expulsion. The Board shall consider an expulsion recommendation in closed session unless the student requests that the matter be considered in a public meeting. Final action by the Board on the expulsion shall be taken at a public meeting.

The procedures shall be made widely available to students through the college catalogs and other means.

The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension, or expulsion of a student, except for conduct that constitutes sexual harassment under Title IX, which shall be addressed under BP 3433 Prohibition of Sexual Harassment under Title IX:

- Causing, attempting to cause, or threatening to cause physical injury to another person.
- Possession, sale, or otherwise furnishing any firearm, knife, explosive, 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 college president.
- Unlawful possession, use, sale, offer to sell, or furnishing, or being 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.

- Committing or attempting to commit robbery or extortion.
- Causing or attempting to cause damage to District property or to private property on campus.
- Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
- Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
- Sexual assault or sexual exploitation regardless of the victim's affiliation with the District.
- Committing sexual harassment as defined by law or by District policies and procedures.
- Engaging in harassing, **bullying**, or discriminatory behavior based on disability, gender, gender identity, gender expression, **chosen name or pronouns**, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.
- Engaging in intimidating conduct or bullying against another student or member of the District community through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.
- Willful misconduct which results in injury or death to a student or to college personnel.
- Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel or members of the District community.
- Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
- Dishonesty, forgery, alteration, or misuse of college documents, records, or identification; or knowingly furnishing false information to the District.
- Unauthorized entry upon or use of college facilities.
- Lewd, indecent, or obscene conduct on District-owned or controlled property or at District-sponsored or supervised functions.
- 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 District administrative procedures, or the substantial disruption of the orderly operation of the District.
- Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- 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 District policy or administrative procedure.

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

District community is defined as the entirety of the public that interacts with the District, its Colleges, and District operations. This includes students, employees, visitors, and contractors.

Complaint Report, Investigation, and Resolution Process:

Any student or employee who believes that they have been harassed, bullied, or retaliated against in violation of this procedure should immediately report such incidents by following the procedures described in AP 3435 titled Discrimination and Harassment Complaint Procedures. Complaints against or by students, depending on the circumstances, are set forth in either AP 3435 or AP 5530. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention. In cases involving complaints against represented employees, please refer to the collective bargaining agreement for additional procedures and protections.

Also see AP 5500 Standards of Student Conduct and AP 5520 Student Discipline Procedures.

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

Adopted: June 17, 2014

Board Reviewed: February 15, 2022

(Replaces former CLPCCD Policy 5512)

Student Services

AP 5500 STANDARDS OF STUDENT CONDUCT

References:

Education Code Sections 66300 and 66301;
ACCJC Accreditation Standards I.C.8 and 10

Students who violate any of the Standards of Student Conduct as outlined in BP 5500 Standards of Student Conduct will be subject to the discipline as delineated in AP 5520 Student Discipline Procedures.

All complaints of alleged misconduct made against a student by any person should be submitted to the Vice President of Student Services or designee (VPSS/designee), with a copy to the area administrator. These complaints must be made in writing, specifying the time, place, and nature of the alleged misconduct. Identifying information for the complainant is also required. If the VPSS/designee determines the complaint to be capricious, the complaint may be dismissed.

The VPSS/Designee shall conduct an investigation of the reported incident as is appropriate. The VPSS/Designee will confer with the accused student for the purposes of advising the student of the report and of the student's rights under college rules and regulations. The VPSS/Designee may also procure information relating to the report from the accused student and other persons, including an assessment of damage to property or injury to persons. Such investigations shall be treated as confidential and shall not be placed in the student's file unless a charge is upheld, and a decision is rendered by the VPSS/Designee against the student.

Following investigation, the VPSS/Designee will render a decision in writing to the student as well as the person filing the complaint against the student (if appropriate) within five (5) working days. The VPSS/Designee may find that the complaint lacks merit; or deliver a written statement to the accused student formally charging that student with misconduct.

This statement will specify one or more of the following actions that will be taken in the case:

1. Place on record a verbal or written reprimand.
2. Apply restorative justice or restitution practices which require the student to take specific actions.
3. Place the student on probation, temporary exclusion, or suspension.
4. Recommend expulsion to the District Board of Trustees via the President of the College and the District Chancellor.
5. Assign the case for further review to a formal Hearing Committee.

The student may do one of the following:

1. Accept the VPSS/Designee decision.
2. Notify the VPSS/Designee in writing within two (2) working days to initiate a formal hearing.

Definitions

District means Chabot-Las Positas Community College District.

College means Chabot College or Las Positas College.

Student includes all persons taking courses at the College, both full time and part-time studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the (College) are considered "students".

Faculty member means any persons hired by the (College/District) to conduct classroom activities.

Manager includes any person employed by the (College/District) performing assigned administrative, professional, or staff responsibilities.

Agent of the college includes any person who is a student, faculty member, classified professional, (College/District) official or any other person employed by the (College).

(College) premises includes all land, buildings, facilities, and other property in the possession of or owned, used or controlled by the (College) including adjacent streets and sidewalks.

College community includes any person who is a student, faculty member, staff, (College/District) official or any other person employed by the (College).

Organization means any number of persons who have complied with the formal requirements for (College) enrollment/registration.

Behavior includes conduct and expression.

Hazing means any method of initiation into a student organization, or any pastime or amusement engaged in with regard to such an organization or causes, or is likely to cause bodily danger, or physical or emotional harm, to any member of the college community.

Deadly weapons include any instrument or weapon of the kind commonly known as a blackjack, sling shot, billy club, sand club, sandbag, metal knuckles, any dirk, dagger, switchblade knife, or any knife having a blade longer than five inches, pistol, revolver, or any other firearm, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club.

Shall is used in the imperative sense.

May is used in the permissive sense.

Policy is defined as the written regulations of the (College/District) as found in, but not limited to, the Student Code, and College Catalog.

Cheating includes, but is not limited to: fraud deceit, or dishonesty in an academic assignment or using or attempting to use materials, or assisting others in using materials which are prohibited or inappropriate in the context of the academic assignment in questions, such as: copying or attempting to copy from others during an exam or on an assignment, communicating answers with another person during an exam, preprogramming a calculator to contain answers or other unauthorized information for exams, using unauthorized materials, prepared answers, written notes, or concealed information during an exam, or allowing others to do an assignment or portion of an assignment for you, including the use of a commercial term-paper service.

Plagiarism includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work or another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared; by another person or agency engaged in the selling of term papers or other academic materials.

Designee is the person(s) designated by the college or District. The Vice President of Student Services or college President may name a designee for Vice President of Student Services. The campus safety administrator or President may name a designee for campus safety administrator. The Chancellor may name the college President or another designee for Chancellor.

Day means a day during fall and spring semesters when the College is in session and regular classes are held, excluding Saturdays and Sundays. For the summer session, days—for purposes of notice and response under this Administrative Procedure—may be reasonably extended to ensure the responsible parties are able to appropriately attend to the issue. Notice of extension will be provided to the student.

District community refers to the entirety of the public that interacts with the District, its Colleges, and District operations. This includes students, employees, visitors, and contractors.

Complaint Report, Investigation, and Resolution Process:

Any student or employee who believes that they have been harassed, bullied, or retaliated against in violation of this procedure should immediately report such incidents by following the procedures described in AP 3435 titled Discrimination and Harassment Complaint Procedures. Complaints against or by students, depending on the circumstances, are set forth in either AP 3435 or AP 5530. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention. In cases involving complaints against represented employees, please refer to the collective bargaining agreement for additional procedures and protections.

Also see BP 5500 Standards of Student Conduct and AP 5520 Student Discipline Procedures.

Adopted: March 18, 2014; Revised August 2016

Board Reviewed: January 18, 2022

(Replaces former Administrative Rules and Procedures 5512)