

# ACADEMIC REGULATIONS

## Academic Freedom

**Policy No. 4030: It is the policy of the Pasadena Area Community College District** that academic freedom is a right enjoyed by all members of the Pasadena City College community: faculty (tenured, non-tenured, and adjunct), students, classified and administrative staff, and Trustees. Academic freedom is defined as the freedom to teach, learn, research, and express one's views without fear of sanction, whether such expression takes the form of speech, writing, electronic communication or the like, and whether it occurs on campus or off campus. The right to academic freedom, however, cannot be separated from the equally important responsibility, which each individual has, to uphold professional ethics or, in the case of students, to abide by the Policy on Student Conduct and Academic Honesty.

The District encourages and supports an environment of healthy and constructive debate and respects the right of all members of the Pasadena City College community to freely evaluate, criticize, and/or advocate personal points of view. However, every member of the college community also has the right to work and study in an environment that is free from unlawful discrimination and harassment.

The right to academic freedom shall be protected and supported through the establishment and use, when necessary, of appropriate due process procedures.

## Student Conduct and Academic Honesty Board Policy No. 5500

The District seeks to maintain a safe, orderly, and constructive campus environment in which there is freedom to learn and respect for the dignity of all members of the College community. Students are expected to be responsible, honest, and non-violent in exercising their rights to free inquiry and free speech.

The District shall establish procedures which describe expected student conduct, penalties for misconduct, and a student discipline process.

The Superintendent-President 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 Superintendent-President 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 catalog and other means.

The Student Conduct Code identifies conduct that is prohibited by College policy. Students who violate the Student Conduct Code will be subject to disciplinary action under the Student Discipline Process

Procedures (AP 5520). Disciplinary sanctions depend on the nature of the offense, the past pattern of behavior of the student, and other relevant factors. Examples of possible disciplinary sanctions are listed below. In addition, student drug or alcohol offenses or other criminal acts, may be referred to law enforcement officials.

The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student. These types of conduct are prohibited at all times on College owned or controlled property and at any off-campus function sponsored or supervised by the College.

- 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.
- Attempted or actual theft or intentional damage to property of the College or any member of the College community or visitors. This includes theft of textbooks or sale of textbooks other than one's own and intentional damage to library resources.
- Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
- Committing sexual harassment as defined by law or by District policies and procedures.
- 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.
- 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 cyber-bullying;
- Willful misconduct which results in injury or death to a student or to college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
- 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 community college, including, but not limited to, any of the following:

- i. Intentional touching of another person's intimate parts without that person's consent or other intentional sexual contact with another person without that person's consent.
  - ii. Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent.
  - iii. Rape, which includes penetration, no matter how slight, without the person's consent, of either of the following:
    - i. The vagina or anus of a person by any body part of another person or by an object.
    - ii. The mouth of a person by a sex organ of another person. 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 community 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 that person's 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 consent to the disclosure and objected to the disclosure.
      4. Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.
- Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
  - 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 Board policy or administrative procedure.
  - Failure to comply with directions of College personnel acting in the performance of their duties, including failure to present the Pasadena City College ID card or current class schedule upon request.
  - Misrepresentation of oneself or of an organization to be an agent of the College.
  - Violation of rules and/or regulations governing student organization chartering, official activity approval, funds handling and management, and/or participation in such activities.
  - Unauthorized use of computers and telecommunication resources, including but not limited to:
    - i. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose;
    - ii. Unauthorized transfer of a file;
    - iii. Unauthorized use of another individual's identification and password;
    - iv. Use of computing facilities to interfere with the work of another student, faculty member or College official;
    - v. Use of computing and telecommunications resources to send obscene or abusive messages.
    - vi. Use of any audio, video or other listening, recording or transmitting device in any classroom, service area or College activity without the prior consent of the instructor, College service provider or activity advisor except as necessary to provide reasonable auxiliary aids and academic adjustments to students with disabilities or as provided by regulation or law.

## AP 5520-Student Disciplinary Procedures

The purpose of this administrative procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. 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.

The Administrative Procedure is 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 Section 76120, and will not be used to punish expression that is protected.

## Definitions

**College District** - Pasadena Area Community College District (PACCD).

**Student** - Any person who has applied, is currently enrolled as a student or is participating any program offered by the College District.

**Instructor** - Any academic employee of the College District in whose class a student subject to sanction 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.

**Complainant** - A person who submits a charge alleging that a student has violated the College's Student Code of Conduct.

**Accused Student/Respondent** - A student who has been accused of violating the Student Code of Conduct by a College District employee, student, or visitor.

**Business Days** - Unless otherwise provided, a business day shall mean a day during which the College District is in session and regular classes are held, excluding Saturdays, Sundays, and public holidays.

**College District Property** - Property under the control of the Pasadena Area Community College District or any place that is the site of a College District approved activity or function.

## Jurisdiction of the College

Sanctions for violations of the Student Conduct Code may be imposed for conduct which occurs on the College premises, in or out of the classroom setting, while using College technology, at off-campus instructional sites, during off-campus College-sponsored events and for off-campus conduct which materially and substantially interferes with the College's operational and educational programs.

## Filing a Complaint

Any person may allege a violation of the Student Conduct Code by completing a Student Conduct Incident Report Form and submitting it to the Office of Student Life or on-line. The College reserves the right to initiate a student conduct process based on available information, even if a formal complaint has not been received. The complaint shall describe the conduct in question and, if known, the name of the person or persons alleged to have engaged in that conduct. The filing of a complaint assumes that the complainant desires to initiate the inquiry that may result in official disciplinary action against the alleged violator. The complainant should file a complaint within a reasonable amount of time not to exceed 30 days from the date of the incident.

## Overview of the Student Process

- Each student is responsible for reading and complying with the Standards of Conduct & Academic Honesty which is made available on the Pasadena City College website on the Office of Student Life page or in the Office of Student Life, Campus Center 105 and the College Catalog.
- Any member of the college community can initiate an accusation of an alleged violation.
- If a student is accused of an alleged violation, he or she will receive written notice of the conduct warranting discipline. The notice may include a request for a review meeting and will include:
  - a. The specific code violations;
  - b. A short statement of the facts supporting the accusation;
  - c. The right of the student to meet with the Dean of Student Life/ Student Conduct Administrator or designee;
  - d. Reference to the Student Conduct Code process and rights of students as indicated in the Code.
  - e. The nature of the sanctions being considered.
- Time Limits - The notice must be provided to the student within thirty (30) business days of the date on which the conduct allegedly took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within ten (10) business days of the date on which conduct occurred which led to the decision to take disciplinary action.
- Meeting - If the student chooses to meet, or is requested to meet, with the Dean of Student Life or designee, the meeting must occur no sooner than five (5) business 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.
- Upon completion of the review meeting the student, if necessary, shall have the right to the following:
  - a. Be provided a list of findings by the Dean of Student Life/Student Conduct Administrator or designee;
  - b. Accept or deny responsibility.
  - c. Have sanctions imposed, if found in violation of the Student Conduct Code;
  - d. Request a hearing of the Student Conduct Hearing Panel should the student disagree with the finding(s) and sanction(s) of the Dean of Student Life/Student Conduct Administrator or designee (if sanction includes suspension, removal from a class or expulsion);
  - e. Be informed of the appropriate Policy & Procedure;
  - f. Be informed of his/her right to request a copy of their student conduct file.
- Students should be aware that the student conduct process is different from criminal and civil court proceedings. Procedures and rights in student conduct proceedings are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. The standard used to determine whether a violation of the Student Conduct Code has occurred will be a preponderance of evidence (more likely than not). Due process within these procedures, assures timely written notice, a hearing before an objective decision-maker or panel (should one be requested) and a process for appeal.
- Students continue to be subject to city, state and federal laws while at Pasadena City College (PCC) and allegations, charges or violations of those laws may also constitute violations of the Student Conduct Code. In such instances, PCC may proceed with disciplinary action under the Student Conduct Code independently of any criminal proceeding involving the same conduct. The College may impose sanctions for violation of the Student Conduct Code even if such criminal proceeding is not yet resolved or is resolved in the student's favor.
- No student will be found in violation of PCC policy without information showing by preponderance of the evidence that a policy violation has occurred. In PCC's sole discretion, sanctions will be proportionate to the severity of the violation(s).
- If a student is found responsible for one or more violations of the Student Conduct Code, the student's prior conduct record will be taken into consideration and may result in progressive sanctions because of a pattern of behavior.
- Within five (5) business days after meeting with the Dean of Student Life/Student Conduct Administrator as described above, the Dean of Student Life/ Student Conduct Administrator or designee shall decide whether to impose expulsion, suspension, short-term suspension, whether to impose some lesser sanction, or whether to end the matter. Written notice of the Dean's or designee'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 sanction.

## Determination of Sanctions

The following factors may be considered in determining what sanctions are appropriate in a particular case. While sanctions are applied equitably and fairly, it is done so with consideration for the uniqueness of each individual case.

- The nature of the violation(s).
- Prior violations and disciplinary history.
- Mitigating circumstances surrounding the violation.
- The student's motive or purpose for engaging in the behavior.
- Sanctions which have been imposed in similar cases in the past.
- The developmental and educational impact on the student.

## Possible Sanctions

Multiple sanctions may be imposed including but not limited to:

### A. Sanctions for Academic Dishonesty

Students found to be responsible for academic dishonesty may incur any of the below sanctions as well as the following:

- The instructor may assign a failing grade to the examination or assignment in which the alleged cheating or plagiarism occurred.
- The instructor may dismiss the student from the class or activity for the present and/or following class session(s) (total of 2 class sessions).
- The instructor or the Division administrator may require a meeting with the instructor and/or the Administrator.
- The instructor shall complete a Student Conduct Incident Report and forward a copy to the Division Administrator and the Dean of Student Life/Student Conduct Administrator.

### B. Other Sanctions

**Written or Verbal Reprimand** - An admonition to the student to cease and desist from conduct determined to violate the College District's Student Code of Conduct. Written reprimands may become part of a student's permanent record at the College District. A record of the fact that a verbal reprimand has been given may become part of a student's record at the College District for a period of up to one (1) calendar year.

**Educational Sanctions** - including work assignments, essays, community service, behavioral contract, administrative referral or other related educational assignment;

**Disciplinary Probation** - Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be in violation of any institutional regulations during the probationary period. It may include restriction from contact with specified individuals, college activities, services, offices, or designated areas. Probation shall not be imposed for a period longer than a year.

**Restitution** - A payment to compensate an injured party for financial harm, in cases involving misconduct such as theft, destruction of property or deception.

**Removal from Class/Facility/College District Entity** - Any instructor/responsible manager may remove a student from the class, activity, office, department etc. for the day of the incident and one additional day. The instructor/responsible manager shall immediately report the removal to the Dean of Student Life/ Student Conduct Administrator or designee and his/her Dean or responsible administrator. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor.

**Withdrawal of Consent to Remain On Campus** - The Dean of Student Life or designee and/or the College District's Campus Police Department, 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/she must promptly leave or be escorted off campus. If consent is withdrawn a written report must be promptly made to the Superintendent-President or designee.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than ten (10) business days from the date of the receipt of the request. The hearing will be conducted in accordance with the provisions of this administrative procedure relating to interim suspensions.

Any person for 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 Section 626.4)

**No Contact Order** - A written issuance that there should be no personal or interpersonal contact or communication between involved parties. This includes verbal and non-verbal.

**Short-Term Suspension** - Exclusion of the student by the Dean of Student Life/Student, Conduct Administrator or designee for good cause from one or more classes or from all activities of the College District for a period of up to ten (10) consecutive days of instruction.

The Dean of Student Life or designee's decision on a short-term suspension shall be final.

**Long-Term Suspension** - Exclusion of the student by the Dean of Student Life or designee for good cause from one or more classes or from all classes and activities of the College District for one or more terms, not to exceed two years.

Within ten (10) business days after the meeting described above, the Dean of Student Life/Student Conduct Administrator or designee shall decide whether to impose a long-term suspension. Written notice of the 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, as well as a copy of this policy describing the procedures for a hearing. The student shall not be allowed on campus until the rendering of

a decision by a Student Conduct Hearing Panel. Students may be permitted on campus to conduct student business, but must receive permission from the Office of Student Life prior to coming to campus and must check in with the College's Campus Police Department to obtain a police escort while on campus.

**Immediate Interim Suspension (Education Code Section 66017)** - The Dean of Student Life/Student Conduct Administrator or designee may order immediate interim suspension of a student where he/she concludes the following:

- To ensure the safety and well-being of members of the College community or preservation of College property;
- To ensure the student's own physical or emotional safety and well-being;
- If the student poses an immediate threat or disruption of or interference with the normal operations of the College;
- Student has been accused of a severe violation and cannot be located and/or does not participate in the conduct process.

In cases where an interim suspension has been ordered, the time limits contained in this administrative procedure will not apply. 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) business days of the decision to impose an interim suspension.

### **Expulsion**

Expulsion is the permanent separation of a student from the Pasadena Area Community College District by action of the Board of Trustees for good cause when other means of correction fail to bring about appropriate conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. The student is prohibited from College property, functions, events and activities. Permanent notification will appear on student's Pasadena City College transcript.

Within ten (10) business days after meeting with the accused student above, the Dean of Student Life/Student Conduct Administrator shall decide whether to recommend expulsion to the Board of Trustees. Written notice of the Dean's or designee'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.

## **Hearing Procedures**

### **Request for Hearing**

Within five (5) business days after the receipt of the Dean of Student Life/Student Conduct Administrator or designee's decision regarding a long-term suspension or expulsion, the student may request a formal hearing of the Student Conduct Hearing Panel. The request must be made in writing to the Dean of Student Life or designee.

### **Schedule of Hearing**

The formal hearing shall be held within fifteen (15) business days after a request for hearing of the Hearing Panel is received.

At least five (5) business days prior to the hearing date, the Dean of Student Life/Student Conduct Administrator or designee will inform the student of the hearing date and time by certified mail, e-mail to his/her PCC e-mail address, with delivery notification, and/or in person with signature verification of receipt. The notice will enclose a description of the procedures to be followed at the hearing.

The student and the College have a right to receive copies of all documents that are to be presented to the Student Conduct Hearing Panel as well as any witnesses who may provide statements.

The Hearing Chair shall provide the student copies of all documents and witnesses to be presented to the panel. The chair shall make such documents available to the student as soon as practical before the hearing but not less than 2 business days before the hearing.

If the student intends to present any documents or witnesses with contact information to the Student Conduct Hearing Panel he/she shall provide copies of the same to the Hearing Chair no less than 2 days before the hearing.

If a student who has been given notice does not appear for the hearing, the information in support of the alleged violation(s) will be presented and considered in the student's absence. A student will be considered absent 15 minutes after the time the hearing was scheduled to convene.

## **Hearing Panel**

The Hearing Panel shall consist of the Vice President of Student Affairs or designee as the Hearing Chair, and one representative from each of the following groups, Academic Senate, Classified Senate, the Associated Students, and College Management and the Dean of Student Life or designee as an ex-officio member and a witness for the District.

An affirmative vote of three members of the Hearing Panel shall be required to determine responsibility and sanctions.

The Superintendent/President or designee, the president of the Academic Senate or designee, the Classified Senate or designee, College Management the Associated Students Organization (ASPCC) president or designee shall each, at the beginning of the academic year, establish a list of at least five (5) persons who will serve on the Student Conduct Hearing panels. The Superintendent/President or designee shall appoint the hearing panel from the names on these lists. However, no administrator, faculty or staff 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.

### **Hearing Panel Chair**

The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a majority vote by other members of the panel to the contrary.

## **Conduct of the Hearing**

All hearings shall be held in closed session and are confidential; they are not open to the public.

- The members of the hearing panel shall be provided with a copy of the complaint(s) against the student and any written response provided by the student before the hearing begins.
- The facts supporting the accusation shall be presented by a college representative who shall be the Dean of Student Life/Student Conduct Administrator or designee.
- The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
- Formal rules of evidence shall not apply. The standard of proof for Student Conduct Hearings will be a preponderance of evidence.
- 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 the 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.
- The student has the right to be assisted in the hearing by an advisor. The advisor may provide counsel or support to the student but is not permitted to speak to the panel or participate directly in the hearing. Advisors who do not observe this restriction can be removed from the hearing by the Hearing Chair.
- If the student is a minor, the student's parent(s) or legal guardian must accompany him/her to the hearing and may act on his/her behalf.
- Witnesses shall not be present at the hearing when not testifying.
- The student and the Dean of Student Life/Student Conduct Administrator may arrange for witnesses to present pertinent information to the Panel. Witnesses will provide information to and answer questions from the Panel. All questions and responses are to be directed to the Panel, preferably the Chair, not between witnesses, complainant and accused student.
- If either the complainant or accused student/respondent is unable to attend the hearing, his/her written statement will stand as his/her testimony.
- The student and his/her advisor, if any, will be allowed to attend the entire portion of the hearing at which information is received, excluding deliberations of responsibility or sanctioning.
- Should a student wish to have an attorney present to advise him/her, the student must notify the Dean of Student Life/Student Conduct Administrator not less than 5 days prior to the hearing that he/she intends to bring an attorney.
- In hearings involving more than one student in the same situation, the Dean of Student Life/Student Conduct Administrator may permit the hearings concerning each student to be conducted jointly.
- Supporting documentation, including pertinent records, exhibits and written statements may be accepted as information for consideration at the discretion of the Chair. Prior student conduct violations may be considered in a hearing and for determination of sanctions.
- Questions of whether potential information will be accepted will be resolved at the discretion of the Chair. All procedural questions are subject to the final decision of the Chair.
- The Panel will determine whether the student is responsible for violating each section of the Student Conduct Code which the student is accused of violating. The Panel's determination will be made on the basis of whether it is more likely than not (preponderance of evidence) that the student violated the Student Conduct Code. The Panel will then determine what sanctions it deems appropriate for such violations.
- Hearings (excluding deliberations) will be audio-recorded and made a part of the student's conduct file.
- The Chair will prepare a written report detailing the finding, the information cited by the Panel in support of its findings and any information the Panel excluded and why, concluding with any recommended sanctions. The Chair will forward this document to the Dean of Student Life/Student Conduct Administrator within 5 days upon conclusion of the hearing.
- In a matter in which the recommended sanction is expulsion from the College, the Chair will forward such report to the Vice President of Student Affairs for further consideration and possible action.

### Special Provisions for Sexual Misconduct Violations

Sexual Misconduct includes but is not limited to:

- a. Sexual Harassment.
- b. Non-consensual Sexual Contact (or attempts to commit the same)
- c. Sexual Exploitation  
Other misconduct offenses when it is sex or gender-based:
  - a. Threatening or causing physical harm, verbal abuse;
  - b. Discrimination
  - c. Intimidation
  - d. Bullying
  - e. Violence between those in intimate/dating relationships to each other;
  - f. Stalking

The following procedures apply when the Title IX Officer, or the Dean of Student Life or designee have determined that sexual misconduct has occurred.

The person accused and found responsible of a sexual offense through a Pasadena City College investigation shall be subject to disciplinary action in accordance with established procedures, which procedures shall provide at minimum that:

- Accusers have the opportunity to request prompt proceedings. The complainant and the accused are entitled to the same opportunities to have a support person or advisor of their choice present during a campus student conduct proceeding; if the advisor is an attorney, notifications regarding attorney involvement apply.
- Both the complainant and the accused shall be informed simultaneously of the outcome of any campus student conduct proceeding brought alleging a sexual offense within five (5) business days following of the end of the proceedings.

Additionally:

- Complainants are to be notified when written notice of the allegation/hearing is delivered to the accused student.

- All parties to an allegation have a right not to face questions or discussion of their sexual history or character unless the Chair determines that such information is highly relevant to determining whether the policy has been violated.
- Evidence of a prior consensual dating or sexual relationship between the parties does not imply consent or preclude a finding of sexual misconduct.
- Each party has the right to be present for all testimony and questioning. However, if requested the Panel must make arrangements so that the complainant and accused are not in the same room at the same time.
- The College must not require a complainant to be present as a prerequisite for the hearing to proceed, or sanctions imposed.
- Neither party is allowed to cross-examine each other or witnesses. All questions must be submitted to the Hearing Chair.
- Both parties have the right to appeal the decision of the panel.

The hearing shall be recorded by the College District by tape recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the 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. Tape recording shall remain in the custody of the College District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

## Notice of Decision

The Dean of Student Life shall provide the student written notice of the final resolution of charged violation(s). The written notice shall be sent to the student by certified mail, return receipt requested, or receipted-for personal delivery or via PCC e-mail with delivery notification, within (five) 5 business days of the written findings and decision of the Student Conduct Hearing Panel. In cases alleging gender-based or sexual misconduct, the complainant will also receive comparable notice of the relevant findings and sanctions.

The written notice to the student shall include:

- The specific provision of the Student Conduct Code that was violated;
- The sanction(s) imposed and the date(s) on or periods for which they are in effect;
- A statement of the student's right to appeal in writing to the Vice President of Student Affairs;
- A statement informing that the failure to file a request for such an appeal within the time provided shall be deemed a waiver of the right to an appeal.

## Appeals to the Vice President of Student Services

A student may appeal the decision of the Student Conduct Hearing panel to the Vice President of Student Services only on the following grounds:

1. Proper procedures were not followed. Specific citations required.
2. There is new relevant evidence not reasonably available at the time of the hearing or the imposition of the sanction(s).

3. The evidence does not clearly support the finding(s).
4. The sanctions are inappropriate relative to the violation.

In cases alleging a violation of gender-based or sexual misconduct, both the accused student and the complainant have the right to appeal the findings of responsibility and/or sanctions based on the above criteria.

An appeal must be submitted in writing to the Vice President of Student Services within 5 days of receiving written notification of the hearing decision. The Vice President will review the appeal and the hearing findings and may make a decision to uphold, reverse, revise or modify the decision and sanctions imposed on the student.

The Vice President will notify the student in writing by certified mail, registered receipt, via e-mail within 10 business days following receipt of the request for appeal of his/her decision.

The decision of the Vice President of Student Services shall be final except in the case of expulsion.

## Procedures for Expulsion

The Board of Trustees is authorized to expel a student for good cause when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. The notice of expulsion will be sent to the student with copies to the student file, Dean of Student Life/Student Conduct Administrator, Vice President of Student Services, Director of Admissions & Records, the College President-Superintendent, and Campus Police.

In the event the Vice President has determined that he/she will seek a student's expulsion, the following procedures will follow:

**Recommendation for Expulsion:** If the Vice President of Student Services determines that the student should be expelled, he/she shall deliver a written recommendation for the student's expulsion to the President. A copy of the Vice President of Student Services' recommendation shall be provided to the student or if the student is a minor to his/her parent or guardian. The Vice President's recommendation for expulsion shall contain a statement of the charges against the student that provide the basis for his/her request that the student be expelled, including a factual description of the conduct upon which the charges are based, the action(s) taken by the Dean of Student Life/Student Conduct Administrator and the recommendation of the Student Conduct Hearing Panel.

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.

The Board shall consider any expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures (Education Code Section 72122).

The student shall be notified in writing, via PCC e-mail, by registered or certified mail or by personal service, at least five (5) days prior to the Board meeting, of the date, time, and place of the Board of Trustees' meeting. The student may, within forty-eight hours (48) after receipt of the notice, request that the hearing portion regarding the expulsion be

held as a public meeting. 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 to privacy of any student or employee other than the student requesting the public meeting in a closed session.

The Board may accept, modify or reject the findings, decisions and recommendations of the Superintendent-President and/or the hearing panel. If the Board modifies or rejects the decision, 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. 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.

The Superintendent-President or designee shall notify the student in writing within five (5) business days of the of the Board of Trustees' decision. The decision of the Board of Trustees shall be final.

## General Provisions

***Failure of Student to Participate*** - Student conduct procedures under this administrative procedure may proceed or continue notwithstanding the failure or refusal of a student to respond, attend, or otherwise participate, after having been properly notified of the proceeding.

***Technical Departures From This Procedure*** - Technical departures from this administrative procedure shall not be grounds to void the District's right to take disciplinary action against a student; unless the technical departure or error prevented a fair determination of the issue.

***Time Limits*** - Any times specified in this administrative procedure may be shortened or lengthened if there is mutual concurrence by all parties.