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| References:    | Legally Required                  |

## AP 5500 Standards of Student Conduct

(Replaces current SBCCD AP 5500)

### Standards of Student Conduct

The District may impose discipline for the commission, or attempted commission, of the following types of violations by Students, or for aiding or abetting, inciting, conspiring, assisting, hiring or encouraging another person to engage in a violation of this Standards of Student Conduct, or for any violation of state or Federal law. Being under the influence of drugs and/or alcohol, or the existence of other psychological impairment does not excuse a violation of this Standards of Student Conduct.

- A. Academic Misconduct. All forms of academic misconduct including, but not limited to, cheating, fabrication, plagiarism, or facilitating academic dishonesty.
- B. Alcohol. Manufacture, distribution, dispensing, possession, use, consumption or sale of, or the attempted manufacture, distribution, dispensing, distribution, consumption or sale of alcohol that is unlawful or otherwise prohibited by, or not in compliance with, District policy, administrative procedures, or campus regulations.
- C. Assault/Battery. Assault, battery, or any threat of force or violence upon a Student or upon any Member of the District Community. This includes, but is not limited to:
  - 1. Inflicting bodily harm upon any Member of the District Community;
  - 2. taking any action for the purpose of inflicting bodily harm upon any Member of the District Community;
  - 3. taking any reckless, but not accidental action, from which bodily harm could result to any Member of the District Community;
  - 4. Causing a Member of the District Community to believe that the offender or their agent may cause bodily harm to that person or any member of their family or any other Member of the District Community;
  - 5. Inflicting or attempting to inflict bodily harm on oneself.
- D. Bias. Bias-related incidents are behavior that constitutes an expression of hostility against a person or property or another due to the targeted person's race, religion, sexual orientation, ethnicity, national origin, gender, age, marital status, political affiliation, or disability. These acts or behaviors may not rise to the level of a crime, or a violation of state or federal law, but may constitute to creating an unsafe, negative, or unwelcome environment for the targeted person.

- E. Continued Misconduct or Repeat Violation. Repeated misconduct or violations of this Policy, when other means of correction have failed to bring about proper conduct.
- F. Dating Violence. Violence committed by a member of the District Community who is, or has been, in a social relationship of a romantic or intimate nature with the victim.
- G. Destruction of Property. The damaging, destroying, defacing, or tampering with District Property or the property of any person or business on District Property or at a District function, including but not limited to, taking down, defacing, or otherwise damaging District authorized posters, handbills and/or notices posted on District property.
- H. Discrimination. Unlawful discrimination against a person on the basis of race, ethnicity, color, religion, national origin, sex, age, disability, military or veteran status, gender identification, gender expression, marital status; sexual orientation, or genetic information, except where such distinction is authorized by law.
- I. Dishonesty. All forms of dishonesty including but not limited to fabricating information, furnishing false information, or reporting a false emergency to the District.
- J. Disorderly or lewd conduct. Engaging in disorderly or lewd, indecent or obscene behavior on District Property or at a District function.
- K. Disruption of Educational Process. Destruction or disruption on or off District Property of the District educational process(es), including but not limited to interrupting, impeding, obstructing or causing the interruption or impediment of any class (regardless of modality), lab, administrative office, teaching, research, administration, disciplinary procedures, District activity or District authorized Student activity or administrative process or other District function; or disturbing the peace on District Property or at any District function.
- L. Disruptive Behavior. Disruptive behavior, disobedience, profanity, vulgarity, or the open defiance of the authority of or abuse of District personnel, or which adversely effects the delivery of educational services to Students and the District Community.
- M. Disturbing the Peace. Disturbing the peace and good order of the District by, among other things, fighting, quarreling, disruptive behavior, or participation in a disturbance of the peace or unlawful assembly.
- N. Drugs. Unlawful or attempted manufacture, distribution, dispensing, possession, use, distribution or sale of, controlled substances, dangerous drugs, restricted dangerous drugs or narcotics, as those terms are used in state or federal statutes on District Property or at any District function. Possession of medicinal marijuana on District premises is prohibited.
- O. Endangering Welfare of Others. Violation of any state or federal law relating to the placing at risk of physical or emotional harm of a member of the District Community.
- P. Failure to Appear. Failure to appear before a District official when directed to do so.
- Q. Failure to Comply or Identify. Failure to identify oneself to, or comply with the directions of, a District employee when requested.
- R. Failure to Repay Debts or Return District Property. Failure to (a) repay debts to the District; (b) return District property; (c) return property of any member of the District Community.
- S. False Report of Emergency. Knowingly and purposefully, causing, making, and/or circulating a false report or warning of a fire, explosion, crime, or other catastrophe.
- T. Forgery. Any forgery alteration, or misuse of any District document, record, key, electronic device, or

identification, or knowingly furnishing false information to a District official.

- U. Fraud. Any attempt to steal, take, carry, lead, or take away the personal property of another, or who fraudulently appropriated property which has been entrusted to him or her, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor or property, or who causes or procures or obtains credit and thereby, or fraudulently gets or obtains possession of money, or property, or obtains the labor or service of another, is guilty of theft.
- V. Gambling. Unauthorized gambling on District Property or at any District function.
- W. Harassment/Bullying. A specific act, or series or acts, of a verbal or physical nature, including threats, intended to annoy, intimidate, pester, aggravate, irritate, dominate, ridicule, or cause fear to a member of the District Community, occurring within the jurisdiction of the District as set forth in Section 1.4.
- X. Hateful Behavior. Hateful behavior aimed at a specific person or group of people.
- Y. Hazing. Participation in hazing or any method of initiation or pre-initiation into a campus organization or other activity engaged in by the organization or members of the organization at any time that causes, or is likely to cause, physical injury or personal degradation or disgrace which can inflict psychological or emotional harm to any Student or other person.
- Z. Infliction of Mental Harm. (a) Inflicting mental harm upon any member of the District Community; (b) taking any action for the purpose of inflicting mental harm upon any Member of the District Community; (c) taking any reckless, but not accidental action, from which mental harm to Member of the District Community could result; (d) causing a Member of the District Community to believe that the Student or their agent may cause mental harm to that person or any member of their family or any other member of the District Community; (e) any act which purposefully demeans, degrades, or disgraces any person.
- AA. Library Materials. Cutting, defacing, or otherwise damaging or theft of college library or bookstore materials or property.
- AB. Misrepresentation. A false statement or representation based upon the intentional disregard of false or possibly false information, or knowingly entering into a transaction based upon false information, or misrepresenting oneself to be an agent, employee, or representative of the District or its colleges.
- AC. Misuse of Identification. Transferring, lending, borrowing, altering or unauthorized creation of identification.
- AD. Possession of Stolen Property. Possession of District Property, or the property of any other person, when the Student knows or reasonably should know, that the property was stolen.
- AE. Possession of Weapons. Unauthorized possession, use, storage, or manufacture of explosives, dangerous chemicals, firebombs, firearms, or other destructive devices or weapons as defined in Section K of Appendix A.
- AF. Public Intoxication. Public intoxication or being under the influence of alcoholic beverages, any illegal narcotics, or any substance that causes impairment on District/College Property or at any District/College function.
- AG. Sexual Harassment. Sexual harassment against a member of the District Community. Sexual harassment is defined as (a) unwelcome verbal harassment, e.g., epithets, derogatory comments, or slurs; (b) physical harassment, e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual; (c) visual forms of harassment, e.g., derogatory posters, cartoons, or drawings; (d) unwelcome sexual advances, requests for sexual favors; or (e) an intimidating, hostile, or offensive environment. "Unwelcome conduct" is defined as conduct which the member of the District Community does not solicit or initiate, and which the person regards as

undesirable or offensive.

AH. Sexual Misconduct comprises a broad range of unwelcome behaviors focused on sex and/or gender that may or may not be sexual in nature. Any intercourse or other intentional sexual touching or activity without the other person's consent is sexual assault, is a form of Sexual Misconduct under this Procedure. Sexual Misconduct is any form of gender-based harassment, including, but not limited to, sexual harassment, sexual assault, and sexual exploitation, as well as harassment based on gender identity, gender expression, and non-conformity with gender stereotypes. Sexual misconduct may also include acts of a sexual nature, including acts of stalking, domestic violence, and dating violence, intimidation, or for retaliation following an incident where alleged Sexual Misconduct or has occurred.

Sexual Misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity and can occur between people of the same or different sex or gender.

- A. Serious Injury or Death. Any intentional, unintentional or reckless action or conduct which results in serious injury or death to a Member of the District Community or their family.
- B. Smoking. Smoking in an area where smoking has been prohibited by law or regulation of the District.
- C. Stalking. Stalking behavior in which a Student repeatedly engages in the course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the College Conduct Officer to create substantial emotional distress, torment, create fear, or to terrorize the person.
- D. Sexual Stalking. The course of conduct directed at a specific person that would cause a reasonable person to feel fear or suffer substantial emotional distress due to another's sexual interest or gender-based stalking. Stalking involves repeated and continued harassment of a sexual or gender-based nature, against the expressed consent of another individual, which causes the targeted individual to feel emotional distress, including fear or apprehension. Such stalking behaviors may include: pursuing or following; unwanted communication or contact—including face-to-face encounters, telephone calls, voice messages, electronic messages, web-based messages, text messages, unwanted gifts, etc.; trespassing; and surveillance or other types of observation.
- E. Theft or Abuse of District's Computers or Electronic Resources. Theft or abuse of District computers and other District electronic resources such as computer and electronic communications facilities, systems, and services. Abuses include (but are not limited to) unauthorized entry, use, transfer, or tampering with the communications of others, and interference with the work of others, and with the operation of a computer and electronic communications facilities, systems, and services. Theft or attempted theft of any kind, including seizing, receiving, or concealing property with knowledge that it has been stolen, is prohibited. Sale, possession, or misappropriation of any property or services without the owner's permission is also prohibited.
- F. Theft or Conversion of Property. Theft or conversion of District Property or services, or the property of any person or business on District Property or at a District function, or possession of any property when the Student had the knowledge or reasonably should have had knowledge that it was stolen.
- G. Trespass and Unauthorized Possession. Unauthorized or forcible trespass on, entry to, possession of, receipt of, or use of any District services, grounds, equipment, resources, properties, structures, vehicles, boats, water craft or facility, including the unauthorized use of District's name, insignia, or seal without permission or authorization.

- H. Unauthorized Recording. Recording any person on District Property or at any District function without that person's knowledge or consent. This definition shall not apply to recordings conducted in public, in a commonly recognized public forum.
- I. Unauthorized Use of Course or Copyrighted Materials. Students of the District will abide by all aspects of United States copyright law, Title 17 of the United States Code, to the extent possible, under the authoritative interpretation of the law. Students shall not reproduce copyrighted materials without prior permission of the copyright owner, except as allowed by the "fair use" doctrine. In addition, Students shall not sell, prepare, or distribute for any commercial purpose any course lecture notes or video or audio recordings of any course unless authorized by the District in advance and explicitly permitted by the course instructor in writing. The unauthorized sale or commercial distribution of course notes or recordings by a Student is a violation of these Policies whether or not it was the Student or someone else who prepared the notes or recordings. Copying for any commercial purpose handouts, readers or other course materials provided by an instructor as part of a District course unless authorized by the District in advance and explicitly permitted by the course instructor or the copyright holder in writing (if the instructor is not the copyright holder).
- J. Unauthorized Use of District Keys. Unauthorized use, distribution, duplication or possession of any keys issued for any building, laboratory, facility, room, or other District Property.
- K. Unauthorized Use of Electronic Devices. Unauthorized use of an electronic device on District property or at any District function, including but not limited to, classes, lectures, labs, and field trips.
- L. Unauthorized Use of Property or Services. Unauthorized use of property or services or unauthorized possession of District Property or the property of any other person or business.
- M. Unreasonable Demands. Placing repeated, hostile, or unreasonable demands on District staff.
- N. Unwelcome Conduct: conduct of a sexual, gender-based, or harassing nature, which is considered unwelcome if a person did not request or invite it, and considered the conduct to be unwelcome, undesirable, or offensive. Unwelcome conduct may take various forms, including name-calling, graphic or written statements (including the use of cell phones or the Internet), hazing, bullying, or other conduct that may be physically or psychologically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, or directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex.
- O. Violation of Driving Regulations. Driving unsafely on District property or while taking part in any District function, or repeated violation of District parking regulations.
- P. Violation of Health & Safety Regulations. Violation of any health, safety or related regulations, rule or ordinance on District property or at any District function.
- Q. Violation of Law. Violation of any federal, state or local law on District property, at a District function or involving a member of the District Community.
- R. Violation of Posted District Rules. Violation of any rule or regulation posted on District property by the District or the College, or printed in any District publication.
- S. Violation of Published Computer/Network Usage Policy(s), Procedures, or Guidelines.
1. Accessing and/or without permission altering, damaging, deleting, destroying, or otherwise using any data, computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
  2. Accessing and/or without permission taking, copying, or making use of any data from a computer, computer system, or computer network, or taking or copying any supporting documentation, whether

existing or residing internal or external to a computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.

3. Using or causing to be used District computer services without permission.
4. Accessing and/or without permission adding, altering, damaging, deleting, or destroying any data, computer software, or computer programs which reside or exist internal or external to a computer, computer systems, or computer network belonging to or used by the District or any Member of the District Community.
5. Disrupting or causing the disruption of computer services or denying or causing the denial of computer services to an authorized user of a computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
6. Providing or assisting in providing a means of accessing, without permission, a computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
7. Accessing or causing to be accessed without authorization any computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
8. Introducing any computer contaminant or virus into any computer, computer system, or computer network belonging to or used by the District or any Member of the District Community.
9. Sending any message using any computer system or network without authorization or sending any message in the name of another person or entity.
10. Using any account or password without authorization.
11. Allowing or causing to be used an account number or password by any other person without authorization.
12. Accessing or causing to be accessed, downloading or causing to be downloaded, pornographic or obscene materials except when accessing a pornographic website which is part of the instructional process or assignment for a class the Student is currently enrolled in.
13. Use the District's systems or networks for commercial purposes; for example, by performing work for profit with District resources in a manner not authorized by the district.

## References:

Education Code Sections 66300, 66301, 66302, 72122, and 76030-76038; ACCJC Accreditation Standard I.C.8

## Attachments:

[AP 5500 Standards of Student Conduct - Comments](#)

[AP 5500 Standards of Student Conduct - Legal Citations](#)

[AP5500 -OLD.pdf](#)

## Approval Signatures

| Step Description | Approver    | Date    |
|------------------|-------------|---------|
|                  | Policy Stat | 06/2019 |

| <b>Step Description</b> | <b>Approver</b> | <b>Date</b> |
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