

**COMMITTEE MEMBERSHIP**

Esau Tovar  
Chair  
Counselor/Assessment Center  
310-434-4275

Kiersten Elliott  
Vice Chair  
Dean, Enrollment Services  
310-434-4173

**Members**

Sara Boosheri  
Professor, Mathematics

Shannon Herbert  
Professor, English

Deyna Hearn  
Dean, Student Life

Denise Kinsella  
Associate Dean, IEC

Lucy Kluckhohn-Jones  
Professor, Microbiology

Maribel Lopez  
Professor, Mathematics

Alicia Villalpando  
Counselor, Transfer Center

**Student Representatives**

Jon Ethridge  
Pablo Garcia

**Interested Parties (non-voting)**

Benny Blaydes  
Counselor, Associated Students

Gail Fukuhara  
Counselor, International Counseling Center

Laurie Guglielmo  
Chair, Counseling Department

Nathalie Laille  
Counselor, Disabled Students Center

Angelita Ramos  
Recording Secretary

**Fall 2013 Meetings**

HSS 261  
2:00 – 3:45 p.m.  
September 10\*, 24\*  
October 15\*\*, 29\*\*  
November 12\*, 26\*\*

\*Meeting in SCI-251

\*\*Meeting in Library Conference Room

# JOINT ACADEMIC SENATE STUDENT AFFAIRS COMMITTEE

Santa Monica College

**AGENDA**

**NOVEMBER 26, 2013**

1. Public Comments
  - a. Results of the Academic Integrity Summit—  
Greg Brookins, Chair, Honor Council
2. Approval of Minutes
3. Chair's Report
4. Old Business
  - a. AR 4111.6—Transfer Credit from Foreign  
Institutions
  - b. AR4344—Students Dismissed from a  
Program as a Result of Unsafe Performance
5. New Business
  - a. AR4420--Enrollment Standards for  
Participation in Santa Monica College Student  
Government
6. Announcements

# JOINT ACADEMIC SENATE STUDENT AFFAIRS COMMITTEE

Santa Monica College

## Minutes

NOVEMBER 12, 2013

**Attendees:** Esau Tovar, Kiersten Elliott, Benny Blades, Sara Boosheri, Shannon Herbert, Deyna Hearn, Lucy Kluckhohn Jones, Laurie Guglielmo, Gail Fukuhara, Nathalie Laille, Alicia Villalpando, Jon Ethridge (student representative)

**Excused/Absent:** Denise Kinsella, Maribel Lopez, Pablo Garcia (student representative)

1. Call to order 2:05 pm.
2. Minutes from October 29, 2013 approved.
3. Chair's Report

Esau reported two weeks ago he presented the AR concerning repeatability of courses to the Senate Exec and the Academic Senate point by point. This one just went through with no objection and passed on the first read. It will be presented for second read next week and hopefully it will be adopted.

4. Updates

Esau Tovar

AR 4111.6 – there are some minor issues that the Exec raised and we will address them today. Esau will present the revised AR before the Academic Senate next week for first read. As part of the revision, the Senate Exec suggested that all references to Associate in Arts or AA degree in the 4000 series of our Administrative Regulations be replaced with Associate degrees. Esau noted he would be willing to institute this revision provided the Academic Senate gives us specific direction, perhaps through a brief resolution.

AR 4340 will go for second read.

5. Old business/discussion

Esau Tovar

Other changes to 4111.6 – The Executive Committee asked why this AR is only addressing Associate Degree and not certificates? Department chairs may need access to course description, syllabi, etc., that are officially translated. The Exec also had questions pertaining to the addition of the American institutions requirement. For now we will remove from the entire AR and let Curriculum Committee provide us input at a later date.

AR 4344 – continuation of revision. We had some good discussion last time to figure out how to address proposed revisions.

On the department level, there should be spelled action, the process it entails. There are situations/instances the student will be dismissed right away.

Jon Ethridge – if they are approved can we cite here certain penalty.

Esau Tovar – we don't have to be specific in the AR. Those criteria have been defined. This program involves accreditation but departments should know.

Lucy Kluckhohn – behavior criteria for their own program.

6. Next meeting continuation of discussion for AR 4410 – if student can continue attending program classes while in appeal
7. Meeting adjourned at 3:45 pm

By Angelita Ramos

Rev. Esau Tovar

# JOINT ACADEMIC SENATE STUDENT AFFAIRS COMMITTEE

## REVISION OF AR4111.6 TRANSFER CREDIT FROM FOREIGN INSTITUTIONS NOVEMBER 12, 2013

**RATIONALE FOR REVISION:** This administrative regulation was last reviewed in 2003. Moreover, practices in the evaluation of foreign coursework and the need to clarify limitations on the use of such coursework necessitate the revision of this AR.

### **AR 4111.6    Transfer Credit from Foreign Institutions for a SMC Degree/Certificate**

Santa Monica College may accept postsecondary foreign coursework toward the fulfillment of Associate degree and certificate requirements, on a case-by-case basis, subject to the limitations noted below.

1. All coursework from foreign colleges must first be evaluated by an approved agency in the United States that evaluates foreign credentials and transcripts. A current list of approved agencies may be found on the Admissions and Records website.
2. After evaluation by an approved agency, all requests for transfer credit ~~from foreign institutions~~ will be reviewed by the Admissions and Records office upon submission of a written request for evaluation.
3. There is no limitation on ~~the number of transfer credit from approved foreign educational institutions~~ foreign coursework units that may be applied toward the Associate degree. Grades for foreign coursework will not be calculated into the SMC GPA. Students are responsible for satisfying all other degree/certificate requirements, including units in residence.
4. ~~Questions on major course equivalencies will be determined in consultation with the Dean of Enrollment Services or designee.~~ Final decisions on major course equivalencies will be made by department chair (or designee) at the request of Counseling or Admissions and Records. Students may be requested to provide certified translations of course descriptions and syllabi. Department chairs may deny approval at their discretion in the absence of sufficient documentation.
5. The English language requirement must be satisfied at ~~an~~ a U.S. regionally accredited ~~American~~ college or university. However, English language courses taken outside of the U.S. will be considered on a case-by-case basis by the English Department Chair (or designee).
6. The acceptance of foreign coursework by Santa Monica College does not in any way imply, nor guarantee, that other two- and four-year colleges/universities will accept such coursework. These institutions will conduct their own evaluations.

*Reviewed and/or Updated: 4/29/03  
Updated: 11/12/2013*



## REPORT FROM THE CURRICULUM COMMITTEE'S DISCUSSION on AR4111.6

1. All coursework from foreign colleges must first be evaluated by an approved agency in the United States that evaluates foreign credentials and transcripts. [A current list of approved agencies may be found on the Admissions and Records website.](#)

Below are some thoughts from Admissions and Records regarding the above. Perhaps the wording in the AR could be broadened so that it does not require a specific "list" but rather directs to the student of where they could find such a list:

"We believe that there are too many individual credential evaluation service agencies to list them all. However, we could state that we accept any agency that is a member of any of the following umbrella groups: NACES ([www.naces.org](http://www.naces.org)), National Association of Credential Evaluation Services; NAFSA ([www.nafsa.org](http://www.nafsa.org)), national Association of Foreign Student Advisors; or AICE ([www.aice-eval.org](http://www.aice-eval.org)), Association of Credential Evaluators, Inc."

5. The English language requirement must be satisfied at ~~an~~ a U.S. regionally accredited American college or university. However, English language courses taken outside of the U.S. will be considered on a case-by-case basis by the English Department Chair (or designee).

Regarding the English requirement, the Curriculum Committee suggests the following:

- The verbiage of the AR should reflect the verbiage we use for our SMC GE. So "Area IV, Group A" (instead of the English language requirement)
- It is also suggested that "by the English Department Chair (or designee)" be changed to "by the English Department"

Regarding the "American Institutions" requirement, the Curriculum Committee suggests the following:

- The verbiage of the AR should reflect the verbiage we use for our SMC GE. So "Area II, Group A".
- This WOULD allow a student to use a course equivalent to satisfy Group B, just not Group A (as all those courses are in both areas).
- Add to this: "However, US History/American Government courses taken outside of the U.S. will be considered on a case-by-case basis by the appropriate Department."

In general, the committee would like this AR to distinguish between GE credit and elective credit. Elective credit might be granted for a particular course, but not necessarily GE credit.

# JOINT ACADEMIC SENATE STUDENT AFFAIRS COMMITTEE

## REVISION OF AR4350—GRADUATION REQUIREMENTS (SECTION C(2) ONLY) November 12, 2013

### **Rationale for Revision of ONE section of AR 4350—Graduation Requirements:**

Although AR4111.6 (Transfer Credit from Foreign Institutions) was approved by the Academic Senate as a standalone administrative regulation on April 29, 2003, a nearly identical section in AR4350 has remained in place. In approving the revisions for AR4111.6, the Student Affairs Committee also seeks to strike AR4350 Section C(2) to minimize confusion and discrepancies. The full text for [AR4350 may be found here](#).

### ~~C(2).—Transfer Credit from Foreign Institutions~~

- ~~a. All course work from foreign institutions must be evaluated by an approved agency in the United States that evaluates foreign credentials and transcripts.~~
- ~~b. After evaluation by an approved agency, all requests for transfer credit from foreign institutions will be reviewed by the Admissions Office.~~
- ~~c. Each student must submit his/her own records.~~
- ~~d. There is no limitation on transfer credit from approved foreign educational institutions.~~
- ~~e. Questions on major course equivalencies will be determined by consultation between the Dean of Enrollment Services and the appropriate department chair.~~
- ~~f. The English composition requirement must be satisfied at a regionally accredited American college or university.~~
- ~~g. A minimum of 12 units in residence at Santa Monica College is required for the Associate in Arts degree.~~

*Reviewed and/or Updated: 4/29/2003, 7/22/08, 5/17/11*

*Updated: 11/12/2013 (Removed section C(2)—Transfer Credit from Foreign Institutions; now AR 4111.6)*

# JOINT ACADEMIC SENATE STUDENT AFFAIRS COMMITTEE

## REVISION OF AR4344—STUDENTS DISMISSED FROM A PROGRAM AS A RESULT OF UNSAFE PERFORMANCE NOVEMBER 12, 2013

**RATIONALE FOR REVISION:** This administrative regulation was last reviewed in 2003. The current regulation is in significant need of updating to account for changes in practice, adjudication, and to set in place a clearer process leading to the dismissal of students for behavior or performance contrary to program standards. Among other requirements, the AR stipulates that programs must adopt standards and readmission procedures that must be approved by the Vice President for Academic Affairs, and which must be provided to students upon admission to the program. It also outlines guidelines to document questionable student behavior/performance, and the need to communicate with the student, other faculty, department chair, to attempt to correct student behavior. Some changes were initiated in spring 2012 by SMC's legal counsel.

### **AR 4344 ~~Students Dismissed from a Program as a Result of Unsafe Performance~~**

#### Dismissal of Students for Behavior or Performance Contrary to Program Standards

These guidelines have been developed to establish standards and procedures for ~~assist faculty and departments in withdrawing~~ dismissing students from programs in which the student's behavior and/or performance is determined to be ~~unsafe~~ contrary to the standards established for successful completion of the program. Any student dismissed from a program shall be removed from all classes in such program and shall not be eligible to take any classes in the program unless readmitted to the program.

These programs include, but are not limited to:

- Cosmetology
- ~~Education/Early Childhood Education~~ Early Childhood/Education
- ~~Cosmetology~~
- Medical Laboratory Technician
- Nursing
- Respiratory Therapy

The overall process for determining whether a student meets the ~~program~~ standards specific to a particular program ~~may will~~ include one or more of the following levels ~~up to three levels~~ of intervention: the ~~instructor~~ faculty level (classroom, field, clinical setting, lab) ~~level~~, the program or department level, and the college level (joint administration-faculty committee). Some cases may warrant immediate intervention at the department/program level or college level. The College shall ensure that due process rights for the student are honored. ~~The student may seek the ombudsperson's assistance.~~

#### I. Faculty Level (Classroom/Field/Clinical Setting/Laboratory)

1. Instructors ~~are encouraged to~~ shall use ~~their~~ professional judgment in identifying student behavior and/or performance that they consider inappropriate, or which is contrary to program standards. ~~to a specific program.~~



2. The instructor ~~should~~shall meet with a student as early as possible ~~in the semester to~~ discuss his/her concerns. Such concerns include, but are not limited to the following: issues of safety or health regarding self, other students, patients, clients, or children; lack of sensitivity in classroom or field work/clinical/lab settings~~situations~~; poor judgment; or any other concern. The instructor ~~should~~shall document the meeting. These notes can be brief but must include the date and time of the meeting and a summary of topics discussed. Where applicable, a plan for remediation should be developed and provided to the student. The plan may also document any actions that may be taken if the behavior in question continues. Faculty members should communicate concerns to the department chair/program leader.
3. Students may seek assistance from the Ombudsperson.
- ~~3.4.~~ If the instructor is satisfied with the student's performance for the ~~rest of~~remainder of the semester/session, nothing more need be done.
- ~~4.5.4.~~ If the instructor continues to have ~~reservations~~concerns regarding the student's behavior and/or performance (even though the student may have passed or is passing the class academically), the instructor ~~should~~shall inform ~~either~~ the department chair/program leader ~~or the department chairperson to determine the course of action, if any.~~

## II. Program or Department Level

1. The dismissal of a student from a program is a departmental concern and should not be viewed as ~~the~~an individual instructor's responsibility.
2. Each department shall develop program standards to evaluate students~~objectively.~~
3. Each department is to develop a readmission review procedure for students dismissed from its program(s).
4. These program standards and readmission procedures shall be approved by the Vice President for Academic Affairs before they go into effect, and shall be provided to the student upon admission to the program and as the need arises.
5. ~~2.~~ Each program will have its own set of procedures for informing students of faculty concerns, documenting meetings to discuss these concerns, working out behavioral contracts to assist students in meeting program standards, and any other procedure the faculty considers helpful to the student or to the program.
- ~~36.~~ The department chair /program leader shall convene a meeting with program faculty to consider all concerns pertaining to the student in question and to determine what actions will be taken. It shall be the program leader/department chair's responsibility to inform the student of any decisions made and, as appropriate, discuss a behavioral plan, along with any actions that may be taken if the concern in question is not successfully addressed.

## III. College Level (Joint Administration/Faculty)~~Level~~

1. Students may be dismissed from a program in accordance with established procedures.

2. The program leader/department chair shall notify the student in writing of the dismissal decision and its effective date. The letter shall provide students with the procedures to appeal the dismissal.
3. Any student who wishes to appeal dismissal from a program shall have ~~has~~ 10 ~~working~~ school days to file a written request for an appeal with the Dean of ~~Student Affairs~~ the office of Student Judicial Affairs.
4. The student will be able to present his/her case before the Appeals Committee on Program Dismissal ~~case~~ within 10 ~~working~~ school days of the filing of the request for appeal before the Appeals Committee on Program Dismissal.
- ~~1.5.~~ The Committee hearings shall be closed to the public.
- ~~2.6.~~ The term “school day” shall mean any day that classes are in session except Saturdays and Sundays.
- ~~3.7.~~ Members of the Appeals Committee on Program Dismissals
- The Dean of the office of Student Judicial Affairs ~~Student Affairs~~ (chair) or designee.
  - Two academic deans (not from the involved department/program and selected appointed by Committee chair (or designee)).
  - Two faculty at large ~~(selected appointed)~~ by the Academic Senate President
  - Two students (~~selected appointed~~ by the Associated Students)
9. The student may bring to the hearing counsel or other representatives. ~~These representatives, however, may not participate directly in the proceedings. The student filing the appeal will bear the burden of proof. The District bears the burden of proof by a preponderance of the evidence and that preponderance of the evidence means “more likely to be true than not true.”~~
10. Each party shall have the right to present written statements, witnesses if appropriate, and any other forms of evidence at the hearing, ~~if approved by the Appeals Committee~~. Each party shall have the right to question evidence and supporting ~~ingve~~ documents.
11. The District bears the burden of proof by a preponderance of the evidence and that preponderance of the evidence means “more likely to be true than not true.”
- ~~10.12.~~ The Committee chair shall notify in writing the student, faculty member, program leader/department chair, and the Superintendent/President of the Committee’s decision. The decision shall be rendered within ten (10) school days of the conclusion of the hearing.
- ~~11.13.~~ Within five (5) working-school days after service of the ~~committee’s formal recommendation~~ decision, either party may make a written appeal to the Superintendent/President (or designee). The Superintendent/President (or designee) shall render a decision on the appeal based on the written record within thirty (30) days of receipt of the appeal.
14. The decision of the Superintendent/President (or designee) shall be final.

*Rationale: This AR was chosen to be reviewed only because it had not been revised since 2003 and position titles have changed.*

**AR 4420 ~~Standards of~~ Enrollment Standards for Participation in Santa Monica College Student Government**

**Statewide Minimum Standards of Scholarship for Elected Officers (Education Code Section 76061):**

A student who is elected to serve as an officer in the student government of Santa Monica College shall meet ~~both of~~ the following requirements:

- a. The student shall be enrolled in Santa Monica College at the time of election, and throughout his or her term, with a minimum of ~~five~~ **eight** semester units, or its equivalent.
- b. The Student Trustee shall be enrolled in Santa Monica College at the time of election, and throughout his or her term, with a minimum of five semester units, or its equivalent.
- ~~b.c.~~ The student shall meet and maintain the minimum standards of scholarship prescribed for community college students by the community college district.

**Determination of Eligibility:**

Eligibility to participate in Associated Students ~~Government Board of Directors~~, Inter-Club Council, Campus Committees, and Student Clubs ~~and Activities~~ shall be determined by the Dean of Student Life or designee and be based on the following criteria:

1. Candidates for Associated Students Board of Directors, ~~the~~ Student Trustee, ~~the~~ Inter-Club Council Chairperson, ~~the~~ Inter-Club Council Vice Chairperson, and ~~the~~ Inter-club Council ~~Secretary~~ Communication Officer must:
  - a. Have an ~~overall~~ cumulative grade point average (GPA) of "C" (2.0) or higher and must be enrolled in and complete eight (8) units at Santa Monica College in the semester in which they are elected with a minimum semester GPA of "C" (2.0).
  - b. Be enrolled in and complete a minimum of eight (8) units at Santa Monica College in each semester of their term in office and must maintain a minimum grade point average of "C" (2.0) each semester of that term in office.
  - c. Be in good standing, (no current disciplinary sanction pursuant to SMC Board Policy 4420).
2. Additional requirements for Candidates for Associated Students President and Vice President must:
  - a. ~~H~~ave completed a minimum of twenty (20) units at *Santa Monica College* in order to assume office.

- b. Be enrolled in and complete a minimum of eight (8) units at Santa Monica College in each semester of their term in office and must maintain a minimum grade point average of "C" (2.0) each semester of that term in office.
- c. Be in good standing, (no current disciplinary sanction pursuant to SMC Board Policy 4420).
- d. In addition, candidates must meet one of the following criteria:
- ~~a.~~ B. i. Have completed eight (8) units at Santa Monica College with a minimum cumulative GPA of "C" (2.0) at Santa Monica College in the Fall semester immediately preceding the semester in which they ~~are~~ would be elected or appointed; or In addition one of the following:
  - ~~b.~~ ii. Serve as an Associated Students Director in the semester in which they are elected; or
  - ~~c.~~ iii. Serve as an active ~~member~~ delegate of the Inter-Club Council, or a club officer in ~~the any~~ semester prior to the semester in which they are elected; or
  - iv. Currently serve as an Associated Students Director, Inter-Club Council Officer, Student Trustee, or Associated Students Commissioner.

#### Loss of Eligibility

Elected or appointed officers who fail to complete each semester with a minimum of eight (8) units with a "C" (2.0) GPA will be automatically removed from office, and will be ineligible for appointment to any Associated Students positions (i.e. Judicial Board, Joint Council, primary commissioner, ICC, etc.) during the remainder of the term of office. (The term of office, defined in the Associated Students Constitution, is July 1 - June 30.) Note: If a student is enrolled in 8 units of credit/no credit courses, the cumulative grade point average will apply for determination of eligibility.

#### Additional Standards

The Associated Students Board of Directors, the Inter-Club Council Vice Chairperson and the Inter-Club ~~Secretary~~ Communications Officer shall hold one elected or appointed office for a term of one (1) year from July 1 to June 30.

The Student Trustee shall be a legal resident of the State of California (Education Code, Section 68000) and shall hold office from June 1 to May 31.

#### Limitations:

No person shall serve in any one office of the Associated Students Board of Directors for more than one (1) academic year term, nor shall any person serve on the Associated Students Board of Directors for more than two (2) academic year terms total. No person shall serve in any combination of voting offices of the Associated Students (i.e. Board of Directors, Joint Council, Judicial Board, etc.) for more than three (3) terms.

An Associated Students Director who fills a vacancy in an office for a partial term, less than one (1) year, shall not be barred from being elected to a full term of that office. No person shall be consecutively appointed to the same office unless the second appointment occurs after the office has been up for general election. If an elected Director fails to complete a full term in office, he/she will not be eligible to run for the same office in the next general election.

Appointment to Vacant Positions:

The Associated Students shall fill Board vacancies in accord with the regulations governing the filling of vacancies described in the AS Constitution.

Associated Students Directors who are appointed to the Associated Students Board of Directors must meet the same eligibility standards as elected officers.

Judicial Board

Student candidates for the Judicial Board are subject to the same academic requirements as the A.S. Board of Directors, as stipulated above in section Determination of Eligibility.

Associated Students Commissioners:

~~Primary~~ Commissioners to Associated Students Directors must be enrolled in and complete a minimum of six (6) units with a 2.0 GPA each semester and have a cumulative GPA of "C" (2.0) in all work completed at Santa Monica College. All other commissioners must be currently enrolled students and must maintain a cumulative GPA of 2.0 while serving as a commissioner.

Campus Committees:

Students who serve on campus committees, in accord with Board Policy 2230 on Participatory Governance, must be enrolled in and complete a minimum of six (6) units with a 2.0 GPA each semester and must have a cumulative GPA of "C" (2.0) in all work completed at Santa Monica College. All student committee representatives must be in good standing (no current disciplinary sanction pursuant to SMC Board Policy 4420).

Student Club Officers:

Officers of student clubs must be enrolled in and complete a minimum of six (6) units each semester with a minimum GPA of "C" (2.0) and must have a cumulative GPA of "C" (2.0) in all work completed at Santa Monica College. Officers of student clubs may serve in the same office for a maximum of one year. Students may serve as officers of a club or clubs for a maximum of three years.

Title V, Sections 76061, 68000

*Reviewed and/or Updated: 4/29/03, 4/16/13*

**76061.** A student who is elected to serve as an officer in the student government of a community college shall meet both of the following requirements:

- (a) The student shall be enrolled in the community college at the time of election, and throughout his or her term, with a minimum of five semester units, or its equivalent.
- (b) The student shall meet and maintain the minimum standards of scholarship prescribed for community college students by the community college district.

**68000.** It is the intent of the Legislature that the public institutions of higher **education** shall apply uniform rules, as set forth in this chapter and not otherwise, in determining whether a student shall be classified as resident or a nonresident.

## Education Code Material Relevant to AR4344

### Removal, Suspension, or Expulsion

66017.

The respective governing boards of the California Community Colleges, the California State University, or the University of California shall adopt appropriate procedures and designate appropriate persons to take disciplinary action against any student, member of the faculty, member of the support staff, or member of the administration of the community college, state college, or state university who, after a prompt hearing by a campus body, has been found to have willfully disrupted the orderly operation of the campus. Nothing in this section shall be construed to prohibit, where an immediate suspension is required in order to protect lives or property and to ensure the maintenance of order, interim suspension pending a hearing; provided that a reasonable opportunity be afforded the suspended person for a hearing within 10 days. The disciplinary action may include, but need not be limited to, suspension, dismissal, or expulsion. Sections 89538 to 89540, inclusive, shall be applicable to any state university or college employee dismissed pursuant to this section.

66300.

The Regents of the University of California, the Trustees of the California State University, and the governing board of every community college district, shall adopt or provide for the adoption of specific rules and regulations governing student behavior along with applicable penalties for violation of the rules and regulations. The institutions shall adopt procedures by which all students are informed of such rules and regulations, with applicable penalties, and any revisions thereof.

66301.

(a) Neither the Regents of the University of California, the Trustees of the California State University, the governing board of a community college district, nor an administrator of any campus of those institutions, shall make or enforce a rule subjecting a student to disciplinary sanction solely on the basis of conduct that is speech or other communication that, when engaged in outside a campus of those institutions, is protected from governmental restriction by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution.

(b) A student enrolled in an institution, as specified in subdivision (a), at the time that the institution has made or enforced a rule in violation of subdivision (a) may commence a civil action to obtain appropriate injunctive and declaratory relief as determined by the court. Upon a motion, a court may award attorney's fees to a prevailing plaintiff in a civil action pursuant to this section.

(c) This section does not authorize a prior restraint of student speech or the student press.

(d) This section does not prohibit the imposition of discipline for harassment, threats, or intimidation, unless constitutionally protected.

(e) This section does not prohibit an institution from adopting rules and regulations that are designed to prevent hate violence, as defined in subdivision (a) of Section 4 of Chapter 1363 of the Statutes of 1992, from being directed at students in a manner that denies them their full participation in the educational process, if the rules and regulations conform to standards established by the First Amendment to the United States Constitution and Section 2 of Article I of the California Constitution for citizens generally.

(f) An employee shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in conduct authorized under this section, or refusing to infringe upon conduct that is protected by this section, the First Amendment to the United States Constitution, or Section 2 of Article I of the California Constitution.

76020. (a) The governing body of any community college district may exclude students of filthy or vicious habits, or students suffering from contagious or infectious diseases.

(b) The governing board of the community college may exclude from attendance on regular classes any student whose physical or mental disability is such as to cause his or her attendance to be inimical to the welfare of other students.

76030.

Consistent with requirements of due process of law, with the provisions of this article, and with the rules of student conduct adopted by the governing board under Section 66300, the governing board, the president of a community college or the president's designee, or an instructor shall suspend a student for good cause. In addition, the governing board 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 suspension or expulsion of a student shall be accompanied by a hearing conducted pursuant to the requirements of Section 66017.

76031.

The adopted rules of student conduct may authorize the president of a community college or the president's designee to suspend a student for good cause as follows:

(a) From one or more classes for a period of up to 10 days of instruction.

(b) From one or more classes for the remainder of the school term.

(c) From all classes and activities of the community college for one or more terms.

The adopted rules of student conduct shall prohibit a student from being enrolled in any community college in the district for the period of suspension.

The president of the community college shall report all suspension of students to the governing board or to the district superintendent.

Whenever a minor is suspended from a community college, the parent or guardian shall be notified in writing by the president or the president's designee.

Nothing in this section shall be construed to prohibit the president of a community college or the president's designee from imposing a lesser

disciplinary sanction than suspension. A lesser sanction may include, but need not be limited to, verbal or written reprimand, probation, or ineligibility to participate in extracurricular activities.

76032.

The adopted rules of student conduct may authorize an instructor to remove a student from his or her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the chief administrative officer for appropriate action.

If the student removed by an instructor is a minor, the college president or the president's designee shall ask the parent or guardian of the student to attend a parent conference regarding the removal as soon as possible. If the instructor or the parent or guardian so requests, a college administrator shall attend the conference. During the period of removal, a student shall not be returned to the class from which he or she was removed without the concurrence of the instructor of the class.

76033.

As used in this article, "good cause" includes, but is not limited to, the following offenses:

(a) Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.

(b) Assault, battery, or any threat of force or violence upon a student or college personnel.

(c) Willful misconduct which results in injury or death to a student or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the district.

(d) The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code.

(e) Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the governing board.

(f) Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

76034.

No student shall be removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or college attendance.

76035. The president or the president's designee at a community college shall, of Section 245 of the Penal Code. upon the suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is situated of any acts of the student which may be in violation

76036. Any violation or violations of law, ordinance, regulation, or rule regulating, or pertaining to, the parking of vehicles, shall not be cause for the removal, suspension, or expulsion of a student from a community college.



76037. Nothing in this article shall be construed to limit the authority of a governing board to adopt additional rules and regulations which are not inconsistent with the requirements of this article. These additional rules may, among other things, prescribe specific rules and regulations governing student behavior, along with applicable penalties for violations of the adopted rules and regulations, and may prescribe appropriate due process procedures, including procedure by which students shall be informed of these rules and regulations.