

## AR 5500.1      Standards Code of Academic Conduct (old 4111#)

Santa Monica College is committed to the academic, social, and ethical development of our students. We strive to create an equitable learning environment that is supportive of the community at large. We are committed to upholding fundamental values of honesty, trust, fairness, respect, responsibility, civility, and community.

To maintain the academic integrity of Santa Monica College, faculty and students must take responsibility for upholding ~~maintaining~~ an educational environment characterized by academic honesty. Therefore, ~~under no circumstances will~~ academic dishonesty will not be tolerated.

### 1. Faculty Responsibilities

In order to maintain an environment of academic integrity, faculty will:

- A. ~~Make every attempt to~~ Conduct classes in a manner that enables ~~encourages~~ honorable academic behavior, and ensures equal opportunity for student success, ~~and discourages academic dishonesty.~~
- B. Inform students in writing (including in the syllabus) and verbally, as relevant and, ~~whenever possible, verbally,~~ of the course requirements, grading procedures, and expectations for acceptable academic conduct and behavior.
- C. Inform students of the SMC Code Standards of Academic Conduct and the consequences of ~~behavior in~~ violating ~~of the~~ Standards Code.
- D. In instances where alleged academic integrity violations are filed, inform students of their right to due process. (? Academic Senate, AR referral)
- E. Ensure that the appropriate process for reporting a violation of the Code Standard of Academic Conduct is followed (see Reporting a Violation).

### 2. Student Responsibilities

~~In order to maintain~~ To contribute to an environment of academic integrity, students will:

- A. Familiarize themselves ~~with and comply with~~ the Standards Code of Academic Conduct, Honor Code, and Student Conduct Code. (AR 5500, 5520, 5530?, Honor Code?)
- B. ~~Behave in a manner that encourages learning and upholds the Code of Academic Conduct and Honor Code.~~
- C. Act with integrity fairness (i.e., not seek undue advantage) towards other students in classroom interactions, completion of assignments, examinations, or any other academic activity.

- D. ~~Make every attempt to p~~Prevent the ~~unauthorized~~ use of their work by other students in violation of the Standards of Academic Conduct.

### 3. Academic Dishonesty Conduct Defined

Santa Monica College defines academic dishonesty as an act of fraud or deception, in any academic exercise. This includes, but is not limited to, the following actions or attempted actions:

- A. Using of unauthorized ~~testing~~ aids such as calculators, recorders, electronic devices or notes on any examination or assessment, or the failure to observe the expressed procedures or instructions of an academic exercise. ~~(e.g., examination instructions regarding alternate seating or conversation during an examination).~~
- A.1 Using of Artificial Intelligence (AI) tools ~~I that violates the policy stated in class syllabus ... or Violating the instructor's AI policy as stated in their class syllabus and/or course content (e.g. canvas page, assignment instructions, examinations instructions, assessment instructions).~~
- B. Allowing another individual to assume one's identity for the purpose of satisfying course requirements or enhancing one's grade or score ~~in any of the following:~~ e.g. testing, assessment, on-line classes, field trips, or attendance.
- C. Falsifying attendance records or grade rosters.
- D. Representing the words, ideas or work of another as one's own (plagiarism) in any academic exercise/assignment. ~~including the use of commercial term papers, solution manuals, or any other work of another regardless of how it is created or published.~~
- E. Changeing answers on a previously scored test, assignment, or experiment.
- F. Copyiesing or allowing another student to copy from ~~one's one's exam paper or answer sheet during an examination or~~ for any graded assignment. Using someone else's information from an exam or engaging in unauthorized mutual collaboration on any graded assignment from another person.
- G. Inventing Fabricates information for the purpose of completing a graded assignment, a laboratory experiment, a case study analysis, or field trip. Start here.
- H. Giving or receiving information during an examination by any means including sign language, hand signals, secret codes, or electronic transmission.

- I. Accessing or reproducing exams in any form without the prior authorization of the instructor with the purpose of sharing, selling, or publishing them.
- J. Intentionally or knowingly helping another to violate any provision of this Code.
- K. Forging or altering academic documentation (including transcripts, assessment scores/results, letters of recommendation, enrollment certifications, registration forms, and medical certification) concerning oneself or others.

#### 4. Reporting a Violation

Given an incident of academic dishonesty, faculty should adhere to the following procedures:

- A. Inform the student of the nature of the alleged violation and the impending course of action. Provide the student with the opportunity for a conference with the campus Ombudsperson or designee in an effort to resolve the accusation informally. As part of the informal resolution process, the Ombudsperson or designee may confer with the faculty member and department chair or designee.
- B. Complete and submit the Academic Dishonesty Report Form, along with any related evidence, to the College Conduct Administrator ~~Disciplinarian~~ within ten (10) school days of the allegation. The term “school day” is used in this Administrative Regulation for the purpose of calculating deadlines and shall mean any day that classes are in session except Saturdays and Sundays.
- C. Faculty may review previous assignments and/or tests to determine if there have been additional violations.

Violating the instructor’s AI policy as stated on their class syllabus and/or course content (e.g. canvas page, assignment instructions, examinations instructions, assessment instructions).

#### 5. Consequences for Violating Academic Conduct

- A. Given an alleged violation of academic honesty, the instructor may impose one or both of the following sanctions, subject to appeal to the Santa Monica College Honor Council:
  - (1) Dismiss the student from the class or activity for up to two class sessions; and submit a **Classroom Removal Report**.
  - (2) Assign a failing grade to the examination or assignment in which the alleged cheating or plagiarism occurred.
- B. Upon receiving a report of alleged academic dishonesty, the College Conduct Administrator ~~Disciplinarian~~ will notify the student, the campus Ombudsperson, and the department chair of the content of the alleged violation. The College Conduct

~~Administrator~~ ~~Disciplinarian~~ will then conduct such investigation as ~~they~~ he/she deems necessary.

Subsequent to investigation, the College ~~Conduct Administrator~~ ~~Disciplinarian~~ may:

- (1) Confirm the sanction imposed by the instructor and notify the student of their ~~his/her~~ right to appeal the sanction to the SMC Honor Council.
- (2) ~~Provide the student with the opportunity for a conference with the campus Ombudsperson or designee in an effort to resolve the accusation informally. As part of the informal resolution process, the Ombudsperson or designee may confer with the faculty member and department chair or designee.~~ (moved up to 4. B)
- (~~2~~3) Impose sanction under AR 4410. In severe incidents of academic dishonesty, including but not limited to impersonation, presentation of falsified documents, stealing exams or research papers, or repeated violations, the College ~~Conduct Administrator~~ ~~Disciplinarian~~ may suspend or recommend expulsion of a student from the College in accordance with the procedures set forth in AR 4410.

- C. In any case where the College ~~Conduct Administrator~~ ~~Disciplinarian~~ confirms the alleged incident of academic dishonesty, ~~he/she~~ they shall place in the student's disciplinary records: a copy of the Academic Dishonesty Report Form; a summary of the College ~~Conduct Administrator's~~ ~~Disciplinarian's~~ investigative findings; and a description of the sanction imposed by the Instructor or College ~~Conduct Administrator~~ ~~Disciplinarian~~.

A student whose disciplinary records contain a report of academic dishonesty shall be informed that:

- (1) The information placed in the student's disciplinary record is not part of their ~~his/her~~ academic record at the college and that the disciplinary records will be destroyed within three (3) years, providing there are no further acts of misconduct.
- (2) The student has an opportunity to write a response to each document included in their ~~his/her~~ disciplinary record, and that the response shall be placed on record with the original document.
- (3) The inclusion of these documents in the student's disciplinary records may be challenged if a student appeals the alleged incident upon which they are based to the SMC Honor Council.

D. The College Conduct Administrator ~~Disciplinarian~~ and the SMC Honor Council may recommend to the Superintendent/President and Board of Trustees the revocation of any degrees, certificates, course credits awarded to a student when findings indicate that a severe incident of academic dishonesty with direct bearing on the award of the degree, certificate or course credit has occurred.

## 6. Appeal Procedure

A student has the right to appeal sanctions imposed by the instructor or College Conduct Administrator ~~Disciplinarian~~ under AR 4411 through the procedure set forth in AR 4412

Reference: Education Codes §66017,66300-66303, 76020, 76030, 76033-76034, 76038, 76120, 76121, 76224

Reviewed and/or Updated: 12/12/06, 12/09/08; 5/1/24

Reviewed by Lina 3/10/22

### **AR 5550.1 Academic Integrity (SBCC)**

These procedures expand, clarify, and set forth clear levels of authority and disciplinary protocols in response to academic dishonesty, as referenced in AP 5500 Standards of Student Conduct.

#### **Definitions:**

**Academic dishonesty** in both course and non-course activities is defined as an act of obtaining or attempting to present academic work through fraudulent or deceptive means in order to obtain credit for this work. Academic dishonesty includes but is not limited to Cheating; Fabrication; Fraud, Misrepresentation and Lying; Plagiarism; Multiple Submissions; and Facilitating Academic Dishonesty.

**Cheating** is defined as the failure to observe the expressed procedures of an academic exercise. Cheating includes but is not limited to:

- Unauthorized use of commercial "research" services such as term paper mills.
- Providing information to others without the instructor's permission or allowing the opportunity for others to obtain information that provides the recipient with an advantage on an exam or assignment.
- Unauthorized communication with fellow students during a quiz or exam.
- Copying material, in part or in whole, from another student's quiz or exam.
- Permitting another student to copy from a quiz or exam.
- Permitting another person to take a quiz, exam, or similar evaluation in lieu of the enrolled student.
- Using unauthorized materials, information, or study aids (e.g., textbook, notes, data, images, formula list, dictionary, calculator, etc.) in any academic exercise or exam.

- Unauthorized collaboration in providing or requesting assistance, such as sharing information on an academic exercise or exam through electronic devices (or any other means of communication).
- Using another person's collected or measured data in assignments such as computer or lab exercises without the instructor's permission.
- Using any electronic device to gain access to, alter, and/or use unauthorized information.
- Altering a graded exam or assignment and requesting that it be re-graded. Submission of altered work after grading shall be considered academically dishonest, including but not limited to changing answers after an exam or assignment has been returned or submitting another's exam as one's own to gain credit.
- Attempting to hinder the academic work of another student.
- Discussing answers or ideas relating to the answers on a test or other examination with students who have not yet taken the test or examination.
- Unauthorized use of an annotated instructor's edition of a textbook.
- Obtaining, making, or distributing copies of a test, examination, or other course material without the instructor's permission.
- Using notes, cheat sheets, or other devices considered inappropriate under the prescribed testing condition.
- Collaborating with another or others in work to be presented without the instructor's permission.
- Falsifying records, laboratory work, or other course data.
- Knowingly and intentionally assisting another student in any of the above.

**Fabrication** is defined as falsification or invention of any information in an academic exercise. Falsification includes but is not limited to:

- Fabricating or altering data to support research.
- Presenting results from research that was not performed--submitting material for lab assignments, class projects or other assignments which is wholly or partially falsified, invented or otherwise does not represent work accomplished or undertaken by the student.
- Crediting source material that was not directly used for research.
- Falsification, alteration, or misrepresentation of official or unofficial records or documents including but not limited to academic transcripts, academic documentation, letters of recommendation, and admissions applications or related documents.

**Fraud, Misrepresentation, and Lying** are defined as intentionally making an untrue statement or deceiving. Fraud, misrepresentation, and lying include but are not limited to:

- Providing an excuse for an absence, tardiness, or late assignment with the intent to deceive the instructor, staff or the District.
- Checking into a district class, lab, center or other district resource with the intent to deceive the instructor, staff, or the District.
- Checking in or checking out of a district class, lab, center or other district resource for another student.

- Using another student's district identification card for use in a class, lab, center or other district resource.
- Intentionally misrepresenting the content, meaning, or context of source material or scientific data.

**Plagiarism** is defined as the presentation of another's words, images or ideas as if they were the student's own. Plagiarism includes but is not limited to:

- Stealing the written, oral, artistic, or original works or efforts of others and presenting them as one's own.
- The submission of material, whether in part or whole, authored by another person or source (e.g., the internet, book, journal, etc.), whether that material is paraphrased, translated or copied verbatim or in near-verbatim form without properly acknowledging the source. (It is the student's responsibility to cite all sources.)
- The submission of material edited, in part or whole, by another person that results in the loss of the student's original voice or ideas (i.e., while an editor or tutor may advise a student, the final submitted materials must be the work of the student, not that of the editor or tutor.)
- Translating all or any part of material from another language and presenting it as if it were the student's own original work.
- Unauthorized use of another person's data in completing any exercise.

**Multiple Submissions** are defined as resubmission of a work with identical or similar content that has already received credit in a high school or another college course. Multiple submissions include but are not limited to:

- Resubmission of work with identical or similar content from a past course in a current course without written consent of the present instructor.
- Submission of work with identical or similar content in concurrent courses without written consent of all instructors involved.
- When retaking a course, resubmission of work with identical or similar content from the past section of the same course without written consent of the present instructor.

**Facilitating Academic Dishonesty** is defined as assisting another to commit an act of academic dishonesty. Facilitating academic dishonesty includes but is not limited to:

- Taking a quiz, exam, or similar evaluation in place of another person.
- Allowing one student to copy from another.
- Attending a course posing as another student who is officially registered for that course.
- Providing material or other information (e.g., a solution to homework, a project or other assignments, a copy of an exam, exam key or any test information) to another student with knowledge that such assistance could be used to violate any other sections of this procedure.
- Distribution or use of notes or recordings based on college classes without the express written permission of the instructor for purposes other than individual or group study; this includes, but is not limited to, providing materials for distribution by services publishing class notes. (This restriction on unauthorized use applies to all information distributed or in any way displayed for use in relationship to the class, whether obtained in class, via email, on the internet, or via any other media.)

Culpability is not diminished when academic dishonesty occurs in drafts which are not the final version or when the student claims not to know the policy or procedure.

### **Academic and Administrative Sanctions:**

Sanctions assessed under this policy should be proportionate and sufficient both to convey the expectations of the community to the individual student and to deter future violations. Academic dishonesty may warrant two separate and distinct courses of disciplinary action which may be applied concurrently in response to a violation of this policy:

**Academic Sanctions**, such as grade modifications, are concerned with the student's grades and are the sole responsibility of the instructor involved.

**Administrative Sanctions**, such as any disciplinary action up to and including expulsion, are the responsibility of the Chief Student Services Officer.

### **Guidelines Regarding the Extent of Misconduct and Intent to Deceive:**

**Extent of the Misconduct:** Misconduct that extends across multiple classes or non-course activities is generally more serious than misconduct affecting only one class or activity. Misconduct involving multiple assignments is generally more serious than misconduct affecting only one assignment. Misconduct that involves an entire assignment is generally more serious than misconduct affecting a small portion of an assignment. Misconduct on assignments of particular importance is particularly serious: misconduct that could yield a greater advantage, such as on final examinations or term papers, merit higher sanctions.

**Level of Intent:** Misconduct may occur if a student violates the expectations of academic integrity through:

- A. Lack of college-level experience, for example, by being unfamiliar with the rules of attribution but not unfamiliar with the basic expectations of integrity. This may apply in particular to students in pre-college level classes or in first-semester English composition classes.
- B. Negligence, for example, by failing to follow the basic rules of citation or permissible collaboration, or by signing onto a group assignment that simple inspection would reveal to be plagiarized.
- C. Knowledge, for example, by providing completed homework to a second student upon request, knowing that the second student intends to cheat from it, even if the first student does not specifically intend for the cheating to occur.
- D. Recklessness, for example, by posting a test key where it is certain, or highly likely, to be seen by students who have not yet taken the test.
- E. Willfulness, for example, by intentionally engaging in improper conduct with or without the expectation of deriving a benefit. Willful conduct is especially serious when it involves prior planning or subsequent concealment, or involves other students, either by actually engaging their knowing cooperation in misconduct or by foreseeably exposing them to a reasonable suspicion that they have cooperated.
- F. Repeat offenses.

### **Academic Sanctions:**

1) When a student is accused of academic dishonesty in a course activity, the instructor shall communicate to the student and advise the student of the allegation as well as the evidence that supports it. It is recommended that the instructor meet with the student to explain the incident and its consequences. If more than one student is involved in the incident, the instructor may call the students together to confer as a group.

2) Although notes and discussion between the student and instructor are confidential, in accordance with the Family Rights and Privacy Act, they may be used as evidence in subsequent campus disciplinary proceedings or any subsequent legal action.



3) Guidelines: It is the instructor's responsibility to determine the type of academic sanction, if any. In reaching the decision, the instructor may use the following guidelines:

a) The instructor should advise the student of the alleged violation and should have reasonable evidence to sustain that allegation. Reasonable evidence, such as documentary evidence or personal observation or both, is necessary if the allegation is to be upheld.

b) The usual sanction is grade modification. This sanction is to be used only if the instructor has reasonable evidence that cheating or plagiarism did, in fact, occur.

c) The grade modification is left to the discretion of the instructor and may include, but not be limited to, a zero or "F" on the activity, paper, project, examination, or non-course activity at issue.

d) In addition to grade modification, the instructor may remove from the class session and the following class session a student who commits an act of Academic Dishonesty.

e) Certain instructional departments/programs may have policies governed by independent accrediting agencies that stipulate that particular violations of academic integrity may indicate unsuitability for continuation in the program and/or profession.

#### **Administrative Sanctions:**

1) Within ten days of communicating with the student, at the discretion of the instructor, the incident may be reported in writing to the Chief Student Services Officer using the SBCC Academic Integrity Violation Form posted under the Faculty Resources tab on Pipeline.

2) In the SBCC Academic Integrity Violation Form to the Chief Student Services Officer, the instructor should state the nature of the offense, the evidence, the academic sanction imposed, and the recommended administrative sanction, if any. The student will receive a copy of the form when it is submitted.

3) The Chief Student Services Officer will notify the student via email to acknowledge the form has been filed and, if necessary, arrange an administrative conference.

4) The Chief Student Services Officer will notify the instructor whether an administrative sanction has been pursued.

5) The Chief Student Services Officer shall maintain documentation of all reported incidences of Academic Integrity violation including the original form and notes.

#### **Administrative Conference:**

At a scheduled meeting, the Chief Student Services Officer shall:

1) Inform the student of the alleged offense.

2) Inform the student that the student has the right to a hearing as outlined in AP 5530 Student Rights and Grievances.

3) Advise the student that the student may elect to waive the right to a formal hearing and accept the decision of the Chief Student Services Officer at any time. If the student elects to waive the right to a hearing before the Grievance Hearing Committee and to accept the imposition of a sanction mutually agreed upon by the student and the Chief Student Services Officer, any such waiver shall be in writing.

4) Inform the student of the Administrative Sanction decided upon by the Chief Student Services Officer. The Chief Student Services Officer will use the Guidelines Regarding the Extent of Misconduct and Intent to Deceive listed above in order to determine the appropriate administrative sanction.

**Examples of disciplinary sanctions** for all incidents of misconduct may include, but are not limited to, the following:

- **Censure:** a written reprimand by the Chief Student Services Officer of violation of AP 5500 Standards of Student Conduct. The student shall be notified that receiving such a written statement may include more severe disciplinary sanctions in the event of future infractions of AP 5500 Standards of Student Conduct.
- **Disciplinary Probation:** Disciplinary probation may consist of removal from all college clubs and organizations and denial of privileges of participating in all district or student-sponsored activities including public performances. Disciplinary probation may be imposed for a period not to exceed one year and can be rendered by an administrator. Notification of disciplinary probation actions shall be immediately reported in writing to the Chief Student Services Officer. A student placed on disciplinary probation may appeal to the Chief Student Services Officer. Records of disciplinary probation actions shall be retained in the office of the Chief Student Services Officer or designee and in the student's file. A student has no right to appeal or to a due process hearing (Education Code Section 76031).
- **Disciplinary Suspension:** A student may be suspended from one or more classes for a period of up to ten days of instruction; from one or more classes for the remainder of the term; or from all classes and activities of the District for one or more terms. A suspended student may also be prohibited from occupying any portion of the campus and be denied participation in any or all college activities. Disciplinary suspensions shall be initiated by the Chief Student Services Officer and are subject to the Due Process Hearing and Appeal Procedures set forth in Section E of AP 5520 Discipline Procedures. Records of disciplinary suspensions shall be retained in the office of the Chief Student Services Office and in the student's file (Education Code Sections 66017, 76030, and 76031).
- **Expulsion:** the permanent and unconditional removal of a student from the District. A student may be expelled only by the Board of Trustees upon recommendation of the Superintendent/President. The expulsion of a student is initiated by the Chief Student Services Officer and is determined according to the Due Process Hearing and Appeal Procedures set forth in Section E and the Rules Pertaining to Expulsion Recommendations set forth in Section F of AR 5520 Student Discipline Procedures (Education Code Section 76030).

Education Code 66300-66303

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.

#### 66302.

The Trustees of the California State University, the Regents of the University of California, and the governing board of each community college district are requested to adopt and publish policies on harassment, intimidation, and bullying to be included within the rules and regulations governing student behavior within their respective segments of public postsecondary education. It is the intent of the Legislature that rules and regulations governing student conduct be published, at a minimum, on the Internet Web site of each public postsecondary educational campus and as part of any printed material covering those rules and regulations within the respective public postsecondary education system.

#### 66302.5.

The Trustees of the California State University shall provide, and the Regents of the University of California are requested to provide, as a part of established campus orientations, educational and preventive information about cyberbullying to students at all campuses of their respective segments.

#### 66303.

For purposes of promoting peaceful campus demonstrations, the Trustees of the California State University shall require each campus of the California State University to designate an individual to serve as a liaison between campus law enforcement agencies and students exercising rights guaranteed by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution, or both. The Regents of the University of California are requested to designate an individual at each campus of the University of California to serve as a liaison between campus law enforcement agencies and students exercising rights guaranteed by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution, or both.

#### 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.

#### 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

(a) Consistent with requirements of due process of law, with 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.

(b) (1) Notwithstanding any other law, if an order requested by a community college district to protect a campus of a community college district or any person regularly present on a campus of that district is issued upon a finding of good cause by a court against a student of that community college district, and the order prevents that student from attending classes and maintaining his or her academic standing, the community college district may require the student to apply for reinstatement after the expiration of that order. If the district requires the student to apply for reinstatement, it shall do so before the expiration of the protective order. If a student applies for reinstatement under this paragraph, a review with respect to the application shall be conducted. This review, at a minimum, shall include consideration of all of the following issues:

(A) The gravity of the offense.

(B) Evidence of subsequent offenses, if any.

(C) The likelihood that the student would cause substantial disruption if he or she is reinstated.

(2) The governing board of the community college district, or the person to whom authority is delegated pursuant to subdivision (f) of Section 76038, shall take one of the following actions after conducting a review under paragraph (1):

(A) Deny reinstatement.

(B) Permit reinstatement.

(C) Permit conditional reinstatement and specify the conditions under which reinstatement will be permitted.

#### 76033.

As used in this article, "good cause" includes, but is not limited to, the following offenses, occurring while enrolled as a student:

- (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.
- (g) 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:
  - (1) 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.
  - (2) Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent.
  - (3) Rape, which includes penetration, no matter how slight, without the person's consent, of either of the following:
    - (A) The vagina or anus of a person by any body part of another person or by an object.
    - (B) The mouth of a person by a sex organ of another person.
- (h) 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.

#### 76034.

- (a) Except in response to conduct specified in subdivisions (g) and (h) of Section 76033, 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.
- (b) This section is not intended to limit provisions of federal law, or limit the ability of community college districts to take appropriate action under federal law.

#### 76038.

- (a) If the governing board of a community college district receives an application for admission from an individual who has been expelled from another district pursuant to this article within the

preceding five years, or who is undergoing expulsion procedures in another district, for any of the offenses listed in subdivision (b), before taking action to deny enrollment or permit conditional enrollment as authorized by subdivision (e), the governing board or delegate pursuant to subdivision (f) shall hold a hearing, conducted in accordance with this section and the applicable rules and regulations governing enrollment hearings authorized by this section and adopted in accordance with Section 66300, to determine whether that individual poses a continuing danger to the physical safety of the students and employees of the district.

(b) For purposes of this section, "offense" means one of the following:

(1) Committed or attempted to commit murder.

(2) Caused, attempted to cause serious, or threatened to cause physical injury to another person, including assault or battery as defined in Section 240 or 242 of the Penal Code, except in self-defense.

(3) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 287, 288, or 289 of, or former Section 288a of, the Penal Code or committed sexual battery as defined in Section 243.4 of the Penal Code.

(4) Committed or attempted to commit kidnapping, or seized, confined, inveigled, enticed, decoyed, abducted, concealed, kidnapped, or carried away another person by any means with the intent to hold or detain that person for ransom or reward.

(5) Committed or attempted to commit robbery or extortion.

(6) Committed stalking as defined in Section 646.9 of the Penal Code.

(7) Unlawfully possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object.

(c) A community college district may request information, and respond to a request for information, from another community college district to determine whether an applicant continues to pose a danger to the physical safety of others.

(d) A community college district may require a student seeking admission who has been previously expelled from a community college in the state for any of the actions listed in subdivision (b) to inform the district of his or her prior expulsion. Failure to do so may be considered by the district in determining whether to grant admission, and a written record of the fact may be maintained by the district with the applicant's file.

(e) The governing board of a community college district, upon making a determination pursuant to subdivision (a), shall take into consideration evidence of subsequent offenses and rehabilitative efforts since the offense and may take any of the following actions:

(1) Deny enrollment.

(2) Permit enrollment.

(3) Permit conditional enrollment.

(f) The governing board of a community college district may delegate any authority under this section to the superintendent or president of a community college district, or his or her designee, or a threat assessment crisis response team pursuant to rules and regulations adopted pursuant to Section 66300.

(g) Before the governing board of a community college district takes action as authorized under this section, the governing board shall establish a formal appeals process for students denied enrollment to appeal the decision to the governing board. A student who is denied enrollment

under subdivision (e) may appeal the decision to deny enrollment to the governing board of the community college district.

(h) This section shall not be construed to impose any duty on a community college district to review applicants for admission or review previously enrolled students, whether returning or continuing, or to conduct a hearing in response to the receipt of any information regarding a potential, former, or existing student.

(i) In accordance with Sections 815.2 and 820.2 of the Government Code, a community college district, a member of the governing board of a community college district, an officer or employee of a community college district, including a superintendent of a community college district, a president of a community college district, and the designee of a president or a superintendent, shall not be liable for an injury resulting from an exercise of discretion pursuant to this section, including, but not limited to, an exercise of discretion not to conduct a hearing when a hearing is not required.

(j) This section shall not apply to the admission of students for whom a community college district has discretion to admit pursuant to Section 76000.

#### 76224.

(a) When grades are given for any course of instruction taught in a community college district, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final.

(b) No grade of a student participating in a physical education class, however, may be adversely affected due to the fact that the student does not wear standardized physical education apparel where the failure to wear such apparel arises from circumstances beyond the control of the student.

#### 76120.

The governing board of a community college district shall adopt rules and regulations relating to the exercise of free expression by students upon the premises of each community college maintained by the district, which shall include reasonable provisions for the time, place, and manner of conducting such activities.

Such rules and regulations shall not prohibit the right of students to exercise free expression including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges, or other insignia, except that expression which is obscene, libelous or slanderous according to current legal standards, or which so incites students as to create a clear and present danger of the commission of unlawful acts on community college premises, or the violation of lawful community college regulations, or the substantial disruption of the orderly operation of the community college, shall be prohibited.

#### 76121.

The governing board of each community college district shall require each community college maintained by the district, in administering any test or examination, to permit any student who is eligible to undergo the test or examination to do so, without penalty, at a time when that activity would not violate the student's religious creed. This requirement shall not apply in the event that administering the test or examination at an alternate time would impose an undue hardship which could not reasonably have been avoided. In any court proceeding in which the existence of an undue hardship which could not reasonably have been avoided is an issue, the burden of proof shall be upon the institution.

