

STUDENT CODE OF CONDUCT

STATEMENT OF STUDENT RIGHTS AND RESPONSIBILITIES

The Board of Trustees of the Kern Community College District, in support of public education and the exercise of general supervision of the campuses of the district, believes that student conduct must reflect the standards of good behavior expected by society. Furthermore, since the people of the District furnish public education, it becomes a privilege for students to have this opportunity to further their education. *The District expects students to conduct themselves in a manner consistent with the educational purposes of the College. Student conduct should reflect consideration for the rights of others, and students are expected to cooperate with all members of the College community.*

Society's ability to successfully address a broad range of social problems is determined by the cumulative actions of thousands (if not millions) of individuals. Students shall respect constituted authority. This shall include conformance to California state laws, Board regulations, Bakersfield College regulations, and applicable provisions of civil and criminal law.

Students are expected to observe high personal standards of decency, morality, honesty, and social relationships. Students are members of both society and the academic community with rights and responsibilities. Students are expected to make themselves aware of and comply with the law, and with College and District campus policies and regulations.

Failure to respect the standards as set forth by Bakersfield College may be cause for disciplinary action as outlined in the Student Handbook.

STUDENT RESPONSIBILITIES

Student Conduct

Students are encouraged to access all services available for achieving their personal and professional/career goals. At the same time, students are expected to conduct themselves in a manner compatible with the College's function as an educational institution and demonstrate the following:

1. Respect among all students, faculty, classified staff and administration.
2. Responsibility for reading and following Bakersfield College rules and regulations.
3. Professional conduct in the classroom by doing the following:
 - a. Reading and following the course syllabus.
 - b. Attending all classes and arriving to class on time.
 - c. Completing assignments, projects on time.
 - d. Doing your own work and never plagiarizing the work of others.
 - e. Meeting with the instructor/professor during office hours as needed to clarify course requirements and/or resolve any issues not resolved in class.
4. Respect for all program and support services guidelines and requirements.
5. Respect for College equipment, buildings and grounds.

Principles of Discipline

As an institution of higher education, Bakersfield College is committed to providing an orderly and safe educational environment that is conducive to student learning. The College's policies and procedures are designed to preserve a healthy learning environment. Accordingly, the College will restrain student conduct and/or discipline students if their conduct interferes with a safe and healthy learning environment.

Bakersfield College students will be entitled to an impartial hearing in instances where College rules, regulations or procedures are violated. However, nothing in this section shall be construed to prohibit an immediate suspension where such a suspension is required in order to protect lives or property, or in conformance with applicable legal requirements. In instances where a student is deemed a minor, the student's parents or guardian shall have all of the rights and privileges set forth herein. Students may also be subject to civil and criminal authority.

Prohibited Conduct

By enrolling in Bakersfield College, students agree to be responsible members of the College community, obey the law, comply with the published rules and regulations of the College, respect the rights, privileges and property of the other members of the College community, and not interfere with legitimate College affairs. Students should be aware that the rules on student misconduct do not only apply when on campus or in class. Rather, students can be found to have engaged in misconduct:

- when on campus.
- when in a College-operated facility.

- when off campus, if acting as a student employee or representative of the College.
- when participating in Bakersfield College-related field trips, club activities, conferences or other College sponsored events. This includes all hours of the day or night while the student is under the supervision of the College.
- When off-campus conduct adversely affects the College and/or pursuit of its objectives.

A student may be disciplined for good cause and in accordance with the disciplinary procedures set forth in this handbook. Good cause includes, but is not limited to the offenses outlined in Board Policy 4F8. Discipline can include receiving a warning, censure, probation, restitution, temporary removal, suspension or expulsion. The following misconduct is strictly prohibited by KCCD Board Policy 4F8, Bakersfield College, and California Education Code Section 76037:

1. Persistent or gross acts of willful disobedience and/or defiance toward College personnel.
2. Assault, battery, or any other form of physical abuse of a student or College employee.
3. Verbal abuse of a student or College employee. This includes, but is not limited to defamation, obscenity, or "fighting words."
4. Any conduct that threatens the health or safety of the individual or another, including any such action that takes place at an event sponsored or supervised by the College.
5. Theft of or damage to the property of the College, another student or staff.
6. Interference with the normal operations of the College (e.g., disruption of teaching and administrative functions, disciplinary procedures, pedestrian or vehicular traffic, or other College activities, including its public service functions).
7. Use of personal portable sound amplification equipment and other electronic devices (radios, cell telephones, pagers, and tape players, etc.) in a manner that disturbs the privacy of other individuals and/or the instructional program of the College.
8. Unauthorized entry into, or use of, College facilities, equipment, materials or supplies.
9. Abuse of and/or tampering with the registration process.
10. Forgery, falsification, alteration or misuse of College documents, records, or identification.
11. Dishonesty such as cheating, plagiarizing, or knowingly furnishing false information to the College and its officials.
12. Disorderly, lewd, indecent or obscene conduct.
13. Extortion.
14. Breach of the peace on College property or at any College-sponsored or supervised function.
15. The use, sale, possession, or being under the influence of alcohol or any other controlled substance prohibited by law, on campus or at any function sponsored or supervised by the College.
16. Illegal possession or use of firearms, explosives, dangerous chemicals, or other weapons on College property or at College-sponsored activities.

17. Smoking and/or the use of tobacco products inside all campus buildings and other unauthorized campus areas.
18. Failure to comply with directions of College officials, faculty, staff, or campus public safety officers who are acting in performance of their duties.
19. Failure to identify oneself when on College property or at a College-sponsored or supervised event upon the request of a College official acting in the performance of his/her duties.
20. Gambling.
21. Harassment (verbal, physical, or sexual) of any student or member of the College community. (Harassment is defined as an activity, that causes substantial emotional distress and serves no legitimate purpose.)
22. Abuse of computer resources.
23. Abuse of or disruption to the student conduct and/or complaint process including but not limited to:
 - a. Failure to obey the summons of a College official or appropriate committee.
 - b. Falsification, distortion, or misrepresentation of information before a College official or appropriate committee.
 - c. Disruption or interference with the orderly conduct of an official College proceeding.
 - d. Attempting to influence the impartiality of a member of an official committee prior to and/or during the course of an official College proceeding.
 - e. Harassment and/or intimidation of any person involved in the conduct and/or complaint process, prior to, during and/or after the proceeding.
 - f. Failure to comply with the sanction(s) imposed under the Student Conduct Code.
 - g. Influencing or attempting to influence another person to commit an abuse of the conduct or complaint process system.
 - h. Repeated filing of frivolous and/or capricious complaints against College personnel.
24. Hazing.
25. Violation of other applicable Federal, State, and local laws (e.g., hate crimes) and College rules and regulations.
26. Persistent, serious misconduct where other means of correction have failed to bring about proper behavior.
27. Assisting another person or soliciting another person in the offenses listed in this policy.

Sanctions

INTERIM ACTION: At any time following the submission of a referral, the Dean of Students - as designee of the College President - may suspend a student for an interim period prior to resolution of the disciplinary proceeding if the Dean believes that the information that supports the allegations of misconduct is reliable, and determines that the continued presence of the student on the College campus poses a threat to any individual, property or College function. The Dean of Students may impose other forms of interim action, such as immediate removal from the campus or exclusion from one or more classes, or other locations, or campus sponsored activities or events.

In accordance with the provisions of Education Code Sections 76031 and 76037, the Board of Trustees provides for the following sanctions for violations of the Code of Student Conduct, and more than one (1) of the sanctions listed below may be imposed for any single violation:

- **WARNING:** Verbal notification of the student by a faculty member or administrator that continuation of the conduct may be cause for further disciplinary action;
- **CENSURE:** A written reprimand or warning to the student by a faculty member or administrator; written referral of the student to a College office or community agency for counseling or rehabilitative treatment;
- **PROBATION:** Prohibition of the student by the Administration from participating in designated privileges of College activities for a period of up to one (1) semester or other stipulated requirements to conform to specified standards or conduct;
- **RESTITUTION:** Reimbursement to the College, as directed by the Administration, for repair or replacement of District property misused, misappropriated, or damaged by the student;

TEMPORARY REMOVAL

Education Code, Section 76032, gives an instructor the right to remove a student "for good cause" from class **for the day of the removal and the next class meeting**. However, the instructor must then immediately report this removal to the Department Chair and the Dean of Students, for any further appropriate action, such as suspension or expulsion from the class.

Whenever a minor is removed from a class, the parent or guardian shall be notified in writing by the Dean of Students. If the student removed from class by a faculty member is a minor, the Dean of Student shall ask the parent or guardian of the student to attend a parent conference

regarding the removal as soon as possible. If the faculty member 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/she was removed without the concurrence of the faculty member of the class. (Education Code Sections 76031 and 76032)

Once the student is removed from class, any communication regarding the removal from class must be directed to the Dean of Students' Office in CC4, extension 4614.

- **SUSPENSION:**

- Exclusion from any or all classes and activities of the College and from use of any District facilities. The College President or Dean of Students may suspend a student for good cause as follows:
 - From one (1) or more classes for a period of up to ten (10) days of instruction.
 - From one (1) or more classes for the remainder of the school term.
 - From all classes and activities of the College for one (1) or more terms
- In all cases of suspension, the student will receive official notice from the Dean of Students. No student shall be suspended unless the conduct for which he/she is to be disciplined is related to College activity or campus attendance.
- Suspensions of any student from the College will be accompanied by a prompt hearing, unless the charges have been disposed of administratively by mutual consent, or the student sends a written notification to the Dean of Students indicating that he/she does not want to proceed with the hearing.
- If an immediate suspension is required in order to protect lives or property and/or to ensure the maintenance of order, a reasonable opportunity shall be afforded the suspended person for a hearing within ten (10) days of the suspension. (Education Code Sections 66017 and 76030)
- During the period of suspension, a student will not be permitted to enroll in any College in the District. (Education Code Section 76031) Violation or violations of any law, ordinance, regulation, or rule regulating, or pertaining to, the parking of vehicles, shall not be cause for the suspension or expulsion of a student from a community College. (Education Code Section 76036)

- The College President reports all suspensions of students to the Chancellor of the District. (Education Code Section 76031) Whenever a minor is suspended from the College, the College President and/or the Dean of Students shall notify the parent or guardian in writing. The parent or guardian of the student shall be asked to a conference regarding the removal. (Education Code Sections 76031 and 76032)
- **EXPULSION:** Termination of the student status by the Board of Trustees on the recommendation of the Chancellor.
 - No student can be expelled, unless the conduct for which he/she is to be disciplined is related to College activity or campus attendance.
 - Expulsion of any student from the District shall be accompanied by a prompt hearing.
 - If an immediate expulsion is required in order to protect lives or property and/or to ensure the maintenance of order, a reasonable opportunity shall be afforded the expelled person for a hearing within ten (10) days of the expulsion. (Education Code Sections 66017 and 76030)
 - In cases of expulsion, the Chancellor recommends action to the Board of Trustees after receiving the College President's recommendation and supporting documentation, including the hearing panel's recommendation and the hearing record.
 - After Board action, the Chancellor or designee notifies the student by registered mail, return receipt requested. The expulsion may be for a specified or unspecified time and shall be from all Colleges, programs, and activities of the District.
 - In expulsion for an unspecified time, the student may, after a reasonable time, request the College President to remove the expulsion. If the College President approves the request, the President shall make that recommendation to the Chancellor or designee who may recommend to the Board that the expulsion be removed.
 - The Chancellor notifies the student of the Board's action.

The Dean of Students reports any violation of Penal Code Section 245 (assault with a deadly weapon) or Civil Code Section 52.1 and Penal Code Sections 422.6 through 422.95 (hate crime) to the appropriate law enforcement authorities. (Education Code Section 76035)

ACADEMIC INTEGRITY

Bakersfield College students are expected to behave as responsible members of the College community and to be honest and ethical in their academic work. Bakersfield College strives to provide students with the knowledge, skills, judgment, and wisdom they need to function in society as educated adults. To falsify or fabricate the results of one's research; to present the words, ideas, data, or work of another as one's own; or to cheat on an examination, project, and/or course assignments corrupts the essential process of higher education. **Students assume full responsibility for the content and integrity of the coursework they submit.**

An instructor who determines that a student has cheated or plagiarized has the right to assign an "F" grade for the assignment or examination. However, each College may impose additional penalties as appropriate to their respective College discipline procedures.

Definitions: *(Quoted from the Regulation at Cal State University, Long Beach, as printed in the its General Catalog dated 1990-91, page 56.)*

Definition of Plagiarism (Board Policy 4F8D)

- Plagiarism is defined as the act of using the ideas or work of another person or persons as if they were ones own, without giving credit to the source.
- Such an act is not plagiarism if it is ascertained that the ideas were arrived at through independent reasoning or logic or where the thought or idea is common knowledge.
- Acknowledgement of an original author or source must be made through appropriate references, i.e., quotation marks, footnotes, or commentary.
- Examples of plagiarism include, but are not limited to, the following:
 - the submission of a work, whether in part or in whole, completed by another;
 - failure to give credit for ideas, statements, facts or conclusions which rightfully belong to another;
 - in written work, failure to use quotations marks when quoting directly from another, whether it is a paragraph, a sentence, or even a part thereof; close and lengthy paraphrasing of another's writing or programming.
- A student who is in doubt about the extent of acceptable paraphrasing should consult the instructor.
- Students are cautioned that, in conducting their research, they should prepare their notes by (a) either quoting material exactly (using quotation marks) at the time they take notes from a source; or (b) departing completely from the language used in the source, putting the material into their own words. In this way, when the material is used in the paper or project, the student can avoid plagiarism resulting from verbatim use of notes. Both quoted and paraphrased materials must be given proper citations.

Definition of Cheating (Board Policy 4F8D)

- Cheating is defined as the act of obtaining, or attempting to obtain, or aiding another to obtain academic credit for work by the use of any dishonest, deceptive, or fraudulent means.
- Examples of cheating during an examination include, but are not limited to, the following: copying, either in part or in whole, from another's test or examination; discussion of answers or ideas relating to the answers on a examination or test unless such discussion is specifically authorized by the instructor; giving or receiving copies of an examination without the permission of the instructor; using or displaying notes, "cheat sheets," or other information or devices inappropriate to the prescribed test conditions, as when a test of competence includes a test of unassisted recall of information, skill, or procedure; allowing someone other than the officially enrolled student to represent the same.
- Also included is plagiarism as defined and altering or interfering with the grading procedures.
- It is often appropriate for students to study together or to work in teams on projects. However, such students should be careful to avoid the use of unauthorized assistance, and to avoid any implication of cheating, by such means as sitting apart from one another in examinations, presenting the work in a manner, which clearly indicates the effort of each individual, or such other method as is appropriate to the particular course.

Disciplinary Procedures

Procedural due process is basic to the enforcement of the College's policies and regulations. The Board of Trustees has established procedures for handling student conduct cases in accordance with basic standards of due process. Any breach of student conduct may be reported to the Dean of Students. The official policies of the Kern Community College District Board of Trustees stipulate that Bakersfield College students have certain rights and privileges, along with certain obligations.

To correct unacceptable student conduct, Bakersfield College staff believes disciplinary proceedings are secondary to counseling and admonition. In the exceptional circumstances when discipline is deemed necessary, the College will observe due process to protect the student from unfair and arbitrary imposition of serious penalties.

The College attempts to be fair in the handling of student conduct cases. The procedures outlined in this handbook represent the steps employed to reach a resolution in cases of alleged misconduct.

Questions concerning these procedures may be addressed to the Office of the Dean of Students.

Student Conduct Hearing Panel Proceedings

When a student has been suspended or recommended for expulsion, the student is entitled to a hearing within ten instructional days of the suspension or expulsion recommendation. The Dean of Students Office prepares the letter and packet to notify the student of the suspension and the date of the hearing panel.

The Dean of Students Office establishes a timeline for the hearing, challenge of panel members and notification of witnesses.

- A Hearing Panel is scheduled within ten (10) instructional days after notifying student of suspension.
- The suspended student must respond to the Dean of Students within five (5) instructional days or the student waives his/her hearing option. If the student elects to not respond, the Hearing Panel will still take place.
- A student may challenge hearing panel members not less than five (5) instructional days prior to the hearing.
- Challenges will be considered by the College President or Dean of Students. If a challenge is upheld, the President or Dean of Student will direct an alternate to be appointed.

The Dean of Students Office provides the recording device for the hearing. All proceedings, including testimony before the panel is recorded and the record shall be the property of the College and/or District. All reports, records, transcripts, recordings, etc., that are made part of the hearing are retained in the office of the appropriate Vice President and such reports, records, transcripts, recordings, etc., made part of the hearing are held confidential, except as required by law.

Right to Representation & Right to an Advisor

- The student and staff member may represent themselves or be represented by another student or staff member
- The student has the right to be assisted by any advisor he/she chooses. The advisor shall not be allowed to address the Hearing Panel, cross-examine witnesses or make arguments on behalf of his/her advisee. The advisor can attend the hearing, but shall not be permitted to participate directly in the proceedings.

Guidelines for Hearing

The student and witnesses are to arrive 15 minutes before the hearing starts.

The Chair shall notify the student and parties who will be testifying to wait to be called. The hearings are closed and confidential.

The hearing is set for one hour. If a second meeting is required, the Chair sets a date for the next meeting.

The Chair is responsible for:

- Calling the hearing to order.
- Introducing the parties (panel members).
- Announcing the purpose of the hearing.
- Reading the alleged violation(s) aloud.

Chair notifies panel members of the following:

- The chair presides over the hearing.
- The chair makes decisions regarding procedures. All decisions are final.
- The chair has the discretion to admit (or not admit) any person to the hearing.
- The hearings shall be closed and confidential.
- Formal rules of evidence shall not apply. It is a preponderance of evidence that will determine the outcome. All relevant evidence is admissible, including, but not limited to, statements of witnesses and relevant documents. The chair shall decide on these matters. The chair will rule on the admissibility of evidence. Pertinent records, exhibits and written statements may be accepted for consideration of the Hearing Panel at the discretion of the chair.
- Both parties shall be provided the opportunity during the hearing to refute or contest any evidence presented.
- The College, the student and the Hearing Panel shall have the right of presenting witnesses, subject to the right of cross-examination.
- All witnesses shall be excluded from the hearing except when testifying.
- Witnesses shall only be identified at the hearing.
- Each party shall be afforded the opportunity to make a closing argument.
- The hearing shall take place whether the accused student attends or not so that the charges and supporting evidence shall become part of the official record.
- If a consensus cannot be achieved, the decision or recommendations shall be made by a simple majority vote.

The actual hearing process:

- The Chair asks the student and College representative to come into the room.
- The student and College each has a limit of 30 minutes to present:
 - opening statements,
 - witnesses,
 - cross-examinations, and
 - closing statements.

- Testimony can include oral testimony or written affidavits of witnesses.
- Both parties are excused and informed that they will be notified in writing of the President's decision.
- The panel deliberates in private to determine whether the accused has violated the Student Conduct Code sections as charged.

Procedures Subsequent to the Hearing

1. Within five (5) instructional days of the hearing date, a written recommendation action is made to the College President.
2. The President renders a decision within five (5) instructional days and communicates the decision in writing to all parties involved.
3. In all cases of suspension, the student receives official notice from the President or designee.

Appeals

Under certain circumstances, the accused has the right to appeal the College President's decision.

1. The appeal may be made on the following grounds ONLY:
 - The Student Conduct Policy and/or Procedures were violated, and the violation resulted in demonstrable unfairness to the accused; or
 - Relevant new evidence exists which was previously unavailable and which would substantially affect the findings of the Hearing Panel.
2. Appeals must specify the grounds for the appeal and must be submitted in writing using the "Appeal of the President's Decision Appeal Form" (found in the forms section of this handbook.) to the College President within:
 - Five (5) instructional days of written notification of the decision when delivered in person with a signed receipt, or
 - Eight (8) instructional days of written notification of the decision when sent by registered mail and return receipt requested.
3. Following a review, the College President may:
 - Affirm the findings or sanction(s),
 - Remand for a full or partial rehearing,
 - Modify the sanction(s), or
 - Dismiss the charge(s) against the student(s).

4. Within ten (10) instructional days after receipt of the written appeal, the College President shall forward to the student(s) and to all parties involved a written notice of his/her decision regarding the appeal. The decision of the College President is final.

STUDENT COMPLAINT PROCEDURES

The Student Complaint Procedures are established so that students can resolve difficulties/problems they encounter in College-related activities. The Student Complaint policy is designed to consider an alleged wrong against a student. Efforts will be made to resolve a complaint in a timely and fair manner. Students who contend they have been treated unfairly have the right, without fear of reprisal, to use a written procedure in their attempt to right an alleged wrong.

Student complaints are taken seriously; therefore, the complaint must be of a compelling, substantive, and verifiable nature. Repeated filings of the same complaint, filings of a frivolous nature, or capricious complaints against school personnel will be considered abuse of the student conduct and/or complaint process. Such repeated filings will be referred to the College President for a decision.

Student Complaint Procedures apply to student complaints such as those listed below:

AREA OF COMPLAINT	RESPONSIBLE STAFF
Course content	Dean of Students
Access to classes	Dean of Students
Verbal or physical abuse by faculty, staff, or students	Dean of Students
Faculty member refusal to confer with student(s)	Dean of Students
Grades (mistake, fraud, bad faith, or incompetence)	Appropriate Vice President
Harassment	Human Resources Director
Unlawful Discrimination	Human Resources Director
Sexual Harassment	Human Resources Director

Assignment of Grades (Title 5, Section 55760)

- a. The instructor of each course determines the grade to be awarded each student.
- b. The determination of the student's grade by the instructor shall be final in the absence of mistake, fraud, bad faith, or incompetence.
- c. A judgment to change or expunge a grade for reasons of fraud, bad faith, or incompetence shall be made by the appropriate Vice President after consultation with the student, the instructor, and the Division/Department Chair.
- d. All parties noted above will be notified in writing of any changes.
- e. Reasons for any grade change will be documented.

GENERAL COMPLAINT PROCEDURE

- Filing of complaints against any party is a serious undertaking.
- Prior to filing a written complaint, and within ten (10) instructional days of the incident leading to the complaint, the student(s) should contact the staff member involved in an attempt to orally resolve the issue.
- If this effort meets with no success, the student is encouraged to meet with the respondent's immediate supervisor, i.e. Department Chair, Program Director.
- If these attempts are not feasible, or do not resolve the problem, the student(s) may initiate Level I action by contacting the appropriate administrator, i.e. Dean.
- Complaints may not be filed after ninety (90) instructional days from the date of the incident leading to the complaint.
- If a complaint is filed within the last thirty (30) instructional days of the semester or the last ten (10) instructional days of summer school, the appropriate administrator may delay any further action on the complaint until the next academic term.
- At the written request of the student, action on a complaint may be delayed until the term of the class is completed. In this event, the appropriate administrator may delay any further action on the complaint until the next semester.
- In the event of a group complaint, at most two (2) students shall be chosen to carry the complaint forward.
- Notices sent to the last address in the College records and deposited in the United States mail, postage prepaid, shall be presumed to have been received and read. It is the student's responsibility to ensure that contact information is current at all times.
- All Student Complaint-related forms are available in the supervisor's office, Dean of Students' office (CC4) and on the Bakersfield College website.
- All formal level proceedings are recorded using audio and/or video recorders by the appropriate administrator. To protect the integrity and confidentiality of the proceedings, no other recording or transcription is allowed.
- Recordings are confidential and the exclusive property of the College/District. Recordings become a part of the complaint file and are maintained by the designated administrator.

LEVEL I COMPLAINT PROCEDURE

The student(s) should contact the office of the staff member's immediate administrator, i.e. Dean.

1. At the time of contact, the student completes and submits a Level I "Initial Student Complaint Form."
2. Within ten (10) instructional days of notice of the occurrence to the alleged incident, the student receives an appointment to meet with the appropriate administrator, i.e. Dean at this time.
3. In an effort to resolve the complaint, subsequent to the student meeting with the administrator, the administrator/designee meets and confers with the staff member(s) involved. If possible, this meeting shall be within five (5) instructional days of the student meeting with the immediate supervisor/designee.
4. The student and the administrator meet and attempt to resolve the issue in a satisfactory manner.
 - a. The conference(s) may be recorded with the concurrence of both parties.
 - b. If the complainant fails to appear for the scheduled appointment, the complaint process is terminated.
 - c. The complainant will have no further recourse.
5. After meeting with student and staff member(s), the administrator notifies the parties involved of the suggested resolution.
6. If this resolution is acceptable to the complainant, the administrator completes the Level I "Information/Disposition Form" and submits copies of it to the complainant and the staff member. The original is maintained in a suitable file.
7. If the administrator does not resolve the complaint to the complainant's satisfaction, the complainant may, within ten (10) instructional days of the decision, file with the appropriate administrator a request to move the complaint to Level II.

LEVEL II COMPLAINT PROCEDURE

1. Under certain circumstances, and in the interest of fairness to all parties, the administrator, i.e. Dean, may refer the Level I complaint to Level II immediately.
2. The immediate administrator notifies the student, staff member(s), and appropriate administrator when the referral has been advanced to Level II.
3. If the complainant(s) choose(s) to move the complaint to Level II, the student(s) must complete and submit to the appropriate administrator a "Request to Appeal Level I Recommendation Form."
 - a. Within ten (10) instructional days of receiving the request the appropriate administrator investigates the allegations and convenes a conference of the student(s), the staff member(s), and the staff member(s)' immediate supervisor/designee.
 - b. At this meeting, an attempt is made to resolve the issue(s) and agree upon the remedy.
 - c. The student(s) bringing the complaint and the staff member(s) being complained against must be present at this conference.
 - d. Under compelling circumstances, this meeting may involve teleconferencing.
4. If the complainant fails to appear for this conference, except for demonstrated good cause, the complaint process is terminated, and the complainant has no further recourse.
5. Following the Level II conference, the appropriate administrator, within five (5) instructional days, provides a written decision and the basis for the decision. Copies of this decision are sent to the student(s), the staff member(s), the immediate supervisor/designee, and the appropriate Vice President.
6. The student(s) bringing the complaint and/or staff member(s) being complained against may challenge the Level II decision by proceeding to Level III.

LEVEL III COMPLAINT PROCEDURE

1. If the student and/or the staff member(s) challenge(s) the Level II decision, the student/staff member must file with the appropriate Vice President a written Level III Appeal using the Level III “Request to Appeal Level II Recommendation Form” - within ten (10) instructional days of notification of the Level II decision.
 - a. The appropriate Vice President/designee receives copies of all written materials, recordings, and any other documents generated regarding the complaint at Levels I and II.
 - b. Within ten (10) instructional days of receiving the referral, the appropriate Vice President assembles the complainant(s), the staff member(s), the appropriate administrator from Level II, and the immediate supervisor/designee.
2. If the appropriate Vice President is able to resolve the complaint(s),
 - a. A resolution is established in written form and is validated by the signatures of all parties involved.
 - b. This agreement becomes part of the file, and copies of the agreement are made available to the complainant(s), staff member(s), appropriate administrator, and immediate supervisor/designee.
3. If the appropriate Vice President is unable to resolve the difference(s)/complaint(s),
 - a. The Vice President assembles the Hearing Panel within ten (10) instructional days of that determination.
 - b. The Vice President provides the Hearing Panel with the procedure to be used and answers any procedural questions.

Student Complaint Hearing Panel Procedures

Basis for Hearing

If a complaint cannot be resolved at Levels I, II or III, a Hearing Panel is convened to hear the student complaints that reach Level IV.

The Hearing Panel - Standing Committee

Bakersfield College appoints a Standing Committee from which a panel is chosen to hear student complaint appeals beyond Level III of the Student Complaint Procedures. The College standing committee is composed of eight (8) members. Members are appointed each August to serve through July and include:

- ✓ Two (2) faculty members appointed by the Academic Senate President
- ✓ Two (2) students appointed by the Student Government Association President
- ✓ Two (2) classified staff appointed by the CSEA or Classified Senate President
- ✓ Two (2) administrators appointed by the College President

Composition of Hearing Panel

The College President appoints the non-voting Chair of the Hearing Panel (not a Standing Committee member). The Student Complaint Hearing Panel is composed of selected members of the Standing Committee and an ad hoc member as follows:

If the complaint is against a faculty member, the Hearing Panel shall consist of:

- ✓ two (2) faculty members
- ✓ one (1) student member
- ✓ one (1) ad hoc voting member appointed by the Academic Senate President
- ✓ one (1) classified member
- ✓ one (1) administrator

If the complaint is against an administrator, the Hearing Panel consists of:

- ✓ two (2) administrators
- ✓ one (1) student member
- ✓ one (1) faculty member
- ✓ one (1) classified member
- ✓ one (1) ad hoc voting member appointed by College President

If the complaint is against a classified staff member, the Hearing Panel consists of:

- ✓ two (2) classified members
- ✓ one (1) faculty member
- ✓ one (1) administrator
- ✓ one (1) student member
- ✓ one (1) ad hoc voting member appointed by the CSEA or Classified Senate President

Student Complaint Hearing Panel Procedures

Notifications

1. When a Student Complaint Hearing Panel is convened, the appropriate administrator prepares and causes to be delivered or mailed a written notice to the parties involved, including the Hearing Panel members, not less than ten (10) instructional days prior to the hearing.
2. A signed receipt must evidence delivered notices. Notices sent to the last address available in the College's records and deposited in the United States mail, postage prepaid, return receipt requested, will be presumed to have been received and read.
3. The notice shall specify the date, time, and place of the Hearing and shall include all data pertinent to the complaint from Levels I, II and III, the Student Complaint Policies and Procedures, and the Hearing Panel Procedures.
4. The notice also includes a statement apprising each party of his/her/their right to:
 - a. self-representation or representation by a member of the College staff or student body,
 - b. present witnesses, and
 - c. cross-examine witnesses presented by the opposing party.

Hearing Preparation

1. The appropriate administrator is responsible for making the necessary arrangements for the Hearing.
2. Either the student(s) or the staff member(s) complained against may challenge any member of the Hearing Panel for cause.
3. Grounds for cause include any personal involvement in the situation-giving rise to the grievance, any statement made on the matters at issue, or any other act or statement indicating a person could not act in an impartial manner.

4. Any challenge must be made in writing, not less than five (5) instructional days prior to the Hearing. The appropriate administrator considers challenges. If a challenge is upheld, the appropriate administrator appoints an alternate to the Hearing Panel.

Right to Representation

1. The student(s) and the staff member(s) may represent themselves, or may be represented by another student or staff member.
2. Any person not in the College community may represent neither the student(s) nor the staff member(s).
3. An attorney acting in the role of legal advocate may represent neither the student(s) nor the staff member(s).

Right to Advisor

1. The student(s) and the staff member(s) have the right to be assisted by any advisor he/she/they choose(s).
2. The advisor may be an attorney. However, the advisor, while permitted to attend the hearing, is not permitted to participate directly.
3. The advisor is not allowed to address the Hearing Panel, cross examine witnesses, or make arguments on behalf of his/her advisee.

Guidelines for Student Complaint Hearings

Hearings are conducted by the Hearing Panel using the following guidelines:

1. The Chair of the Hearing Panel presides over the Hearing and makes decisions regarding procedure.
2. The Chair's procedural decisions are final. In Hearings involving more than one (1) accused respondent, the Chair may conduct separate hearings for each respondent.
3. Hearings are closed. All witnesses are excluded from the Hearing except when testifying.
4. Admission of any person to the Hearing is at the discretion of the Chair.
5. The Chair calls the Hearing to order, introduces the parties, and announces the purpose of the Hearing, e.g., *"This Hearing meets pursuant to **Level III of the Student Complaint Procedures** to hear a complaint brought by _____ against - _____, and make findings of fact and recommendations for action to the College President.*
6. The Chair distributes copies of the written complaint to the Hearing Panel members, reads the complaint aloud, and asks the parties if they have reviewed the allegations. The Chair explains the procedures to be followed during the Hearing.

7. The Hearing Panel may consider only allegations filed by the student(s) at Levels I and II of the Student Complaint Procedures.
8. The complainant, the staff member(s) being complained against (respondent), and the Hearing Panel may present witnesses, subject to the right of cross-examination. Witnesses will only be identified at the Hearing.
 - a. The Hearing Panel Chair retains the right to limit the amount of time allowed for the complainant's case, rebutting evidence, argument, examination of witnesses and the number of witnesses.
 - b. Equal time is granted to both sides to present their cases.
9. Each party is afforded the opportunity to make an opening statement.
 - a. This statement may not exceed five (5) minutes in length.
 - b. After the opening statements, each party has the opportunity to present relevant evidence and testimony.
 - c. Formal rules of evidence do not apply.
 - d. All relevant evidence is admissible, including, but not limited to, statements of witnesses and relevant documents.
10. The complainant has the burden of proving that the allegation(s) is (are) true.
 - a. The student(s) present(s) evidence in support of the allegation(s) first.
 - b. Subsequently, the staff member(s) may present evidence to refute the allegation(s).
11. Each party is afforded an opportunity to make a closing statement.
 - a. This statement may not exceed five (5) minutes in length.
 - b. The complainant closes first.
 - c. Subsequently, the Hearing Panel retires to deliberate with only the members of the Panel and the Panel Chair present.
12. The Hearing Panel make its decision and/or recommendation(s) based on the preponderance of evidence presented at the Hearing and relevant to the allegations filed at Levels I and II of the Student Complaint Procedures. In situations where a consensus cannot be reached, the decision or recommendation(s) is made by a simple majority vote.

Procedures Subsequent to the Student Complaint Hearing

Notifications

1. Within five (5) instructional days of the Hearing, the Chair delivers to the College President the written recommendation(s) arrived at by consensus or by majority vote of the Panel members. Minority opinion(s) may be attached to the majority report. The recommendations to the College President are advisory.
2. Within five (5) instructional days of receiving the Hearing Panel's recommendation(s), the College President renders a decision. This decision is communicated, in writing, to the complainant(s), the parties grieved against, appropriate supervisor(s) and administrator(s), and the Hearing Panel Chair and members.
3. The decision of the College President is final.

Confidentiality of Records

1. All reports, records, transcripts, tapes, etc., which are made a part of the hearing are retained in the office of the appropriate Vice President.
2. All such reports, records, transcripts, tapes, etc., are held confidential except as required by law.

Sexual Harassment

Kern Community College District Board Policy Manual

Section 11A2

The Board of Trustees of the Kern Community College District will not tolerate any behavior which constitutes sexual harassment of staff or students. It is the policy of the Kern Community College District that members of the college community, including visitors, guests and contractors, may not sexually harass another person.

For the purpose of this policy, sexual harassment is defined as unwelcome sexual advances; requests for sexual favors; and/or verbal, physical conduct, or written communication of an intimidating, hostile, or offensive sexual nature where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment or a student's status in a course, program or activity;
- Submission to or rejection of such conduct is used as a basis for employment decisions or as a basis for academic or other decisions, affecting a student; or
- Such conduct has the purpose or effect of substantially interfering with an employee's work performance or student's educational experience, or creates an intimidating, hostile or offensive working or academic environment.

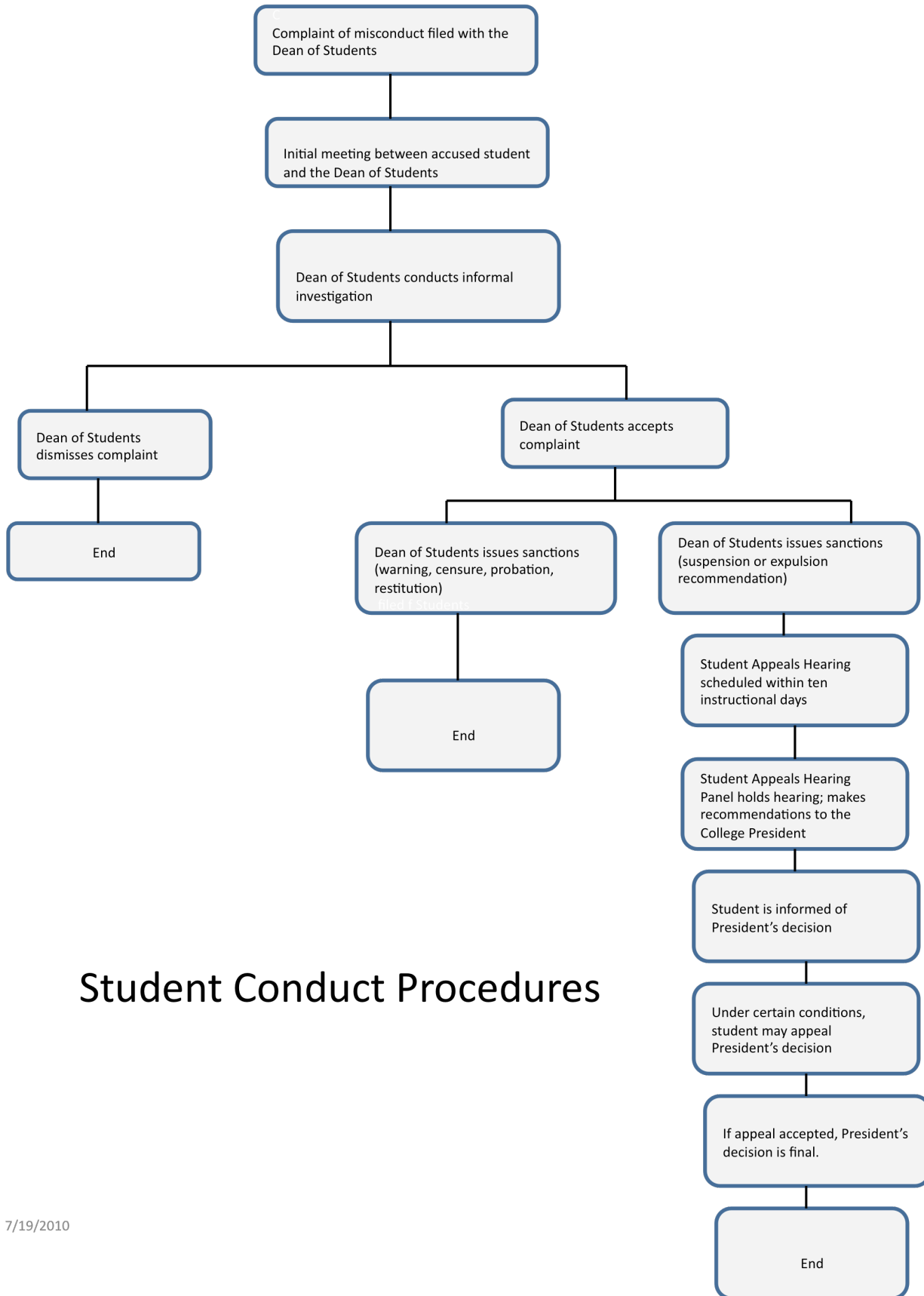
Reporting - Members (employees, students, volunteers) of the college community who believe they have been sexually harassed by another member of the college community should contact the Human Resources Office to report the incident and for direction in filing a formal complaint.

The Kern Community College District is committed to maintaining a working and educational environment free of sexual harassment. When an allegation of sexual harassment is brought to the attention of a supervisor, whether reported by the individual who is the subject of the alleged harassment, or by a witness, the supervisor shall report the allegation to the college personnel officer as described under Reporting Incidents of Sexual Harassment. The college personnel officer shall investigate the allegation according to Procedure 11D4A. An employee or student may be subject to disciplinary action for violation of this policy.

DEFINITIONS

1. **ADVISOR** - An individual who has agreed to assist the accused student during a hearing conducted by the Hearing Panel. The advisor may be a faculty member, staff member or currently enrolled BC student. The role of the advisor is limited to advising the student. The advisor may not appear in lieu of the accused student nor speak on behalf of the student.
2. **CENSURE** - A written reprimand or warning to the student by a faculty member or administrator; written referral of the student to a College office or community agency for counseling or rehabilitative treatment.
3. **CODE OF CONDUCT** - A statement and description of required behaviors, responsibilities, and actions expected of Bakersfield College students.
4. **COLLEGE OFFICIAL** - Any administrator, instructor, staff member and other authorized individuals of the College.
5. **COLLEGE PREMISES** - Any buildings or grounds owned, leased, operated, controlled or supervised by Bakersfield College/Kern Community College District.
6. **COLLEGE SPONSORED ACTIVITY** - Any activity on or off college premises, which is initiated, funded, aided, authorized or supervised by Bakersfield College.
7. **COMPLAINANT** - Any individual who initiates a disciplinary complaint or referral in writing.
8. **DESIGNEE** - A person assigned by the College President or another College administrator to administer the Student Code of Conduct on any Bakersfield College campus.
9. **DISCRIMINATION** - Right: No student shall be subject to unlawful discrimination on the grounds of age, ethnicity, national origin, gender, sexual orientation, or disability in any activity sponsored by the College on or off the College grounds.
10. **DISRUPTIVE AND DISORDERLY** conduct is behavior that changes the atmosphere of the classroom or campus to an uncomfortable setting for students and staff; disrupts an educational environment; or prevents learning from taking place.
11. **EXPULSION** is the permanent separation of a student from Bakersfield College/Kern Community College District. Students expelled from Bakersfield College/Kern Community College District are not permitted to register for class(es) or be on College/District premises at anytime, for any reason.
12. **FINANCIAL RESTITUTION** - Money paid to an individual or the College for indirect or direct charges associated with the damage to or loss of college property or property of others.
13. **HARASSMENT** – An activity that causes substantial emotional distress and serves no legitimate purpose.

14. **INSTRUCTIONAL DAYS** - The term "instructional days" means normal business days and will not include Saturdays, Sundays, or days on which the campus is closed.
15. **PROBATION** - Prohibition of the student by the Administration from participating in designated privileges of College activities for a designated period of time and/ or other stipulated requirements to conform to specified standards or conduct.
16. **RESPONDENT** - The person who is named in the complaint.
17. **RESTITUTION** - Reimbursement to the College, as directed by the Administration, for repair or replacement of District property misused, misappropriated, or damaged by the student.
18. **SEXUAL HARASSMENT** - Unwelcome sexual advances; requests for sexual favors; and/or verbal, physical conduct, or written communication of an intimidating, hostile, or offensive sexual nature.
19. **STUDENT** - An individual for whom the College maintains student records, and/or who is enrolled in or registered with an academic program of the College.
20. **SUSPENSION** for Code of Conduct violation(s) is an action that excludes (separates) a student from the College for a specified period. Suspended students are not permitted to register for classes or be on College premises or participate in College activities on or off campus for the period of the suspension.
21. **WARNING** - Verbal notification of the student by a faculty member or administrator that continuation of the conduct may be cause for further disciplinary action.
22. **WEAPONS** - is broadly defined to include, but not be limited to, all firearms, including BB guns and firearm replicas, dangerous knives, explosives, explosive fuels, dangerous chemicals, clubs and fireworks.



Student Conduct Procedures

Complaint Procedure

Informal Complaint Procedure

Step 1
Student speaks with instructor or person with whom he/she has the complaint.

Step 2
If complaint is not resolved, student is encouraged to speak to the Department Chair, Program Director or immediate supervisor.

Formal Complaint Procedure

Step 3
If not resolved, student may file a Level 1 complaint with the appropriate Dean or supervisor.