

# Rights & Responsibilities of Students

## Code of Ethics

*From MCCCC Board Policy/Administrative Procedure 3050*

Ethical behavior is often defined as “right” or “good” behavior as measured against commonly accepted rules of conduct for a society or profession. The ethical person is often described as one who is fair, honest, straightforward, trustworthy, objective, moral, and unprejudiced. The consistent exercise of integrity is the cornerstone of ethical behavior.

MiraCosta College is comprised of professionals who are dedicated to promoting a climate that enhances the worth, dignity, potential, and uniqueness of each individual within the college community. Employees are committed to protecting human rights and pursuing academic excellence.

MiraCosta College employees seek to model ethically responsible behavior for students and colleagues and expect ethical behavior from others at all times. In fulfillment of their obligation to the student, employees:

- Promote freedom of inquiry and expression in the pursuit of learning.
- Avoid intentionally suppressing or distorting subject matter relevant to the student’s progress.
- Ensure that the student has access to varying points of view.
- Make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
- Avoid intentionally embarrassing or disparaging the student.
- Avoid disclosing information about students obtained in the course of professional service, unless disclosure serves a compelling professional purpose or is required by law.
- Are sensitive to ethics issues in measurement and evaluation both in and out of the classroom and including but not limited to these factors: (a) orientation of students to the purposes and results of testing; (b) insurance against risks of stereotyping due to possible instrument limitations with regard to socioeconomic, ethnic and cultural factors; (c) the insurance of adequate qualification of employees responsible for the administration, scoring, and interpretation of instruments; (d) maintenance of test security; (e) insurance against risk of over-reliance on test data and over-interpretation of results.

## Disability Accommodation

In compliance with Section 504 of the Rehabilitation Act of 1974, MiraCosta College has designated Connie Wilbur, (760) 795-6658, as its Section 504 Coordinator. Students or community members with verified disabilities may be entitled to appropriate accommodations. A variety of alternative formats are readily available; others may require additional time to provide. For specific details, contact the Disabled Student Programs and Services Office, (760) 795-6658, or the Admissions and Records Office, (760) 795-6620.

## Drug-Free Environment

*From MCCCC Board Policy/Administrative Procedure 3550*

The district is committed to providing its employees, students, student workers and volunteers with a drug free workplace and campus environment. It emphasizes prevention and intervention through education.

Health services provides confidential individual counseling for students who have questions or concerns about their use of alcohol or use of other substances, referral to community resources such as Alcoholics Anonymous or Narcotics Anonymous, and smoking cessation information and referral.

## Prohibition of Drugs

The unlawful manufacture, distribution, dispensing, possession or use of alcohol\* or any controlled substance is prohibited on district property, during district-sponsored field trips, activities or workshops, and in any facility or vehicle operated by the district. Violation of this prohibition will result in appropriate action up to and including termination of employment, expulsion, and referral for prosecution, or, as permitted by law, may require satisfactory participation in an alcohol or drug abuse assistance or rehabilitation program.

As a condition of employment, employees must notify the district within ten (10) calendar days of any conviction for violating a criminal drug statute while in the workplace. The district is required to inform any agencies that require this drug-free policy within ten (10) calendar days after receiving notice of a workplace drug conviction.

*\*Alcoholic beverages may be served in the context of certain instructional programs (culinary arts, viticulture, etc.) and at certain college functions per MCCCC Board Policy 3560.*

## Equal Opportunity/Nondiscrimination

*From MCCCC Board Policy/Administrative Procedure 3410*

The MiraCosta Community College District is committed to equal opportunity in educational programs, employment, and access to all institutional programs and activities.

The district, and each individual who represents the district, shall provide access to its services, classes, and programs without regard to accent, age, ancestry, citizenship status, color, disability, economic status, ethnic group identification, gender, marital status, medical condition, national origin, parental status, race, religion, sexual orientation or veteran status, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The superintendent/president shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination. (See “Harassment and Discrimination, Filing a Complaint” and “Grievance Procedure.”)

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, “gender” means sex, and includes a person’s gender identity and gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

The district shall not prohibit any student from enrolling in any class or course on the basis of gender.

Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students that differs on the basis of gender. Insofar as practicable, the district shall offer opportunities for participation in athletics equally to male and female students.

### Equal Employment Opportunity

The MiraCosta Community College District is committed to the principles of equal employment opportunity and will implement a comprehensive program to put those principles into practice. The District is committed to a continuing good faith effort to ensure that all qualified applicants for employment and employees have full and equal access to employment opportunity, and are not subjected to discrimination in any program or activity of the district on the basis of accent, age, ancestry, citizenship status, color, disability, economic status, ethnic group identification, gender, marital status, medical condition, national origin, parental status, race, religion, sexual orientation, veteran status, or on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The district will strive to achieve a workforce that is welcoming to men, women, persons with disabilities and individuals from all ethnic and other groups to ensure the district provides an inclusive educational and employment environment. Such an environment fosters cooperation, acceptance, democracy and free expression of ideas. An Equal Employment Opportunity Plan will be maintained to ensure the implementation of equal employment opportunity principles that conform to federal and state laws.

### FERPA: Notification of Rights

*MCCCD Board Policy/Administrative Procedure 5040, Administrative Procedure 5045*

The Family Educational Rights and Privacy Act (FERPA) affords students the following rights with respect to their education records:

1. The right to inspect and review one's education records within 45 days of the day the college receives a request for access.
  - **Procedure:** The student submits a written request, identifying the records he or she wishes to inspect, to the director of Admissions and Records. The director notifies the student when and where the records will be available for the student's inspection. If the records are not maintained by the Admissions and Records Office, the director will advise the student of the appropriate college office or official and how to request access to the records.
2. The right to request an amendment to one's education records if the student believes the records are inaccurate or misleading.
  - **Procedure:** The student submits a written request to the college official responsible for the records, clearly identifying the part of the record to be changed and an explanation of why the student believes the record is inaccurate or misleading. Admissions and Records staff members can assist students in identifying the appropriate person to receive the request. The college notifies the student whether or not the record will be changed. If the college denies the request to amend the records, the student will be advised of his or her right to a hearing on the request for amendment.

3. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
  - One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the college in an administrative, supervisory, academic or research, or support staff position (including law enforcement personnel and health staff); a person or company with whom the college has contracted (such as the National Student Loan Clearinghouse, an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
  - A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by MiraCosta College to comply with the requirements of FERPA. Complaints should be mailed to the following office that administers FERPA:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5920

### Freedom of Speech

*From MCCCD Board Policy 5550*

MiraCosta College is dedicated to the free exchange of ideas. First Amendment rights guarantee freedom of speech.

Administrative procedures shall not prohibit the right of students to exercise free expression, including but not limited to the use of bulletin boards designated for such use, the distribution of printed materials or petitions in those parts of the college designated as areas generally available to students and the community, and the wearing of buttons, badges, or other insignia.

Students shall be free to exercise their rights of free expression, subject to the requirements of this policy.

Speech shall be prohibited that is defamatory, obscene according to current legal standards, or which so incites others as to create a clear and present danger of the commission of unlawful acts on district property or the violation of district policies or procedures, or the substantial disruption of the orderly operation of the district.

Nothing in this policy shall prohibit the regulation of hate violence, so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, and of Section 2 of Article 1 of the California Constitution. Students may be disciplined for harassment, threats, intimidation, or hate violence, unless such speech is constitutionally protected. (See Administrative Procedure 5550.)

### Grievance Procedure

*MCCCD Administrative Procedure 5530*

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. These procedures shall be available to any student who reasonably believes a college decision or action has adversely affected his or her status, rights or privileges as a student. The procedures include, but are not limited to, grievances regarding:

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1. Financial aid
2. Course grades, to the extent permitted by Education Code §76224(a), which provides: "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 incompetence, shall be final." "Mistake" may include, but is not limited to errors made by an instructor in calculating a student's grade and clerical errors. (See "Grades and Grading Policies.")
3. The exercise of rights of free expression protected by state and federal constitutions and Education Code §76120, and "the freedom to express and to defend their views, to question and to differ with the views of their instructors or the district, without penalty." (See "Freedom of Speech.")

This procedure does not apply to:

1. Student disciplinary actions, which are covered under separate Board policies and Administrative Procedures. (See "Standards of Student Conduct.")
2. Harassment and discrimination complaints (See "Harassment and Discrimination, Filing a Complaint.")
3. Sex discrimination as prohibited by Title IX of the Higher Education Amendments of 1972 (See "Harassment and Discrimination, Filing a Complaint.")
4. Police citations (i.e. "tickets"); complaints about citations must be directed to the County Courthouse in the same way as any traffic violation.

Any student who believes he or she has a grievance shall file a Statement of Grievance with the Grievance Officer within ten (10) days of the incident on which the grievance is based, or ten (10) days after the student learns of the basis for the grievance, whichever is later. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official.

Within two (2) days following receipt of the Statement of Grievance Form, the Grievance Officer shall advise the student of his or her rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form. The respondent shall be informed immediately of the nature of the complaint and will be given a copy of the written grievance within two (2) days. The respondent has the right to representation of his or her choice at all stages of the process.

## Definitions

**Party**—The student or any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. "Party" shall not include the Grievance Hearing Committee or the College Grievance Officer.

**Superintendent/President**—The superintendent/president of the college or a designated representative of the superintendent/president.

**The College**—The MiraCosta Community College District (Commonly referred to as MiraCosta College)

**Student**—Any person currently enrolled as a student at any site or in any program offered by the College. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).

**Faculty Member**—Any academic employee of the College in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

**Respondent**—Any person claimed by a grievant to be responsible for the alleged grievance.

**Day**—Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays and Sundays.

## Informal Resolution

Each student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing, and shall attempt to solve the problem with the person with whom the student has the grievance, that person's immediate supervisor, or the local college administration.

Mediation is strongly suggested as a method to informally resolve any issues about which the student wishes to grieve. A student seeking to informally resolve an issue may choose, in cooperation with the respondent, a mediator from a trained mediator pool at the College that includes faculty, staff, administrators, and students.

The superintendent/president has appointed the Dean of Counseling and Special Services at the Oceanside Campus, the Associate Dean at the Community Learning Center, and the Associate Dean of Student Services at the San Elijo Campus, as Grievance Officers to assist students in resolving matters through informal processes and to provide information on formal grievance processes.

To informally resolve any issues with a faculty member the student must make a reasonable effort to follow the steps listed below:

1. Speak to the instructor in person, by e-mail, or by telephone unless there is a valid reason to omit this step. If the concern or complaint is not resolved satisfactorily, then
2. Speak to the department chair in person, by e-mail, or by telephone. If the concern or complaint is still not resolved, then
3. Speak to the appropriate dean in person, by e-mail, or by telephone;

To informally resolve any issues with a staff member the student must make a reasonable effort to follow the steps listed below:

1. Speak with the staff member with whom the student has the grievance in person, by e-mail, or by telephone. If the concern or complaint is not resolved satisfactorily, then
2. Speak with the supervisor in person, by e-mail, or by telephone. If the concern or complaint is still not resolved, then
3. Speak to the appropriate dean or department head in person, by e-mail, or by
4. telephone;

To informally resolve any issues with a student the student must make a reasonable effort to follow the steps listed below:

1. If appropriate, discuss the issue with the student with whom the student has the grievance in person, by e-mail, or by telephone.
2. Meet with the Grievance Officer in person to request assistance on an informal resolution.

Informal meetings and discussion between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.

### Formal Grievance Hearing

If the mediator(s) are unable to help the student and the staff or faculty member resolve the differences, and the mediator(s) agree that the issue is grievable, then the student shall have the right to request a grievance hearing, in writing to the Vice President of Student Services, or Dean of Counseling and Special Services. This must be done within ten (10) days of the mediation meeting. The formal hearing will be scheduled within ten (10) school days of the request. The Grievance Hearing Committee will consist of:

- One student appointed by the Student Senate President.
- One faculty member appointed by the Academic Senate President if the grievance is against a faculty member, or
- One staff member appointed by the Classified Senate President if the grievance is against a staff member.

A committee chair who will be the Vice President of Student Services, or the Dean of Counseling and Special Services (non-academic grievance), or the Academic Senate President (academic grievance).

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

The members of the Grievance Hearing Committee shall be provided with a copy of the grievance and any written response provided by the respondent before the hearing begins. Each party to the grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the Grievance Hearing Committee determines to proceed otherwise, each party to the grievance shall be permitted to make an opening statement. Thereafter, the grievant or grievants shall make the first presentation, followed by the respondent or respondents. The grievant(s) may present rebuttal evidence after the respondent(s)' evidence. The burden shall be on the grievant(s) to prove by substantial evidence that the facts alleged are true and that a grievance has been established as specified above.

The student may bring an advocate or attorney to the hearing only if s/he notifies the Vice President of Student Services, or the Dean of Counseling and Special Services, within five (5) school days of the hearing. The respondent may also bring legal counsel to the hearing. The hearing will be recorded. The recording shall remain in the custody of the District, either at the college or the District office, at all times, unless released to a professional transcribing service. Any party may request a copy of the recording.

Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be recorded shall be considered to be unavailable.

Hearings shall be closed and confidential unless all parties request that it be open to the public. Any such request must be made no less than five (5) days prior to the date of the hearing. In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the committee agree to the contrary.

The hearing committee will recommend a resolution of the grievance after listening to the student and the person(s) against whom s/he filed the complaint. The committee must inform the student in writing about its recommendation within ten (10) days of the hearing. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall also include a specific recommendation regarding the relief to be afforded the grievant, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing.

The student may appeal the decision of the hearing committee by writing to the College superintendent/president within ten (10) days of being notified of the hearing committee decision. The superintendent/president will send the student a final decision in writing within ten (10) days of receiving the appeal.

### Prohibition of Harassment

*From MCCC Board Policy/Administrative Procedure 3430*

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The MiraCosta Community College District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The district shall be free of sexual harassment and all forms of sexual intimidation and exploitation. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, gender, age, citizenship status, parental status, veteran status, or sexual orientation of any person, or because he or she is perceived to have one or more of the foregoing characteristics.

### Definitions of Harassment

*General Harassment*—Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation of any person, or the perception that a person has one or more of these characteristics is illegal and violates district policy. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct:

*Verbal*—Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race, gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race nationality, sexual orientation or other protected status.

**Physical**—Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status.

**Visual or Written**—The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

**Environmental**—A hostile academic or work environment exists where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his or her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

**Sexual Harassment**—In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

- Submission to the conduct is made a term or condition of an individual's employment, academic status, or progress.
- Submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual.
- The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment.
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

- "Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.
- "Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive

the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

**Consensual Relationships**—Romantic or sexual relationships between a supervisor and an employee, or between any employee (whether administrator, faculty member or classified staff member) and a student are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the district has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the district is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

### Protection from Retaliation

The district seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the district also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the district determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in MCCC Administrative Procedures 3430 and 3435 below.

Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention. This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.

## Harassment or Discrimination, Filing a Complaint

From MCCCC Administrative Procedures 3430 and 3435

### A. Introduction and Scope

These are the written procedures for filing and processing complaints of unlawful discrimination at MiraCosta Community College District. The procedures incorporate the legal principles contained in nondiscrimination provisions of the California Code of Regulations, Title 5, §§59300 et seq. as well as other state and federal substantive and procedural requirements.

A copy of these written policies on unlawful discrimination will be displayed in a prominent location in the Human Resources Department or other area(s) where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted.

### B. Definitions

Definitions applicable to nondiscrimination policies are as follows:

*Appeal*—means a request by a complainant made in writing to the MiraCosta Community College District Board of Trustees pursuant to Title 5, §59338, and/or to the State Chancellor's Office pursuant to Title 5, §59339, to review the administrative determination of the district regarding a complaint of discrimination.

*Association with a person or group with these actual or perceived characteristics*—includes advocacy for or identification with people who have one or more characteristics of a protected category listed under "Unlawful Discrimination Policy" and Title 5, §59300, participation in a group associated with persons having such characteristics, or use of a facility associated with use by such persons.

*Complaint*—means a written and signed statement meeting the requirements of Title 5, §59328 that alleges unlawful discrimination in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges, as set forth at Title 5, §59300 et seq.

*Days*—means calendar day.

*Gender*—includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

*Mental disability*—includes, but is not limited to, all of the following:

1. Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities that limits a major life activity. For purposes of this section:
  - a. "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
  - b. A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.
  - c. "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.
2. Any other mental or psychological disorder or condition not described in paragraph 1) that requires specialized supportive services.

3. Having a record or history of a mental or psychological disorder or condition described in paragraph 1) or 2), which is known to the district.
4. Being regarded or treated by the district as having, or having had, any mental condition that makes achievement of a major life activity difficult.
5. Being regarded or treated by the district as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph 1) or 2).

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

*Physical disability*—includes, but is not limited to, all of the following:

1. Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:
  - a. Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
  - b. Limits a major life activity. For purposes of this section:
    - (1) "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
    - (2) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.
    - (3) "Major life activities" shall be broadly construed and includes physical, mental, and social activities and working.
2. Any other health impairment not described in paragraph 1) that requires specialized supportive services.
3. Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph 1) or 2), which is known to the district.
4. Being regarded or treated by the district as having, or having had, any physical condition that makes achievement of a major life activity difficult.
5. Being regarded or treated by the district as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph 1) or 2).
6. "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

*District*—means the MiraCosta Community College District or any district program or activity that is funded directly by the state or receives financial assistance from the state. This includes the district Personnel Commission and any other organization associated with the district or its college(s) that receives state funding or financial assistance through the district.

**Responsible District Officer**—means the officer identified by the district to the State Chancellor’s Office as the person responsible for receiving complaints filed pursuant to Title 5, §59328, and coordinating their investigation. At MiraCosta Community College District this is the Human Resources Director.

**Sexual harassment**—is unlawful discrimination in the form of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the workplace or in the educational setting.

**Sexual orientation**—means heterosexuality, homosexuality, or bisexuality.

**Unlawful discrimination**—means discrimination based on a category protected under Title 5, §59300, including sexual harassment and retaliation.

## Retaliation

It is unlawful for anyone to retaliate against someone who files an unlawful discrimination complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of this unlawful discrimination policy.

## Academic Freedom

The MiraCosta Community College District Board of Trustees reaffirms its commitment to academic freedom, but recognizes that academic freedom does not allow any form of unlawful discrimination. It is recognized that an essential function of education is a probing of opinions and an exploration of ideas that may cause some students discomfort. It is further recognized that academic freedom insures the faculty’s right to teach and the student’s right to learn. Finally, nothing in these policies and procedures shall be interpreted to prohibit bona fide academic requirements for a specific community college program, course or activity.

When investigating unlawful discrimination complaints containing issues of academic freedom MiraCosta Community College District will consult with a faculty member appointed by the Academic Senate with respect to contemporary practices and standards for course content and delivery.

## Responsible District Officer

The MiraCosta Community College District has identified the Human Resources Director to the State Chancellor’s Office and to the public as the single district officer responsible for receiving all unlawful discrimination complaints filed pursuant to Title 5, §59328, and for coordinating their investigation. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract with the District. Such delegation procedures will be used whenever the officer designated to receive complaints is named in the complaint or is implicated by the allegations in the complaint.

Administrators, faculty members, other district employees, and students shall direct all complaints of unlawful discrimination to the responsible district officer.

## Informal/Formal Complaint Procedure

When a person brings charges of unlawful discrimination to the attention of the district’s responsible officer, that officer will:

1. Undertake efforts to informally resolve the charges.
2. Advise the complainant that he or she need not participate in informal resolution.

3. Notify the person bringing the charges of his or her right to file a formal complaint and explain the procedure for doing so.
4. Assure the complainant that he or she will not be required to confront or work out problems with the person accused of unlawful discrimination.
5. Advise the complainant that he or she may file a nonemployment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency’s jurisdiction.
6. If the complaint is employment-related, the complainant should also be advised that he or she may file a complaint with the U.S. Equal Employment Opportunity

Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH) where such a complaint is within that agency’s jurisdiction.

Before filing a formal, written complaint, the complainant should attempt to resolve the problem by an informal conference with the parties involved. This informal attempt must be completed within thirty (30) days. Students should contact the Vice President of Student Services, in order to utilize the student due process procedure. Employees and job applicants should contact the Human Resources Director. The Vice President of Student Services and the Human Resources Director will either serve as mediators in this informal process, or will appoint someone to serve as the district’s mediator.

Efforts at informal resolution need not include any investigation unless the responsible district officer determines that an investigation is warranted by the seriousness of the charges. Selecting an informal resolution does not extend the time limitations for filing a formal complaint. Efforts at informal resolution may continue after the filing of a formal written complaint, but after a complaint is filed an investigation is required to be conducted pursuant to Title 5, §59334, and will be completed unless the matter is informally resolved and the complainant dismisses the complaint. Even if the complainant does dismiss the complaint, the responsible district officer may require the investigation to continue if he or she determines that the allegations are serious enough to warrant an investigation. Any efforts at informal resolution after the filing of a written complaint will not exceed the ninety (90) day period for rendering the administrative determination pursuant to Title 5, §59336.

In employment-related cases, if the complainant files with the Department of Fair Employment and Housing, a copy of that filing will be sent to the State Chancellor’s Office requesting a determination of whether a further investigation under Title 5 is required. Unless the State Chancellor’s Office determines that a separate investigation is required, the district will discontinue its investigation under Title 5 and the matter will be resolved through the Department of Fair Employment and Housing.

The district will allow for representation where required by law and may allow for representation for the accused and complainant in other circumstances on a case-by-case basis.

The purpose of the informal resolution process is to allow an individual who believes she/he has been unlawfully discriminated against or sexually harassed to resolve the issue through a mediation process rather than the formal complaint process. Typically, the informal process will be invoked when there is a simple misunderstanding or the complainant does not wish to file a formal complaint. Resolution of an informal complaint may require nothing more than a clarification of the misunderstanding or an apology from the respondent and an assurance that the offending behavior will cease. However, the district is responsible for maintaining a safe and discrimination-free educational environment and serious allegations may need

to be investigated even if the complaining party considers the matter resolved.

In an informal process the district officer shall advise the complainant of his or her rights and responsibilities under both the formal and informal processes. If the complainant declares his or her preference for the informal process, the responsible district officer shall present the complainant with a document that describes the informal/formal process that contains the basics of complainant's allegations of unlawful discrimination. This document will clearly indicate that the complainant opted for the informal resolution process and should be signed and dated by the complainant.

The informal resolution process will not be made a predicate to the process and investigation of a formal complaint. If a formal complaint is filed, an investigation must be completed within the time required unless it is voluntarily rescinded by a complainant as a result of a successful informal resolution.

### Filing of Formal Written Complaint

If a complainant decides to file a formal written unlawful discrimination complaint against the district, he or she must file the complaint on a form prescribed by the State Chancellor. These approved forms are available from the district and also at the State Chancellor's website, as follows: [www.cccco.edu/divisions/legal/discrimination/discrimination.htm](http://www.cccco.edu/divisions/legal/discrimination/discrimination.htm).

The completed form must be filed with the district representative or mailed directly to the State Chancellor's Office of the California Community Colleges.

Once a complaint is filed, the individual(s) accused of engaging in prohibited discriminatory conduct should be advised of that filing and the general nature of the complaint. This should occur as soon as possible and appropriate under the circumstances. The district will also advise the accused that an assessment of the accuracy of the allegations has not yet been made, that the complaint will be investigated, that the accused will be provided an opportunity to present his/her side of the matter, and that any conduct that could be viewed as retaliatory against the complainant or any witnesses must be avoided.

For more information about the harassment and unlawful discrimination complaint process, see Administrative Policy 3435 or contact the Human Resources Office, (760) 795-6854.

### Smoking on Campus

*MCCCD Administrative Procedure 3570*

Under California state law, smoking is prohibited within twenty feet of any main exit, entrance, or operable window of any campus building. MiraCosta Community College District also prohibits smoking within twenty feet of any exit, entrance, or operable window of any campus building. Smoking is prohibited inside any indoor area of any campus building, except that smoking may be permitted on stage as part of a theatrical performance. Smoking is prohibited in any enclosed place of employment on campus, including lobbies, lounges, waiting areas, stairwells, and restrooms that are a structural part of any building that is a place of employment.

Smoking is permitted only in outdoor, designated smoking areas. These areas are clearly marked with signs posted at each campus, as well as on campus maps printed in the class schedules, and posted on the college website.

The appropriate committee reviews this administrative procedure and the designated smoking areas at least annually and makes revisions as needed.

### Standards of Student Conduct

*MCCCD Board Policy/Administrative Procedure 5500*

The Board of Trustees and the campus community at MiraCosta College support a harmonious, safe, and productive learning environment. To promote such an environment, the board and the superintendent/president have established a set of standards for student conduct. This policy and the procedures associated with it clearly delineate and define student conduct expectations and the resolution steps associated with due process.

Students are expected to conduct themselves in an ethical manner consistent with a safe and harmonious campus environment.

**Definitions:** The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension, or expulsion of a student:

- A. Causing, attempting to cause, or threatening to cause physical injury to another person.
- B. Possessing, selling, or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from the Vice President of Student Services.
- C. Using, possessing, or distributing alcoholic beverages, illegal drugs or narcotics while on the college campuses. [Students should be aware that possession, use, or distribution of drug and alcohol substances on a campus violates California Health and Safety Codes §§11350, 11357b, and 11377 and California Business and Professional Code §25608, with the exception of the use, distribution and/or sale of alcohol at MiraCosta College Foundation sponsored events. Students serving as representatives of the College are prohibited from using alcohol at said events.]
- D. Committing or attempting to commit robbery or extortion.
- E. Causing or attempting to cause damage to college property or to private property on campus.
- F. Stealing or attempting to steal college property or private property on campus, or knowingly receiving stolen college property or private property on campus.
- G. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college.
- H. Committing sexual harassment as defined by law or by college policies and procedures.
- I. Engaging in harassing or discriminatory behavior based on accent, age, ancestry, citizenship status, color, disability, economic status, ethnic group identification, gender, marital status, medical condition, national origin, parental status, race, religion, sexual orientation, or veteran status, or any other status protected by law.
- J. Willful misconduct that results in injury or death to a student or to college personnel.
- K. Willful misconduct which results in cutting, defacing, or other injury to any real or personal property owned by the college.
- L. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the egregious or persistent defiance of the authority of, or abuse of, college personnel.
- M. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
- N. Dishonesty; forgery; alteration or misuse of college documents, records or identification; or knowingly furnishing false information to the college.
- O. Unauthorized entry upon or use of college facilities.



# Rights & Responsibilities of Students

- P. Lewd, indecent or obscene conduct on college-owned or controlled property, or at college-sponsored or supervised functions.
- Q. Engaging in expression which is obscene; libelous or slanderous; or which so incites students as to create a clear and present danger of the commission of unlawful acts on college premises, or the violation of lawful college administrative procedures, or the substantial disruption of the orderly operation of the college.
- R. Disrupting of teaching, administration, or other college activities or programs.
- S. Violating college or California Education Code regulations pertaining to student organizations, distribution of literature, and place and manner of public expression.
- T. Illegally obtaining or altering college records, electronic information, or computer applications and committing any computer-related crimes as defined in California Penal Code §502.
- U. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any district policy or administrative procedure.

Students who engage in any of the above are subject to the procedures outlined in the Student Discipline procedures listed below.

## Student Discipline Procedures

*MCCCD Administrative Procedure 5520*

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

This procedure will be used in a fair and equitable manner and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

These administrative procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression, as protected by the state and federal constitutions and by Education Code §76120, and will not be used to punish expression that is protected.

The superintendent/president has designated the Vice President of Student Services as the administrator responsible for student discipline procedures.

## Definitions

**The College**—The MiraCosta Community College District (commonly referred to as MiraCosta College)

**Student**—Any person currently enrolled as a student at any site or in any program offered by the college.

**Faculty Member**—Any academic employee of the college in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

**Short-Term Suspension**—Exclusion of the student from the college by the Vice President of Student Services or designee, for good cause, for a period of up to ten (10) consecutive days of instruction.

**Long-Term Suspension**—Exclusion of the student from the college by the Vice President of Student Services or designee for good cause for the remainder of the school term or for one or more terms.

**Expulsion**—Permanent exclusion of the student from the college by the Board of Trustees.

**Removal from Class**—Exclusion of the student by a faculty member for the day of the removal and the next class meeting.

**Written or verbal reprimand**—An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

**Withdrawal of Consent to Remain on Campus**—Withdrawal of consent by the MiraCosta College Campus Police for any person to remain on campus, in accordance with California Penal Code §626.4, where the MiraCosta College Campus Police have reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

## Short-Term Suspensions, Long-Term Suspensions & Expulsions: Procedure

Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

**Notice:** The Vice President of Student Services or designee will provide the student with written notice of the conduct warranting the discipline. The written notice will be sent by both regular and certified mail and will include the following:

- The specific section of the Standards of Student Conduct that the student is accused of violating.
- A short statement of the facts supporting the accusation.
- The right of the student to meet with the Vice President of Student Services or designee to discuss the accusation, or to respond in writing
- The right of the student to bring an advocate or attorney to the meeting.
- The nature of the discipline that is being considered.

**Time limits:** The notice must be provided to the student within ten (10) days of the date on which the conduct took place which led to the decision to take disciplinary action.

**Meeting:** If the student chooses to meet with the Vice President of Student Services or designee, the meeting must occur within five (5) days of receipt of the written notice of disciplinary action. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

**Short-Term Suspension:** Within five (5) days after the meeting described above, the Vice President of Student Services or designee shall decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the decision of the Vice President of Student Services or designee shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The Vice President of Student Services' or designee's decision on a short-term suspension shall be final.

**Long-Term Suspension:** Within five (5) days after meeting with a student facing disciplinary action, the Vice President of Student Services or designee shall, decide whether to impose a long-term suspension. Written notice of the decision of the Vice President of Student Services or designee shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of the procedures for a hearing.

**Expulsion:** Within five (5) days after meeting with a student facing disciplinary action, the Vice President of Student Services or designee shall decide whether to recommend expulsion to the Board of Trustees. Written notice of the Vice President of Student Services' or designee's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of the procedures for a hearing.

### Hearing Procedures

**Request for Hearing:** Within five (5) days after receipt of the decision of the Vice President of Student Services or designee regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the Vice President of Student Services or designee.

**Schedule of Hearing:** The formal hearing shall be held within ten (10) days after a formal request for hearing is received unless there is a compelling reason for a delay, such as illness, unavailable witnesses, etc.

**Hearing Panel:** The hearing panel for any disciplinary action shall be composed of an academic administrator, one faculty member and one student senator. The Vice President of Student Services or designee, the president of the Academic Senate, and the ASG president shall each, at the beginning of the academic year, establish a list of at least five (5) persons who will serve on student disciplinary hearing panels. The Vice President of Student Services or designee shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

**Hearing Panel Chair:** The Vice President of Student Services or designee shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

**Conduct of the Hearing:** The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins. The facts supporting the accusation shall be presented by the Vice President of Student Services, acting as the college representative.

The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence.

The burden shall be on the college representative to prove by a preponderance of the evidence that the facts alleged are true.

The student may represent him or herself, and may also have the right to be represented by a person of his or her choice. If the student wishes to be represented by an attorney, a request must be presented not less than five (5) days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it. Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than five (5) days prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.

The hearing shall be recorded by the college either by audio recording or stenographic recording, and this shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by audio recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify him or herself by name, and thereafter shall ask witnesses to identify themselves by name.

Any audio recording shall remain in the custody of the College at all times, unless released to a professional transcribing service. The student may request a copy of the audio recording.

Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be audio recorded is not unavailable.

Within five (5) days following the close of the hearing, the hearing panel shall prepare and send to the Vice President of Student Services or designee a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing.

The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

### Superintendent/President's Decision

**Long-term suspension:** Within ten (10) days following receipt of the hearing panel's recommended decision, the Vice President of Student Services or designee shall render a final written decision. The Vice President of Student Services or designee may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Vice President of Student Services or designee modifies or rejects the hearing panel's decision, the superintendent/president shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions.

The decision of the superintendent/president shall be final.

**Expulsion:** Within ten (10) days following receipt of the hearing panel's recommended decision, the Vice President of Student Services or designee shall render a written recommended decision to the Board of Trustees. The superintendent/president may accept, modify or reject the findings, decisions and recommendations of the hearing panel.

## Rights & Responsibilities of Students

If the superintendent/president modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing, and shall prepare a new written decision that contains specific factual findings and conclusions. The superintendent/president decision shall be forwarded to the Board of Trustees.

**Board of Trustees Decision:** The Board of Trustees shall consider any recommendation from the superintendent/president for expulsion at the next regularly scheduled meeting after receipt of the recommended decision.

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

The student shall be notified in writing, by registered or certified mail or by personal service, at least three days prior to the meeting, of the date, time, and place of the board's meeting. The student may, within forty-eight hours after receipt of the notice, request that the hearing be held as a public meeting.

Even if a student has requested that the board consider an expulsion recommendation in a public meeting, the board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

The board may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the board modifies or rejects the decision, the board shall review the record of the hearing, and shall prepare a new written decision that contains specific factual findings and conclusions. The decision of the board shall be final.

The final action of the board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the College.

**Immediate Interim Suspension (Education Code §66017):**

The Vice President of Student Services or designee may order immediate suspension of a student where he or she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.

**Removal from Class (Education Code §76032):**

Any faculty member may order a student removed from his or her class for the day of the removal and the next class meeting. The faculty member shall immediately report the removal to the Vice President of Student Services or designee. The Vice President of Student Services or designee shall arrange for a meeting with the student regarding the removal. The student shall not be returned to the class during the period of the removal without the concurrence of the faculty member. Nothing herein will prevent the Vice President of Student Services or designee from recommending further disciplinary procedures in accordance with these procedures based on the facts that led to the removal.

**Withdrawal of Consent to Remain on Campus:**

The Campus Police may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If consent is withdrawn by the Campus Police a written report must be promptly made to the Vice President of Student Services or designee.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not

later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than thirty days from the date upon which consent was initially withdrawn.

Any person from whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest. (Penal Code §626.4)

**Exception to Due Process—Athletic Rules Violations:** Athletes who violate rules of the Pacific Coast Athletic Conference, the California Community College Commission on Athletics, or the MiraCosta College Athletic Department may be suspended immediately from intercollegiate competition.

To appeal a suspension, a student must write to the Director of Athletics within ten (10) days. The Director of Athletics will decide about the appeal within ten (10) days of receiving it and inform the student in writing of his/her decision. A student may make a final appeal in writing to the Vice President of Student Services within ten (10) days of the Director of Athletics' decision. The final decision will be sent by the Vice President of Student Services within ten (10) days of receiving the final appeal, with a copy sent to the Superintendent/President.

