

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 do the following:

- ▶ 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 the following factors:
 - ▶ Orientation of students to the purposes and results of testing.
 - ▶ Insurance against risks of stereotyping due to possible instrument limitations with regard to socioeconomic, ethnic, and cultural factors.
 - ▶ The insurance of adequate qualification of employees responsible for the administration, scoring, and interpretation of instruments.
 - ▶ Maintenance of test security.
 - ▶ Insurance against risk of over-reliance on test data and over-interpretation of results.

Conduct that is determined to be in direct violation of this procedure will be subject to disciplinary action in accordance with applicable regulations, board policies, administrative procedures, working condition manuals, and collective bargaining agreements.

(Source: MCCC Board Policy/Administrative Procedure 3050. All MiraCosta College board policies and administrative procedures are located on the Board of Trustees webpage.)

Non-Degree Applicable Courses

Developmental Coursework and Unit Limits

Developmental coursework consists of non-degree-applicable basic skills courses. These courses are designed to prepare students for success in college-level classes and are designated with a course number from 0 to 49 (e.g., ENGL 30, ESL 40, MATH 30). A student's need for developmental coursework is determined using appropriate assessment instruments, methods, or procedures.

Students cannot receive more than 30 semester units for developmental coursework subject to the following exceptions:

- ▶ A student who is enrolled in one or more courses of English as a Second Language is exempt from this unit limitation.

- ▶ A student who has been officially identified by the college as having a learning disability is exempt from this unit limitation.

A student who demonstrates significant, measurable progress toward the development of skills appropriate to enrollment in college-level courses may request a waiver of this unit limitation. Such a waiver, if granted, will be given for specified periods of time or for specified units pursuant to standards approved by the MiraCosta College Board of Trustees.

Students who need more than 30 units to develop college-level basic skills will be restricted to taking only noncredit courses, non-degree-applicable courses that do not involve remediation, and those degree-applicable credit courses that do not have basic skills prerequisites or advisories on recommended preparation.

(Source: MCCC Administrative Procedure 4222. All MiraCosta College board policies and administrative procedures are located on the Board of Trustees webpage.)

Open Enrollment

Unless specifically exempted by statute or regulation, every course, course section, or class reported for state aid that is offered and maintained by the MiraCosta Community College District shall be fully open to enrollment and participation by any person who has been admitted to the college and who meets established prerequisites. Prerequisites are established pursuant to regulations contained in section 55003 of Division 6 of Title 5 of the California Code of Regulations.

(Source: MCCC Board Policy 5052. All MiraCosta College board policies and administrative procedures are located on the Board of Trustees webpage.)

Standards of Student Conduct

Student Affairs

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 delineate and define student rights and responsibilities 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. Matters related to student rights, responsibilities, and conduct are addressed by the dean of Student Affairs or their designee.

MiraCosta College Standards of Student Conduct

Students must refrain from engaging in any of the following behaviors or face the possibility of disciplinary action, which may include a warning, educational resolution, restricted

access to district property, probation, suspension, and/or expulsion:

A. Causing, attempting to cause, or threatening to cause physical injury to another person, including any act chargeable as a violation of a federal, state, or local law that poses a threat to the safety or well being of members of the college community, to property within the college community, or poses a significant threat of disruption or interference with college operations.

B. Possessing, selling, or otherwise furnishing any firearm, knife (over 2.5 inches long per California Penal Code §626.10c), explosive, or other dangerous objects, unless the student has obtained written permission to possess the item on campus from the dean of Student Affairs or designee.

C. Possessing, selling, or otherwise furnishing any imitation firearm, knife, explosive, or other dangerous objects, unless the student has obtained written permission to possess the item on campus from the dean of Student Affairs or designee.

D. Unlawfully possessing, using, selling, offering to sell, furnishing, or being under the influence of an alcoholic beverage. While the distribution or sale of alcohol is permitted at events sponsored by the MiraCosta College Foundation and off campus events sanctioned by the college, students serving as representatives of the college at such events are prohibited from consuming alcoholic beverages.

E. Unlawfully possessing, using, selling, offering to sell, furnishing, or being under the influence of any controlled substance listed in California Health and Safety Code §§11053 et seq., including marijuana; or unlawfully possessing, or offering, arranging, or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code §11014.5. MiraCosta College does not permit students to use medically prescribed marijuana at any college site or at any college-sponsored activity.

F. Committing or attempting to commit burglary, robbery, or extortion.

G. Causing or attempting to cause damage to district property or to private property on campus.

H. Stealing, or attempting to steal, district property or private property on campus, or knowingly receiving stolen district property or private property on campus.

I. Smoking or using any tobacco products at any district site (see Administrative Procedure 3570: Tobacco/Smoke/Vapor-Free Campus).

J. Committing, or attempting to commit, sexual assault, sexual misconduct, or sexual exploitation, regardless of the victim/survivor's affiliation with the district.

K. Committing sexual harassment as defined by law or by district policies and procedures.

L. Engaging in harassing or discriminatory behavior based on any protected class, including, but not limited to, age,

ancestry, color, physical or mental disability, pregnancy, gender, gender identity, gender expression, nationality, marital status, medical condition, genetic information, national origin, parental status, military or veteran status, race or ethnicity, religion, sexual orientation, and any other status protected by law.

M. Engaging in intimidating conduct or bullying against another student or district personnel through words or actions, in person, through a third party, or electronic communication, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.

N. Behaving in a manner that results in injury or death to a student or to college district students, personnel, or community members.

O. Willful disobedience, failure to comply with lawful direction, habitual profanity or vulgarity, or the open and persistent defiance of the authority of college personnel.

P. Cheating, plagiarizing, or engaging in other academic dishonesty as defined by Board Policy 5505: Academic Integrity and Administrative Procedure 5505: Academic Dishonesty.

Q. Behaving dishonestly, appropriating institutional resources for personal gain, committing forgery, tampering with college or student elections, altering or misusing district documents, records, or identification, or knowingly furnishing false information to the district.

R. Entering or using district facilities or equipment without authorization.

S. Engaging in lewd, indecent, or obscene conduct or expression on district-owned or controlled property or at district-sponsored or supervised functions.

T. Engaging in expression that is obscene, libelous, slanderous, or that incites others, creating a clear and present danger of the commission of unlawful acts on college premises.

U. Disruptive behavior, including the disruption of teaching, administration, or other college activities or programs.

V. Violating district or California Education Code regulations pertaining to student organizations, distribution of literature, and place and manner of public expression, as defined by Administrative Procedure 3900: Speech - Time, Place and Manner.

W. Illegally obtaining or altering college records, electronic information, or computer applications and committing any computer-related crimes, as defined in California Penal Code §502.

X. Preparing, giving, selling, transferring, distributing, or publishing for any commercial purpose 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 without authorization, except

as permitted by any district policy or administrative procedure.

Y. Harassing, threatening, or intimidating any person who is a complaining witness or witness in a school proceeding for the purpose of either preventing that person from being a witness or retaliating against that person for being a witness, or both.

Z. Persistent, serious misconduct where other means of correction have failed to bring about behavior that follows the Standards of Student Conduct.

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

Student Conduct Procedures

As part of MiraCosta's culture of care, this procedure is designed to support student success. As a community college, all stakeholders, including students, have responsibilities to ensure a safe and productive learning environment. The purpose of this document is to outline the rights and responsibilities of our students, who are all MiraCosta College community members. The purpose of the student conduct procedure is to provide a prompt and clear means to address alleged violations of the MiraCosta College Standards of Student Conduct, which guarantees to the student or students involved the due process rights afforded by state and federal laws. This procedure will be used in a fair 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. Rather, this is an educational and developmental approach that is designed to uphold students' rights and ensure safety throughout our community. The superintendent/president has designated the dean of Student Affairs as the administrator responsible for student conduct procedures.

Definitions

A. District: The MiraCosta Community College District (commonly referred to as MiraCosta College).

B. Student: Any person who has applied, is enrolled, or formerly enrolled, in any course(s) at any site, online, or in any program offered by the district.

C. Faculty member: Any academic employee of the district in whose class a student subject to conduct procedures 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.

D. Days: Unless otherwise stated in this document, the term "days" refers to days when the district is open.

E. Student conduct administrator: A district employee designated as responsible for administering student rights and responsibilities meetings to determine findings of responsibility and issue resolutions.

F. Hearing officer: A district employee designated responsible for hearing appeals who is impartial and does not have an interest in the outcome of the appeal.

G. Student rights and responsibilities meeting: The due process meeting by which an allegation of a violation of the standards of student conduct is addressed by the student conduct administrator with the responding party.

H. Appeal hearing: The meeting that addresses a responding party's request for appeal of a finding of responsibility and/or appeal of a resolution.

I. Preponderance of the evidence: The standard by which a decision is made by the student conduct administrator or the hearing officer. The standard is such that a reasonable person would find it more likely than not that a behavior occurred and that it violated one or more of the standards of student conduct.

J. Advisor: A support person who may accompany the student during a student rights and responsibilities meeting or an appeal hearing.

K. Witness: Any person with direct knowledge of the incident who may be invited to participate in the student conduct process.

L. Reporting party: The person who reports behavior that may be in violation of the standards of student conduct. The reporting party may be different than the impacted party.

M. Impacted party: A person who is commonly known as a victim or survivor of a reported behavior that is in violation of the standards of student conduct.

N. Responding party: A student reported to be in possible violation of the standards of student conduct.

O. Resolution: Commonly known as a sanction, the resolution serves as the outcome assigned to the responding party when a student is found responsible for a violation of the standards of student conduct.

P. In absentia: When a student fails to schedule or attend a student rights and responsibilities meeting or appeal hearing, the student conduct administrator or hearing officer may make a determination in the absence of the responding party.

Q. Expulsion hearing: The hearing held by the board of trustees to address a recommendation for expulsion.

R. Behavioral Intervention Team: Designated employees of the district who work to assess, prevent, intervene, and respond to situations that may pose a threat to the campus community or require consultation with a multidisciplinary team.

STUDENT RIGHTS

Students have the right to report concerns about behavior and also have the right to be informed of any credible reports filed about them to provide an opportunity to respond to them in a timely manner. Recognizing that students often manage significant matters outside of their educational responsibilities, the district has outlined the following procedures to support a clear student conduct process. All students have the right to a student rights and responsibilities meeting, commonly referred to as a student conduct meeting. Students have a right to review Administrative Procedure 5520: Student Conduct Procedures and Administrative Procedure 5500: Standards of Student Conduct prior to the meeting. These documents