

1 David J. Hacker (CA Bar No. 249272)
2 Heather Gebelin Hacker (CA Bar No. 249273)*
3 ADF CENTER FOR ACADEMIC FREEDOM
4 101 Parkshore Dr., Suite 100
5 Folsom, California 95630
6 Telephone: (916) 932-2850
7 Facsimile: (916) 932-2851

8 Benjamin W. Bull (AZ Bar No. 009940)**
9 ALLIANCE DEFENSE FUND
10 15100 North 90th Street
11 Scottsdale, Arizona 85260
12 Telephone: (480) 444-0020
13 Facsimile: (480) 444-0028

14 Nathan W. Kellum (TN Bar No. 13482)**
15 ADF CENTER FOR ACADEMIC FREEDOM
16 699 Oakleaf Office Lane, Suite 107
17 Memphis, Tennessee 38117
18 Telephone: (901) 684-5485
19 Facsimile: (901) 684-5499

20 Timothy M. Smith (CA Bar No. 125534)
21 MCKINLEY & SMITH
22 A Professional Corporation
23 8880 Cal Center Drive, Suite 250
24 Sacramento, California 95826
25 Telephone: (916) 363-1333
26 Facsimile: (916) 363-1133

27 Attorneys for Plaintiff

28 **UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RYAN DOZIER,)
)
) Plaintiff,)

vs.)

Case No.: _____

Members of the Board of Governors, Yuba)
Community College District: **SUSAN HOULE,**)
ALAN FLORY, JIM BUCHAN, MARK)
BREDT, LEELA RAI, GEORGE NICOLAU,)
XAVIER TAFOYA, in their official capacities;)
NICKI HARRINGTON, in her official and)
individual capacities; **PAUL MENDOZA,** in his)
official and individual capacities; **KEVIN**)
TRUTNA, in his official and individual)
capacities; and **BYRON GREEN,** in his official)
and individual capacities,)

VERIFIED COMPLAINT

Defendants.)

*Designated Counsel for Service.

**Pro Hac Vice Application filed concurrently.

1 Comes now Plaintiff Ryan Dozier, and by and through counsel, and for his Verified Complaint
2 states as follows:

3 **INTRODUCTION**

4 1. This case arises from policies and efforts of public officials employed by Yuba College
5 (“College”) and Yuba Community College District (“District”) that restrict and abridge the expressive
6 rights of college students. The District’s policies require students to obtain a permit for expressive
7 activity anywhere on campus. With this permit scheme, college administrators have unfettered
8 discretion in determining where, if anywhere, student speech may occur. Regarding written
9 materials, students must provide notice at least forty-eight (48) hours in advance, and for all other
10 speech, students must give fourteen (14) business days’ advance notice. If the District approves the
11 student expression, District policy limits the exercise of that speech on campus to only one hour each
12 Tuesday and Thursday. Moreover, the District enforces a speech code that chills protected student
13 speech by conditioning punishment on the subjective reactions of listeners.

14 2. This action raises federal questions under the United States Constitution, particularly
15 the First and Fourteenth Amendments, and the Civil Rights Act of 1871, 42 U.S.C. §§ 1983 and 1988.

16 3. The aforementioned policies are challenged on their face and as applied to Plaintiff
17 Ryan Dozier. This action is premised on the United States Constitution concerning the denial of his
18 fundamental rights to free speech and due process.

19 4. Defendants’ policies and actions have deprived and will continue to deprive Plaintiff
20 Ryan Dozier of his paramount rights and guarantees under the United States Constitution.

21 5. Each and every act of Defendants alleged herein was committed by Defendants, each
22 and every one of them, under the color of state law and authority.

23 **JURISDICTION AND VENUE**

24 6. This Court has original jurisdiction over the federal claims by operation of 28 U.S.C. §§
25 1331 and 1343.

26 7. This Court has authority to grant the requested declaratory relief under 28 U.S.C. §§
27 2201 and 2202, the requested injunctive relief under 28 U.S.C. § 1343(a)(3-4), the requested damages
28 under 28 U.S.C. § 1343(a)(4), and attorneys’ fees under 42 U.S.C. § 1988(b).

1 8. Venue is proper in the United States District Court for the Eastern District of California
2 under 28 U.S.C. § 1391, because the events giving rise to the claim occurred in this District, and
3 because at least one Defendant resides in this District.

4 **PLAINTIFF**

5 9. Plaintiff Ryan Dozier (“Dozier”) is, and was at all times relevant to this Complaint, a
6 resident of Loma Rica, California, and a student at the College.

7 **DEFENDANTS**

8 10. Defendant Susan Houle (“Houle”) is, and was at all times relevant to this Complaint,
9 President and a member of the District Governing Board. In her official capacity as a member of the
10 Governing Board, Houle is responsible for setting Board Policies for the District and providing
11 oversight for the Chancellor. She is sued in her official capacity.

12 11. Defendant Alan Flory (“Flory”) is, and was at all times relevant to this Complaint, Vice
13 President and a member of the District Governing Board. In his official capacity as a member of the
14 Governing Board, Flory is responsible for setting Board Policies for the District and providing
15 oversight for the Chancellor. He is sued in his official capacity.

16 12. Defendant Jim Buchan (“Buchan”) is, and was at all times relevant to this Complaint,
17 Clerk and a member of the District Governing Board. In his official capacity as a member of the
18 Governing Board, Buchan is responsible for setting Board Policies for the District and providing
19 oversight for the Chancellor. He is sued in his official capacity.

20 13. Defendant Mark Bredt (“Bredt”) is, and was at all times relevant to this Complaint, a
21 member of the District Governing Board. In his official capacity as a member of the Governing
22 Board, Bredt is responsible for setting Board Policies for the District and providing oversight for the
23 Chancellor. He is sued in his official capacity.

24 14. Defendant Leela Rai (“Rai”) is, and was at all times relevant to this Complaint, a
25 member of the District Governing Board. In her official capacity as a member of the Governing
26 Board, Rai is responsible for setting Board Policies for the District and providing oversight for the
27 Chancellor. She is sued in her official capacity.

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1 15. Defendant George Nicholau (“Nicholau”) is, and was at all times relevant to this
2 Complaint, a member of the District Governing Board. In his official capacity as a member of the
3 Governing Board, Nicholau is responsible for setting Board Policies for the District and providing
4 oversight for the Chancellor. He is sued in his official capacity.

5 16. Defendant Xavier Tafoya (“Tafoya”) is, and was at all times relevant to this Complaint,
6 a member of the District Governing Board. In his official capacity as a member of the Governing
7 Board, Tafoya is responsible for setting Board Policies for the District and providing oversight for the
8 Chancellor. He is sued in his official capacity.

9 17. Defendant Dr. Nicki Harrington (“Harrington”) is, and was at all times relevant to this
10 Complaint, Chancellor of the District, as well as Secretary for the Governing Board of the District. In
11 her official capacity as Chancellor, Harrington has the executive responsibility of administering all
12 policies adopted by the District Governing Board through the creation and implementation of
13 Administrative Procedures. She is sued in her official and individual capacities.

14 18. Defendant Paul Mendoza (“Mendoza”) is, and was at all times relevant to this
15 Complaint, President of the College. In his official capacity as President of the College, Mendoza is
16 responsible for the daily administration and policymaking at the College. He is also responsible for
17 disciplining students in accordance with District and College policies and procedures and working in
18 conjunction with the District Police Department. He is sued in his official and individual capacities.

19 19. Defendant Kevin Trutna (“Trutna”) is, and was at all times relevant to this Complaint,
20 Vice President of Academic and Student Services at the College. In his official capacity as Vice
21 President of Academic and Student Services at the College, Trutna assists the President and is
22 responsible for the Office of Academic and Student Services. He is also responsible for disciplining
23 students in accordance with District and College policies and procedures and working in conjunction
24 with the District Police Department. He is sued in his official and individual capacities.

25 20. Defendant Byron Green (“Green”) is, and was at all times relevant to this Complaint,
26 an officer in the District Police Department. In his official capacity as a District police officer, Green
27 is responsible for enforcing District and campus policies. He is sued in his official and individual
28 capacities.

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FACTUAL BACKGROUND

A. Desired Speech of Dozier

21. Dozier is a Christian and, as a tenet of his faith, he shares his beliefs about Christianity (otherwise known as the “gospel”) with others, particularly, his fellow students.

22. In an effort to comply with his duty to share the gospel, Dozier looks for opportunities to speak with other students about his faith. In discussing his faith, Dozier often distributes unobtrusive gospel tracts that can easily be placed by a recipient in a purse or pocket. Dozier also likes to hold up signs with religious references. And sometimes, Dozier seeks to engage in open-air preaching on the College campus in an effort to generate discussions.

B. Character of Yuba College Campus Property

23. The College campus contains many open accessible areas that resemble parks, pedestrian malls, and sidewalks.

24. The outdoor, publicly accessible areas of the College campus have been opened up by the College for expressive use of students and others.

C. District’s Policies and Procedures Impacting Free Speech & Assembly

25. The District promulgates Board Policies and Administrative Procedures pursuant to authority vested in it under Cal. Educ. Code §§ 66300 and 70902.

26. District Board Policy (“BP”) 2200 gives the Board of Governors the ability to delegate power and authority to the District Chancellor.

27. BP 2430 delegates to the Chancellor executive responsibility for administering the policies adopted by the Board and executing decisions by the Board.

28. BP 2430 also empowers the Chancellor to delegate her duties to the administration of individual campuses, but holds the Chancellor responsible to the Board for the execution of those duties.

29. BP 2430 also gives the Chancellor the authority to interpret Board policy, and act where there is no Board policy direction, subject to review by the Board.

1. District’s Speech Zone Policy

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30. BP 6700 states that “there is a Civic Center at each of the colleges” and the “Chancellor shall establish procedures regarding the use of college property . . . by community groups and other outside contractors.”

31. BP 5550, “Speech: Time, Place, and Manner,” and Administrative Procedure (“AP”) 5550, “Speech: Time, Place, and Manner,” define the college campuses of the District as “non-public forums,” except for the areas designated by the Chancellor as “limited public forums.” A copy of BP 5550 is attached as Exhibit 1 to this Complaint and a copy of AP 5550 is attached as Exhibit 2 to this Complaint.

32. The use of college grounds within the District “for any meeting is subject to reasonable rules and regulations as the President and/or Vice President of the college prescribes . . .” (Ex. 2.)

33. Further, “[t]he District reserves the right to revoke that [limited public forum] designation and apply a non-public forum designation at its discretion.” (Ex. 2.)

34. None of the written Board Policies or Administrative Procedures identifies any of the locations designated as “limited public forums.”

35. No available written College policy identifies any locations on its campus as “limited public forums.”

36. Students frequently use the outdoor areas of the College campus to conversationally discuss with each other whatever topic is on their minds, including social, cultural, political, religious and other issues. On information and belief, such conversations are not usually stopped by the College for the failure to secure a permit for such conversations.

37. BP 5500 establishes the District’s Standards of Conduct “for the imposition of discipline on students.” A copy of BP 5500 is attached as Exhibit 3 to this Complaint.

38. AP 5500, “Standards of Conduct,” informs students that the District maintains a Student Code of Conduct to govern student discipline. A copy of AP 5500 is attached as Exhibit 4 to this Complaint.

39. The District’s Student Code of Conduct gives notice of “inappropriate conduct.” Section 3(d) of the Student Code of Conduct requires all “daytime non-class activities” be held during

1 “college hours,” which are defined as being between 12 p.m. and 1 p.m. on Tuesdays and Thursdays.
2 A copy of the District’s Student Code of Conduct is attached as Exhibit 5 to this Complaint.

3 40. The District Governing Board maintains a Police Department pursuant to Cal. Educ.
4 Code § 72330.

5 41. The District Police Department Free Speech & Assembly policy and the District Police
6 Department Safety & Parking Information Handbook require, like the Student Code of Conduct, all
7 “daytime non-class activities” be held during “college hours,” which are defined as being between 12
8 p.m. and 1 p.m. on Tuesdays and Thursdays. A copy of the District Police Department Free Speech &
9 Assembly policy is attached as Exhibit 6 to this Complaint and a copy of the District Police
10 Department Safety & Parking Information Handbook is attached as Exhibit 7 to this Complaint.

11 42. The Associate Dean for Activities “may schedule other hours only when he or she is
12 convinced that the activities will not interfere with the holding of classes and other normal college
13 activities.” (Exs. 5-7.)

14 43. There is nothing in the Code of Conduct, Free Speech & Assembly policy, or
15 Handbook to indicate what criteria the Associate Dean for Activities should use when making this
16 determination.

17 44. The place for these “daytime non-class activities” is generally the “theater” if the
18 weather permits, “otherwise the Associate Dean for Activities will schedule the activity in the most
19 appropriate available space.” (Exs. 5-7.)

20 45. There is nothing in the Code of Conduct, Free Speech & Assembly policy, or
21 Handbook to indicate what criteria the Associate Dean for Activities should use when making this
22 determination.

23 **2. District’s Literature Distribution Policy**

24 46. AP 5550, “Speech: Time, Place, and Manner,” provides that students and others using
25 the “designated areas” may distribute printed materials, provided the materials have been “registered
26 with the Chancellor or designee at least 48 hours [prior to] to their distribution.” (Ex. 2.)

27 47. The District’s Student Code of Conduct, Police Department Free Speech & Assembly
28 policy, and Police Safety & Parking Information Handbook provide that “literature or publications to

1 be distributed on campus will be registered with the Associate Dean for Activities at least 48 hours
2 prior to distribution. . . .” and that, “distributors [may not] interfere with the right of others to take or
3 not to take the literature, freely circulate about the campus, and enjoy their other personal rights free of
4 harassment.” (Exs. 5-7.)

5 **3. District’s Speech Code**

6 48. The District’s Standards of Conduct, BP 5500, prohibits the following:

7
8 The following conduct shall constitute good cause for discipline, including but not limited to
9 the removal, suspension or expulsion of a student.

10 . . .

- 11 • Committing sexual harassment as defined by law or by District policies and procedures.
12 • Engaging in harassing or discriminatory behavior based on race, sex, (i.e., gender)
13 religion, age, national origin, disability, or any other status protected by law.

14 (Ex. 3.)

15 49. BP 5500 does not define “harassing or discriminatory behavior.” (Ex. 3.)

16 50. BP 5550 states “[s]tudents may be disciplined for harassment, threats, intimidation, or
17 hate violence unless such speech is constitutionally protected.” (Ex. 1.) The Policy does not define
18 “harassment” or “intimidation.”

19 51. BP 3430, “Prohibition of Harassment,” prohibits harassment, encourages students to
20 report when they believe they have been harassed, and requires Defendant Harrington to “establish
21 procedures that define harassment on campus.” A copy of BP 3430 is attached as Exhibit 8 to this
22 Complaint.

23 52. BP 3430 does not define “harassment.” (Ex. 8.)

24 53. AP 3430, “Prohibition of Harassment,” contains definitions of general harassment and
25 sexual harassment that give the District and College the power to punish any offensive behavior on
26 campus. A copy of District AP 3430 is attached as Exhibit 9 to this Complaint.

27 54. AP 3430 defines general harassment, in relevant part, as “[i]nappropriate or offensive
28 remarks, slurs, jokes,” which may include, but is not limited to, “sexist, patronizing, or ridiculing
statements that convey derogatory attitudes based on gender, race nationality, sexual orientation, or

1 other protected status.” The policy also prohibits the “display or circulation of visual or written
2 material that degrades an individual,” including but not limited to “posters, cartoons, drawings,
3 graffiti, reading materials, computer graphics, or electronic media transmissions.” (Ex. 9.)

4 55. AP 3430 defines sexual harassment, in relevant part, as “unwelcome sexual advances . .
5 . and other conduct of a sexual nature when . . . The conduct has the purpose or effect of having a
6 negative impact upon the individual’s work or academic performance, or of creating an intimidating,
7 hostile, or offensive work or educational environment.” (Ex. 9.)

8 56. A student that violates District rules or regulations, the Student Code of Conduct, or
9 public laws is subject to punishment ranging from verbal reprimand to expulsion.

10 57. Dozier finds himself consistently engaged in conversations on campus regarding issues
11 implicated by the speech codes and fears that the discussion of his religious, political, social, and/or
12 cultural views regarding these issues may be sanctionable under the speech code.

13 58. BP 5500, BP 3430 and AP 3430 have a chilling effect on Dozier’s rights to freely and
14 openly engage in appropriate discussions of his religious, political, social, and/or cultural beliefs.

15 **4. College’s Permit Requirement**

16 59. The College has an application for on-campus organizations and students that is entitled
17 “Application for Activities, Facilities and/or Services.” A copy of The College’s On-Campus
18 Organization Application for Activities, Facilities and/or Services is attached as Exhibit 10 to this
19 Complaint.

20 60. The on-campus organization application provides for the reservation of rooms and
21 facilities, the use of tables and other equipment, and the use of college employee services. (Ex. 10.)

22 61. The on-campus organization application provides that students who want to engage in
23 free expression on campus must make “[a]rrangements . . . at least 14 working days in advance of the
24 event,” and submit a “[c]ancellation notice . . . 48 hours prior to the event” (Ex. 10.)

25 62. The on-campus organization application further provides that the student “[a]pplicant
26 will be notified in writing of the acceptance/rejection of application.” (Ex. 10.)

27 63. Reasons an application may be rejected are not specified in writing on the application.
28

1 64. Before any on-campus student event is permitted to occur, students must fill out the
2 application and comply with the procedures contained therein.

3 **D. Suppression of Dozier's Speech Activity**

4 65. On February 27, 2008, Dozier went to the College campus to attend class.

5 66. He also wished to hand out gospel tracts while engaging in one-on-one discussions with
6 fellow students. Discussion in this area on social, cultural, political, religious and other issues does not
7 interfere with the conduct of classes on campus.

8 67. Around 12:00 p.m., Dozier positioned himself in the open, main area of campus near
9 the library and stood off to the side of the sidewalk near the grass. The area resembles a public park
10 and is uniquely suitable for expressive purposes.

11 68. Dozier had a sign with him that was approximately four feet by three feet on a small
12 pole. The sign said, "Repent and Believe the Gospel" on one side, and "Peace with God Only in Jesus
13 Christ" on the other.

14 69. Dozier proceeded to engage in cordial one-on-one conversation with several individuals
15 that were walking by and handed them gospel tracts. Tracts were taken willingly by several
16 individuals and were not forced on anyone.

17 70. Dozier did not impede the flow of foot traffic along the sidewalk during his activities.

18 71. Dozier's activities did not result in the assembly of a crowd.

19 72. While Dozier was engaged in this expressive activity, Defendant Green arrived on the
20 scene, as did Defendant Trutna. Trutna and Green discussed the situation.

21 73. Following his conversation with Defendant Trutna, Defendant Green approached
22 Dozier and asked him for his identification.

23 74. Defendant Green accused Dozier of engaging in this conduct previously, and that he
24 had already been told that he must have a permit.

25 75. Dozier informed Defendant Green that he was a student.

26 76. Dozier also informed Defendant Green that he had never engaged in this present type of
27 expressive activity on the campus before and was never told he needed a permit.

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1 77. Defendant Green told Dozier that he had to have the proper permit to engage in his
2 expressive activity pursuant to “school rule.”

3 78. He further informed Dozier that if he did not cease and desist from engaging in his
4 present expressive activity, he would be “arrested for trespassing.”

5 79. Defendant Green told Dozier that if he persisted in trying to have an “assembly”
6 without the proper permit, as a student, he may face being expelled from school, even if he was not
7 arrested.

8 80. Dozier agreed to take down his sign and cease his expressive conduct.

9 81. On March 17, 2008, Dozier received a letter via certified mail from Defendant
10 Mendoza regarding his expressive activity of February 27, 2008. A copy of the letter is attached as
11 Exhibit 11 to this Complaint.

12 82. In the letter, Defendant Mendoza accused Dozier of “conducting an assembly without a
13 proper permit . . . in violation of the Place, Time and Manner Administrative Policy,” and stated that
14 this activity was the subject of a District Police Department Crime Report. (Ex. 11.)

15 83. The letter referenced Section 3 of the “Yuba Community College District Board of
16 Trustee [sic] Student Code of Conduct Policy,” BP 5550 and AP 5550, and stated that Dozier was in
17 violation of all of them. (Ex. 11.)

18 84. The letter further stated that if Dozier “desire[d] to distribute material or speak to
19 students” he must “follow the establish[ed] college policy and guidelines outlined in the enclosed
20 *Application For Activities, Facilities, and/or Services* materials.” (Ex. 11.)

21 85. Defendant Mendoza stated that the letter constituted a “written warning to not violate
22 the *Student Code of Conduct* or any rule or college policy pertaining to student conduct, time, place,
23 and manner [sic] or other requirements of the college.” (Ex. 11.)

24 86. The letter advised Dozier that if he violated Defendant Mendoza’s “directive,” he
25 would “face further discipline up to and including expulsion from the college.” (Ex. 11.)

26 87. Enclosed with the letter was a copy of the “Yuba College Student Code of Conduct,
27 Yuba Community College District” (*cf.* Ex. 5), BP 5550 (*cf.* Ex. 1), AP 5550 (*cf.* Ex. 2), and the
28

1 College's "On-Campus Organization Application for Activities, Facilities and/or Services" (*cf.* Ex.
2 10). (Ex. 11.)

3 88. Also enclosed with the letter was a copy of the College's "Off-Campus Organization
4 Application for Activities, Facilities, and/or Services." A copy is attached as Exhibit 12 to this
5 Complaint .

6 89. Dozier wishes to engage in expressive activity on the College's campus, but has not
7 done so since February 27, 2008 for fear of arrest or expulsion.

8 90. Defendants knew or should have known that denying Dozier access to speak at the
9 College and restricting his ability to do so in the future is a clear violation of his constitutional rights.

10 91. Because Dozier has been, and is being, prevented from exercising his First Amendment
11 rights at the College, he is suffering irreparable injury from the policies and actions of Defendants.

12 CAUSES OF ACTION

13 **I. FIRST CAUSE OF ACTION**

14 **District's Speech Zone and Permit Requirements Violate First Amendment Right to** 15 **Freedom of Expression on their Face and As Applied**

16 92. Dozier hereby incorporates and adopts by reference for all purposes each and every
17 allegation in the preceding paragraphs of this Verified Complaint.

18 93. The streets, sidewalks, malls, and other publicly accessible outside areas of college
19 campuses in the District, including the College, are public fora.

20 94. Defendants' restrictions on speech are not content-neutral or narrowly tailored, and do
21 not leave open ample alternative channels for communication.

22 95. There is no reasonable basis for Defendants' restrictions on speech.

23 96. Defendants' policy of requiring a permit for students to engage in expressive activity on
24 District campuses is an unconstitutional prior restraint.

25 97. Defendants' restrictions on speech grant unfettered discretion to administrators in
26 applying the policies.
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1 98. By requiring that Dozier limit his expressive activity to small and/or undefined areas of
2 campus, confine his expressive activity to a limited time of one hour on Tuesdays and Thursdays, give
3 fourteen working days' advance notice to speak, and obtain a permit before engaging in expressive
4 activity on campus, subject to the unrestrained discretion of administrators, Defendants violate
5 Dozier's right to freedom of speech and expression under the First Amendment.

6 99. By requiring that Dozier submit literature to be distributed on campus 48 hours in
7 advance for approval by administrators, Defendants violate Dozier's right to freedom of speech and
8 expression under the First Amendment.

9 100. Because of Defendants' actions, Dozier has suffered and continues to suffer irreparable
10 injury which cannot be fully compensated by an award of money damages.

11 101. Dozier has no adequate remedy at law to correct the continuing deprivation of his
12 constitutional right to freedom of speech guaranteed by the First Amendment of the United States
13 Constitution.

14 II. SECOND CAUSE OF ACTION

15 **District's Speech Zone and Permit Requirements Violate Fourteenth Amendment Right to** 16 **Due Process of Law on their Face and As Applied**

17 102. Dozier hereby incorporates and adopts by reference for all purposes each and every
18 allegation in the preceding paragraphs of this Verified Complaint.

19 103. Defendants' written policies, procedures, codes, practices, and customs are
20 impermissibly vague and ambiguous and give unfettered discretion to Defendants to suppress and/or
21 discriminate against disfavored speech or expression on the District's campuses, violating Dozier's
22 right to due process of law under the Fourteenth Amendment.

23 104. Defendants, acting under color of state law, have applied written policies, procedures,
24 codes, practices, and customs to Dozier in ad hoc, discriminatory ways based on the content and
25 viewpoint of his speech, in violation of his right of due process of law under the Fourteenth
26 Amendment.

27 105. Because of Defendants' actions, Dozier has suffered, and continues to suffer,
28 irreparable injury, which cannot be fully compensated by an award of money damages.

1 106. Dozier has no adequate remedy at law to correct the continuing deprivations of his
2 constitutional right to due process guaranteed by the Fourteenth Amendment of the United States
3 Constitution.

4 **III. THIRD CAUSE OF ACTION**

5 **District's Speech Code Violates First and Fourteenth Amendment Rights to**
6 **Freedom of Expression and Due Process of Law on its Face**

7 107. Dozier hereby incorporates and adopts by reference for all purposes each and every
8 allegation in the preceding paragraphs of this Verified Complaint.

9 108. The District's speech code outlined in this Complaint conditions compliance with the
10 Student Code of Conduct and District policies and procedures on the subjective emotional experience
11 of the listener, and limits and prohibits constitutionally-protected speech without providing any
12 objective guidelines by which Dozier can guide his behavior, or by which administrators may
13 objectively and precisely apply the policies.

14 109. The vagueness and overbreadth of these policies has the effect of chilling the speech of
15 students on District campuses, such as Dozier.

16 110. The District's speech code is both vague and overbroad and has therefore deprived
17 Dozier of his clearly-established right of due process of law guaranteed by the Fourteenth Amendment
18 and his clearly-established right to freedom of expression guaranteed by the First Amendment.

19 111. Because of Defendants' actions, Dozier has suffered, and continues to suffer,
20 irreparable injury, which cannot be fully compensated through an award of money damages.

21 112. Dozier has no adequate remedy at law to correct the continuing deprivation of his
22 constitutional right to due process and freedom of expression guaranteed by the First and Fourteenth
23 Amendments of the United States Constitution.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Plaintiff Dozier requests the following relief:

- 26 A) A preliminary and permanent injunction against the Defendants, their agents, servants,
27 employees, officials, or any other person acting in concert with them or on their behalf,
28 invalidating and restraining them from enforcing customs, procedures, codes, practices and/or

1 policies as they pertain to the conduct made the subject of this Verified Complaint, specifically
2 the discussed portions of BP 5500; BP 5550; AP 3430; AP 5550; the District's Student Code
3 of Conduct; the District Police Department Free Speech & Assembly policy, the District Police
4 Department Safety & Parking Information Handbook; and the College's Application for
5 Activities, Facilities, and/or Service, or that in any way discriminate against Dozier on the
6 basis of his viewpoint or the content of his expression;

7 B) A declaration stating that the conduct of Defendants and Defendants' policies restricting
8 speech on campuses within the District, specifically the discussed portions of BP 5500, BP
9 5550, AP 3430, AP 5550, the District's Student Code of Conduct, the District Police
10 Department's policy on Free Speech & Assembly, the District Police Department's Safety &
11 Parking Information Handbook, and the College's Application for Activities, Facilities, and/or
12 Service, are unconstitutional both facially and as applied to Dozier under the First and
13 Fourteenth Amendments;

14 C) That this Court adjudge, decree, and declare the rights and other legal relations with the subject
15 matter here in controversy, in order that such declaration shall have the force and effect of final
16 judgment;

17 D) An award of nominal damages to Dozier against the individual defendants in an amount
18 deemed appropriate by this Court;

19 E) Dozier's reasonable costs and expenses of this action, including attorneys' fees, in accordance
20 with 42 U.S.C. § 1988;

21 F) All other and further relief as this Court deems just and proper; and

22 G) That this Court retain jurisdiction of this matter for the purpose of enforcing this Court's
23 orders.

24
25 Dated this 29th day of September, 2008. Respectfully submitted,

26 /s/ Heather Gebelin Hacker
27 Heather Gebelin Hacker (CA Bar No. 249273)
28 ADF CENTER FOR ACADEMIC FREEDOM
Attorney for Plaintiff

EXHIBIT 1

BP 5550 Speech: Time, Place, and Manner

Reference: Education Code Section 76120; 66301

The colleges and campuses of the District are non-public forums, except for those areas designated by the Chancellor as limited public forums. The Chancellor shall enact such administrative procedures as are necessary to reasonably regulate the time, place, and manner of the exercise of free expression in the limited public forums.

The administrative procedures promulgated by the Chancellor 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 designated areas, 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

Revised: 01/08

Adopted: July 21, 2004

EXHIBIT 2



Chapter 5—Student Services

AP 5550 – Speech: Time, Place and Manner

Reference: Education Code Sections 76120, 48907; 82537 and 82548

The students of the District shall be permitted to exercise their rights of free expression subject to the time, place, and manner policies and procedures contained in Board Policy 5550 and these procedures.

The colleges and campuses of the District are non-public forums, except for the areas designated by the Chancellor. These areas are limited public forums. The use of Community College grounds for any meeting is subject to reasonable rules and regulations as the President and/or Vice President of the college prescribes, and shall not interfere with the use and occupancy of the college facilities and grounds, as The District reserves the right to revoke that designation and apply a non-public forum designation at its discretion.

These areas are subject to the following:

- Persons using the designated area(s) and/or distributing material in the designated area(s) shall not impede the progress of passersby, nor shall they force passersby to take material.
- No person using the designated area(s) shall touch, strike, or impede the progress of passersby, except for incidental or accidental contact, or contact initiated by a passerby.
- Persons using a designated area shall not use any means of amplification that creates a noise or diversion that disturbs or tends to disturb the orderly conduct of the college, campus, or classes taking place at that time.
- No persons using the designated area(s) shall solicit donations of money, through direct requests for funds, sales of tickets, or otherwise, except where he or she is using the designated area(s) on behalf of and collecting funds for an organization that is registered with the Secretary of State as a nonprofit corporation or is an approved Associated Students organization or club.

All persons using the designated area(s) of the college shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within the designated area(s). Material distributed in the designated area(s) that is discarded or dropped in or around the designated area(s) other than in an appropriate receptacle must be retrieved and removed or properly discarded by those persons distributing the material prior to their departure from the designated area(s) that day.

Publications to be distributed on District campuses must be registered with the Chancellor or designee at least 48 hours to their distribution. The distribution of printed materials or petitions, the wearing of buttons, badges, and other insignia, and the right of expression in official publications, whether or not such publications or other means of expression are supported financially by the College or by use of school facilities, except that expression shall be prohibited which is obscene, libelous, or slanderous. Also prohibited shall be material, which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District.



Chapter 5—Student Services

Posting

Students shall be provided with bulletin boards for use in posting student materials at campus locations convenient for student use. All materials displayed on a bulletin board shall clearly indicate the author or agency responsible for its production and shall be dated with the date of posting by the Chancellor or designee. Materials displayed shall be removed after the passage of 15 days.

Revised: 12/17/2007

Revised: 12/01/2006

Adopted: 7/21/2004

EXHIBIT 3

BP 5500 Standards of Conduct

Reference: Education Code Section 66300; 66301; Accreditation Standard II.A.7.b

The Chancellor shall establish procedures for the imposition of discipline on students in accordance with the requirements for due process of the federal and state law and regulations. The procedures shall be made widely available to students through the college catalog and other means.

The procedures shall clearly define the conduct that is subject to discipline, and shall identify potential disciplinary actions, including but not limited to the removal, suspension or expulsion of a student.

The Board shall consider any recommendation from the Chancellor for expulsion. The Board shall consider an expulsion recommendation in closed session unless the student requests that the matter be considered in a public meeting. Final action by the Board on the expulsion shall be taken at a public meeting.

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

- Causing, attempting to cause, or threatening to cause physical injury to another person.
- Possession, sale 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 a district employee, which is concurred in by the college chancellor.
- Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
- Committing or attempting to commit robbery or extortion.
- Causing or attempting to cause damage to district property or to private property on campus.
- Stealing or attempting to steal district property or private property on campus, or knowingly receiving stolen district property or private property on campus.
- Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
- Committing sexual harassment as defined by law or by District policies and procedures.
- Engaging in harassing or discriminatory behavior based on race, sex, (i.e., gender) religion, age, national origin, disability, or any other status protected by law.
- Willful misconduct which results in injury or death to a student or to college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.

- Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
- Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
- Dishonesty; forgery; alteration or misuse of college documents, records or identification; or knowingly furnishing false information to the District.
- Unauthorized entry upon or use of college facilities.
- Lewd, indecent or obscene conduct on District-owned or controlled property, or at District-sponsored or supervised functions.
- 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 District administrative procedures, or the substantial disruption of the orderly operation of the District.
- Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- 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.
- Hazing.
- Violation of an order of college president.
- Commission of computer-related crime.
- Tampering with fire extinguishers.

See Administrative Procedure 5500, 5520, and 5530

Revised 01/08

Adopted: July 21, 2004

EXHIBIT 4



Chapter 5—Student Services

AP5500 – Standards of Conduct

Reference: Education Code Section 66300

In response to the legal requirement, the District maintains a Student Code of Conduct to govern student discipline and due process proceedings. The Student Code of Conduct is periodically updated.

The Student Code of Conduct is made available to all new students in the District as part of the Matriculation Orientation services. It is available to continuing students in the offices of the Vice President of Academic and Student Services (Yuba College), Dean of Student Services (Woodland Community College), Campus Dean (Clear Lake Campus), and is also available on the District website.

Revised: 12/17/2007

Revised: 12/01/2006

Revised: 07/25/2005

Adopted: 7/21/2004

EXHIBIT 5

Code of Conduct

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YUBA COMMUNITY COLLEGE DISTRICT STUDENT CODE OF CONDUCT

1. Expected Conduct - ([Table of Contents](#))

In joining the academic community, students are expected to conduct themselves in accordance with district standards and to comply with district rules and those adopted by state and local authority.

2. Purpose - ([Table of Contents](#))

The purpose of this policy is to give notice of inappropriate conduct and to provide a procedure for disciplining students which offers fair and objective treatment.

3. Campus Expression - ([Table of Contents](#))

- a. Discussion and expression of all views is encouraged within the state, subject only to
 - i. Requirements for the maintenance of order.
 - ii. Conformance with other sections of this Student Code of Conduct
 - iii. Observance of the right of others to listen or not listen.
 - iv. Other restrictions in the law.
- b. The College recognizes the right of students to free expression including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges, or other insignia, except that expression which is obscene, libelous or slanderous according to current legal standards, or which so incites students as to the commission of unlawful acts on district premises, or the violation of lawful district regulations, or the substantial disruption of the orderly operations of the district is prohibited. (See Educ. C. §76120)
- c. Normally, literature or publications to be distributed on campus will be registered with the Associate Dean for Activities at least 48 hours prior to distribution. Under no circumstances may distributors interfere with the right of others to take or not to take the literature, freely circulate about the campus, and enjoy their other personal rights free of harassment.
- d. All daytime non-class activities will normally be held during "college hours" between 12 noon and 1 p. m. on Tuesdays and Thursdays. The place normally will be the theater If weather permits; otherwise the Associate Dean

for Activities. Case 2:08-ct-01188 Document 17 Filed 09/29/2008 Page 3 of 7
 shall have the ability to determine appropriate evaluation space, avoiding conflict with classes and other previously scheduled activities. The Associate Dean may schedule other hours only when he or she is convinced that the activities will not interfere with the holding of classes and other normal college activities.

- e. Off-campus individuals, groups or activities, whether sponsored by the students, faculty, off-campus groups, or individuals shall be scheduled through the Student Activities Office as provided in Section 8 of the President's Handbook of Administrative Rules and Regulations. Normally, ten (10) working days' notice will be required in order to schedule such activities.

4. Basis for Discipline - ([Table of Contents](#))

Students are subject to college discipline for acts which occur on district owned or controlled property, or at a district sponsored event, or while going to or from a district sponsored event when the transport is furnished by the district or is subject to district approval.

5. Dress Code - ([Table of Contents](#))

Students are expected to demonstrate maturity and exercise good judgment mid taste In everyday attire. Whatever the students judgment, however, every Individual Is required to wear shoes or bona fide street sandals In all campus buildings, except the room areas of the residence halls. There are other areas of the campus, e.g., Gymnasium, Tennis Courts, Track, Shop Areas, where certain types of footwear may be required because of safety factors and/or potential damage to the surface of the facility. Men, as well as women, must have the upper part of their bodies covered at all times. Acceptable shirts must be worn except, in the case of men, in authorized sun bathing or sports activity areas.

6. Removal From Class By Instructor - ([Table of Contents](#))

- a. An instructor may remove a student from his or her class for the day of the removal and the next class meeting. The Instructor shall Immediately report the removal to the College President for appropriate action.
- b. Before ordering the removal of any student from his or her class, the instructor shall first give, or make reasonable efforts to give, the student a verbal or written notice of the reasons for the proposed suspension. There need be no delay between the time notice is given to the student and the time of any discussion of the issues between the instructor and the student.
- c. If the student removed by an instructor is a minor, the College President or the president's designee shall ask the parent or guardian of the student to attend a parent conference regarding the removal as soon as possible. If the instructor or the parent or guardian so requests, a college administrator shall attend the conference. During the period of removal, a student shall not be returned to the class from which he or she was removed without the concurrence of the instructor of the class.
- d. This action is independent of any action taken pursuant to other provisions of this Student Code of Conduct even if the acts or omissions of the student are the same. (See Educ. C. §76032)

7. Grounds for Discipline - ([Table of Contents](#))

Students are subject to discipline for any of the following acts (subject to the limitations of Section 4., above).

- a. Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of college personnel.
- b. Assault, battery, or any threat of force or violence upon a student, college personnel, or visitors. This includes mutual affrays.
- c. Tampering with, damaging, or removing fire extinguishers, or any part of the fire alarm system (including smoke detectors and exit signs) or violating fire and fire protection regulations.
- d. Sexual harassment - defined, as forcing unwanted sexual attention on another.
- e. Sexual battery - defined as including, but not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object.
- f. Sexual assault - defined as a threat coupled with the apparent capability to commit sexual battery.
- g. Willful misconduct which results in injury or death to college personnel, a student or a visitor which results in cutting, defacing, or other injury to any real or personal property owned by the district, college personnel, students or visitors.
- h. Theft of property of the district, college personnel, students or visitors.
- i. The use or possession of a firearm or other deadly weapon or of explosives or hazardous chemicals without prior written approval of the College President or his or her designee.
- j. The use, sale, distribution or possession on campus of, or presence on campus under the Influence of, any controlled substance, or any poison classified as such by Schedule D in section 4160 of the Business and Professions Code or any drug paraphernalia as defined In Health and Safety Code section 11014.5.
- k. Use, possession, or distribution of alcoholic beverages.
- l. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the governing board.
- m. Dishonesty, including but not limited to knowingly furnishing false Information to college authority.

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- n. Forgery, alteration or misuse of District records, records, identification
 - o. Willful obstruction or disruptions of instruction, research, administration, disciplinary procedures or any and all other district activities.
 - p. Cheating or plagiarism. Plagiarism is defined as the knowing appropriation or imitation of language, ideas and thoughts of another and representation of them as one's original work.
 - q. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
 - r. Conviction of a felony or a misdemeanor involving moral turpitude, whether or not a "no contest" plea is entered.

8. Pets on Campus - ([Table of Contents](#))

Students are not allowed to bring pets on campus without prior written approval from the college President or his or her designee. This does not apply to trained guide dogs for the blind or hearing impaired.

9. Parking Violations - ([Table of Contents](#))

- a. After five (5) parking violations, a student may be subjected to the penalties of Disciplinary Probation, including Ineligibility for athletics and other student activities, and withholding of grades and transcripts. In addition, the fifth (5th) unpaid ticket may result in tow-away and impounding of vehicle; redemption of vehicle at Mitchell's Towing Service, 1523 B Street, Marysville, California 95901, requires payment of \$45.00 to \$60.00 (depending on make and conditions for transportation) towing fee, plus a daily Storage Fee after the first 24 hours (if vehicle Is removed by owner from the area In which It is Illegally parked prior to being towed away but after towing service has been called, the owner must pay the service fee of W.00 charged by the towing agency).
- b. All other traffic violations will be handled as provided for in the Vehicle Code.
- c. No student may be removed from school, suspended-nor expelled -for a parking violation. (See Educ. 0. §76036.)

10. Forms of Discipline - ([Table of Contents](#))

The following are the forms of discipline which may be imposed on students by disciplinary authority (see Section 12., below),

- a. A verbal reprimand given in a disciplinary conference with an administrator. No record is made in the student's permanent file.
- b.
 - i. A written reprimand given after a disciplinary conference with an Administrator (also called disciplinary probation. A copy is filed in the student's permanent file.
 - ii. If the student Is a minor, a copy of the letter shall be sent to the students parent or guardian and the parent or guardian shall be Invited to confer with the college administrator imposing the discipline.
- c. Ineligibility to participate in extra curricular activities for nine calendar days or less.
- d. Suspension from one or more classes for nine calendar days, or less.
- e. Ineligibility to participate in extra curricular activities for ten calendar days or more.
- f. Suspension from one or more classes for 10 or more calendar days up to the balance of the term.
- g. Suspension from one or more classes for the balance of the term and up to two following terms.
- h. Expulsion from school.

11. Interim Suspension - ([Table of Contents](#))

When an immediate suspension is required to protect person or property or to insure the maintenance of order, it may be ordered by the College President. A reasonable opportunity must be afforded the student for a hearing within 10 calendar days (See Educ. 0. § 66017).

12. Disciplinary Authority - ([Table of Contents](#))

- a. The College President or his or her designee is authorized to impose the penalties stated in section 10.a. through d. The imposition of penalties stated in section 10.e. through h., requires application of the procedures stated in section 13.
- b. The College President, at his or her discretion, may appoint a Disciplinary Committee. The committee shall then have the authority to bear and decide any discipline stated In section 10e. through g. The committee shall have three members:
 - i. A member of the faculty selected by the Academic Senate.
 - ii. A student selected by the Associated Students of Yuba college.
 - iii. An administrator selected by the College President, who shall chair the committee.
 - iv. Any committee members who have not been selected and notice of selection given to the College President by the twentieth college day of the Fall semester shall be appointed by the College President.
 - v. No later than 15 calendar days after their selection the committee shall be convened and the authority and process for the committee reviewed.
 - vi. When a student has been charged, this committee shall decide whether or not to Impose discipline, as described in

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 section 14. The governing board is authorized to expel a student. (See Educ. C. §76030)

13. Procedure for Disciplinary Hearing - ([Table of Contents](#))

- a. The procedure to be applied prior to the imposition of discipline pursuant section 14 is as stated here
- b. If the student is a minor, notice of proposed discipline shall be sent certified mail to the parent or guardian of the student at the same time the student is served.
- c. The student shall be given a statement in writing, which identifies the violation with sufficient detail to permit the preparation of a defense.
- d. The statement shall also identify the penalty proposed, and attach a copy of this policy and a declaration that the student may be represented by anyone of his or her choosing. If the student does not elect to have a representative, he or she may have someone of his or her choosing present at the hearing.
- e. If the student is to be represented by an attorney, he or she shall so state in his or her Request for Hearing and identify the attorney by name, address and telephone number. The hearing will then be continued for an additional five college days for the district to secure counsel, if he chooses to do so.
- f. The district may also employ an attorney to assist the disciplinary authority.
- g. To be timely, a student must request a hearing within five college days after personal service of the statement of charges (c.,above) or eight college days after service by certified mail. If the student fails to make a timely written request, the student has waived his right to a hearing and the proposed penalty may be imposed by the disciplinary authority without further notice to the student or any evidentiary hearing. A Request for Hearing form must be served with the charges. If the hearing is requested in a timely manner, the college will set the matter for hearing five college days after the request unless a continuance is requested by the student. That continuance may not exceed ten college days.
- h. Oral evidence may be taken, but only on oath or affirmation.
 - i. The student and the charging party shall have these rights: to call and examine witnesses and to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues; and to rebut the evidence against him or her. If the student does not testify in his or her own behalf, he or she may be called and examined as if under cross-examination.
 - j. The hearing need not be conducted according to technical rules relating to evidence and witnesses except as herein after provided. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.
- k. Where the charge is sexual harassment, sexual assault or sexual battery, evidence of specific instances of a complainant's sexual conduct with individuals other than the alleged perpetrator is presumed inadmissible absent an offer of proof establishing its relevance and reliability and that its probative value is not substantially outweighed by the probability that its admission will create substantial danger of undue prejudice or confuse the issue.

14. Discipline Imposed - ([Table of Contents](#))

After the disciplinary authority has determined that the student's conduct merits discipline that authority may:

- a. Impose the disciplinary penalty proposed in the statement of charges, to take immediate effect, or
- b. Impose a lesser disciplinary penalty than that requested, or
- c. Declare the penalty (under a. or b. above) and then declare that it shall not go into immediate effect but shall be stayed for the period of the penalty, subject to a requirement of the student's good behavior during that period. To use this option, the student must also agree that his or her full sentence will be served (with appropriate adjustment of the dates of the penalty period) if this, or a subsequent Disciplinary Committee, determines that the student has not met the condition of good behavior. Such latter determination of the Disciplinary Committee to be made based on sworn charges without an evidentiary hearing

15. Recording the Hearing - ([Table of Contents](#))

A hearing reporter or tape recorder shall either record the hearing. If a tape recorder is used, the tape of the hearing shall be maintained for at least one (1) year from the conclusion of the proceeding and at that time may be erased.

16. Expulsion Hearing - ([Table of Contents](#))

- a. An expulsion shall be decided using the procedure stated in section 13.
- b. An attorney appointed by the College President who is qualified and disinterested shall hear the matter. The time lines, except that provided for requesting a hearing, may be extended by the attorney when requested by either party and with good cause shown. The attorney shall prepare a proposed decision containing Findings of Fact and

Determination of issues which shall be presented to the governing board for approval at its next meeting which is at least five college days from the date of presentation. That proposed decision may include the options stated in section 14.

17. Governing Board Decision - ([Table of Contents](#))

The governing board shall act on the proposed decision submitted by the attorney. The boards options shall, be as follows:

- a. Accept the Findings and Determination of Issues as proposed.
- b. Accept the Findings and make its own Determination of Issues, Including any stay of the penalty subject to the limitations of section 14.c.
- c. Reject the proposed Findings, review a transcript of the entire hearing and all exhibits, receive argument from both parties and reach Its own Findings and Determination of Issues.

18. Recognition of Penalty - ([Table of Contents](#))

- a. A student who Is suspended or expelled shall not be allowed on any district campus for the period of such discipline.
- b. This prohibition does not apply to:
 - i. a resident student In respect to a suspension of nine calendar days or less but only as to residence facilities; or
 - ii. a student whose sentence Is stayed pursuant to section 14.

19. Recovery for Non-Accidental Damage to District Property - ([Table of Contents](#))

Any student who has caused non-accidental damage to district property may be required to reimburse the district for the loss. The procedure stated In section 13, above shall be followed R the student denies responsibility.- A court judgment may be required to effect collection.

20. Readmission After Expulsion - ([Table of Contents](#))

Once a student has been expelled from the college, to be considered for readmission, the petition must show evidence of rehabilitation. When considering a petitioner for readmission to the college and for evaluating rehabilitation of the applicant and his or her present eligibility for readmission, the college will consider the following criteria:

- a. The recommendations, If any, made by the governing board at the time of the student's expulsion;
- b. The nature and severity of the act(s) or crime(s);
- c. Evidence of any act(s) committee subsequent to the act(s) under consideration;
- d. The time that has elapsed since commission of the act(s);
- e. The extent to which a petitioner has complied with any terms of readmission imposed by the governing board during the expulsion hearing; and
- f. Evidence, If any, of rehabilitation submitted by the petitioner.

21. Confidentiality of Hearing - ([Table of Contents](#))

- a. Whether it is conducted by the disciplinary authority or the governing board, the hearing shall be closed and confidential unless the student requests, In writing, at least five (5) college days prior to the date of the hearing, that the hearing be public.
However, if any discussion at such hearing might be in conflict with the right of privacy of any student other than the student requesting the public hearing, then that portion of the hearing shall be in closed session.
- b. Notwithstanding the provisions of the first sentence of subsection a., above, when the charge is sexual harassment, sexual assault or sexual battery, the alleged victim shall have an equal right with the student charged to determine whether the hearing shall be open or closed. If there is disagreement, the hearing authority shall determine the issue consistent with the due process rights of the accused and any applicable provisions of state and federal law.
- c. When disciplinary action is taken against a student for sexual assault, sexual battery, sexual harassment or physical abuse, the victim of the action alleged shall be notified within three days of the results of any disciplinary action or results of any appeal. (Educ. C. §76234.)

22. Student Identification - ([Table of Contents](#))

When requested by college authority, a student will state his or her name and whether he or she lives in one of the residence halls.

23. Definition - ([Table of Contents](#))

The following definitions control the meaning of these words when used in this Student Code of Conduct:

- Case 2:08-cv-01428 Document 1-7 Filed 09/29/2008 Page 7 of 7
- a. "College Authority" means a member of the campus police force, the College President, parent services, the Associate Dean of Students and anyone else specifically designated as such by the College President.
 - b. "College Day" means a weekday when the college's regular instructional program, including summer school, is offered.
 - c. "Minor" means a person under the age of 18 years. (Civil Code §25.) A student enrolled at the college shall have the rights of a parent in respect to that student's records whether or not the student has attained the age of 18. (20 USC 1232g(d).)

Locations: [District](#) | [Yuba College](#) | [Woodland Community College](#) | [Clear Lake Campus](#)
Yuba Community College District, 2088 North Beale Road, Marysville, CA 95901, (530) 741-6700
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EXHIBIT 6

Navigation Menu

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Free Speech & Assembly

Yuba Community College District has a tradition of being an open forum for the expression of political and social ideas. While the College and its Police Department recognize the rights of individuals to engage in constitutionally protected free speech and public assembly, this activity must be conducted in a reasonable and responsible manner.

The College recognizes the right of students to free expression including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges, or other insignia, except that expression which is obscene, libelous or slanderous according to current legal standards, or which so incites students as to the commission of unlawful acts on district premises, or the violation of lawful district regulations, or the substantial disruption of the orderly operations of the district is prohibited. (See Educ. C. §76120)

Normally, literature or publications to be distributed on campus will be registered with the Associate Dean for Activities at least 48 hours prior to distribution. Under no circumstances may distributors interfere with the right of others to take or not to take the literature, freely circulate about the campus, and enjoy their other personal rights free of harassment.

All daytime non-class activities will normally be held during "college hours" between 12 noon and 1 p.m. on Tuesdays and Thursdays. The place normally will be the theater if weather permits; otherwise the Associate Dean for Activities will schedule the activity in the most appropriate available space, avoiding conflicts with classes and other previously scheduled activities. The Associate Dean may schedule other hours only when he or she is convinced that the activities will not interfere with the holding of classes and other normal college activities.

The Office of Student Services, Building 300, has copies of the Student Code of Conduct, which explain the "time, place and manner" rules governing public forums and rallies. Organizations can meet with a representative from the Police Department and Office of Student Services to discuss the nature of their demonstration activities and be informed of their responsibilities and options.

Off-campus individuals, groups or activities, whether sponsored by the students, faculty, off-campus groups, or individuals, shall be scheduled through the Student Activities Office as provided in Section 8 of the President's Office Handbook of Administrative Rules and Regulations. Normally, ten (10) working days' notice will be required in order to schedule such activities.

- Organizations should appoint easily recognizable monitors with sufficient numbers and authority to control the activities of the group.
- Groups should appoint a spokesperson to liaison with the police to enhance cooperation and communication.
- In the event of misdemeanor arrests, demonstrators will be cited and released according to established police procedures. If the charge additionally requires booking at the county jail, those arrested can expect the process to take 3-4 hours.
- To meet release conditions, demonstrators should:
 - Be at least 18 years of age
 - Possess a valid California picture identification
 - Have no outstanding traffic or arrest warrant(s)
 - Possess no weapons or contraband
 - Follow the directions of the arresting officer(s)
 - Not engage in passive or active resistance
 - Not threaten or fight with the arresting officer(s)

If a demonstrator is arrested for a felony violation, such as an assault on a police officer, that person may be ultimately booked into the Yuba County jail system (Marysville campus) Yolo County jail system (Woodland campus) or Lake County jail system, (Clear Lake campus). If this occurs, the detention time, bail, and court expenses could mount substantially, including a felony arrest record that will follow the student for life.

The following abbreviated California State Penal Codes are some of the most commonly violated in demonstration situations:

***834a PC**

Resistance to arrest. If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, it is the duty of such person to refrain from using force or any weapon to resist such arrest.

***148 PC**

Resisting/obstructing a police officer. Willfully resist, delay, or obstruct any public officer in the discharge or attempted discharge of their duties.

***407 PC**

Unlawful assembly. Whenever two or more persons assemble to do an unlawful act, or to do a lawful act in a violent, boisterous or tumultuous manner.

***409 PC**

Failure to disperse. Remaining present at the place of any riot, rout or unlawful assembly, after having been lawfully warned to disperse.

***602(j) PC**

Trespassing with purpose to injure. Entering any lands for the purpose of injuring any property or property rights or with the intention of interfering, obstructing or injuring any lawful business.

***602.1 PC**

Obstructing or intimidating public agencies or customers. Intentionally interfering with any lawful business open to the public by obstructing or intimidating those attempting to carry on the business, or their customers. Refusing to leave the premises after being requested to do so by the owner, the owner's agent or by a peace officer acting at the request of the owner or agent.

***647c PC**

Obstruction of street, sidewalk, or other public place. Obstructing the free movement of any person on any street, sidewalk or other public place or in any place open to the public.

***626.6 PC (a)**

If a person who is not a student, officer or employee of a college or university and who is not required by his or her employment to be on the campus or any other facility owned, operated, or controlled by the governing board of that college or university, enters a campus or facility, and it reasonably appears to the chief administrative officer of the campus or facility, or to an officer or employee designated by the chief administrative officer to maintain order on the campus or facility, that the person is committing any act likely to interfere with the peaceful conduct of the activities of the campus or facility, or has entered the campus or facility for the purpose of committing any such act, the chief administrative officer or his or her designee may direct the person to leave the campus or facility.

[Return to the Rules, Regulations & Policies Page](#)

Case 2:08-cv-01128 Document 1-8 Filed 09/29/2008 Page 4 of 4
Lorenz, Lisa | Yuba College | Standard Complaint | ClearCampus
Yuba Community College District, 2088 North Beale Road, Marysville, CA 95901, (530) 741-6700
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EXHIBIT 7



The College values intellectual and cultural diversity, open communication, collegiality, collaboration, mutual respect, and responsible citizenship.

YCCD Safety
&
Parking Information
Handbook



Yuba Community College District
Police Department
2088 North Beale Road
Marysville, CA 95901
(530) 741-6771



- ★ ♦ Lodging overnight, except in residential facilities or for academic purposes, is prohibited.
- ★ ♦ Adhere to all campus fire safety rules, including prompt, orderly evacuation in case of alarm.
- ★ ♦ Intentionally initiating a false fire alarm is a violation of California Penal Code Section 148.4a punishable by a 1,000 fine or a one-year jail sentence
- ★ ♦ Disrupting classroom, administrative, or other College-sponsored or approved activities can result in arrest by YCCDPD, enforcement by the Office of Student Services, and/or expulsion from the campus.
- ★ ♦ Smoking in buildings (except for private residences) is prohibited by campus policy and State law. When smoking outside, keep enough distance to ensure that tobacco smoke does not enter buildings. On January 1, 2004, a new law affecting public buildings went into effect. Sections 7596-7598 of the Government Code prohibits smoking within **20 feet** of main entrances, exits, and operable windows of any building owned, leased, and occupied by the California community colleges. Use of tobacco products on the Woodland College is prohibited.
- ★ ♦ Riding mopeds, bicycles, skateboards, roller blades, or skates is prohibited in buildings or on walkways where hazards could be created by their use. In accordance with the fire marshal policy, vehicles may not be stored in any public spaces, hallways, corridors, or stairwells, or attached to railings. Bicycles may be stored in non-public space sanctioned, or authorized, in buildings by departments or building coordinators/ managers.
- ★ ♦ Animals (except laboratory animals) or those assisting disabled persons, or as otherwise authorized by departments or building coordinators/managers are not to be brought into buildings
- ★ ♦ Use of campus or departmental bulletin boards must be authorized by the department, or by the building coordinator/manager.
- ★ ♦ Tampering, misuse, abuse, or destruction of emergency equipment or other College property is a violation of Penal Code Sections 148.4 and 594(b).

FREE SPEECH & PUBLIC ASSEMBLY

Yuba Community College District has a tradition of being an open forum for the expression of political and social ideas. While the College and its Police Department recognize the rights of individuals to engage in constitutionally protected free speech and public assembly, this activity must be conducted in a reasonable and responsible manner.

The College recognizes the right of students to free expression including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges, or other insignia, except that

expression which is obscene, libelous or slanderous according to current legal standards, or which so incites students as to the commission of unlawful acts on district premises, or the violation of lawful district regulations, or the substantial disruption of the orderly operations of the district is prohibited. (See Educ. C. §76120)

Normally, literature or publications to be distributed on campus will be registered with the Associate Dean for Activities at least 48 hours prior to distribution. Under no circumstances may distributors interfere with the right of others to take or not to take the literature, freely circulate about the campus, and enjoy their other personal rights free of harassment.

All daytime non-class activities will normally be held during “college hours” between 12 noon and 1 p.m. on Tuesdays and Thursdays. The place normally will be the theater if weather permits; otherwise the Associate Dean for Activities will schedule the activity in the most appropriate available space, avoiding conflicts with classes and other previously scheduled activities. The Associate Dean may schedule other hours only when he or she is convinced that the activities will not interfere with the holding of classes and other normal college activities.

The Office of Student Services, Building 300, has copies of the Student Code of Conduct, which explain the “time, place and manner” rules governing public forums and rallies. Organizations can meet with a representative from the Police Department and Office of Student Services to discuss the nature of their demonstration activities and be informed of their responsibilities and options.

Off-campus individuals, groups or activities, whether sponsored by the students, faculty, off-campus groups, or individuals, shall be scheduled through the Student Activities Office as provided in Section 8 of the President’s Office Handbook of Administrative Rules and Regulations.

Normally, ten (10) working days’ notice will be required in order to schedule such activities.

- ♦ Organizations should appoint easily recognizable monitors with sufficient numbers and authority to control the activities of the group.
- ♦ Groups should appoint a spokesperson to liaison with the police to enhance cooperation and communication.
- ♦ In the event of misdemeanor arrests, demonstrators will be cited and released according to established police procedures. If the charge additionally requires booking at the county jail, those arrested can expect the process to take 3–4 hours.
- ♦ To meet release conditions, demonstrators should:

Revised: 10/2006 31

*602.1 PC
 Obstructing or intimidating public agencies or customers. Intentionally interfering with any lawful business open to the public by obstructing or intimidating those attempting to carry on the business, or their customers. Refusing to leave the premises after being requested to do so by the owner, the owner's agent or by a peace officer acting at the request of the owner or agent.

*647c PC
 Obstruction of street, sidewalk, or other public place. Obstructing the free movement of any person on any street, sidewalk or other public place or in any place open to the public.

*626.6 PC (a) If a person who is not a student, officer or employee of a college or university and who is not required by his or her employment to be on the campus or any other facility owned, operated, or controlled by the governing board of that college or university, enters a campus or facility, and it reasonably appears to the chief administrative officer of the campus or facility, or to an officer or employee designated by the chief administrative officer to maintain order on the campus or facility, that the person is committing any act likely to interfere with the peaceful conduct of the activities of the campus or facility, or has entered the campus or facility for the purpose of committing any such act, the chief administrative officer or his or her designee may direct the person to leave the campus or facility.

THE YUBA COMMUNITY COLLEGE DISTRICT

Sexual Assault & Rape - Student Procedures
AP 3540 – Sexual Assaults on Campus
Reference: Education Code Section 67385; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; 34 C.F.R. § 668.46(b)(11)

Sexual assault prevention, education, policy, and procedures are governed by the Yuba Community College District Campus Student Policy and Procedures Regarding Rape and Sexual Assault. This policy describes in detail prevention and education programs around the topic of sexual assault, as well as procedures for dealing with incidents after they have occurred.

Any sexual assault or physical abuse, including, but not limited to, rape, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and

Revised: 10/2006 33

EXHIBIT 8

BP 3430 Prohibition of Harassment

Reference: Education Code Sections 212.5; 44100, 66252; 66281.5; Government Code 12950.1; Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000e.

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 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, sex, age, or sexual orientation of any person, or because he or she is perceived to have one or more of the foregoing characteristics.

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 AP 3435. 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. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

To this end the Chancellor shall ensure that the institution undertakes education activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The Chancellor shall establish procedures that define harassment on campus. The Chancellor shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

This policy and related written procedures shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution. They shall be available for students and employees in all administrative offices.

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.

See Administrative Procedure 3430.

Adopted: July 21, 2004

EXHIBIT 9



Chapter 3—General Institution

AP 3430 – Prohibition of Harassment

Reference: Education Code Sections 212.5; 66281.5; Title IX, Education Amendments of 1972; Title V, Sections 59320 et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000e.

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus.

Definitions

General Harassment. Harassment based national origin, religion, age, sex (gender), race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, or because he or she is perceived to have one or more of the foregoing 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



Chapter 3—General Institution

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; or
- 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.

Examples: Harassment includes, but is not limited to the following misconduct:

- Verbal: Inappropriate or offensive remarks, slurs, jokes, or innuendoes based on a person's protected status, including but not limited to sex. 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 of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.



Chapter 3—General Institution

- **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.
- **Visual or Written:** The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.
- **Environmental:** An academic or work environment that is permeated with racially or sexually-oriented talk, innuendo, insults, or abuse 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. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings. 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.

Consensual Relationships

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty, or staff members and students 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.

Academic Freedom

To the extent the harassment policies and procedures are in conflict with the District's policy on academic freedom, the harassment policies and procedures shall prevail. If the faculty member wishes to use sexually explicit materials in the classroom as a teaching technique, the faculty member must review that use with an administrator to determine whether or not this violates the sexual harassment policy.

Revised: 12/01/2006

Adopted: 7/21/2004

EXHIBIT 10

APPLICATION FOR
ACTIVITIES, FACILITIES AND/OR SERVICES

REQUESTED BY _____

CONTACT PERSON: _____ TELEPHONE: _____

ACTIVITY: _____

DATE OF EVENT: _____ TIME: _____ TIME IN: _____ TIME OUT: _____

ROOM(S)/FACILITIES: _____ NUMBER OF PARTICIPANTS _____

EQUIPMENT/SERVICES

Please provide a diagram if special set up is needed.

_____ # TABLES _____ LECTERN _____ BOX OFFICE _____ RESTROOMS

_____ MEDIA SERVICES _____

_____ MEDIA TECHNICIAN _____

_____ THEATER TECHNICIAN _____

_____ OTHER _____

***NOTE:** Yuba Community College does not provide chairs for any event.

- Arrangements must be made at least 14 working days in advance of the event.
- Cancellation notice must be submitted 48 hours prior to the event or 72 hours if food Services are requested.
- Food service **MUST BE** requested through Food Service Program 741-6933, if not available then through Chartwells 741-6806.
- Applicant will be notified in writing of the acceptance/rejection of application.

-
- ATHLETIC DEPARTMENT must have prior approval of the Athletics Director, ext. 6838 or 6779.

Signature _____ Date _____

- DINING FACILITIES must have prior approval from Cafeteria Management, ext. 6806.

Signature _____ Date _____

- THEATRE FACILITIES must have prior approval from Theatre Department, ext. 6829 or 6984.

Signature _____ Date _____

- FACULTY ADVISOR/BUDGET MANAGER Final Approval

Signature _____ Date _____



Chapter 5—Student Services

7/20/2007

AP 5550 – Speech: Time, Place and Manner

Reference: Education Code Sections 76120, 48907; 82537 and 82548

The students of the District shall be permitted to exercise their rights of free expression subject to the time, place, and manner policies and procedures contained in Board Policy 5550 and these procedures.

The colleges and campuses of the District are non-public forums, except for the areas designated by the Chancellor. These areas are limited public forums. The use of Community College grounds for any meeting is subject to reasonable rules and regulations as the President and/or Vice President of the college prescribes, and shall not interfere with the use and occupancy of the college facilities and grounds, as The District reserves the right to revoke that designation and apply a non-public forum designation at its discretion.

These areas are subject to the following:

- Persons using the designated area(s) and/or distributing material in the designated area(s) shall not impede the progress of passersby, nor shall they force passersby to take material.
- No person using the designated area(s) shall touch, strike, or impede the progress of passersby, except for incidental or accidental contact, or contact initiated by a passerby.
- Persons using a designated area shall not use any means of amplification that creates a noise or diversion that disturbs or tends to disturb the orderly conduct of the college, campus, or classes taking place at that time.
- No persons using the designated area(s) shall solicit donations of money, through direct requests for funds, sales of tickets, or otherwise, except where he or she is using the designated area(s) on behalf of and collecting funds for an organization that is registered with the Secretary of State as a nonprofit corporation or is an approved Associated Students organization or club.

All persons using the designated area(s) of the college shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within the designated area(s). Material distributed in the designated area(s) that is discarded or dropped in or around the designated area(s) other than in an appropriate receptacle must be retrieved and removed or properly discarded by those persons distributing the material prior to their departure from the designated area(s) that day.

Publications to be distributed on District campuses must be registered with the Chancellor or designee at least 48 hours to their distribution. The distribution of printed materials or petitions, the wearing of buttons, badges, and other insignia, and the right of expression in official publications, whether or not such publications or other means of expression are supported financially by the College or by use of school facilities, except that expression shall be prohibited which is obscene, libelous, or slanderous. Also prohibited shall be material, which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District.



Chapter 5—Student Services

7/20/2007

Posting

Students shall be provided with bulletin boards for use in posting student materials at campus locations convenient for student use. All materials displayed on a bulletin board shall clearly indicate the author or agency responsible for its production and shall be dated with the date of posting by the Chancellor or designee. Materials displayed shall be removed after the passage of 15 days.

*Revised 12/01/2006

Reference: Education Code Section 76120

The colleges and campuses of the District are non-public forums, except for those areas designated by the Chancellor as limited public forums. The Chancellor shall enact such administrative procedures as are necessary to reasonably regulate the time, place, and manner of the exercise of free expression in the limited public forums.

The administrative procedures promulgated by the Chancellor 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 designated areas, 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

EXHIBIT 11



www.yccd.edu

**Office of the President
Yuba College**

Phone: 530-741-6707

Fax: 530-749-3867

**Yuba Community College District
2088 North Beale Rd.
Marysville, CA 95901**

Yuba College
2088 North Beale Rd.
Marysville, CA 95901

Woodland Community College
2300 E. Gibson Rd.
Woodland, CA 95776

Yuba College - Clear Lake Campus
15880 Dam Road Extension
Clearlake, CA 95422

November 2, 2007

Ryan C. Dozier
127 Lone Tree Way
Loma Rica, CA 95918

Dear Mr. Dozier:

I am writing to you to inform you that my office has received a copy of a Yuba College Campus Police Crime Report that you were conducting an assembly without a proper permit on February 27, 2008, in violation of the Place, Time and Manner Administrative Policy.

By your actions you are in violation of Yuba Community College District Board of Trustee *Student Code of Conduct Policy* (enclosed) Section:

- 3. Campus Expression

Additionally, you violated BP 5550 Speech: Time, Place and Manner and AP 5550 Time, Place and Manner (enclosed) concerning assembly without proper permission with respect to Place, Time, and Manner.

As a college, we expect our students and visitors to adhere to college policy and rules governing the conduct of students and maintaining a safe and welcoming educational environment. Additionally, we want to allow individuals to express opinions to communicate to others without feeling harassed or threatened.

Should you desire to distribute material or speak to students, simply follow the establish college policy and guidelines outlined in the enclosed *Application For Activities, Facilities, and/or Services* materials.

I will, at this point, issue you a written warning to not violate the *Student Code of Conduct* or any rule or college policy pertaining to student conduct, time, place, and manner or other requirements of the college.

Should you violate my directive, you will face further discipline up to and including expulsion from the college. Do not let this happen!

I trust you will adhere to my directive. Should you have questions, contact my office to schedule an appointment.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul V. Mendoza". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

PAUL V. MENDOZA
President

PVM:N

ENCLOSURES

Student Code of Conduct

Board Policy (BP) 5550

Application for Activities, Facilities, and/or Services

Xc: Chris. Wilkinson, Chief of Police
Kevin Trutna, Vice President of Academic and Student Services

YUBA COLLEGE

STUDENT CODE OF CONDUCT



Yuba College does not discriminate against students or employees on the basis of race, color, sex (nor condone sexual harassment), handicap, age, creed, or national origin.

Approved by Board of Trustees: 8/28/91

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**YUBA COMMUNITY COLLEGE DISTRICT
STUDENT CODE OF CONDUCT**

This document is an addendum to the "Student Information Booklet" which is made available to each student at the time of registration and is effective immediately. Any revision to this document shall be posted on the College bulletin Boards and in the weekly student bulletin.

1. Expected Conduct

In joining the academic community, students are expected to conduct themselves in accordance with district standards and to comply with district rules and those adopted by state and local authority.

2. Purpose

The purpose of this policy is to give notice of inappropriate conduct and to provide a procedure for disciplining students which offers fair and objective treatment.

3. Campus Expression

a. Discussion and expression of all views is encouraged within the college, subject only to:

- i. Requirements for the maintenance of order.**
- ii. Conformance with other sections of this Student Code of Conduct.**
- iii. Observance of the right of others to listen or not listen.**
- iv. Other restrictions in the law.**

b. The College recognizes the right of students to free expression including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges, or other insignia, except that expression which is obscene, libelous or slanderous according to current legal standards, or which so incites students as to the commission of unlawful acts on district premises, or the violation of lawful district regulations, or the substantial disruption of the orderly operations of the district is prohibited. (See Educ. C. §76120)

c. Normally, literature or publications to be distributed on campus will be registered with the Associate Dean for Activities at least 48 hours prior to distribution. Under no circumstances may distributors interfere with the right of others to take or not to take the literature, freely circulate about the campus, and enjoy their other personal rights free of harassment.

d. All daytime non-class activities will normally be held during "college hours" between 12 noon and 1 p. m. on Tuesdays and Thursdays. The place normally will be the theater if weather permits; otherwise the Associate Dean for Activities

will schedule the activity in the most appropriate available space, avoiding conflicts with classes and other previously scheduled activities. The Associate Dean may schedule other hours only when he or she is convinced that the activities will not interfere with the holding of classes and other normal college activities.

- e. Off-campus individuals, groups or activities, whether sponsored by the students, faculty, off-campus groups, or individuals, shall be scheduled through the Student Activities Office as provided in Section 8 of the President's Office Handbook of Administrative Rules and Regulations. Normally, ten (10) working days' notice will be required in order to schedule such activities.

4. Basis for Discipline

Students are subject to college discipline for acts which occur on district owned or controlled property, or at a district sponsored event, or while going to or from a district sponsored event when the transport is furnished by the district or is subject to district approval.

5. Dress Code

Students are expected to demonstrate maturity and exercise good judgment and taste in everyday attire. Whatever the student's judgment, however, every individual is required to wear shoes or bona fide street sandals in all campus buildings, except the room areas of the residence halls. There are other areas of the campus, e.g., Gymnasium, Tennis Courts, Track, Shop Areas, where certain types of footwear may be required because of safety factors and/or potential damage to the surface of the facility. Men, as well as women, must have the upper part of their bodies covered at all times. Acceptable shirts must be worn except, in the case of men, in authorized sun bathing or sports activity areas.

6. Removal From Class By Instructor

- a. An instructor may remove a student from his or her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the College President for appropriate action.
- b. Before ordering the removal of any student from his or her class, the instructor shall first give, or make reasonable efforts to give, the student a verbal or written notice of the reasons for the proposed suspension. There need be no delay between the time notice is given to the student and the time of any discussion of the issues between the instructor and the student.
- c. If the student removed by an instructor is a minor, the College President or the president's designee shall ask the parent or guardian of the student to attend a parent conference regarding the removal as soon as possible. If the instructor or the parent or guardian so requests, a college administrator shall attend the conference. During the period of removal, a student shall not be returned to the class from which he or she was removed without the concurrence of the instructor of the class.
- d. This action is independent of any action taken pursuant to other provisions of this Student Code of Conduct even if the acts or omissions of the student are the same.

(See Educ. C. §76032)

7. Grounds for Discipline

Students are subject to discipline for any of the following acts (subject to the limitations of Section 4., above).

- a. Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
- b. Assault, battery, or any threat of force or violence upon a student, college personnel, or visitors. This includes mutual affrays.
- c. Tampering with, damaging, or removing fire extinguishers, or any part of the fire alarm system (including smoke detectors and exit signs) or violating fire and fire protection regulations.
- d. Sexual harassment - defined as forcing unwanted sexual attention on another.
- e. Sexual battery - defined as including, but not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object.
- f. Sexual assault - defined as a threat coupled with the apparent capability to commit sexual battery.
- g. Willful misconduct which results in injury or death to college personnel, a student or a visitor which results in cutting, defacing, or other injury to any real or personal property owned by the district, college personnel, students or visitors.
- h. Theft of property of the district, college personnel, students or visitors.
- i. The use or possession of a firearm or other deadly weapon or of explosives or hazardous chemicals without prior written approval of the College President or his or her designee.
- j. The use, sale, distribution or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule D in section 4160 of the Business and Professions Code, or any drug paraphernalia as defined in Health and Safety Code section 11014.5.
- k. Use, possession, or distribution of alcoholic beverages.
- l. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the governing board.
- m. Dishonesty, including but not limited to knowingly furnishing false information to college authority.
- n. Forgery, alteration, or misuse of district documents, records, or identification.

- e. Willful obstruction or disruption of instruction, research, administration, disciplinary procedures or any and all other district activities.
- p. Cheating or plagiarism. Plagiarism is defined as the knowing appropriation or imitation of language, ideas and thoughts of another and representation of them as one's original work.
- q. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- r. Conviction of a felony or a misdemeanor involving moral turpitude, whether or not a "no contest" plea is entered.

8. Pets on Campus

Students are not allowed to bring pets on campus without prior written approval from the college President or his or her designee. This does not apply to trained guide dogs for the blind or hearing impaired.

9. Parking Violations

- a. After five (5) parking violations, a student may be subjected to the penalties of Disciplinary Probation, including ineligibility for athletics and other student activities, and withholding of grades and transcripts. In addition, the fifth (5th) unpaid ticket may result in tow-away and impounding of vehicle; redemption of vehicle at Mitchell's Towing Service, 1523 B Street, Marysville, California 95901, requires payment of \$45.00 to \$60.00 (depending on make and conditions for transportation) towing fee, plus a daily Storage Fee after the first 24 hours (if vehicle is removed by owner from the area in which it is illegally parked prior to being towed away but after towing service has been called, the owner must pay the service fee of \$45.00 charged by the towing agency).
- b. All other traffic violations will be handled as provided for in the Vehicle Code.
- c. No student may be removed from school, suspended nor expelled for a parking violation. (See Educ. C. §76036.)

10. Forms of Discipline

The following are the forms of discipline which may be imposed on students by disciplinary authority (see Section 12., below):

- a. A verbal reprimand given in a disciplinary conference with an administrator. No record is made in the student's permanent file.
- b. i. A written reprimand given after a disciplinary conference with an administrator (also called disciplinary probation). A copy is filed in the student's permanent file.
- ii. If the student is a minor, a copy of the letter shall be sent to the student's parent or guardian and the parent or guardian shall be invited to confer with the college administrator imposing the discipline.

- c. Ineligibility to participate in extra curricular activities for nine calendar days or less.
 - d. Suspension from one or more classes for nine calendar days, or less.
 - e. Ineligibility to participate in extra curricular activities for ten calendar days or more.
 - f. Suspension from one or more classes for 10 or more calendar days up to the balance of the term.
 - g. Suspension from one or more classes for the balance of the term and up to two following terms.
 - h. Expulsion from school.
11. Interim Suspension

When an immediate suspension is required to protect person or property or to insure the maintenance of order, it may be ordered by the College President. A reasonable opportunity must be afforded the student for a hearing within 10 calendar days (See Educ. C. § 66017).

12. Disciplinary Authority

- a. The College President or his or her designee is authorized to impose the penalties stated in section 10.a. through d. The imposition of penalties stated in section 10.e. through h., requires application of the procedures stated in section 13.
- b. The College President, at his or her discretion, may appoint a Disciplinary Committee. The committee shall then have the authority to hear and decide any discipline stated in section 10.e. through g. The committee shall have three members:
 - i. A member of the faculty selected by the Academic Senate.
 - ii. A student selected by the Associated Students of Yuba college.
 - iii. An administrator selected by the College President, who shall chair the committee.
 - iv. Any committee members who have not been selected and notice of selection given to the College President by the twentieth college day of the Fall semester shall be appointed by the College President.
 - v. No later than 15 calendar days after their selection the committee shall be convened and the authority and process for the committee reviewed.
 - vi. When a student has been charged, this committee shall decide whether or not to impose discipline, as described in section 10.e. through g., in accordance with the procedures stated in this policy.

- c. Only the governing board is authorized to expel a student. (See Educ. C. §76030)

13. Procedure for Disciplinary Hearing

- a. The procedure to be applied prior to the imposition of discipline pursuant to section 14 is as stated here.
- b. If the student is a minor, notice of proposed discipline shall be sent certified mail to the parent or guardian of the student at the same time the student is served.
- c. The student shall be given a statement in writing which identifies the violation with sufficient detail to permit the preparation of a defense.
- d. The statement shall also identify the penalty proposed, and attach a copy of this policy and a declaration that the student may be represented by anyone of his or her choosing. If the student does not elect to have a representative, he or she may have someone of his or her choosing present at the hearing.
- e. If the student is to be represented by an attorney, he or she shall so state in his or her Request for Hearing and identify the attorney by name, address and telephone number. The hearing will then be continued for an additional five college days for the district to secure counsel, if it chooses to do so.
- f. The district may also employ an attorney to assist the disciplinary authority.
- g. To be timely, a student must request a hearing within five college days after personal service of the statement of charges (c., above) or eight college days after service by certified mail. If the student fails to make a timely written request, the student has waived his right to a hearing and the proposed penalty may be imposed by the disciplinary authority without further notice to the student or any evidentiary hearing. A Request for Hearing form must be served with the charges. If the hearing is requested in a timely manner, the college will set the matter for hearing five college days after the request unless a continuance is requested by the student. That continuance may not exceed ten college days.
- h. Oral evidence may be taken, but only on oath or affirmation.
- i. The student and the charging party shall have these rights: to call and examine witnesses and to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues; and to rebut the evidence against him or her. If the student does not testify in his or here own behalf, he or she may be called and examined as if under cross-examination.

- j. The hearing need not be conducted according to technical rules relating to evidence and witnesses except as herein after provided. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.
- k. Where the charge is sexual harassment, sexual assault or sexual battery, evidence of specific instances of a complainant's sexual conduct with individuals other than the alleged perpetrator is presumed inadmissible absent an offer of proof establishing its relevance and reliability and that its probative value is not substantially outweighed by the probability that its admission will create substantial danger of undue prejudice or confuse the issue.

14. Discipline Imposed

After the disciplinary authority has determined that the student's conduct merits discipline that authority may:

- a. Impose the disciplinary penalty proposed in the statement of charges, to take immediate effect, or
- b. Impose a lesser disciplinary penalty than that requested, or
- c. Declare the penalty (under a. or b. above) and then declare that it shall not go into immediate effect but shall be stayed for the period of the penalty, subject to a requirement of the student's good behavior during that period. To use this option, the student must also agree that his or her full sentence will be served (with appropriate adjustment of the dates of the penalty period) if this, or a subsequent Disciplinary Committee, determines that the student has not met the condition of good behavior. Such latter determination of the Disciplinary Committee to be made based on sworn charges without an evidentiary hearing.

15. Recording the Hearing

The hearing shall either be recorded by a hearing reporter or tape recorder. If a tape recorder is used, the tape of the hearing shall be maintained for at least one (1) year from the conclusion of the proceeding and at that time may be erased.

16. Expulsion Hearing

- a. An expulsion shall be decided using the procedure stated in section 13.
- b. The matter shall be heard by an attorney appointed by the College President who is qualified and disinterested. The time lines, except that

provided for requesting a hearing, may be extended by the attorney when requested by either party, and with good cause shown. The attorney shall prepare a proposed decision containing Findings of Fact and Determination of Issues which shall be presented to the governing board for approval at its next meeting which is at least five college days from the date of presentation. That proposed decision may include the options stated in section 14.

17. Governing Board Decision

The governing board shall act on the proposed decision submitted by the attorney. The board's options shall be as follows:

- a. Accept the Findings and Determination of Issues as proposed.
- b. Accept the Findings and make its own Determination of Issues, including any stay of the penalty subject to the limitations of section 14.c.
- c. Reject the proposed Findings, review a transcript of the entire hearing and all exhibits, receive argument from both parties and reach its own Findings and Determination of Issues.

18. Recognition of Penalty

- a. A student who is suspended or expelled shall not be allowed on any district campus for the period of such discipline.
- b. This prohibition does not apply to:
 - i. a resident student in respect to a suspension of nine calendar days or less but only as to residence facilities; or
 - ii. a student whose sentence is stayed pursuant to section 14.c.

19. Recovery for Non-Accidental Damage to District Property

Any student who has caused non-accidental damage to district property may be required to reimburse the district for the loss. The procedure stated in section 13. above shall be followed if the student denies responsibility. A court judgment may be required to effect collection.

20. Readmission After Expulsion

Once a student has been expelled from the college, to be considered for readmission, the petition must show evidence of rehabilitation. When considering a petitioner for readmission to the college and for evaluating rehabilitation of the applicant and his or her present eligibility for readmission, the college will consider the following criteria:

- a. The recommendations, if any, made by the governing board at the time of the student's expulsion;
- b. The nature and severity of the act(s) or crime(s);

- c. Evidence of any act(s) committee subsequent to the act(s) under consideration;
- d. The time that has elapsed since commission of the act(s);
- e. The extent to which a petitioner has complied with any terms of readmission imposed by the governing board during the expulsion hearing; and
- f. Evidence, if any, of rehabilitation submitted by the petitioner.

21. Confidentiality of Hearing

- a. Whether it is conducted by the disciplinary authority or the governing board, the hearing shall be closed and confidential unless the student requests, in writing, at least five (5) college days prior to the date of the hearing, that the hearing be public. However, if any discussion at such hearing might be in conflict with the right of privacy of any student other than the student requesting the public hearing, then that portion of the hearing shall be in closed session.
- b. Notwithstanding the provisions of the first sentence of subsection a., above, when the charge is sexual harassment, sexual assault or sexual battery, the alleged victim shall have an equal right with the student charged to determine whether the hearing shall be open or closed. If there is disagreement, the hearing authority shall determine the issue consistent with the due process rights of the accused and any applicable provisions of state and federal law.
- c. When disciplinary action is taken against a student for sexual assault, sexual battery, sexual harassment or physical abuse, the victim of the action alleged shall be notified within three days of the results of any disciplinary action or results of any appeal. (Educ. C. §76234.)

22. Student Identification

When requested by college authority, a student will state his or her name and whether he or she lives in one of the residence halls.

23. Definitions

The following definitions control the meaning of these words when used in this Student Code of Conduct:

- a. "College Authority" means a member of the campus police force, the Vice President-Student Services, the Associate Dean of Students and anyone else specifically designated as such by the College President.
- b. "College Day" means a weekday when the college's regular instructional program, including summer school, is offered.

- c. **"Minor" means a person under the age of 18 years. (Civil C. §25.) A student enrolled at the college shall have the rights of a parent in respect to that student's records whether or not the student has attained the age of 18. (20 USCA 1232g(d).)**

7/10/91nc

**APPLICATION FOR
 ACTIVITIES, FACILITIES AND/OR SERVICES**

REQUESTED BY _____

CONTACT PERSON: _____ TELEPHONE: _____

ACTIVITY: _____

DATE OF EVENT: _____ TIME: _____ TIME IN: _____ TIME OUT: _____

ROOM(S)/FACILITIES: _____ NUMBER OF PARTICIPANTS _____

EQUIPMENT/SERVICES

Please provide a diagram if special set up is needed.

_____ # TABLES _____ LECTERN _____ BOX OFFICE _____ RESTROOMS

_____ MEDIA SERVICES _____

_____ MEDIA TECHNICIAN _____

_____ THEATER TECHNICIAN _____

_____ OTHER _____

***NOTE:** Yuba Community College does not provide chairs for any event.

- Arrangements must be made at least 14 working days in advance of the event.
- Cancellation notice must be submitted 48 hours prior to the event or 72 hours if food Services are requested.
- Food service **MUST BE** requested through Food Service Program 741-6933, if not available then through Chartwells 741-6806.
- Applicant will be notified in writing of the acceptance/rejection of application.

-
- ATHLETIC DEPARTMENT must have prior approval of the Athletics Director, ext. 6838 or 6779.

Signature _____ Date _____

- DINING FACILITIES must have prior approval from Cafeteria Management, ext. 6806.

Signature _____ Date _____

- THEATRE FACILITIES must have prior approval from Theatre Department, ext. 6829 or 6984.

Signature _____ Date _____

- FACULTY ADVISOR/BUDGET MANAGER Final Approval

Signature _____ Date _____



Chapter 5—Student Services

7/20/2007

AP 5550 – Speech: Time, Place and Manner

Reference: Education Code Sections 76120, 48907; 82537 and 82548

The students of the District shall be permitted to exercise their rights of free expression subject to the time, place, and manner policies and procedures contained in Board Policy 5550 and these procedures.

The colleges and campuses of the District are non-public forums, except for the areas designated by the Chancellor. These areas are limited public forums. The use of Community College grounds for any meeting is subject to reasonable rules and regulations as the President and/or Vice President of the college prescribes, and shall not interfere with the use and occupancy of the college facilities and grounds, as The District reserves the right to revoke that designation and apply a non-public forum designation at its discretion.

These areas are subject to the following:

- Persons using the designated area(s) and/or distributing material in the designated area(s) shall not impede the progress of passersby, nor shall they force passersby to take material.
- No person using the designated area(s) shall touch, strike, or impede the progress of passersby, except for incidental or accidental contact, or contact initiated by a passerby.
- Persons using a designated area shall not use any means of amplification that creates a noise or diversion that disturbs or tends to disturb the orderly conduct of the college, campus, or classes taking place at that time.
- No persons using the designated area(s) shall solicit donations of money, through direct requests for funds, sales of tickets, or otherwise, except where he or she is using the designated area(s) on behalf of and collecting funds for an organization that is registered with the Secretary of State as a nonprofit corporation or is an approved Associated Students organization or club.

All persons using the designated area(s) of the college shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within the designated area(s). Material distributed in the designated area(s) that is discarded or dropped in or around the designated area(s) other than in an appropriate receptacle must be retrieved and removed or properly discarded by those persons distributing the material prior to their departure from the designated area(s) that day.

Publications to be distributed on District campuses must be registered with the Chancellor or designee at least 48 hours to their distribution. The distribution of printed materials or petitions, the wearing of buttons, badges, and other insignia, and the right of expression in official publications, whether or not such publications or other means of expression are supported financially by the College or by use of school facilities, except that expression shall be prohibited which is obscene, libelous, or slanderous. Also prohibited shall be material, which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District.



Chapter 5—Student Services

7/20/2007

Posting

Students shall be provided with bulletin boards for use in posting student materials at campus locations convenient for student use. All materials displayed on a bulletin board shall clearly indicate the author or agency responsible for its production and shall be dated with the date of posting by the Chancellor or designee. Materials displayed shall be removed after the passage of 15 days.

*Revised 12/01/2006

Reference: Education Code Section 76120

The colleges and campuses of the District are non-public forums, except for those areas designated by the Chancellor as limited public forums. The Chancellor shall enact such administrative procedures as are necessary to reasonably regulate the time, place, and manner of the exercise of free expression in the limited public forums.

The administrative procedures promulgated by the Chancellor 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 designated areas, 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

EXHIBIT 12

APPLICATION FOR ACTIVITIES, FACILITIES, AND/OR SERVICES

REQUESTED BY _____
Name of Organization _____ Contact Person _____

ADDRESS _____

TELEPHONE NUMBER _____ FAX NUMBER _____

ESTIMATED NUMBER OF PARTICIPANTS FOR THIS ACTIVITY _____

ACTIVITY _____

DATE OF EVENT _____ TIME OF EVENT _____ TIME IN _____ TIME OUT _____

ROOM(S)/FACILITIES _____

EQUIPMENT/SERVICES

Please provide a diagram if special set up is needed

_____ # TABLES _____ LECTERN _____ BOX OFFICE _____ RESTROOMS

_____ IF FOOD IS TO BE SERVED, YOU **MUST** CONTACT THE FOOD SERVICE PROGRAM AT 741-6933, IF UNAVAILABLE, THEN CONTACT CHARTWELLS AT 741-6806 AND COMPLETE A CATERING CONTRACT.

_____ LIGHTING EQUIPMENT _____

_____ MEDIA/SOUND EQUIPMENT _____

_____ MEDIA TECHICIAN/OPERATOR _____

_____ THEATRE TECHNICIAN _____

_____ OTHER _____

***NOTE:** Yuba Community College does not provide chairs for any event.

For official use only

CONFIRMED BY _____ DATE _____

ARRANGEMENTS MUST BE MADE AT LEAST 15 WORKING DAYS IN ADVANCE OF THE EVENT BETWEEN THE HOURS OF 8 AM AND 4:30PM AT 530-634-7718 OR BY FAX-530-741-7115.

CANCELLATION NOTICE MUST BE SUBMITTED 48 HOURS PRIOR TO THE EVENT OR 72 HOURS IF FOOD SERVICES ARE REQUESTED.

The undersigned states that their group will not use these premises for the commission of any illegal acts. And, in consideration of the grant for the use of the College's facilities, _____ will defend, indemnify and hold harmless the District, its officers, employees and agents from any and all injuries, losses or damage, including damage to District property, which may result from or arise in any way out of their use of the facilities, regardless of cause.

A "CERTIFICATE OF INSURANCE" must be submitted to the Administrative Services Department at least 48 hours prior to use, if required. The "CERTIFICATE OF INSURANCE" must name Yuba College as an "Additional Insured" for Bodily Injury Liability Limits of at least \$1,000,000.00, and Property Damage Liability Limits of at least \$1,000,000.00.

Print Name _____ Street Address/P.O. Box _____

Signature _____ City _____ State _____ Zip Code _____

IRS NON-PROFIT I.D. NO. _____ INSURANCE CARRIER _____

BONDED/FINANCIAL AUTHORITY _____

- * YOU WILL BE NOTIFIED IN WRITING OF THE ACCEPTANCE/REJECTION OF THIS APPLICATION.
- * ONLY ITEMS REQUESTED ON THIS FORM WILL BE PROVIDED.
- * ESTIMATED CHARGES WILL BE GIVEN BY THE FACILITIES DEPARTMENT. FINAL BILLING WILL INCLUDE ACTUAL CHARGES WHICH WILL BE PAYABLE TO THE BUSINESS OFFICE, YUBA COMMUNITY COLLEGE DISTRICT.
- ATHLETIC DEPARTMENT Must have prior approval of the Athletics Director, 741-6838 or 741-6779
Signature _____ Date _____

• DINING FACILITIES-Must have prior approval from Cafeteria Management, 741-6806.
Signature _____ Date _____

• THEATRE FACILITIES-Must have prior approval from Theatre Department, 741-6829 or 741-6984.
Signature _____ Date _____

• APPROVED, Faculty Advisor/Budget Manager
Signature _____ Date _____

For official use only

• CONFIRMED Purchasing Department
Signature _____ Date _____

NO EQUIPMENT OR SERVICES WILL BE PROVIDED UNLESS REQUESTED ON THIS FORM

YUBA COMMUNITY COLLEGE DISTRICT

HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

Notwithstanding any insurance coverage which may be in effect, and in addition to any additional undertakings referred to herein, Applicant agrees at all times to protect, indemnify, and hold Yuba Community College District, its Board of Trustees, officers, members, representatives, agents, guests, invitee, and/or employees free and harmless, and to provide legal defense, from any and all liabilities, claims, losses, judgments, damage, demands or expenses resulting from the Applicant's use or occupancy of the District's facilities and/or the active or passive negligence of the Applicant or of the District, its Board of Trustees, officers, members, representatives, agents, guests, invitee, and/or employees, specifically including, without limitation, any liability, claim, loss, judgment, damage, demand, or expense, arising by reason of:

- (1) the loss of or damage to any of the District's facilities including and building, structure, or improvement thereon, or any equipment to be used therein;
- (2) the injury to or death of any person including, but not limited to, the officers, members, representatives, agents, guests, invitee, and/or employees of the Applicant or of the District; or
- (3) damage to any property arising from the use, possession, selection, delivery, return, condition or operation of the District's facilities.

Applicant further agrees to reimburse the District for all liabilities, claims, losses, judgments, damage, demands, expenses, fines, penalties, including reasonable attorneys' fees imposed or incurred by the District because of the Applicant's use or occupancy of the District's facilities and/or active or passive negligence of the Applicant or of the District, its Board of Trustees, officers, members, representatives, agents, guests, invitee, and/or employees.

Please print or type:

Organization

Date of Event

Name

Signature

Date