

MERRITT COLLEGE

Student Behavioral Procedures

Office of Vice President of Student Services

7/1/2015

This is the updated version of Merritt's Behavioral Manual which provides guidelines to faculty, staff, and students about best practices in dealing with problematic behaviors in the classroom and on campus.

Introduction

This resource manual offers ideas and suggestions which may be beneficial to faculty, staff and other college personnel when confronting student behaviors which may seem to be problematic or disruptive or of concern. It is not intended to, nor does it impose any additional requirements on faculty beyond what is already required by law and Peralta Community College District Board policy. This manual does not alter the terms and conditions of existing faculty, staff and other college personnel employment contracts. It does offer useful analysis and perspectives which the reader may employ.

Merritt College, like all communities, has some troubled students who cause disruption while on campus.

"Disruption" refers to any or all behaviors which interfere with the normal functions of the college. Students who are engaging in the following behaviors are creating "disruption":

- Habitually interfering with the learning environment by disruptive, verbal or behavioral expressions.
- Verbally threatening or abusing college personnel.
- Physically threatening or assaulting others.
- Willfully damaging college property.
- Misusing drugs or alcohol on college grounds.
- Persistently making inordinate demands for time and attention from faculty and staff.
- Threatening or attempting to carry out suicide.

Other students may exhibit concerning or problematic behaviors indicating emotional stress but not necessarily disruptive.

Some examples of emotional stress or crisis may be manifested in behaviors related to:

- Anxiety
- Depression, sadness
- Inability to concentrate
- Expression of suicidal thoughts
- Seeking assurance and support.

In both instances assistance is available on campus.

Considerations in Dealing with Disruptive Student Behaviors at Merritt College

1. Faculty, staff and administrators need to be aware of their rights of protection as well as legal responsibilities in dealing with disruptive student behavior. The California Education Code and the California Penal Code outline the specific rights, responsibilities and actions to be taken.
2. The sole basis for imposing disciplinary sanctions on a student is the student's behavior regardless of whether the student has a mental disability or underlying emotional problem. Where the disruptive behavior has been properly documented and procedures followed, the law allows, and sometimes mandates, that action be taken.
3. The purpose of the initial disciplinary intervention is to articulate to the student the appropriate and acceptable behavior and to enforce the student's adherence to those behaviors while on campus.
4. Faculty, staff and administrators should be aware that appropriate student behavior is outlined in the Student Code of Conduct which is found under the AP 5500 "*Student Standards of Conduct, Discipline Procedures and Due Process*" section of the Merritt College Catalog on pages 75 - 82. It is the student's responsibility to be familiar with that code. The Merritt College 2013-2015 is available electronically on the merritt.edu website as well as in the Vice President of Student Services Office, the Office of Instruction, and the Library.
5. The student also has rights and is protected by the AP 5530 "Student Rights and Grievance Procedure" section of the which are found under the "District and College Policies" section of the Merritt College 2013-2015Catalog pp. 82-87.

Campus Personnel Roles and Responsibilities

Responsibility of Faculty, Staff and Administrators

The following are the steps to take for Faculty, Staff and Administrators in response to disruptive behavior:

1. Initiate contact with the appropriate members of the Student Response Team (SRT) based upon the level of behavior (Class I, II, or III) exhibited by student (see, "Quick Reference: Levels of Behavior and Resources & Interventions" p. 5).
2. Document each incident of disruptive behavior.
3. Maintain confidentiality.

Responsibility of Vice President of Student Services

The following are the steps to take for the Vice President of Student Services to take in response to disruptive behavior:

1. Intervene and assess any disruptive situation.
2. Determine the need to continue the enforcement of Penal code section 626.4. This code section allows the Peralta Police to require a student to remain off campus for up to 14 days when there is reasonable cause to believe the student has willfully disrupted the orderly operation of the campus. In order for this code to be enforced beyond 24 hours, the Vice President or his/her designee must confirm the action of the Officer.
3. Determine the need to continue the enforcement of Penal Code section 626.6. This code section allows the Peralta Police to require a non-student to remain off campus for up to 7 days when there is reasonable cause to believe the individual has willfully disrupted the orderly operation of the campus.
4. Initiate formal disciplinary action when appropriate.
5. Inform faculty, staff or administrator, Chair of SRT, and Peralta Police, as appropriate, as to decision made regarding student.

Responsibility of Peralta Police Services

The following are the steps to take for the Peralta Police Services to take in response to disruptive behavior:

1. Intervene in any situation where the safety of an individual is in jeopardy.
2. Initiating Penal Code section 626.4 (student) or 626.6 (non-student), requiring the individual to leave the campus immediately for 24 hours.
3. Submit a written report to the Vice President or his/her designee within 24 hours with descriptive information of the student or non-student and the facts giving rise to the removal of consent to remain on campus.
4. Initiating arrests when necessary.
5. Initiating a 5150: A law allowing an individual who is dangerous to self or others to be transported, without their consent, to a mental health facility for assessment of their mental status.

Responsibility of Student Response Team (SRT) Members:

The following are the steps to take for the Student Response Team (SRT) to take in response to disruptive behavior:

1. Consult with faculty, staff or administrator during any step in the process involving disruptive or stress related behavior which may include:
 - a. discussions to assess behavior
 - b. clarification of action to be initiated
 - c. steps to rectify situation satisfactorily.
2. Direct intervention and mediation with individuals involved in disruptive situations.
3. Providing crisis counseling and/or referrals to community support agencies.

Responsibility of Mental Health Services Center:

The following are the steps to take for the Mental Health Service Providers to take in response to disruptive behavior:

1. To make an Assessment
2. To provide crisis counseling and/or
3. To make referrals for disruptive, disturbed, and distressed students.

Student Response Team (SRT):

The team membership includes administrative, faculty, and classified representation.

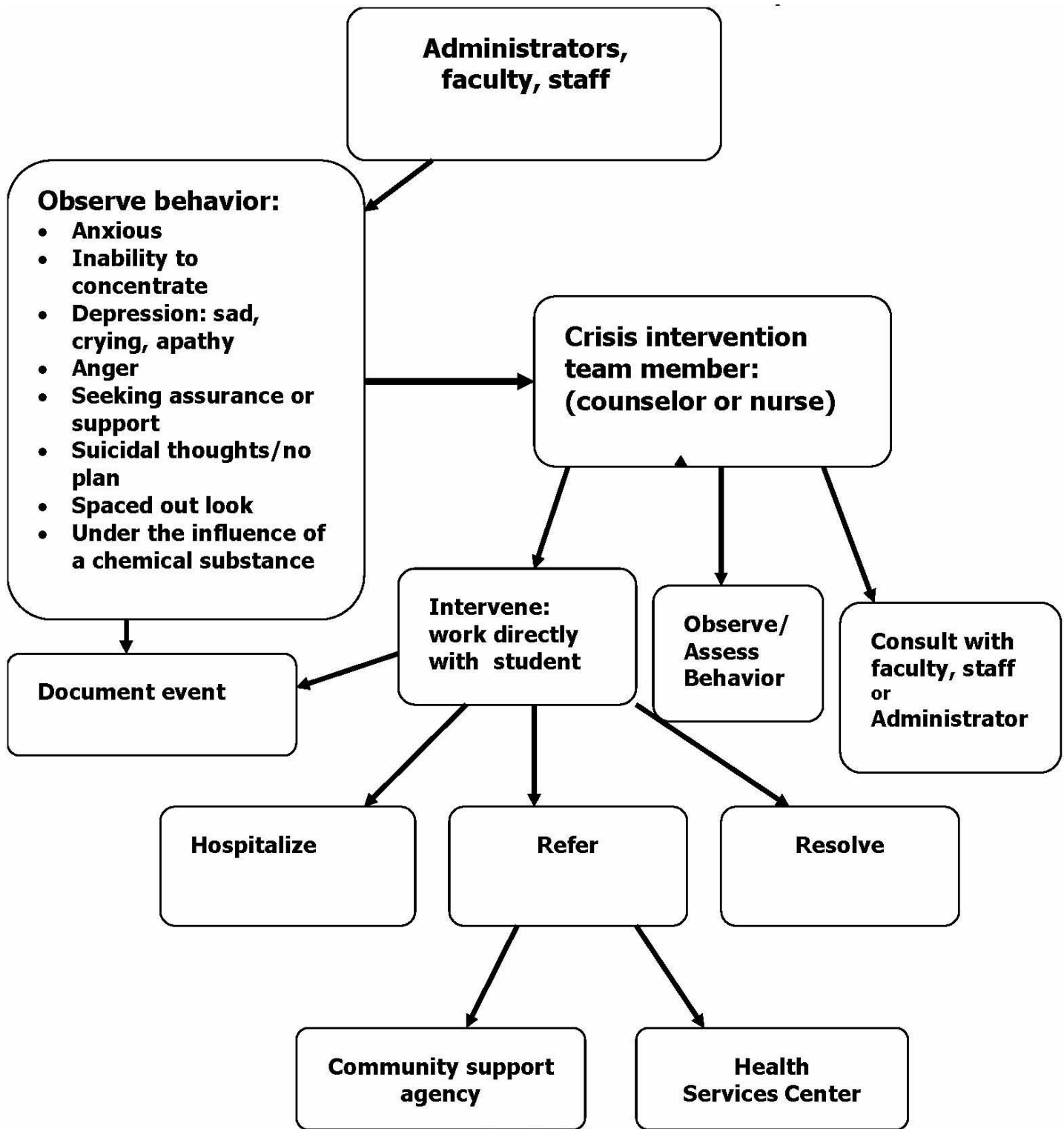
Merritt College Student Response Team Members		
Name	Position	Telephone
CARLOS MCLEAN, C	COUNSELOR	DIRECT: 436 –3893
DEPUTY ASSIGNED: OR OFFICER OF THE DAY	PERALTA POLICE SERVICES	DISPATCH: 466 -7236
LARRY LARIOSO	MENTAL HEALTH COUNSELOR FOR MERRITT	HEALTH SERVICE CENTER: 436 -2533 R106
JON MURPHY	HEALTH SERVICES CENTER	DEPT: 436 -2533 R106
INDRA THADANI	HEALTH SERVICES CENTER DIRECTOR	DEPT: 436 -2533 R106
ROSE ALLEN	COUNSELOR EOPS/SRT COUNSELOR	DEPT: 436 -2470 DIRECT: 434 -3916
RON NELSON	COORDINATOR DISABLED PROGRAMS AND SERVICES (DSP&S)	DEPT: 436 -2429 DIRECT: 2517
LASANA HOTEPI	DEAN, SPECIAL PROGRAMS & GRANTS	DIRECT: 436 -2585 ROOM: R124A
DEBRA JACKS	STUDENT SERVICES SPECIALIST	DIRECT: 436 -3896 ROOM: R113
DR. ARNULFO CEDILLO	VICE PRESIDENT, STUDENT SERVICES	DEPT: 436 -2477 DIRECT: 2478 ROOM: R133 E
DR. ELMER BUGG	VICE PRESIDENT OF INSTRUCTION	DEPT: 436 -2410 DIRECT: 2411 Q306
MARTA ZIELKE	COUNSELOR, CENTRO LATINO/SRT COUNSELOR	DIRECT: 436 -2529 R105

LEVELS OF BEHAVIOR	SRT MEMBER TO CONTACT	POSSIBLE INTERVENTIONS
CLASS I BEHAVIOR <ul style="list-style-type: none"> • Anxiety • Inability to concentrate • Depression: sad, crying, apathy • Anger • Seeking assurance or support • Suicidal thoughts/no plan • Spaced out look • Under the influence of a chemical substance 	College Health Services 436-2533 R-106	<ul style="list-style-type: none"> • Consult with faculty, staff or administrator concerned • Observe/Assess behavior • Intervene: work directly with student
CLASS II BEHAVIOR <ul style="list-style-type: none"> • Irrational, inappropriate behavior or comments • Verbal abuse • Defiant; challenging • Excessive demands for time/attention 	Vice President of Student Services 436-2478 R-113E In addition: Faculty may exclude disruptive student from remainder of class as well as the next class day of class and/or contact the SRT counselor or college nurse IF BEHAVIOR OR LANGUAGE IS MENACING, THREATENING OR ATTACKING CONTACT: Peralta Police & Safety Services Call 466-7236	<ul style="list-style-type: none"> • Consult with faculty, staff or administrator concerned • Observe/Assess behavior • Intervene: work directly with student: • Options: crisis counseling, refer to community agency or initiate behavioral agreement • Faculty must immediately report the removal to the VP of Student Services • Resolve • Remove from class or campus environment • Subdue • Arrest • Initiate 5150: mandated psychiatric evaluation
CLASS III: <ul style="list-style-type: none"> • Immediate danger to self or others • Acting out and appears to be potentially violent • Exhibitionism 	Peralta Police & Safety Services Call 911 or 466-7236 9-1-1	<ul style="list-style-type: none"> • Resolve • Remove from class or campus environment • Subdue • Arrest • Initiate 5150: mandated psychiatric evaluation

Quick Reference: Levels of Behavior and Resources and Interventions
(Follow Flow Charts on pp. 7-9 to complete procedures initiated in above quick reference)

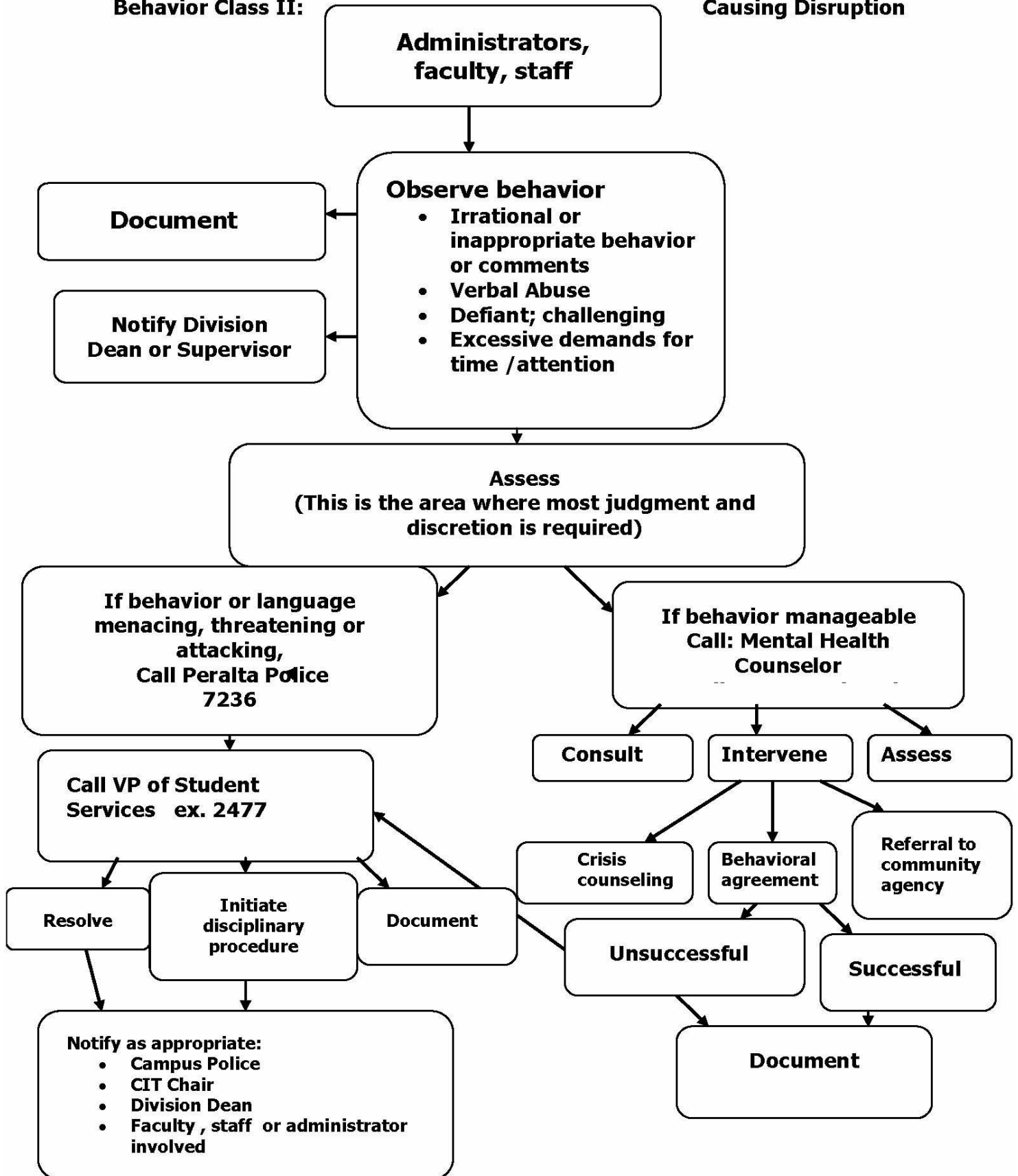
Merritt College
Student Response Team Members

Flow Charts of Suggested Procedures for Addressing Disruptive/Inappropriate Behavior
Behavior Class I: Emotional Distress/Not Disruptive

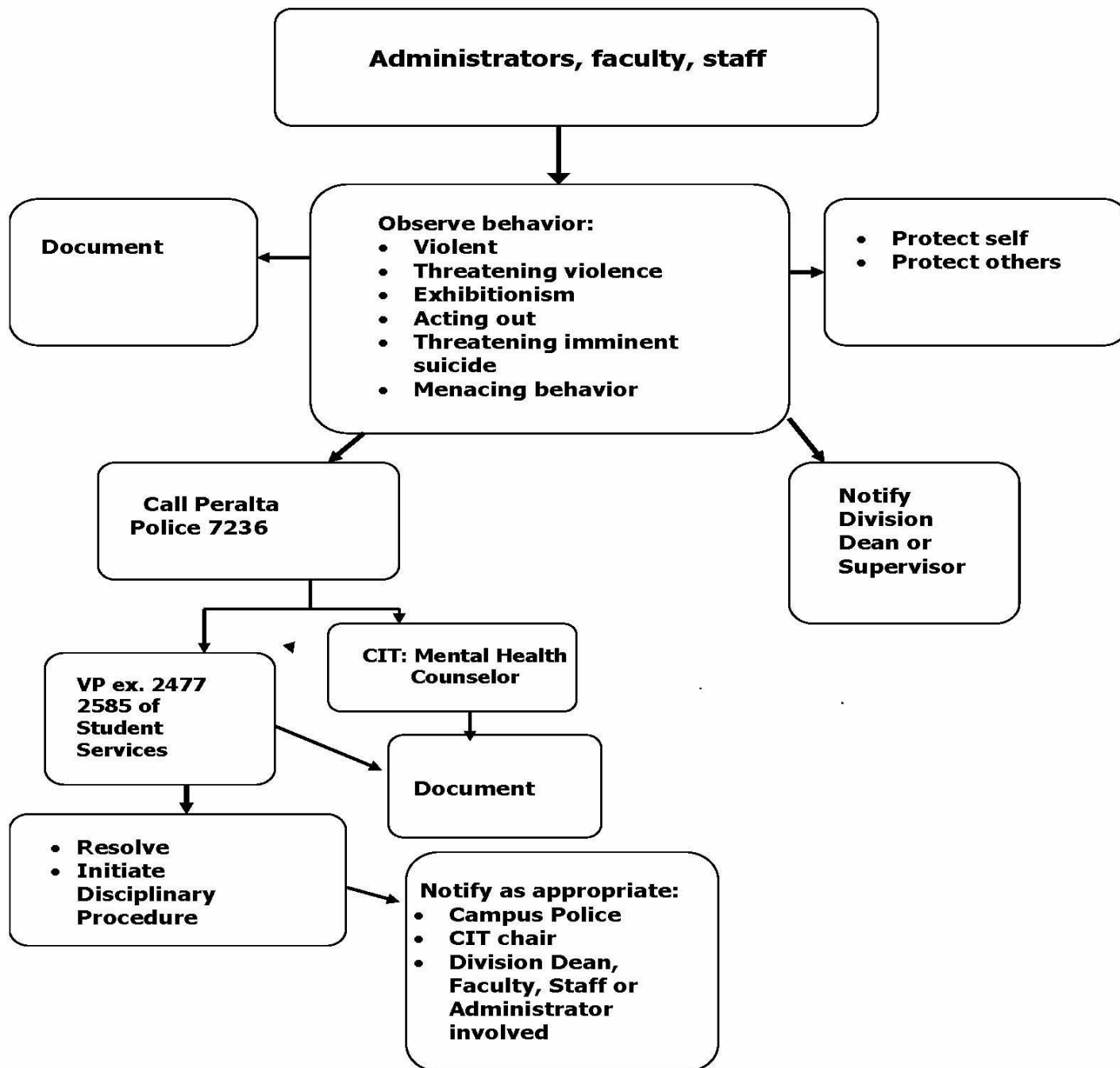


Behavior Class II:

Causing Disruption



Behavior Class III: Danger To Self Or Others



Class II Disruptive Behaviors-Guidelines

Flow charts for procedures to follow for various levels of Class II Behaviors begin on page 8 above.

Students exhibiting Class II disruptive behavior require the most judgment and discretion in determining the appropriate course of action to take.

1. When, at any time, class II disruptive behaviors becomes unmanageable or threatening, call the Peralta Police (who are members of the CIT) for assistance.
 2. When the behavior is disruptive, but manageable and non-threatening, follow the steps outlined below to ensure the best outcome for all concerned.
 - If appropriate, discuss and give feedback to the disruptive student verbally or in writing after the initial incident.
 - Consult with a CIT member for support and possible assessment and or direct intervention with the student either after the initial incident or after any subsequent incident with that student.
 - Document each incident of disruptive behavior from its inception.
 - Utilize the Behavioral Incident Documentation Form provided on p.15 of this manual. Make additional copies of the form for future use.
 - Documentation of each incident establishes a pattern/history as well as steps taken to resolve informally which is crucial if disciplinary action becomes necessary.
 3. If disruptive behavior continues after discussion and feedback and the behavior continues manageable, a meeting should be established between the student, faculty, staff or administrator involved and the appropriate CIT member. Use your judgment as to which level of Team member seems appropriate: a CIT counselor or college nurse or in more serious situations, the Vice President of Student Services.
 - The Division Dean or immediate supervisor should be notified: that a disruptive situation has reached the level necessitating a meeting, and the outcome of the meeting.
 - The purpose of the meeting is to review the situation with the student, describe the behaviors which are unacceptable and identify and agree upon acceptable behaviors. Several outcomes may result from this meeting: The situation is resolved within the meeting and no further action is necessary.
 - The situation is not resolved and is referred to the Vice President of Student Services.
 - A behavioral agreement is written between the student and faculty, staff or administrator involved who gives the student a time frame in which to modify his/her behaviors. The CIT member and the student's academic counselor also attend the meeting and sign and witness the agreement.
- Procedures for writing a behavioral agreement are on p.11.
 - A Sample Behavioral Agreement Form is on p. 12.
 - A Sample10 Day Behavioral Agreement Review Form is on p. 13.

Suggested Procedure to Follow When Writing a Behavioral Agreement

A behavioral agreement will be utilized most often with students exhibiting class II disruptive behavior which is manageable: behavior not menacing, threatening or attacking. The purpose of the agreement is to provide an opportunity for the student to recognize and modify behaviors which are considered inappropriate on campus and replace them with acceptable behaviors. A team approach is used in creating and monitoring the behavioral agreement. Time frames and consequences have been developed to provide consistency and resolution for the student involved.

1. The behavioral agreement will list unacceptable behaviors and a list of substitute acceptable behaviors. Be as specific as possible when writing the behaviors. A "Behavioral Agreement Form" is found on p.12.
2. Schedule a follow-up meeting at the end of 10 working days to review the student's progress.
3. Notify the Vice President (if not yet involved) and the Division Dean or staff member's immediate supervisor of the behavioral agreement.
4. At the follow-up meeting, if behavior is deemed acceptable no further follow-up is indicated. Document the outcome of the meeting on the behavioral agreement and send confidential copies to the Vice President and the Division Dean or staff supervisor.
5. If behavior has improved but additional behavioral change is required, schedule another meeting at the end of another 10 working days with the written understanding that this will be the final opportunity to work on acceptable behavioral change.
6. Modify the agreement as necessary, get appropriate signatures and give copies to the student, administrator, faculty, or staff member and counselor(s) involved. The Behavioral Agreement 10 Day Review Form on p.13 can be used to amend the original agreement.
7. If behavior has not met requirements in the agreement either following the initial or 10 day amended agreement, the matter is referred to the Vice President of Student Services along with copies of all documentation for final action to be taken. The Division Dean or staff's supervisor will also be notified.
8. The Vice President of Student Services will initiate disciplinary procedures in accordance with the "Student Conduct, Discipline and Due Process Rights", outlined in the Merritt College Catalog and Student Handbook. Sanctions range from warning to expulsion.

Recommended Behavioral Agreement Form

This AGREEMENT serves as a written understanding between:

_____ and _____ as witnessed by:
Student Name Faculty or staff Name

_____, _____, _____ add appropriate names and titles of witnessing behaviors that are considered appropriate and inappropriate on campus. Its purpose is to provide an opportunity for _____ to be successful

Student Name

and accomplish his/her academic goals at Merritt College. Appropriate behavior in the community college is outlined in the Merritt College Catalog.

- Student has read and agrees to abide by student code of conduct.
- Student acknowledges being informed of the, " Student Grievance Procedures" and the, " Student Conduct, Discipline, and Due Process Rights", in the Merritt College catalog and student handbook.

1. The student agrees to modify the following behaviors:
(List unacceptable behavior(s) as specifically as possible)

2. In place of these behaviors student will utilize these behaviors:
(List the acceptable behaviors as specifically as possible).

3. List any additional recommendations that would be helpful in changing student's behavior:

A meeting to review student's progress is scheduled for approximately Ten School days after the date of this agreement.

Date of meeting _____ Time _____ Location _____

Today's Date: _____ Signatures: _____, _____
Student Name Faculty, staff, or administrator Name

Witnesses: _____, _____
SRT member Name Academic counselor Name

Recommended Behavioral Agreement: 10 Day Review Form

_____ and _____ as witnessed by:
Student Name Faculty or staff Name

_____, _____, _____ add
appropriate names and titles

Outcome of Ten-Day Review: (check one):

1. Behavior acceptable: _____. No further action necessary.
2. Behavior Marginal: _____. Amended agreement written and signed below. Date of next and final meeting scheduled for approximately 10 working days later.
3. Behavior does not meet requirements: _____. Matter referred to Vice President of Student Services.

Amended Agreement: Use only if #2. Behavior Marginal is checked above.

1. The student agrees to modify the following behaviors:
(List unacceptable behavior(s) as specifically as possible).
2. In place of these behaviors student will utilize these behaviors:
(List the acceptable behaviors as specifically as possible).

A final meeting to review _____ progress is scheduled approximately
Student Name Ten School Days after the date of this agreement.

Date of meeting _____ Time _____ Location _____

Today's Date: _____ Signatures: _____,
Student Name Faculty, staff, or administrator Name

Witnesses: _____,
SRT member Name Academic Counselor Name

Outcome of Amended Agreement Ten-Day Review: (check one):

1. Behavior acceptable: _____. No further action necessary.
2. Behavior does not meet requirements: _____. Matter referred to Vice President of Student Services.

Merritt College Recommended Guidelines for Including Standards Of Behavior In Course Syllabus

These are guidelines meant to assist Instructors in writing course syllabi, which include expectations for appropriate student behavior. Faculty and the Merritt College Student Response Team compiled them. Providing this information within the course syllabus will limit confusion and misinterpretation, and provide the basis for addressing disruptive behavior with the student should it become necessary.

Suggested Topics to be addressed in Course Syllabus

1. Standards of Behavior

- a. Policy regarding attendance: (Departmental and/or instructor)
- b. Policy regarding punctuality: consequences
- c. Appropriate behavior between student and instructor and/or classmates. Instructor defines appropriate behavior. Refer to the Merritt College Catalog, "Student Standards of Conduct, Discipline, Procedures and Due Process" (page 75) section.
- d. Instructor policy for handling difficult behavior: i.e. Utilization of SRT counselor to help resolve and/or, use of a written student behavioral agreement etc.

2. Other Issues to be Addressed

- a. Appropriate expectations for instructor time and attention inside and outside of class room.
- b. Conflict resolution (how to discuss differences/disagreements with instructor and other students).
- c. Policy on eating, drinking, smoking in class.
- d. Policy regarding children and visitors in class.
- e. Policy regarding breaks and leaving and entering class at other than break time(s).
- f. Plagiarism.
- g. Policy regarding students with needs such as: leaving class to use bathroom, and/or to exercise legs etc. which may cause disruption during class.
- h. Policy regarding cell phones, pagers, lap top computers, and other electronic devices.

3. Accommodation of Students with Documented Special Needs

4. Communication with Instructor

- a. Instructor office hours and room.
- b. Appointments and drop in policy.
- c. Phone number, E-mail address and policy regarding returning messages.

5. List of Support Services on Campus

- a. Merritt College Student Handbook. Copies are available from Vice President of Student Service's Office.

Merritt College Recommended Behavioral Incident Documentation Form

Use this form to document behavior that does not meet standards of acceptable student behavior. Document each incident and keep the record confidential. Send a copy to the Vice President of Student Services who maintains a centralized confidential file on all reported disruptive student behavior.

Date of Incident _____ **Time of Incident** _____ **Location of Incident** _____

Individuals Involved	Witnesses Involved
Name	Name
Phone	Phone

Narrative: What happened: Describe behavior(s). Give specific details, state only the facts, do not make inferences. Give specific words, describe tone of voice, facial expression, body stance etc. (Use back of form, if necessary, to complete).

Disposition: What action was taken: include follow-up meetings, writing of a behavioral agreement. List any staff, including Police Services involved in any follow-up actions. (Use back of form, if necessary, to complete).

Send a confidential copy of completed documentation form to:

Vice President of Student Services _____ Date Sent _____

Legal Basis for Handling Disruptive Student Behavior

The following principles, derived from law and policy, are important to note in using disciplinary action for disruptive student behavior:

- Persons in California, while having a fundamental right to education from elementary through secondary school, do not have a fundamental right to attend a post-secondary institution; community colleges are required to admit only those students who can benefit from instruction.
- Federal and state laws prevent discrimination based on disability, which means that students with physical or mental disabilities that meet the essential eligibility requirements of the college cannot be excluded.
- Behavior is the standard to be used regarding inclusion or exclusion of students. Diagnosis of a disability is not sufficient grounds to exclude someone from the college, nor is the anticipation or prediction of inappropriate behavior.

Laws Protecting the Student

1. The Rehabilitation Act states, at 29 U.S.C. § 794(a), "No otherwise qualified individual with a disability in the United States...shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service."
2. The Americans with Disabilities Act states, at 42 U.S.C. § 12132, that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."
3. In the Code of Federal Regulations, title 34, section 104.44(a) (derived from the Rehabilitation Act) and title 28, section 35.130(b)(7) (derived from the ADA) require that reasonable accommodations be made to avoid discriminatory effects.
4. The Unruh Civil Rights Act states, at California Civil Code section 51(b), "All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, or medical condition are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever."
5. Title 5, section 59320 of the California Code of Regulations states, "Each community college district has primary responsibility to ensure that its programs and activities are available to all persons without regard to ethnic group identification, national origin, religion, age, race, sex, color, sexual orientation, ancestry, or physical or mental disability."
6. Per Peralta Board of Trustees AP 5530 Student Grievance Procedure pp. 82-87 of the Merritt College 2013-2015 Catalog details the process for a student to file a complaint, including a complaint regarding a disciplinary action.

Laws Protecting the College

1. California law pertaining to willful disruptions on community college campuses is set out in several Education Code sections:
 - (a) Section 66300 requires the Board of Trustees to adopt rules governing student behavior.
 - (b) Section 66017 requires the Board of Trustees to grant appropriate persons authority to take disciplinary action against students found guilty by the campus body of willfully disrupting the campus.
 - (c) Section 66017 establishes that disciplinary action may include, but need not be limited to, suspension, dismissal, or expulsion.
 - (d) Section 66017 gives authority for immediate interim suspension of the student where necessary to protect lives or property and to ensure the maintenance of order, provided the suspended person is afforded a reasonable opportunity for a hearing within 10 days.
 - (e) Section 76030 gives instructors, the president of the community college (or the president's designee), and the Board of Trustees authority to suspend a student.
 - (f) Section 76031 states that the adopted rules of student conduct may authorize the president of a community college (or the president's designee) to suspend a student for the following duration: from one or more classes for a period of up to 10 days of instruction; from one or more classes for the remainder of the school term; or from all classes and activities of the community college for one or more terms.
 - (g) Section 76030 gives the Board of Trustees authority to expel a student.
 - (h) Section 76034 states a student can only be disciplined for conduct related to college activity or attendance.
 - (i) Section 76030 states that the only reason for suspension or expulsion of a student is for "good cause," which is to be determined by a hearing of the campus body.
 - (j) Section 76033 defines "good cause," which includes but is not limited to the following offenses: 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; assault, battery, or any threat of force or violence upon a student or college personnel; willful misconduct which results in injury or death to a student or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the district; the use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by schedule D in section 4160 of the Business and Professions Code; willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the governing board; or persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

- (k) Section 76031 states that whenever a minor is suspended, the parents or legal guardians must be notified in writing by the president (or the president's designee).
 - (l) Section 76032 states that the adopted rules of student conduct may authorize an instructor to remove a student from class for the current and next class meetings. The instructor must then immediately report the removal to the chief administrative officer. If the student is a minor, the president (or the president's designee) must ask the parent or guardian of the student to attend a parent conference as soon as possible.
 - (m) Section 87014(a) requires that an employee of the community college district report to law enforcement authorities whenever any employee is attacked, assaulted, or menaced by a student.
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- 2. California Penal Code section 626.4 permits the chief administrative officer or his/her designee to withdraw consent for a person to remain on campus whenever there is reasonable cause to believe that the person has willfully disrupted the orderly operation of the campus. The chief administrative officer or his/ her designee must reinstate consent whenever he or she has reason to believe the presence of the person will not constitute a substantial and material threat to the orderly operation of the campus, and in no case may consent be withdrawn for more than 14 days. A written request for a hearing may be submitted during this two-week period.
 - 3. California Welfare and Institutions Code section 5150 states that a person who is a danger to himself or herself or others or is gravely disabled may be taken against his or her will by a peace officer to a designated mental health facility for evaluation.