



District Technical Review Workgroup
Student Services – DTRW-SS
AGENDA

January 23, 2014 – DAC Lakin Boardroom
3:00 p.m. – 4:30 p.m.

➤ **Approval of December 5, 2013 Meeting Notes**

Old Business

- AP 5130 Financial Aid – BP/AP were combined into one document – need feedback from Oxnard and Moorpark Financial Aid Officers and revised documents to separate BP/AP (Karen Engelsen) (sent 11.26.13)
- BP/AP 5150 Extended Opportunity Programs and Services (EOPS) – no VCCCD AP/current BP in BoardDocs – require feedback from Oxnard College EOPS – this item has returned for further input on the AP (CCLC version was not modified to include all items required by law)
- BP/AP 5500 Standards of Conduct – under review by DCAA/Academic Senates – returned by DCAA to DTRW-SS as of 4.25.13 – Oxnard College Academic Senate requested further review. As of 10.24.13, Ms. Nusser will send current versions to Deans of Student Services (sent 11.26.13) – No AP in BoardDocs
- BP/AP 5520 Discipline Procedure – under review by DCAA/Academic Senates – returned by DCAA to DTRW-SS as of 4.25.13 – Oxnard College Academic Senate requested further review. As of 10.24.13, Ms. Nusser will send current versions to Deans of Student Services (sent 11.26.13) – No BP in BoardDocs
- BP/AP 5530 Student Rights and Grievances – under review by DCAA/Academic Senates – returned by DCAA to DTRW-SS as of 4.25.13 – Oxnard College Academic Senate requested further review. As of 10.24.13, Ms. Nusser will send current versions to Deans of Student Services (sent 11.26.13) – No BP in BoardDocs
- Drop Codes (Registrars)

New Business

- Development of Repeatability Form (Mary Rees)
- BP 3540 Sexual and Other Assaults on Campus (BP in BoardDocs – need to develop an administrative procedure)
- BP 3550 Drug Free Environment and Drug Prevention Program (BP in BoardDocs – need to develop an administrative procedure)

Business on Hold or Under Review by Other Workgroups:

- BP/AP 4022 Course Approval – pulled from 4.25.13 DCAA Agenda – will be under review at DTRW-I February 27 meeting



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- BP/AP 5205 Student Accident Insurance – under review by DCAA/Academic Senates – moved to DOC for further review regarding student accident insurance/sent to Academic Senates on 4.01.13; awaiting further input from DOC as of 1.23.14
 - BP/AP 5300 Student Equity – under review by DCAA/Academic Senates (sent to Academic Senates 4.01.13) tabled by DCAA for further review in order to wait for new state information from the Student Equity Taskforce – was to return to DCAA in fall

Next Meeting Date: February 27, 2014, 3 pm – DAC Lakin Boardroom
Submission deadline: February 21, 2014

Ventura County Community College District

District Technical Review Workgroup – DTRW-SS Meeting Notes

December 5, 2013 – DAC Lakin Boardroom

3:00 p.m. – 4:30 p.m.

DRAFT PRIOR TO APPROVAL OF MEETING NOTES AT 1.23.13 DTRW-SS MEETING

Members:

Chancellor’s Designee: Erika Endrijonas, Chair (OC)
 Co-Chair: Victoria Lugo, Co-chair (VC)
 Executive Vice Presidents: Lori Bennett (MC), Erika Endrijonas (OC), Daniel Seymour – Interim (VC)
 Academic Senate Presidents: Linda Kama’ila (OC), Mary Rees (MC), Art Sandford (VC)
 Deans of Student Services: Karen Engelsen (OC), Pat Ewins (MC), Victoria Lugo (VC)
 Registrars: Susan Bricker (VC), Joel Diaz (OC), Dave Anter (MC)
 Non-instructional designee: Graciela Casillas-Tortorelli (Counselor, OC), Pam Kennedy Luna (Counselor, MC), Marian Carrasco Nungaray (Counselor, VC)
 Associated Student Government: ASG Rep vacant (OC), vacant (MC), Robert Nunez (VC)
 Policy and Administrative Procedures: Clare Geisen (Policy/procedure, Chancellor’s Cabinet Liaison/guest)

Absent:

Lori Bennett, Pat Ewins, Clare Geisen

Recorder:

Laurie Nelson-Nusser

Notes:

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
Welcome and Approval of October 24, 2013 Meeting Notes	Dr. Endrijonas welcomed everyone to DTRW-SS. The meeting commenced at 3:10 pm. A moment of reflection was observed in commemoration of Nelson Mandela. The October 24, 2013 meeting notes were approved as presented.			
OLD BUSINESS				
BP/AP 4240 Academic Renewal	There was a conflict regarding versions presented at previous DTRW-SS and at Moorpark Academic Senate meetings. The Moorpark Academic Senate approved the version provided by Ms. Rees and	Add to Cabinet agenda	12.09.13	Laurie Nusser

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
	<p>reviewed at the December DTRW-SS meeting. There was discussion regarding the interpretation of completed units required. This procedure will be monitored for future abuse of academic renewal.</p> <p>BP/AP 4240 Academic Renewal was approved to move forward to Cabinet, Policy Committee, Consultation Council, and subsequently to the Board for full approval.</p>			
AP 5130 Financial Aid	<p>The Deans of Student Services requested more time for the Financial Aid Officers (FAOs) to review as the guidelines are changing at the current time and FAOs are currently at a conference which affects this policy and procedure.</p> <p>In October, a rewrite of AP 5130 was provided and reviewed. The BP and AP seem to have been combined by the Financial Aid Officers (FAO) and there is a need to separate the issues. Dr. Engelsen will return it to the FAO's to accomplish this task. This item will return to the January 23 meeting.</p>	Obtain feedback from FAOs.	January 23	Karen Engelsen
BP/AP 5150 Extended Opportunity Programs and Services (EOPS) – no VCCCD AP/current BP in BoardDocs.	Send to EOPS Coordinators to draft an administrative procedure in standard VCCCD format.	Send to EOPS Coordinators	ASAP	Karen Engelsen and Victoria Lugo
BP/AP 5210 Communicable Diseases	BP/AP 5210 were reviewed and approved to move forward to Cabinet, Policy Committee, Consultation Council, and subsequently to the Board for full approval.	Add to Cabinet agenda	December 9	Laurie Nusser
BP/AP 5500 Standards of Conduct	More time for review was requested by the Deans of Student Services as there are many changes required before new versions are sent forward. This item will return to the January 23 DTRW-SS meeting. Ms. Nusser will send the CCLC version to	Send CCLC version to Deans of Student Services	ASAP	Laurie Nusser

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
	the Deans of Student Services. (sent 1.08.14)			
BP/AP 5520 Discipline Procedure	More time for review was requested by the Deans of Student Services as there are many changes required before new versions are sent forward. This item will return to the January 23 DTRW-SS meeting. Ms. Nusser will send the CCLC version to the Deans of Student Services. (sent 1.08.14)	Send CCLC version to Deans of Student Services	ASAP	Laurie Nusser
BP/AP 5530 Student Rights and Grievances	More time for review was requested by the Deans of Student Services as there are many changes required before new versions are sent forward. This item will return to the January 23 DTRW-SS meeting. Ms. Nusser will send the CCLC version to the Deans of Student Services. (sent 1.08.14)	Send CCLC version to Deans of Student Services	ASAP	Laurie Nusser
NEW BUSINESS				
New Drop Codes	The Registrars inquired if there was interest by all three colleges to pursue the issue of adding new drop codes to indicate reasons students are dropping classes. There was discussion and concern about faculty drops and Banner implementation. There will be further investigation into implementation and return on investment for this project.			
BP/AP 4225 Course Repetition	BP/AP 4225 Course Repetition was reviewed. The Articulation Officers and Registrars presented new versions of the Board policy and administrative procedure. Ms. Nusser will send the CCLC procedure to Dr. Endrijonas for comparison regarding repeatability and repetition. There was discussion regarding moving the repetition portion from 4227 to 4225. Ms. Nusser to send 4225 and 4227 to the Academic Senates for review.	Send CCLC version of BP/AP 4225 to Erika Endrijonas	ASAP	Laurie Nusser
BP/AP 4227 Course Repetition Absent Substandard Academic Work	BP/AP 4227 Course Repetition Absent Substandard Academic Work was reviewed. The Articulation Officers and Registrars presented new versions of the Board policy and administrative procedure. This is still under review by DTRW-I. Dr. Endrijonas will	Send CCLC version of BP/AP 4227 to Erika Endrijonas	ASAP	Laurie Nusser

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
	coordinate changes with Shannon Davis, Articulation Officer, Oxnard College.			
CCLC Updates	<p>Dr. Endrijonas reviewed the latest policy and procedure updates released from the CCLC on November 18, 2013.</p> <p>The FAOs will receive BP/AP 5130 for review of updated CCLC version of this policy/procedure. The Deans of Student Services will receive BP/AP 5140 for review of updated CCLC version of this policy/procedure.</p>	Send BP/AP 5130 and 5140 to Deans of Student Services	ASAP	Laurie Nusser
Outstanding Business or Under Review by Other Workgroups	<ul style="list-style-type: none"> • DTRW-I – BP/AP 4020 Program and Curriculum Development & BP/AP 4022 Course Approval – The AO’s and EVP’s will return with suggested revisions for 4020 and 4022 to the January DTRW-I meeting to allow more time for review and revisions. • DTRW-I – BP/AP 4022 Course Approval – this is currently under review by DTRW-I and will come to DTRW-SS for student services issues. • BP/AP 5205 Student Accident Insurance – under review by DCAA/Academic Senates – moved to DOC from DCAS for further review regarding student accident insurance/sent to Academic Senates on 4.01.13 – Ms. Nusser has forwarded (11.13) to the BP/AP to Business Services for inclusion in the next DCAS agenda on November 21 and was then moved from DCAS to DOC by request of Brian Fahnestock. • BP/AP 5300 Student Equity – need to wait on further information from State Chancellor’s Office regarding finalizing guidelines for student equity plans. 			

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
NEXT MEETING	Thursday, January 23, 2014 – 3:00 p.m. – DAC Lakin Boardroom			

DRAFT

DTRW-SS

1.23.14

BP/AP 5130

FINANCIAL AID

NEWLY PROPOSED ADMINISTRATIVE PROCEDURE TO EXISTING AP 5130

AP 5130 FINANCIAL AID

A program of financial aid to students will be provided, which may include, but is not limited to, scholarships, grants, loans, and work employment programs. Ventura County Community College District (VCCCD) is committed to maximizing student access to financial aid and supporting student success and opportunity through financial aid.

All financial aid programs will adhere to guidelines, procedures and standards issued by the funding agency, and will incorporate federal, state, and other applicable regulatory requirements.

The VCCCD Financial Aid Offices shall establish, publicize, and apply satisfactory academic progress standards for participants in Title IV student aid programs.

Consistent with the applicable federal regulations for federal financial aid, VCCCD shall not engage in “substantial misrepresentation” of 1) the nature of its educational program, 2) the nature of its financial charges, or 3) the employability of its graduates. VCCCD Financial Aid Offices shall ensure all information pertaining to the VCCCD’s financial aid program available to the public is regularly reviewed for accuracy and completeness. To ensure compliance with this policy, VCCCD shall establish procedures for VCCCD employees involved in financial aid or admission services to receive appropriate information on educational programs, anticipated student financial expenses, and graduation employment rates.

VCCCD shall establish procedures wherein VCCCD shall periodically monitor employees’ and vendors’ communications with prospective students and members of the public and take corrective action where needed.

This policy does not create a private cause of action against the District or any of its representatives or service providers. The District and its Governing Board do not waive any defenses or governmental immunities by enacting this policy.

Reference:

Education Code Section 76300;

20 U.S. Code Sections 1070 et seq.;

34 Code of Federal Regulations Section 668;

U.S. Department of Education regulations on the Integrity of Federal Student Aid

DTRW-SS

1.23.14

BP/AP 5150

EOPS



Book	VCCCD Board Policy Manual
Section	Chapter 5 Student Services
Title	BP 5150 EXTENDED OPPORTUNITY PROGRAMS AND SERVICES
Number	BP 5150
Status	Active
Legal	Education Code 69640 – 69656; Title 5 Sections 56200 et seq.
Adopted	April 18, 2006

Categorical support services and programs that are in addition to the traditional student services programs shall be provided in order to assist students who have language, social, and economic disadvantages to succeed academically in the District.

The Extended Opportunity Programs and Services (EOPS) is established to provide services that may include, but are not limited to, outreach, recruitment, orientation, assessment, tutorial services, counseling and advising, and financial aid.

The Chancellor shall assure that the EOPS program conforms to all requirements established by the relevant law and regulations.



**COMMUNITY COLLEGE LEAGUE
OF CALIFORNIA**

REVIEW TO EOPS
COORDINATOR

Book Administrative Procedures
 Section Chap 5 Student Services
 Title Extended Opportunity Programs and Services
 Number AP 5150
 Status Active
 Legal Education Code Sections 69640-69656
Title 5 Sections 56200 et seq.
 Adopted November 1, 2000

AP 5150 Extended Opportunity Programs and Services

References:

Education Code Sections 69640-69656;
 Title 5 Sections 56200 et seq.

Note: *This procedure is **legally required**. Local practice may be inserted. Insert local administrative procedures here and/or reference the EOPS Plan. At a minimum, the procedures, plan, or description of the program and services must address:*

- Staffing and program management
- Documentation and data collection system
- An EOPS advisory committee
- A full time director
- Eligibility criteria
- Student responsibility requirements
- Recruitment and outreach services
- Cognitive and non-cognitive assessment, advising, orientation services and registration assistance
- Basic skills instruction, seminars, and tutorial assistance
- Counseling and retention services
- Career employment services
- Transfer services
- Direct aid.
- Establishment of objectives to achieve the goals in implementing extended opportunity programs and services.
- Review and evaluation of the programs and services and submission of related reports.

DTRW-SS

1.23.14

BP/AP 5500

STANDARDS OF CONDUCT



Book	VCCCD Board Policy Manual
Section	Chapter 5 Student Services
Title	BP 5500 STANDARDS OF CONDUCT
Number	BP 5500
Status	Active
Legal	Education Code Section 66300; Accreditation Standard II.A.7.b
Adopted	April 13, 2010
Last Reviewed	March 11, 2010

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 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 procedures shall be made widely available to students through the college catalog and other means. Students who violate any of the following standards for student conduct while on the college campus or at on or off-campus college-sponsored activities are subject to the procedures outlined in Administrative Procedures 5520: Student Discipline Procedures:

1. Causing, attempting to cause, or threatening to cause physical injury to another person or to one's self.
2. Possession, sale or otherwise furnishing a weapon, including but not limited to, any actual or facsimile of a firearm, knife, explosive or other dangerous object, or any item used to threaten bodily harm without written permission from a district employee, with concurrence of the College President.
3. Use, possession (except as expressly permitted by law), distribution, or offer to sell alcoholic beverages, narcotics, hallucinogenic drugs, marijuana, other controlled substances or dangerous drugs while on campus or while participating in any college-sponsored event.
4. Presence on campus while under the influence of alcoholic beverages, narcotics, hallucinogenic drugs, marijuana, other controlled substances or dangerous drugs except as expressly permitted by law.
5. Committing or attempting to commit robbery or extortion.
6. Causing or attempting to cause damage to District property or to private property on campus.
7. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
8. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
9. Engaging in harassing or discriminatory behavior. The District's response to instances of sexual harassment will follow the processes identified in Board Policy and Administrative Procedures 3430.

DCAA review 3.28.13
DCAA review 4.25.13
DTRW-SS review 10.24.13
DTRW-SS review 12.05.13
DTRW-SS review 1.24.13

10. Obstruction or disruption of classes, administrative or disciplinary procedures, or authorized college activities.
11. Disruptive behavior, willful disobedience, profanity, vulgarity or other offensive conduct, or the open and persistent defiance of the authority of, or persistent abuse of, District/college personnel in performance of their duties.
12. Academic dishonesty, cheating, or plagiarism.
13. Forgery; alteration or misuse of District/college documents, records or identification; or knowingly furnishing false information to the District/college or any related off-site agency or organization.
14. Unauthorized entry to or use of District/college facilities.
15. Violation of district/college rules and regulations including those concerning student organizations, the use of District/college facilities, or the time, place, and manner of public expression or distribution of materials.
16. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
17. Unauthorized preparation, giving, selling, transfer, distribution, or publication of any recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to written class materials, except as permitted by District policy, or administrative procedure.
18. Violation of professional ethical code of conduct in classroom or clinical settings as identified by state licensing agencies (Board of Registered Nursing, Emergency Medical Services Authority, Title 22, Peace Officers Standards & Training, California Department of Public Health). Students who engage in any of the above are subject to the procedures outlined in AP 5520.

See Administrative Procedure 5500.

DTRW-SS

1.23.14

BP/AP 5520

STUDENT DISCIPLINE PROCEDURE



Book	VCCCD Administrative Procedure Manual
Section	Chapter 5 Student Services
Title	AP 5520 STUDENT DISCIPLINE PROCEDURE
Number	AP 5520
Status	Active
Legal	Reference: Education Code Section 66300, 72122, 76030
Adopted	June 16, 2010
Last Reviewed	June 9, 2010

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Student Code of Conduct, which provides to the student or students involved appropriate due process rights. This procedure will be applied in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

These Administrative Procedures are not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Sections 66301 and 76120, and will not be used to punish expression that is protected.

Student conduct must conform to the Student Code of Conduct established by the Governing Board of the Ventura County Community College District in collaboration with college administrators and students. Violations of such rules are subject to disciplinary actions which are to be administered by appropriate college authorities. The Ventura County Community College District has established procedures for the administration of the penalties enumerated here. College authorities will determine the appropriate penalty(ies).

Definitions of key terms:

Chief Student Services Officer (CSSO). A college's Executive Vice President or Vice President of Student Services, or designee.

Day. A calendar day, unless otherwise specified in this procedure. If the final day to take any action required by this procedure falls on a Saturday, Sunday, or other day that the administrative office of the District are closed, the date for such action shall be extended to the next business day. Similarly, if the final day to take any action required by this policy occurs during summer session, or during an intersession, but the basis for discipline arose during an academic term prior to that summer or intersession, the final day to take any required action shall be extended to the first business day of the next academic term.

District. The Ventura County Community College District.

Good cause for disciplinary action. As used in this procedure, "good cause" for disciplinary action includes any violation of the VCCCD Student Code of Conduct as set forth in Board Policy 5500 and Education Code section 76033, when the conduct is related to college activity or college attendance, including but not limited to:

1. Causing, attempting to cause, or threatening to cause physical injury to another person or to one's self.
2. Possession, sale or otherwise furnishing a weapon, including but not limited to, any actual or facsimile of a firearm, knife, explosive or other dangerous object, or any item used to threaten bodily harm without written permission from a District employee, with concurrence of the College President.
3. Use, possession (except as expressly permitted by law), distribution, or offer to sell alcoholic beverages, narcotics, hallucinogenic drugs, marijuana, other controlled substances or dangerous drugs while on campus or while participating in any college-sponsored event.
4. Presence on campus while under the influence of alcoholic beverages, narcotics, hallucinogenic drugs, marijuana, other controlled substances or dangerous drugs except as expressly permitted by law.
5. Committing or attempting to commit robbery or extortion.

6. Causing or attempting to cause damage to District property or to private property on campus.
7. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
8. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
9. Engaging in harassing or discriminatory behavior. The District's response to instances of sexual harassment will follow the processes identified in BoardPolicy and Administrative Procedures 3430.
10. Obstruction or disruption of classes, administrative or disciplinary procedures, or authorized college activities.
11. Disruptive behavior, willful disobedience, profanity, vulgarity or other offensive conduct, or the open and persistent defiance of the authority of, or persistent abuse of, District/college personnel in performance of their duties.
12. Academic dishonesty, cheating, or plagiarism.
13. Forgery; alteration or misuse of District/college documents, records or identification; or knowingly furnishing false information to the District/college or any related off-site agency or organization.
14. Unauthorized entry to or use of District/college facilities.
15. Violation of District/college rules and regulations including those concerning student organizations, the use of District/college facilities, or the time, place, and manner of public expression or distribution of materials.
16. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
17. Unauthorized preparation, giving, selling, transfer, distribution, or publication of any recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to written class materials, except as permitted by District policy, or administrative procedure.
18. Violation of professional ethical code of conduct in classroom or clinical settings as identified by state licensing agencies (Board of Registered Nursing, Emergency Medical Services Authority, Title 22, Peace Officers Standards & Training, California Department of Public Health).

For purposes of student discipline under this procedure, conduct is related to college activity or college attendance if it occurs during or in conjunction with any program, activity, or event connected with District coursework, sponsored or sanctioned by the District or a college of the District, or funded in whole or in part by the District or college, whether the activity or event occurs on or off campus or during or outside of instructional hours.

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

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

Time Limit. Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties in writing.

Definitions of types of discipline listed in order of severity

The following sanctions may be imposed upon any student found to have violated the standards of student conduct. The selection of the degree of severity of sanction to be imposed shall be commensurate with the severity of offense. The availability of a less severe sanction does not preclude imposition of a more severe sanction in any circumstance where the more severe sanction is deemed appropriate.

Warning. Documented written notice by the CSSO to the student that continuation or repetition of specific conduct may be cause for other disciplinary action. A warning is retained in the college discipline files for two complete academic years.

Reprimand. Written notice to the student by the CSSO that the student has violated the Standards of Student Conduct. A reprimand serves as documentation that a student's conduct in a specific instance does not meet the standards expected at the college and as a warning to the student that further violations may result in further disciplinary sanctions. A reprimand is permanently retained in the college discipline files.

Temporary Removal from Class. Exclusion of the student by an instructor for good cause for the day of the removal and the next class meeting. [Education Code Section 76032.]

Short-term Suspension. Exclusion of the student by the CSSO, or designee, for good cause from one or more classes or activities for a period of up to ten (10) consecutive school days. [Education Code Sections 76030 and 76031.]

Disciplinary Probation and/or Temporary Ineligibility to Participate in Extracurricular Activities and/or Temporary Denial of Other Privileges. Placement of the student on probation by the College President or designee, for good cause, for a specified period of time not to exceed one academic year during which a student's fitness to continue to attend school, in light of the student's disciplinary offenses, is tested; and/or temporary exclusion of the student by the College President or designee, for good cause, from extracurricular activities for a specified period of time; and/or temporary denial of other specified privileges, by the College President or designee for good cause.

Immediate Interim Suspension. The College President or designee may order immediate suspension of a student where he or she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days. A suspended student shall be prohibited from being enrolled in any community college within the District for the period of the suspension. [Education Code Sections 66017 and 76031; cf. Penal Code Section 626.2.]

Long-term Suspension. Exclusion of the student by the College President for good cause from one or more classes and/or activities, or from all classes and/or activities of the college for up to the remainder of the semester and the following semester. A student suspended from all classes and/or activities shall be prohibited from being enrolled in any community college within the District for the period of the suspension. [Education Code Sections 76030 and 76031.]

Expulsion. Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. [Education Code Section 76030.]

In addition to the above sanctions, the sanction of restitution may be imposed upon a student, where appropriate, to compensate for loss, damage, or injury. Furthermore, the sanction of administrative hold, to prevent a student from enrolling, may be placed on a student's records by the District if a long-term suspension from all classes and/or activities, or expulsion has been imposed following the formal hearing described below, or the student has failed to meet with the CSSO, or designee, regarding a pending disciplinary matter.

Procedures for Disciplinary Actions (listed in order of severity)

Any times specified in these procedures may be shortened or lengthened if there is mutual written concurrence by all parties.

Warning

The CSSO or designee, upon recommendation from an instructor or other District or college employee, shall review the report of alleged misconduct. If it is determined that there has been a violation of the Student Code of Conduct or the Education Code, the CSSO or designee will notify the student that the continuation and/or repetition of misconduct may result in more serious disciplinary action. This notification may be delivered orally or in writing. Documentation of the misconduct and/or the notice given to the student shall be retained in the District discipline files for two complete academic years. Warnings may be appealed directly to the College President. Students may not request a student conduct hearing to appeal a warning. [Cf. Education Code Section 76232 - challenging content of student records.]

Reprimand

The CSSO or designee, upon recommendation from an instructor or other District or college employee, shall review the report of alleged misconduct. If it is determined that there has been a serious violation of the Student Code of Conduct or the Education Code, the CSSO or designee will notify the student that the continuation and/or repetition of misconduct may result in even more serious disciplinary action. This notification will be delivered in writing. Documentation of the misconduct and the written notice given to the student shall be permanently retained in the District discipline files. Reprimands may be appealed directly to the College President. Students may not request a hearing to appeal a reprimand.

Temporary Removal from Class

Any instructor may remove a student from his or her class for good cause for the day of the removal and the next class meeting. The instructor shall immediately report the removal to his/her supervising administrator and the CSSO or designee. A meeting shall be arranged between the student and the instructor regarding the removal prior to the day that the student is eligible to return to class. If the instructor or the student makes the request, the CSSO or designee shall attend the meeting. The student is not allowed to return to the class for the day of removal and the next class meeting without the concurrence of the instructor. Nothing herein will prevent the CSSO or designee from recommending further disciplinary action in accordance with these procedures based on the facts that led to the removal. [Education Code Section 76032.]

Suspensions and Expulsions

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

Notice. The CSSO or designee will provide the student with written notice of the conduct warranting the discipline, stating the facts on which the proposed discipline is based, and providing any evidence on which the college may rely in the imposition of discipline. Evidence which may identify other students or which would result in the revelation of test questions or answers need not be provided in advance, and if feasible may be presented under circumstances which maintain the anonymity of other students, or assures the security of test questions or answers. The notice shall be deemed delivered if it is personally served on the student, or the student's parent or guardian if the student is a minor, or deposited in U.S. mail to the student's most recent address on file with the college. The notice will include the following:

- the specific section of the Standards of Student Conduct or Education Code that the student is accused of violating;

DCAA review 3.28.13
DCAA review 4.25.13
DTRW-SS review 10.24.13
DTRW-SS review 12.05.13
DTRW-SS review 1.24.13

- a specific statement of the facts supporting the proposed discipline;
- any evidence on which the college may rely in the imposition of discipline. Evidence that may identify other students or which would result in the revelation of test questions or answers need not be provided in advance. Testimony relating to students not subject to discipline may be presented in a manner that protects the anonymity or safety of the third party student. If such testimony is needed, it may be presented under circumstances that protect the safety of such students or maintains the anonymity of other students, as the hearing officer may determine to be in the interests of justice. Similarly, evidence relating to test questions or answers may be presented, if possible, only in a manner that maintains the security of test questions or answers;
- the right of the student to meet with the CSSO or designee to discuss the accusation, or to respond in writing, or both; and
- the level of the discipline that is being proposed.

Time limits. The notice described above must be provided to the student as soon as possible and no later than 14 days from the date on which the conduct took place or became known to the CSSO or designee;

Meeting. If the student chooses to meet with the CSSO or designee, the meeting must be requested within 7 days and must occur within 14 days after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond orally or in writing to the accusation, or both, in order to state why the proposed disciplinary action should not be taken.

Short-term Suspension. Within 10 days after the delivery of the notice, or within 10 days of a meeting if the student requests a meeting, or within 10 days of receiving the student's statement as to why the proposed disciplinary action should not be implemented, the CSSO shall decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the CSSO's decision shall be provided to the student and, if the student is a minor, to the student's parent or guardian. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action, as well as any conditions or limitations placed on the student during the short-term suspension. The notice will include the right of the student to request a meeting with the College President or designee within 7 days of notification of the recommended disciplinary action. The notice shall be deemed delivered if it is personally served on the student, or the student's parent or guardian if the student is a minor, or deposited in U.S. mail to the student's most recent address on file with the college. Such meeting shall be held within 14 days after receipt of the student's written request for a meeting. Failure of the student to appear at the meeting will constitute a waiver of the student's right to a meeting. The meeting shall be conducted in any manner deemed appropriate by the College President, provided that the student is offered the opportunity to provide his or her version of events, and any evidence that supports his or her version of the events. The CSSO, or designee, may also provide evidence contradicting the student's version of the facts. If either the student or the CSSO, or designee, is offered the opportunity to present evidence or the testimony of witnesses, the other party must be given the opportunity to cross-examine such witnesses. The meeting shall be closed and confidential, and all witnesses shall be excluded from the meeting except when testifying. Neither the student nor the CSSO, or designee, shall be entitled to representation by an attorney in this proceeding; however if the student is a minor, the student may be accompanied by his/her parent or guardian. After the conclusion of the meeting, the College President or designee shall determine whether a preponderance of evidence supports the charges against the student, and shall provide the student with written notice of his/her decision, and the factual basis therefor, within 7 days of the conclusion of the hearing. The College President's decision on a short-term suspension shall be final and shall be reported to the District's Chancellor.

Long-term Suspension. Within 7 days after the delivery of the notice, or within 7 days of a meeting with the CSSO, or designee, if the student requested a meeting, the College President shall, based on the recommendation from the CSSO, or designee, decide whether to impose a long-term suspension. Written notice of the College President's decision shall be provided to the student and, if the student is a minor, to the student's parent or guardian. The notice shall be deemed delivered if it is personally served on the student, or the student's parent or guardian if the student is a minor, or deposited in U.S. mail to the student's most recent address on file with the college. The notice will include the length of time of the proposed suspension, as well as a statement that the student will be prohibited from being enrolled in any college within the District for the period of the suspension. The notice will include the factual allegations on which the proposed suspension is based, any evidence in the possession of the District on which it will rely in support of the recommended suspension, the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of the procedures for the hearing.

Expulsion. Within 7 days after the delivery of the notice, or within 7 days of a meeting if the student requests a meeting, the College President shall, pursuant to a recommendation from the CSSO, decide whether to recommend expulsion to the Chancellor and Board of Trustees. Written notice of the College President's decision shall be provided to the student and, if the student is a minor, to the student's parent or guardian. The notice shall be deemed delivered if it is personally served on the student, or the student's parent or guardian if the student is a minor, or deposited in U.S. mail to the student's most recent address on file with the college. The notice will include the right of the student to request a formal hearing before expulsion is imposed, the factual allegations on which the proposed expulsion is based, any evidence in the possession of the District on which it will rely in support of the recommended suspension, and a copy of the procedures for the hearing.

Hearing Procedures for Long-term Suspension and Expulsion

Request for Hearing. Within 7 days after receipt of the College President's decision regarding a long-term suspension or expulsion, the student may request a formal hearing before a hearing panel. The request must be made in writing to the College President and

must include a date and the signature of the student or, if the student is a minor, the student's parent or guardian. The notice shall be deemed delivered if it is personally served on the student, or the student's parent or guardian if the student is a minor, or deposited in U.S. mail to the student's most recent address on file with the college. If the request for hearing is not received within 7 days after the student's receipt of the College President's decision or recommendation in the case of expulsion, the student's right to a hearing shall be deemed waived.

Schedule of Hearing. The formal hearing shall be held within 21 days after a formal request for hearing is received. The parties involved will be asked to attend the hearing and will be given sufficient notice in writing as to the time and place at least 10 days prior to the hearing date. Notice of the date of the hearing shall be deemed delivered if it is personally served on the student, or the student's parent or guardian if the student is a minor, or deposited in U.S. mail to the student's most recent address on file with the college.

Hearing Panel. The hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student. At the beginning of the academic year, and no later than October 1st, the College President, the president of the Academic Senate, and the Associated Students president shall each provide the names of at least two persons willing to serve on Student Disciplinary Hearing Panels. The College President shall appoint the Hearing Panel from the names in this pool; however, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, who is a relative of any party or witness, or who could not otherwise act in a neutral manner shall serve on a Hearing Panel. Upon notification of the Hearing Panel's composition, the student and the District shall each be allowed one peremptory challenge. The College President shall substitute the challenged member or members and replace them with another member of the panel pool to achieve the appropriate Hearing Panel composition. In the event the pool names are exhausted in any one category, further designees shall be submitted by the College President (for administrators), the President of the Academic Senate (for faculty), or the Associated Student President (for students). The chairperson may, by giving written notice to both parties, reschedule the hearing as necessary pending the submission of alternate designees.

A quorum shall consist of all three members of the committee.

Hearing Panel Chair. The College President shall appoint one member of the Hearing Panel to serve as the chair. The decision of the Hearing Panel Chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the Hearing Panel to the contrary.

Hearing Process. Prior to commencement of the hearing, the members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student, and all applicable student due process policies and administrative procedures. The facts supporting the accusation shall be presented by a college representative who shall be the CSSO or designee.

After consultations with the parties, in the interests of justice, a time limit on the amount of time provided for each party to present its case, or any rebuttal, may be set by the hearing panel. Formal rules of evidence shall not apply. All members of the campus community shall be bound by the student code of conduct or code of professional ethics to provide only true testimony. Witnesses who are not members of the campus community will testify under oath subject to the penalty of perjury. Any relevant evidence may be admitted at the discretion of the Hearing Panel Chair, in consultation with the Hearing Panel. Hearsay evidence will be admissible, but will be insufficient, alone, to establish a charge against the student. The Hearing Panel Chair, in consultation with the Hearing Panel, shall be responsible for determining the relevancy of presented evidence and testimony, the number of witnesses permitted to testify, and the time allocated for testimony and questioning. The Hearing Panel Chair, in consultation with the Hearing Panel, shall further be responsible for instructing and questioning witnesses on behalf of the Hearing Panel, and for dismissing any persons who are disruptive or who fail to follow instructions. The Hearing Panel Chair shall have the final decision on all procedural questions concerning the hearing.

Unless the Hearing Panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to establish by a preponderance of the evidence that the facts alleged are true. The Hearing Panel may request legal assistance for the Panel itself through the College President. Any legal advisor provided to the Hearing Panel may be present during the hearing and in any deliberations in an advisory capacity to provide legal counsel but shall not be a member of the panel or vote with it.

Both parties shall have the right to present statements, testimony, evidence, and witnesses. Each party shall have the right to be represented by a single advisor but not a licensed attorney. The student shall, in consultation with the Hearing Panel, have the right to be served by a translator or qualified interpreter to ensure the student's full participation in the proceedings.

Hearings shall be closed and confidential. No other persons except the student and, the college representative and their non-attorney representatives and/or translators/interpreters, if any, a court reporter, if any, individual witnesses, the Hearing Panel members, and the Hearing Panel's legal counsel, if any, shall be present. Witnesses shall not be present at the hearing when not testifying, unless

all parties and the Hearing Panel agree to the contrary. The rule of confidentiality shall prevail at all stages of the hearing. Moreover, the Hearing Panel members shall ensure that all hearings, deliberations, and records remain confidential in accordance with the Family Educational Rights and Privacy Act (FERPA), California Education Code Section 76200 et seq., and District Board Policies and Administrative Procedures related to the privacy of student and employee records.

The hearing shall be recorded by the District by electronic means such as audiotape, videotape, or by court reporting service and shall be the only recording made. No other recording devices shall be permitted to be used at the hearing. Any witness who refuses to be recorded shall not be permitted to give testimony. A witness who refuses to be recorded shall not be considered to be unavailable within the meaning of the rules of evidence, and therefore no exception to the hearsay rule for unavailability shall apply to such witness. The Hearing Panel Chair shall, on the record, at the beginning of the hearing, ask all persons present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. The recording shall remain the property of the District and shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the recording; however, any transcript of the recording requested by the student shall be provided at the student's own expense.

Following the close of the hearing, the Hearing Panel shall deliberate in closed session. These deliberations shall not be electronically recorded and the proceedings shall be confidential. Within 7 days following the close of the hearing, the hearing panel shall prepare and send to the College President a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Student Code of Conduct was violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on any matters outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing. The District shall maintain records of all Disciplinary Hearings in a secure location on District premises for a period of 7 years.

College President's Decision

- Long-term suspension. Within 14 days following receipt of the hearing panel's recommended decision, the College President shall render a final written decision. The College President may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the College President modifies or rejects the hearing panel's decision, the College President shall review the record of the hearing, and shall prepare a new written decision that contains specific factual findings and conclusions. The decision of the College President shall be final, and shall be reported to the District Chancellor.
- Expulsion. Within 14 days following receipt of the hearing panel's recommended decision, the College President shall render a written recommended decision to the Chancellor. The College President may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the College President modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The College President's decision shall be forwarded to the Chancellor as a recommendation to the Board of Trustees.

Board of Trustees Decision

The Board of Trustees shall consider any recommendation from the Chancellor for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures. [Education Code Section 72122.]

The student (and the parent or guardian if the student is a minor) shall be notified in writing, by certified mail, by personal service, or by such method of delivery as will establish receipt, at least 72 hours prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within 48 hours after receipt of the notice, request that the hearing be held as a public meeting.

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

The Board may accept, modify or reject the findings, decisions and recommendations of the Chancellor. If the Board modifies or rejects the Chancellor's recommendation, the Board shall review the record of the hearing, and shall, within 30 days or by the next regular meeting of the Board, whichever is later, prepare a new written decision which contains its specific factual findings and conclusions. The decision of the Board shall be final.

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

DTRW-SS

1.23.14

BP/AP 5530

STUDENT RIGHTS AND GRIEVANCES



Book	VCCCD Administrative Procedure Manual
Section	Chapter 5 Student Services
Title	AP 5530 STUDENT RIGHTS AND GRIEVANCES
Number	AP 5530
Status	Active
Legal	Title IX, Education Amendments of 1972; Education Code Section 76224(a)
Adopted	June 16, 2010
Last Reviewed	June 9, 2010

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. These procedures shall be available to any student who reasonably believes the college decision or action has adversely affected his or her status, rights, or privileges as a student.

A grievance is an allegation of a violation of any of the following:

1. Sex discrimination as prohibited by Title IX of the Higher Education Amendments of 1972.
2. Financial aid determinations made at the college or District level.
3. Course grades, to the extent permitted by Education Code Section 76224(a), which provides: "When grades are given for any course of instruction taught in a community college District, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final." "Mistake" may include, but is not limited to, errors made by an instructor in calculating a student's grade and clerical errors.
4. The exercise of rights of free expression protected by the state and federal constitutions, Education Code Sections 66301 and 76120, and District Board Policy and Administrative Procedures concerning the right of free expression.
5. Violation of published District rules, Board Policies, and Administrative Procedures, except as set forth below.

This procedure does not apply to:

1. Challenges to the process for determining satisfaction of prerequisites, corequisites, advisories, and limitations on enrollment. Information on challenges to prerequisites is available from the Office of Academic Affairs.
2. Allegations of harassment or discrimination on the basis of any protected characteristic as set forth in Board Policies 3410 and 3430 and 5 California Code of Regulations Section 53900 et seq. Such complaints may be initiated under the procedures described in the college catalogs.
3. Appeals for residency determination. Residency appeals should be filed with the Admissions and Records Office.
4. Student disciplinary actions, which are covered under separate Board Policies and Administrative Procedures.
5. Police citations (i.e. "tickets"); complaints about citations must be directed to the Campus Police.
6. Evaluation of the professional competence, qualifications, or job performance of a District employee.
7. Claims for money or damages against the District.

Information about other procedures is listed in the college catalogs or may be obtained from the Office of Student Learning.

The alleged wrong must involve an unjust action or denial of a student's rights as defined above. A grievance exists only when such an error or offense has resulted in an injury or harm that may be corrected through this grievance procedure. As noted above there may be other procedures applicable to various other alleged injuries or harms, and this grievance procedure may not be the sole or exclusive remedy, and it may not be necessary to exhaust this process before presenting allegations to other government agencies or the courts. The outcome of a grievance must be susceptible to producing a tangible remedy to the student complaining or an actual redress of the wrong rather than a punishment for the person or persons found in error. For example, a grievance seeking only the dismissal of a District employee is not viable.

Definitions

DCAA review 3.28.13
DCAA review 4.25.13
DTRW-SS review 10.24.13
DTRW-SS review 12.05.13
DTRW-SS review 1.24.13

Chief Student Services Officer (CSSO). A college's Executive Vice President or Vice President of Student Services, or designee.

College Grievance Officer. The administrator in charge of student discipline and/or grievances who shall assist students in seeking resolution by informal means; if informal means are not successful, the College Grievance Officer shall assist students by guiding them through the formal grievance process.

Day. A calendar day unless otherwise specified in this procedure. If the final day to take any action required by this procedure falls on a Saturday, Sunday, or other day that the administrative offices of the District are closed, the date for such action shall be extended to the next business day. Similarly, if the final day to take any action required by this procedure occurs during summer session or during an intersession, but the basis for the grievance arose prior to that summer or intersession, the final day to take any required action shall be extended to the first business day of the next academic term.

Grievant. Any student currently enrolled in the college, a person who has filed an application for admission to the college, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).

Respondent. Any person claimed by a Grievant to be responsible for the alleged grievance.

Informal Resolution

Informal meetings and discussion between persons directly involved in a grievance are essential at the outset of a dispute. A student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis prior to filing a formal grievance, and shall attempt to solve the problem with the person with whom the student has the grievance or dispute. If a student cannot resolve a grievance informally with the Respondent, then the student will request a meeting with the Respondent's administrator, manager, or division chairperson, who shall meet with the student in an attempt to resolve the issue and may meet with the student and Respondent either jointly or separately. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult.

At any time, the student may request the assistance of the College Grievance Officer in understanding or arranging the informal resolution process.

At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.

Formal Resolution

In the event an informal resolution is not reached, the grievant shall submit a preliminary written statement of the grievance to the College Grievance Officer within 90 days of the incident on which the grievance is based, or 90 days after the student knew or with reasonable diligence should have known of the basis for the grievance, whichever is later.

Within 10 days following receipt of the preliminary written statement of the grievance, the College Grievance Officer shall advise the student of his or her rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the formal written statement of the grievance.

The submission of this formal signed and dated written description of the complaint signals the beginning of the formal resolution, serves as the request for a hearing, and shall serve as the dated start of the hearing timeline.

The College Grievance Officer will submit a copy of the formal written grievance to the Respondent. The Respondent will be given an opportunity to submit a written response to the allegations to the College Grievance Officer. This response must be received within 10 days.

Hearing Procedures

Grievance Hearing Committee. The hearing panel for any grievance shall be composed of one administrator, one faculty member and one student. At the beginning of the academic year, and no later than October 1st, the College President, the President of the Academic Senate, and the Associated Students President shall each establish a list of at least two persons who will serve on student Grievance Hearing Committees. The College President will identify two administrators; the President of the Academic Senate will identify two faculty; and the Associated Students President will identify two students. The College President shall appoint the Grievance Hearing Committee from the names in this pool; however, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, who is a relative of any party or witness, or who could not otherwise act in a neutral manner shall serve on the Grievance Hearing Committee.

Upon notification of the Grievance Hearing Committee composition, the Respondent and Grievant shall each be allowed one peremptory challenge, excluding the chairperson. The College President shall substitute the challenged member or members from the panel pool to achieve the appropriate Grievance Hearing Committee composition. In the event that the pool names are exhausted in any one category, further designees shall be submitted by the College President (for administrators), the President of the Academic

Senate (for faculty), or the Associated Student President (for students).

The Grievance Officer shall sit with the Grievance Hearing Committee but shall not serve as a member or vote. The Grievance Officer shall coordinate all scheduling of hearings, and shall serve to assist all parties and the Grievance Hearing Committee to facilitate a full, fair and efficient resolution of the grievance.

A quorum shall consist of all three members of the Committee.

Grievance Hearing Committee Chair. The College President shall appoint one member of the Grievance Hearing Committee to serve as the chair. The decision of the Grievance Hearing Committee Chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the Grievance Hearing Committee to the contrary.

Time Limits: Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties in writing.

Hearing Process. Within 14 days following receipt of the formal written statement of the grievance and request for hearing, the College President or designee shall appoint a Grievance Hearing Committee as described above. The Grievance Hearing Committee and the Grievance Officer shall meet in private and without the parties present to determine whether the written statement of the grievance presents sufficient grounds for a hearing.

The determination of whether the Statement of Grievance presents sufficient grounds for a hearing shall be based on the following considerations:

- The statement satisfies the definition of a grievance as set forth above;
- The statement contains facts which, if true, would constitute a grievance under these procedures;
- The grievant is a student, which under certain circumstances includes applicants and former students, and meets the definition of "grievant" as set forth in these procedures;
- The grievant is personally and directly affected by the alleged grievance;
- The grievance seeks a remedy which is within the authority of the hearing panel to recommend or the college president to grant;
- The grievance was filed in a timely manner;
- The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.

If the grievance does not meet all of the above requirements, the Grievance Hearing Committee Chair shall notify the student in writing of the rejection of the request for a grievance hearing, together with the specific reasons for the rejection and the procedures for appeal. This notice will be provided within 7 days of the date the decision is made by the Grievance Hearing Committee.

The student may appeal the Grievance Hearing Committee's determination that the statement of grievance does not present a grievance as defined in these procedures by presenting his/her appeal in writing to the College President within 7 days of the date the student received that decision. The College President shall review the statement of grievance in accordance with the requirements for a grievance provided in these procedures, but shall not consider any other matters, including any facts alleged in the appeal that were not alleged in the original grievance. The College President's decision whether or not to grant a grievance hearing shall be final and not subject to further appeal.

If the statement of the grievance satisfies each of the requirements The College Grievance Officer shall schedule a grievance hearing to begin within 30 days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given at least 10 days' notice of the date, time and place of the hearing.

Before the hearing commences, the members of the Grievance Hearing Committee shall be provided with a copy of the grievance, the written response provided by the Respondent, and all applicable policies and administrative procedures. The Grievance Hearing Committee may request other documents as needed.

A time limit on the amount of time provided for each party to present its case, or any rebuttal, may be set by the Grievance Hearing Committee. Formal rules of evidence shall not apply. All witnesses shall be bound by the student code of conduct and professional codes of ethics to present truthful evidence. Any witnesses not so bound will testify under oath, subject to the penalty of perjury. Any relevant evidence may be admitted at the discretion of the Grievance Hearing Committee Chair, in consultation with the College Grievance Officer and Grievance Hearing Committee. Hearsay evidence will be admissible, but will be insufficient, alone, to establish the allegations.

The Grievance Hearing Committee Chair, in consultation with the Grievance Hearing Officer and Grievance Hearing Committee, shall be responsible for determining the relevancy of presented evidence and testimony, the number of witnesses permitted to testify, and the time allocated for testimony and questioning. The Grievance Hearing Committee Chair, in consultation with the Grievance Hearing Committee, shall further be responsible for instructing and questioning witnesses on behalf of the Grievance Hearing Committee, and for dismissing any persons who are disruptive or who fail to follow instructions. The Grievance Hearing Committee Chair, in

consultation with the College Grievance Officer, shall have the final decision on all procedural questions concerning the hearing.

The Grievance Hearing Committee shall conduct the hearing in accordance with established standards of administrative procedure. Unless the Grievance Hearing Committee determines to proceed otherwise, each party to the grievance shall be permitted to make an opening statement. Thereafter, the grievant shall make the first presentation, followed by the respondent. The grievant may present rebuttal evidence after the respondent completes presentation of his or her evidence. The burden shall be on the grievant to prove by a preponderance of the evidence that the facts alleged are true and that a grievance has been established as presented in the written statement of the complaint.

Both parties shall have the right to present statements, testimony, evidence, and witnesses. Each party to the grievance may represent him or herself, and may be represented by a person of his or her choice, except that neither party shall be represented by an attorney. The Grievance Hearing Committee may request legal assistance for the Committee itself through the College President. Any legal advisor provided to the Grievance Hearing Committee may be present during all testimony and deliberations in an advisory capacity to provide legal counsel but shall not be a member of the panel or vote with it.

The grievant shall, in consultation with the College Grievance Officer, have the right to be served by a translator or qualified interpreter to ensure his/her full participation in the proceedings.

Hearings shall be closed and confidential. No other persons except the Grievant and his/her representative and/or translator/interpreter, the Respondent and his/her representative, scheduled single witnesses, the College Grievance Officer, the Grievance Hearing Committee members, and the Committee's legal advisor, if any, shall be present. Witnesses shall not be present at the hearing when not testifying, unless all parties and the Grievance Hearing Committee agree to the contrary. The rule of confidentiality shall prevail at all stages of the hearing. Moreover, the Grievance Hearing Committee members shall ensure that all hearings, deliberation, and records remain confidential in accordance with the Family Educational Rights and Privacy Act (FERPA), California Education Code Section 76200 et seq., and District Board Policies and Administrative Procedures related to the privacy of student and employee records.

The hearing shall be recorded by the District by electronic means such as audiotape, videotape, or by court reporting service and shall be the only recording made. No other recording devices shall be permitted to be used at the hearing. Any witness who refuses to be recorded shall not be permitted to give testimony. A witness who refuses to be recorded shall not be considered to be unavailable within the meaning of the rules of evidence, and therefore an exception to the hearsay rule for unavailability shall not apply to such witness.

At the beginning of the hearing, on the record, the Grievance Hearing Committee Chair shall ask all persons present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. The recording shall remain the property of the District and shall remain in the custody of the District at all times, unless released to a professional transcribing service. Any party to the grievance may request a copy of the recording. Any transcript of the hearing requested by a party shall be produced at the requesting party's expense.

Following the close of the hearing, the Grievance Hearing Committee shall deliberate in closed session. These deliberations shall not be electronically recorded and the proceedings shall be confidential for all purposes. Within 30 days following the close of the hearing, the Grievance Hearing Committee shall prepare and send a written decision to the College Grievance Officer to be forwarded to College President. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined in these procedures. The decision shall also include a specific recommendation regarding the relief to be afforded the Grievant, if any. The decision shall be based only on the record of the hearing, and not on any matters outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing, and additional information or documentation related to the hearing that is requested by the Grievance Hearing Committee. The District shall maintain records of all Grievance Hearings in a secure location on District premises for a period of 7 years.

College President's Decision

The College President, at his/her discretion, may accept, reject, or modify the findings, decision, and recommendations of the Grievance Hearing Committee. The factual findings of the Grievance Hearing Committee shall be accorded great weight. The College President may additionally remand the matter back to the Grievance Hearing Committee for further consideration of issues specified by the College President. Within 21 days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the College President shall send to all parties his or her written decision, together with the Grievance Hearing Committee's decision and recommendations. If the College President elects to reject or modify the Grievance Hearing Committee's decision or a finding or recommendation contained therein, the College President shall review the record of the hearing, and shall prepare a new written decision that contains specific factual findings and conclusions. The decision of the College President shall be final, subject only to appeal as described below.

Any party to the grievance may appeal the decision of the College President after a hearing before a Grievance Hearing Committee by filing an appeal with the Chancellor. The Chancellor may designate a District administrator to review the appeal and make a recommendation.

Any such appeal shall be submitted in writing within 5 days following receipt of the College President's decision and shall state specifically the grounds for appeal.

The written appeal shall be sent to all concerned parties by the Chancellor or designee. All parties may submit written statements, within 5 days of receipt, in response to the appeal.

The Chancellor or designee may review the record of the hearing and the documents submitted in connection with the appeal, but shall not consider any matters outside of the record and the appeal.

If the Chancellor chooses a designee to review the record and appeal statements, that designee shall make a written recommendation to the Chancellor regarding the outcome of the appeal. The Chancellor may decide to sustain, reverse or modify the decision of his/her designee.

The decision on appeal shall be reached within 21 days after receipt of the appeal documents. The Chancellor's decision shall be in writing and shall include a statement of reasons for the decision. Copies of the Chancellor's appeal decision shall be sent to all parties.

The Chancellor's decision shall be final.

DTRW-SS

1.23.14

BP/AP 3540

SEXUAL AND OTHER
ASSAULTS ON CAMPUS



Book	VCCCD Board Policy Manual
Section	Chapter 3 General Institution
Title	BP 3540 SEXUAL AND OTHER ASSAULTS ON CAMPUS
Number	BP 3540
Status	Active
Legal	Education Code Section 67382, 67385; the Jeanne Clery Disclosure of Campus Security Policy and Campus Criminal Statistics Act; 20 U.S. Code Sec. 1092(f); 34 C.F.R. Sec. 668.46(b)(11)
Adopted	October 14, 2008

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, that occurs on District property, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance. The Chancellor shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment and that educational information about preventing sexual violence is provide and publicized as required by law. The procedures for sexual assaults shall meet the criteria contained in Ed. Code 67385 and 34 C.F.R. Sec. 668.46.

See Administrative Procedures 3540.



**COMMUNITY COLLEGE LEAGUE
OF CALIFORNIA**

Book	Board Policies
Section	Chap 3 General Institution
Title	Sexual and Other Assaults on Campus
Number	BP 3540
Status	Active
Legal	Education Code Sections 67382 and 67385 20 U.S. Code Section 1092(f) 34 Code of Federal Regulations Section 668.46(b)(11)
Adopted	February 1, 2003
Last Revised	February 1, 2006
Last Reviewed	August 1, 2006

BP 3540 Sexual and Other Assaults on Campus

References:

Education Code Sections 67382 and 67385;
 20 U.S. Code Section 1092(f);
 34 Code of Federal Regulations Section 668.46(b)(11)

Note: *This policy is legally required.*


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, that occurs on District property, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

The [CEO] shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law.

The procedures shall meet the criteria contained in Education Code Sections 67385 and 67385.7 and 34 Code of Federal Regulations Section 668.46.

See Administrative Procedure [#]

Revised 2/03, 2/06, 8/06

 [BP 3540 Sexual and Other Assaults on Campus.doc \(29 KB\)](#)

Last Modified by Jane Wright on March 13, 2012



COMMUNITY COLLEGE LEAGUE
OF CALIFORNIA

Book	Administrative Procedures
Section	Chap 3 General Institution
Title	Sexual Assaults on Campus
Number	AP 3540
Status	Active
Legal	Education Code Section 67385 20 U.S. Code Section 1092(f) 34 Code of Federal Regulations Section 668.46(b)(11)
Adopted	February 1, 2003
Last Revised	March 31, 2012
Last Reviewed	June 16, 2013

AP 3540 Sexual Assaults on Campus

References:

Education Code Section 67385;
20 U.S. Code Section 1092(f);
34 Code of Federal Regulations Section 668.46(b)(11)

Note: This procedure is legally required. Local practice may be inserted. The following are the minimum requirements contained in the Education Code and in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“the Clery Act,” 20 U.S. Code Section 1092(f)).

The requirements of the Clery Act are broader than those found in California’s Education Code, and apply to all institutions of higher learning that receive federal aid. Districts may insert local procedures: the following example may be used as a guide.

In addition, the District may wish to include procedures on responding to domestic violence, dating violence, sexual assaults or stalking at District sponsored activities on non-District property.

This sample procedure addresses domestic violence, dating violence, sexual assaults and stalking. Board Policy 3540 addresses both sexual and physical assaults. Districts may wish to cross reference the administrative procedures related to other physical assaults, including AP 3500, 3510, and 3515 or *insert local numbers*].)

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities or at another location, 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 employee or student discipline procedures. (See also AP 5500 titled Standards of Student Conduct.)

“Sexual assault” includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

“Domestic violence” includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse of the victim;**
- by a person with whom the victim shares a child in common;**

- by a person who is cohabitating with or has cohabitated with the victim as a spouse;
- by a person similarly situated to a spouse of the victim under California law; or
- by any other person against an adult or youth victim who is protected from that person's acts under California law.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, see also AP 3500, 3510, and 3515 [*or insert local numbers*].)

All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the designate office, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the designate position is authorized to release such information.

The designate position shall provide all alleged victims of domestic violence, dating violence, sexual assault or stalking with the following, upon request:

- A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault or stalking;
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents; [*List who should be notified*]
- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for provided or arranging them include: [*list person or office responsible after each item*]
 - transportation to a hospital, if necessary;
 - counseling by [designate], or referral to a counseling center;
 - notice to the police, if desired;

- a list of other available campus resources or appropriate off-campus resources.

- A description of each of the following procedures:
 - criminal prosecution;
 - civil prosecution (i.e., lawsuit);
 - District disciplinary procedures, both student and employee;
 - modification of class schedules;
 - tutoring, if necessary.

The designate position should be available to provide assistance to District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3435, regardless of whether a complaint is filed with local law enforcement. All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the designate office of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

The District shall maintain the identity of any alleged victim or witness of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim or witness specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to the District's designate office, which shall work with the designate office to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sex offenses and procedures that should be followed after a sex offense occurs. The statement must include the following:

- **A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;**
- **Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;**
- **Information on a student's right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests;**
- **Information for students about existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses;**
- **Notice to students that the campus will change a victim's academic situation after an alleged domestic violence, dating violence, sex offense, or stalking and of the options for those changes, if those changes are requested by the victim and are reasonably available;**
- **Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sex offense, or stalking including a clear statement that:**
 - **The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and**
 - **Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged sex offense. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.**
- **A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.**

Education and Prevention Information

The *[designate position]* shall:

- Provide, as part of each campus' established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault, or stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations.
- Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

Revised 2/03, 2/06, 8/06, 3/12, 6/13

 [AP 3540 Sexual Assaults on Campus Rev. 6-16-13.doc \(41 KB\)](#)

Last Modified by Jane Wright on July 26, 2013

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1.23.14

BP/AP 3550

DRUG FREE ENVIRONMENT AND DRUG
PREVENTION PROGRAM



Book	VCCCD Board Policy Manual
Section	Chapter 3 General Institution
Title	BP 3550 DRUG FREE ENVIRONMENT AND DRUG PREVENTION PROGRAM
Number	BP 3550
Status	Active
Legal	Drug Free Schools and Communities Act, 20 U.S. Code Section 1145g ; 34 C.F.R. Sections 86.1 et seq.; Drug Free Workplace Act of 1988, 41 U.S. Code Section 702
Adopted	December 13, 2005
Last Revised	October 14, 2008

The District shall be free from all illegal drugs and from the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all facilities under the control and use of the District.

Any student or employee who violates this policy will be subject to disciplinary action, (consistent with local, state, or federal law), which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion or dismissal.

The Chancellor shall assure that the District distributes annually to each student the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

See Administrative Procedure 3550.



Book	Board Policies
Section	Chap 3 General Institution
Title	Drug Free Environment and Drug Prevention Program
Number	BP 3550
Status	Active
Legal	Drug Free Schools and Communities Act, 20 U.S. Code Section 1145g 34 Code of Federal Regulations Sections 86.1 et seq. Drug Free Workplace Act of 1988, 41 U.S. Code Section 702
Adopted	November 1, 2000
Last Revised	February 1, 2008

BP 3550 Drug Free Environment and Drug Prevention Program

References:

Drug Free Schools and Communities Act, 20 U.S. Code Section 1145g;
34 Code of Federal Regulations Sections 86.1 et seq.;
Drug Free Workplace Act of 1988, 41 U.S. Code Section 702

Note: *This policy is legally required.*

The District shall be free from all drugs and from the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all facilities under the control and use of the District.

Any student or employee who violates this policy will be subject to disciplinary action (consistent with local, state, or federal law), which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion or dismissal.

(Describe the health risks associated with the use of illicit drugs and the abuse of alcohol.)

The [CEO] shall assure that the District distributes annually to each student and employee the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

See Administrative Procedure [#].

Revised 2/08

 [BP 3550 Drug Free Environment and Drug Prevention Program.doc \(29 KB\)](#)

Last Modified by Jane Wright on March 13, 2012



COMMUNITY COLLEGE LEAGUE
OF CALIFORNIA

Book	Administrative Procedures
Section	Chap 3 General Institution
Title	Drug Free Environment and Drug Prevention Program
Number	AP 3550
Status	Active
Legal	Drug Free Schools and Communities Act Amendment of 1989 20 U.S. Code Section 1145g 34 Code of Federal Regulations 86.1 et seq. Federal Drug-Free Workplace Act of 1988 41 U.S. Code Section 702
Adopted	February 1, 2000
Last Revised	February 1, 2008
Last Reviewed	April 1, 2009

AP 3550 Drug Free Environment and Drug Prevention Program

References:

Drug Free Schools and Communities Act Amendment of 1989;
 20 U.S. Code Section 1145g;
 34 Code of Federal Regulations 86.1 et seq.;;
 Federal Drug-Free Workplace Act of 1988;
 41 U.S. Code Section 702

Note: *This procedure is **legally required**. Insert local practice here, including identification of the person or office with the authority and responsibility for implementing this procedure. Following are examples:*

The District is committed to providing its employees and students with a drug free workplace and campus environment. It emphasizes prevention and intervention through education.

Note: *Describe local educational and student services programs here, such as relevant courses, seminars, lectures, counseling, health services, and referral for those affected by alcohol or substance abuse.)*

Also describe the health risks associated with the use of illicit drugs and the abuse of alcohol.

Prohibition of Drugs

The unlawful manufacture, distribution, dispensing, possession or use of alcohol or any controlled substance is prohibited on District property, during District-sponsored field trips, activities or workshops, and in any facility or vehicle operated by the District.

Violation of this prohibition will result in appropriate action up to and including termination of employment, expulsion, and referral for prosecution, or, as permitted by law, may require satisfactory participation in an alcohol or drug abuse assistance or rehabilitation program.

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

Revised 2/08, 4/09

 [AP_3550_Drug_Free_Environment_and_Drug_Prevention_Program.doc \(30 KB\)](#)

Last Modified by Jane Wright on March 1, 2013