



District Technical Review Workgroup
Student Services – DTRW-SS
AGENDA

February 11, 2016 – DAC Lakin Boardroom
3:00 p.m. – 5:00 p.m.

- Approval of January 11, 2016 Meeting Notes

Time Certain Item for Guest

- 3SP Requirements Discussion – Guest: Carmel Gutherz, Student

Old Business

- BP/AP 3430 Prohibition of Harassment and Discrimination – Review and Feedback – DTRW-SS Group
- BP/AP 5050 – Student Success and Support Programs
- BP/AP 5070 Attendance – Oxnard College Academic Senate
- Census Date vs. Census Deadline Clarification – ATAC Report/Banner Implementation – Pat Ewins
- Student Activity Fee Waiver (opt-out option) – Lori Bennett
- Priority Registration under 3SP – Rick Post

New Business

- Future suggested agenda items (standing item)

Next Meeting Date: March 10 – 3 pm – DAC Lakin Boardroom
Submission deadline: March 4, 2016

Ventura County Community College District

District Technical Review Workgroup – DTRW-SS Meeting Notes

January 14, 2016 – DAC Lakin Boardroom

3:00 p.m. – 4:30 p.m.

MEETING NOTES PRIOR TO APPROVAL AT FEBRUARY 11, 2016 DTRW-SS MEETING

Members:

Chancellor’s Designee: Oscar Cobian, Chair (OC)
 Co-Chair: Trulie Thompson, Co-chair (VC)
 Executive Vice President and Vice Presidents: Lori Bennett (MC), Oscar Cobian (OC), Pat Ewins (Interim) (VC)
 Academic Senate Presidents: Linda Kama’ila (OC), Mary Rees (MC), Alex Kolesnik (VC)
 Deans/Assistant Dean of Student Services: Karen Engelsen/Assistant Dean (VC), Vacant, Dean (MC)
 Registrars: Dave Anter (MC), Joel Diaz (OC), Celia Rodriguez, Assistant Registrar (VC)
 Non-instructional designee: Vacant (Counselor, OC), Letrisha Mai for Trulie Thompson (Counselor, MC), Angelica Gonzalez (Counselor, VC)
 Associated Student Government: ASG Rep vacant (OC), ASG Rep vacant (MC), ASG Rep vacant (VC)
 Policy and Administrative Procedures: Clare Geisen (Policy/procedure, Chancellor’s Cabinet Liaison/guest)

Absent:

Clare Geisen, Trulie Thompson

Guests:

Rick Post, Interim Vice Chancellor, Educational Services, Linda Robison/Financial Aid Officer, Oxnard College, Kimberly Korinke/Financial Aid Officer, Moorpark College, Alma Rodriguez/Financial Aid Officer, Ventura College, Gary Maehara/Human Resources Director of Operations, Michael Shanahan/Vice Chancellor, Human Resources

Recorder:

Laurie Nelson-Nusser

Notes:

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
<p>Welcome and Approval of December 10, 2015 Meeting Notes</p>	<p>Oscar Cobian welcomed everyone to DTRW-SS. The meeting commenced at 3:05 pm. Introductions were made for DTRW-SS new member, Arlene Reed, new Registrar for Ventura College.</p> <p>The December 10, 2015 meeting notes were approved as presented with a minor change to attendance.</p>			

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
OLD BUSINESS				
BP/AP 5070 Attendance – Proposed/Registrars	<p>AP 5070 Attendance was discussed at DTRW-I and they recommended revisions under Section D and requested to break out procedures for the different types of recording student attendance. The Registrars will review this issue and bring back to the next meeting.</p> <p>Census date vs. census deadline clarification will move forward to ATAC for discussion on changing the field in Banner. L. Bennett will present this at their next meeting and then it will move forward to the Banner Committee for implementation. This issue was also discussed at DTRW-I. (Item submitted for February 4 ATAC meeting.)</p>	<p>Research requested revisions</p> <p>Submit request to ATAC</p> <p>Present at February 4 ATAC meeting</p>	<p>February 11</p> <p>ASAP</p> <p>February 4</p>	<p>Registrars</p> <p>Laurie Nusser</p> <p>Lori Bennett</p>
BP/AP 5075 Course Adds and Drops – Proposed/ Registrars	<p>Oxnard College Academic Senate has approved this policy and procedure and will move forward to Chancellor’s Cabinet, Policy Committee, and subsequently to the Board for full approval. (Submitted January 27.)</p>	<p>Submit to Policy Committee</p>	<p>ASAP</p>	<p>Laurie Nusser</p>
Title IX Policies and Procedures – BP/AP 3430 Prohibition of Harassment and Discrimination	<p>Revised BP/AP 3430 was presented by Gary Maehara, Human Resources Director of Operations. The policy and procedure was reviewed by the group. The title of the Board Policy was changed to add “unlawful” and was changed throughout the policy to reflect this revision to be in compliance with Title IX/Cleary. The administrative procedure was reviewed for consistency with Title IX as well. G. Maehara requested the group to review the policy and procedure after the meeting and send any comments to him via email. This item will return to the February meeting and will be reviewed by the Title IX</p>	<p>Review BP/AP 3430 and send comments to Gary Maehara</p> <p>Add to next agenda</p>	<p>February 11</p> <p>February 5</p>	<p>All members</p> <p>Laurie Nusser</p>

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
	Committee.			
NEW BUSINESS:				
AB 288 Dual Enrollment	Rick Post, Vice Chancellor, Educational Services, provided an overview of AB 288 Dual Enrollment. The State Chancellor's office will be providing a kit and template boilerplate language for Community College League of California (CCLC) administrative procedure.			
Student Activity Fee Waiver – Lori Bennett	<p>An opt-out option was added during the registration process which the Vice Presidents of Student Services were not aware of and discussion ensued as to how and when this was implemented without their knowledge.</p> <p>The result was a net loss of approximately \$20k to each college's Associated Student Government. There is a meeting scheduled to discuss this issue with the ASG members of each college. R. Post indicated there are process issues for students to get refunds for these fees. There is a proposed AP coming from the Student Trustee, Ilse Maymes, which will be discussed by their ASG committee at their next meeting.</p>			
Update to BP/AP 5050 – Registrar/Financial Officers BOG issues – 3SP related	<p>The Registrars submitted a revised version of AP 5050 Student Success and Support Program. Further revisions made at the meeting included:</p> <ul style="list-style-type: none"> • Page 3 under "Requirements of the Student Success and Support Program and Loss of eligibility for the Board of Governor's Fee Waiver" section – 3rd 			

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
	<p>paragraph: The reinstatement decision for the Board of Governor’s Fee Waiver is determined at each college.” This phrase will replace the first sentence in this paragraph. Also change phrase in first paragraph to “Students will be notified about the requirements...” and add Foster Youth sentence at end of paragraph at the bottom of page: Foster Youth and Former Foster Youth (up to 24 years of age) are not subject to the loss of fee waiver under the regulations.</p> <ul style="list-style-type: none"> • Second page under Assessment – fix typo from “no” to “not.” • Under Student Education Plan add “are” to the sentence <p>This item will return for final approval.</p>	<p>Add to next agenda</p>	<p>February 5</p>	<p>Laurie Nusser</p>
<p>Priority Registration under 3SP</p>	<p>R. Post indicated the interpretation of 3SP guidelines only apply to first time students and not to continuing or transfer students. This issue is under discussion as it affects FTES enrollment as students do not complete the 3SP process in time to get needed classes and this delays their registration process. L. Kama’ila indicated the VCCCD Chancellor’s Office cannot change the administrative procedure for priority enrollment (AP 5055) without adhering to the governance process. L. Bennett indicated there should be supporting data before any changes for priority registration are implemented. This item will return for further discussion at the next meeting.</p>	<p>Add to next agenda</p>	<p>February 5</p>	<p>Laurie Nusser</p>
<p>Future Suggested Agenda Items</p>	<ul style="list-style-type: none"> • BP/AP 3430 – currently under review • BP/AP 5070 – currently under review 			

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
	<ul style="list-style-type: none"> • BP/AP 5050 – currently under review • Student Activity Fee 			
NEXT MEETING	Thursday, February 11, 2016 – 3:00 p.m. – DAC Lakin Boardroom – Submission deadline February 5, 2015			

DRAFT



Book VCCCD Administrative Procedure Manual
Section Chapter -3 General Institution
Title AP 3430 PROHIBITION OF [UNLAWFUL HARASSMENT AND DISCRIMINATION](#)
Number AP 3430
Status Active
Legal [Title VII of the Civil Rights Act of 1964. U.S. Code Annotated](#)
[California Education Code Section 212.5](#)
[California Education Code Section 44100](#)
[California Education Code Section 66281.5](#)
[California Education Code Section 66252](#)
[California Government Code Section 12950.1](#)

Adopted June 16, 2010
Last Reviewed November 13, 2012

1. Statement of Intent

Members of a college community-- students, faculty, administrators, staff, and visitors must be able to study and work in an atmosphere of mutual respect and trust. The Ventura County Community College District (District) is actively committed to creating and maintaining an environment which respects the dignity of individuals and groups.

Therefore, the District will not tolerate [unlawful harassment](#) ~~or~~ discrimination against any person. Discrimination is defined as special or disparate treatment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age or sexual orientation of any person, or on the basis of these perceived characteristics or based on the association with a person or group with one or more of these perceived characteristics. The District will enforce all state and federal laws prohibiting discrimination.

Furthermore, the District is committed to maintaining a working and education environment free of sexual harassment. The District will not tolerate any behavior that constitutes sexual harassment of [employees](#) ~~staff~~, students, or visitors. It is the policy of the District that all members of the collegial community including [employees](#) ~~staff~~, students, visitors, [or other persons acting on behalf of the District](#) ~~guests, or contractors~~, will not sexually harass one another or retaliate against one another for filing sexual harassment complaints.

Finally, the District will comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973 in the development, procurement, maintenance, or use of electronic or information technology and will respond to and resolve discrimination complaints regarding accessibility.

Though the goal of the District is to be sensitive to the needs of students, staff and those who interact with the college community while at the same time preserving the rights of those against whom allegations

DTRW-SS review: 1.14.16; 2.11.16

have been made, employees or students of the District who feel that they have been harassed or discriminated against based on the factors discussed previously have the right to file a complaint.

The procedures outlined here govern the process for all discrimination complaints filed by employees or students, including sexual harassment, and are pursuant to division 6, title 5, section 59300 et seq. of the California Code of Regulations. Complaints may be filed by a student against a student, a student against an employee, an employee against a student, an employee against an employee, a visitor against an employee, or an employee against a visitor.

Because the District is committed to maintaining an environment that is free from harassment and discrimination, any legitimate harassment and discrimination complaint or concern that is brought to the District's attention will be investigated and resolved, even if the complaint or concern comes to light in a manner that is not addressed in this procedure.

2. Non-Retaliation for Filing a Complaint

No individual will suffer retaliation as a result of filing a claim, for referring a matter for investigation or complaint, for acting as an advocate for a complainant or respondent, or being a witness in regard to unlawful harassment or discrimination allegations. Persons engaging in retaliation are subject to disciplinary action.

3. Academic Freedom

The Board of Trustees reaffirms its commitment to academic freedom, but recognizes that academic freedom does not allow sexual harassment or any other form of discrimination. The lecture, content, and discourse that are an intrinsic part of the course content shall in no event constitute sexual harassment or other form of discrimination. It is recognized that an essential function of education is a probing of received opinions and an exploration of ideas that may cause some students discomfort. It is further recognized that academic freedom insures the faculty's right to teach and the student's right to learn. Finally, nothing in these policies and procedures shall be interpreted to prohibit bona fide academic requirement for a specific community college program, course or activity.

4. Dissemination of Policy, Procedures, and Training

i. A copy of the written policy on the prohibition of harassment and discrimination will be displayed in a prominent location in the main administrative building or other areas where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted.

ii. Every District employees will receive training and a copy of the written policy and procedure on the prohibition of harassment and discrimination during the first year of their employment. Because of their special responsibilities under the law, supervisors will undergo mandatory bi-annual training. Thereafter, in years in which a substantive policy or procedural change has occurred, all District employees will receive attend a training update and receive a copy of the revised policies and procedures.

Comment [WU1]: We do not currently provide semi-annual training to ALL employees. Perhaps a realistic statement is "District employees will be provided updates of the policies and procedures."

5. Definitions

Complainant: Any person individual who submits brings a complaint against a District employee, student, visitor, or other person acting on behalf of the District another based on a belief because he/she believes that he/she has been the victim of unlawful harassment and/or discrimination.

Complaint: A written or verbal allegation that an employee, student, student, staff member, or other person acting on behalf of the District individual who interacts with the District has subjected someone to unlawful harassment and/or or discrimination.

Days: "Days" means calendar days.

Chancellor: The Chancellor of the Ventura County Community College District.

Governing Board: The Board of Trustees for the Ventura County Community College District.

Intake Facilitator. The person at the college ~~or at the District Administrative Center~~ who is responsible for ~~conducting the informal and/or formal~~ processing ~~of all unlawful~~ harassment ~~and/or~~ discrimination complaints received from faculty, employees, students or visitors. The Intake Facilitator may resolve complaints through the informal process.

Investigator. The person at the college or at the District Administrative Center who is responsible for investigating complaints of harassment and discrimination filed against the Responsible District Officer, the Vice Chancellor of Human Resources, the Chancellor, or members of the Governing Board.

Mental Disability: Includes, but is not limited to, all of the following:

1) Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:

A) "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.

C) "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.

2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires specialized supportive services.

3) Having a record or history of a mental or psychological disorder or condition described in paragraphs (1) or (2), which is known to the District.

4) Being regarded or treated by the District as having, or having had, any mental condition that makes achievement of a major life activity difficult.

5) Being regarded or treated by the District as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraphs (1) or (2).

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

Physical Disability: Includes, but is not limited to, all of the following:

1) ~~4)~~ Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

Comment [WU2]: The intake facilitators at each college should conduct the student vs. student, and minor faculty vs. faculty complaints. Formal student complaints will go through the college's grievance procedure. Serious faculty complaints will be referred to the RDO.

A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; and

B) Limits a major life activity. For purposes of this section:

i) "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.

iii) "Major life activities" shall be broadly construed and includes physical, mental, and social activities and working.

2) Any other health impairment not described in paragraph (1) that requires specialized supportive services.

3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraphs (1) or (2), which is known to the District.

4) Being regarded or treated by the District as having, or having had, any physical condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the District as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraphs (1) or (2).

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

Respondent: An individual against whom a claim of harassment or discrimination is made.

Responsible District Officer. The person at the District who is responsible for coordinating the investigations of all harassment and discrimination complaints. The current Responsible District Officer is the Director of Human Resource Operations.

Sexual Harassment: "Sexual harassment" is discrimination in the form of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the workplace or in the educational setting, under the following conditions:

1) Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress;

2) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual;

3) The conduct has the purpose or effect of having a negative impact on the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment;

4) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the District.

Examples of behavior which could constitute sexual harassment include, but are not limited to:

- Verbal harassment, including repeated sexual innuendoes, or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;
- Visual/non-verbal harassment, including derogatory posters, cartoons or drawings, suggestive objects or pictures, graphic commentaries, leering, or obscene gestures;
- Physical harassment, including unwanted physical contact and/or touching, interference with an individual's normal work movement or blocking a person's movement, or assault.

State Chancellor. The Chancellor of the State of California's Community College Districts.

Title 5: California Code of Regulations, division 6, title 5, section 59300 et seq.

Vice Chancellor of Human Resources: The Vice Chancellor, Human Resources, for the Ventura Community College District.

6. General Contact Information

Administrators, ~~faculty members, other District~~ employees, and students shall direct all initial complaints of ~~unlawful harassment and/or~~ discrimination ~~or sexual harassment~~ to the Intake Facilitators at each college or to the Director of Human Resources Operations, or the Chancellor if the complaint involves a member of Human Resources.

To request accommodation in filing a complaint in accordance with this procedure, contact the Responsible District Officer at (805) 652-5506~~8~~.

7. Informal Process Prior to the Filing of a Formal Complaint

A. For the Complainant:

1) An individual who has reason to believe that he or she has been a victim of unlawful harassment and/or ~~or~~ discrimination based on race, color, national or ethnic origin, age, gender, religion, sexual orientation, marital status, veteran status, or physical or mental disability, may resolve the matter through an informal process under this procedure.

2) In order to ensure that the complaint process is handled efficiently, the Complainant should speak to an Intake Facilitator regarding his/her concerns.

3) Participation in the informal process is optional and not a prerequisite to filing a formal complaint.

B. For the Intake Facilitator:

1) Listen to the Complainant to understand the nature of the concern. Ask the Complainant if there is a way to resolve the complaint informally. If the answer is yes, contact the Responsible District Officer to discuss the proposed resolution to the problem. However:

a. ~~Do not investigate the complaint. Coordinate with the Responsible District Officer before starting an investigation alleging harassment and/or discrimination.~~

b. Advise the Complainant that he or she need not participate in trying to resolve the complaint informally.

2) Give the Complainant a copy of the District's ~~Policy of~~ Prohibition of Harassment and or Discrimination-Policy.

3) Advise the Complainant of their right to file a formal complaint and explain the procedure for doing so.

4) Advise the Complainant that he or she may file a non-employment based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) when such a complaint is within that agency's jurisdiction.

5) If the complaint is employment-related, the Complainant should also be advised that he or she may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH) when such a complaint is within that agency's jurisdiction.

C. For the Responsible District Officer:

1) If an Intake Facilitator contacts the Responsible District Officer with a proposed informal resolution to the complaint, the Responsible District Officer will review the proposed action. ~~must take appropriate action to resolve the complaint if it is possible to do so. Resolution of the complaint could involve multiple parties, including the Respondent and the administration, and must be vetted appropriately.~~

Comment [WU3]: The District RDO should review the proposal and verify that a formal complaint and investigation are not required based on the facts.

2) If a resolution is reached, the informal process shall be concluded. At any time during the informal process, the Complainant may initiate a formal complaint.

3) The Responsible District Officer shall keep a written log of discussions and a record of the resolution. This information shall become part of the official investigation file if the Complainant initiates a formal complaint. If the parties reach a tentative agreement upon resolution of the complaint, the Intake Facilitator or Responsible District Officer will send a letter to the Complainant and Respondent summarizing the resolution.

Efforts at informal resolution need not include any investigation unless the Responsible District Officer determines that an investigation is warranted by the seriousness of the charges. Selecting an informal resolution does not extend the time limitations for filing a formal complaint.

8. Threshold Requirements Prior to Investigation of a Formal Written Complaint

For both Complainants and Intake Facilitators:

District employees involved in any aspect of investigating or resolving a complaint of unlawful harassment and/or ~~or~~ discrimination will receive training from a qualified source, in advance of their service.

Comment [WU4]: Training in advance did not occur.

A. Formal complaints must be filed by a person ~~someone~~ who alleges that he or she has personally suffered discrimination or by one who has learned of such discrimination in his/her official capacity as a faculty member, supervisor, manager or administrator. Other complaints that do not meet the threshold may be resolved informally, ~~investigated.~~

B. Formal complaints should be filed on a form prescribed by the State Chancellor's Office (see attached Complaint Form ~~ment~~) and must allege discrimination under California Code of Regulations, division 6, title 5, section 59300 et seq. ~~59300 et seq.~~

C. Formal complaints must be filed with the Responsible District Officer for the District or with the State Chancellor.

D. Formal complaints not related to employment discrimination must be filed with the District within one year of the alleged harassment or discrimination or within one year of the date on which the Complainant knew or should have known of the facts of the alleged incident.

E. Formal complaints related to employment discrimination must be filed with the District within one hundred eighty (180) days of the date that the alleged harassment or discrimination occurred. However, this timeframe will be extended by no more than 90 days if the complainant first obtained knowledge of the alleged violation after the expiration of the 180-day filing period.

Any complaint that does not meet the criteria described in this section will be deemed defective.

9. Defective Complaints

For Complainants, Intake Facilitators, and the Responsible District Officer:

If a complaint is found to be defective, it will be immediately returned to the Complainant with a complete explanation of why an investigation will not be initiated under the California Code of Regulations, title 5, section 59300 et seq. The notice will inform the Complainant that the formal complaint does not meet the requirements of California Code of Regulations, title 5, section 59328, and shall specify in what requirement the complaint is defective. A copy of the notice to the Complainant will also be sent to the State Chancellor's Office. Defective complaints do not necessarily stop other investigative or disciplinary processes should they be warranted by the seriousness of the allegations.

10. Formal Complaint Process

A. For Complainants and Intake Facilitators:

Should there be no informal resolution to the complaint, the following must occur:

1) On the complaint form, the Complainant shall describe in detail such alleged harassment or discrimination and the action the Complainant requests to resolve the matter. All written complaints shall:

a. Be signed and dated by the Complainant.

b. Contain at least:

i. The name(s) of the individual(s) involved. Names, addresses and phone numbers of witnesses or potential witnesses should also be included, when possible.

ii. The date(s) of the event(s) at issue.

iii. A detailed description of the actions constituting the alleged harassment or discrimination.

2) The ~~Intake Facilitator~~ Responsible District Officer will review the complaint to determine if has been completed accurately and whether or not the complaint is defective.

3) If the complaint does not sufficiently describe the facts giving rise to the complaint so that a determination can be made regarding whether the alleged misconduct is covered under these procedures, the complaint will be returned and the Complainant will be invited to submit an amended complaint providing enough factual detail to allow the above determination to be made.

4) Once the form is accurately completed, it will be forwarded to the Respondent District Officer for ~~review~~ action.

B. For Complainants and the Responsible District Officer:

1) After a proper complaint is received, the Responsible District Officer shall:

a. Send a copy of the complaint to the State Chancellor of the California Community College System after consultation with the Vice Chancellor of Human Resources and the Chancellor. A copy of the complaint will be maintained in the Human Resources Department at the District Administrative Center.

b. Meet with the Complainant to review the nature of the complaint and identify the scope and nature of the investigation. If the Complainant fails to meet with the Responsible District Officer within a reasonable time (usually 10 working days), the Responsible District Officer will continue the investigation to the best of his/her abilities based on the written formal complaint.

c. Advise the Complainant that he or she may file a non-employment based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction.

d. If the complaint is employment-related, the Complainant should also be advised that he or she may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH) when such a complaint is within that agency's jurisdiction.

e. Give the Respondent an opportunity to meet with him/her to receive the Respondent's answer to the complaint and to review with Respondent the scope and nature of the investigation. The Respondent may inform the Responsible District Officer of witnesses to contact and may present documents in support of his/her position. The Responsible District Officer shall interview witnesses and review any other relevant documentation or information to determine whether or not the allegations made in the complaint can be substantiated.

f. Prior to completing the investigation, the Responsible District Officer may meet again separately with the Complainant and the Respondent, to give an overview of the steps taken during the investigation, and to ask the Complainant and the Respondent for any additional information that might be helpful to the investigation.

2) The Responsible District Officer shall determine whether a violation of the District's Policy of Prohibition of Harassment and Discrimination did or did not occur with respect to each allegation in the complaint. The findings shall take into consideration the severity of the conduct, the pervasiveness of the conduct, the pertinent background, and other relevant District policies.

3) If disciplinary action is recommended, appropriate contractual due process and statutory processes will be invoked.

11. Investigator Appointment

For Complainants and the Responsible District Officer:

In the event the complaint is against the Responsible District Officer, the Chancellor, or a member of the Governing Board, the Vice Chancellor of Human Resources shall appoint an Investigator to review and process the complaint in a manner consistent with this procedure. In the event the complaint is against the Vice Chancellor of Human Resources, the Chancellor or designee shall appoint an Investigator to review and process the complaint in a manner consistent with this procedure.

12. Administrative Determination

For Complainants and the Responsible District Officer:

A. The District shall complete its investigation within ninety (90) days of receiving a complaint. Once the investigation is complete, the Responsible District Officer shall:

1) Generate an administrative determination summarizing the investigation. A copy of the administrative determination will be submitted to the Complainant. When the case involves non-

employment-related discrimination, the Responsible District Officer will also send a copy of the administrative determination to the State Chancellor's Office. When the case involves non-employment-related discrimination, the Responsible District Officer ~~need not will also~~ send a copy of the administrative determination to the State Chancellor's Office.

Comment [WU5]: The State Chancellor's office sent out notices that non-employment determinations no longer need to be sent to their office.

2) Send a written notice to the Complainant setting forth:

- a. The findings of the Responsible District Officer (or District investigator) as to whether a violation of the District's Policy of Prohibition of Harassment and Discrimination based on race, color, national or ethnic origin, age, gender, religion, sexual orientation, veteran status, marital status, or physical or mental disability did or did not occur with respect to each allegation in the complaint.
- b. A description of actions to be taken, if any, to remedy any policy violation that occurred and to prevent similar problems from occurring in the future.
- c. The proposed resolution of the complaint.
- d. The Complainant's right to appeal to the Governing Board and the State Chancellor of the California Community College System when the case does not involve non-employment-related discrimination.
- e. The Complainant's right to appeal to the Governing Board and to file a complaint with the California Department of Fair Employment and Housing when the case involves employment discrimination.

B. In the event disciplinary action is recommended for the Respondent, he/she shall be entitled to all due process procedures provided by statute and/or the employee collective bargaining agreement.

13. Complainant Appeal Rights and Process

For Complainants and the Responsible District Officer:

A. First Level of Appeal: If the Complainant is not satisfied with the results of administrative determination of the formal complaint, the Complainant may appeal the determination by submitting objections to the Governing Board within fifteen (15) days of the receipt of the determination.

B. First Level Response: Within forty-five (45) days of receiving the Complainant's appeal, a copy of the final District decision rendered by the Governing Board shall be forwarded to the Complainant, the State Chancellor of the California Community College system, and, if appropriate, the Respondent. If the Governing Board does not act within 45 days, the administrative determination shall be deemed approved and shall become the final District decision in the matter.

C. Second Level of Appeal: For any case involving non-employment-related discrimination, Complainants have the right to file a written appeal with the State Chancellor of the California Community College System within thirty (30) days after the Governing Board has issued the final District decision or permits the administrative determination to become final. The appeal must include:

- i. A copy of the Governing Board's decision regarding the case, or
- ii. Evidence to show that no response was received by the Complainant within 45 days of filing the first level of appeal.

Any case involving employment-related discrimination has no second level of appeal, but the Complainant may file a complaint with the California Department of Fair Employment and Housing (DFEH) within the jurisdiction of that agency.

D. Second Level Investigation and Response: See Section 16 below.

14. Provision of Information to the State Chancellor

For the Responsible District Officer:

For cases involving non-employment-related discrimination, the Responsible District Officer must, within one hundred fifty (150) days of receiving a complaint, forward to the State Chancellor either:

A. For open cases:

- 1) A copy of the final District decision rendered by the Governing Board or a statement indicating the date upon which the District's decision became final.
- 2) A copy of the notice that the District provided to the employee regarding the decision.
- 3) A copy of the Complainant's appeal of the Governing Board's decision.

OR

B. For closed cases: A notice that the appeal has been resolved or that the Complainant has not filed an appeal with the Governing Board and the case has been closed.

15. Extensions; Failure to Comply

For the Complainant and District Responsible Officer:

If the District, for reasons beyond its control, is unable to comply with the deadlines described in Sections 12 and 14 above, the District may file for a written request of an extension of the deadlines.

A. When an extension is deemed necessary by the District, it must be requested from the State Chancellor regardless of whether or not the case involves employment discrimination.

B. The request must be made no later than ten (10) days prior to the deadline for the timeframe in question.

C. A copy of the request for extension shall be sent to the Complainant who shall be notified that he or she may file written objections with the State Chancellor within five (5) days of receipt of the copy of the request for extension.

D. The State Chancellor may grant a request for the extension unless the delay would be prejudicial to the investigation. If the State Chancellor grants an extension of the 90-day deadline described in Section 12, the 150-day deadline described in Section 14 will be extended by an equal amount.

E. If the District fails to comply with the deadline requirements spelled out in Sections 12 and 14 and/or fails to respond after an extension has been granted pursuant to this section, the Chancellor may proceed with a review of the case per Section 16 below.

16. Second Level of Investigation and Response

For Complainants and the Responsible District Officer:

A. Once the State Chancellor receives an appeal from a Complainant regarding the District's response to a complaint, the State Chancellor shall review the appeal to determine if there is reasonable cause to believe that the District has violated the provisions of Title 5.

1) Failure of the Complainant to file an appeal shall not preclude the State Chancellor from finding reasonable cause to believe that the District has violated Title 5 if such a finding is appropriate.

2) If upon a review of the materials submitted by the Complainant during the appeal process the State Chancellor finds new issues or facts have been raised by the Complainant that were not previously known by the District, the State Chancellor will provide the District reasonable opportunity to respond to the new issues or facts raised by the Complainant.

3) If the State Chancellor finds that there is no reasonable cause to believe that a violation has occurred, the State Chancellor shall immediately notify both the Complainant and the District.

4) If the State Chancellor finds that there is reasonable cause to believe that a violation has occurred, the State Chancellor shall investigate to determine whether there is probable cause to believe a violation has occurred. Within one hundred twenty (120) days of initiating the investigation, the State Chancellor must take one of the following actions:

a. If the State Chancellor finds that there is probable cause to believe that the District violated the provisions of Title 5, the State Chancellor shall notify the District and the Complainant of such a finding. In response, the District can:

i. Acquiesce to the finding prior to the State Chancellor filing an accusation against the District.

ii. Respond that it does not acquiesce to the finding. If the District responds in this manner, the State Chancellor shall initiate the hearing process pursuant to chapter 5 (commencing with section 11500) of California Government Code part 1, division 3, title 2 to determine whether a violation occurred.

b. If the State Chancellor finds that there is no probable cause to believe that the District violated the provisions of Title 5, the State Chancellor shall notify the District and the Complainant that there is no probable cause to believe the District has violated the provisions of Title 5.

B. If it is determined that the District violated the provisions of Title 5, the State Chancellor may use any means authorized by law to effect compliance, including:

1) Withholding all or part of the State's support to the District, including state general apportionment and/or growth funding.

2) Make the District eligible for future state support conditional on compliance with specified conditions.

3) Pursue a court order compelling the District to comply with Title 5.

Note: No decision to curtail state funding to a district pursuant to this process can be made until the State Chancellor determines that compliance cannot be secured by voluntary means. In addition, any decision made by the State Chancellor pursuant to this procedure is subject to judicial review by the District, as provided in California Code of Civil Procedure section 1094.5.

Attachments:

- 1) **Flowchart of Harassment and Discrimination Complaint Process for VCCCD**
- 2) **Sexual Harassment/Discrimination Complaint Form**

[Attachments to AP 3430 \(6.2.10\).pdf \(73 KB\)](#)



Book VCCCD Administrative Procedure Manual
Section Chapter 5 Student Services
Title AP 5050 STUDENT SUCCESS AND SUPPORT PROGRAM
Number AP 5050
Status Active
Legal [California Education Code, Section 76001](#)
[California Education Code Sections 78210 et seq.](#)
[Title 5, Section 54600](#)
[Title 5, Section 55003](#)
[Title 5, Section 55023](#)
[Title 5, Section 55031](#)
[Title 5 Section 55500 et seq.](#)
[Title 5, Section 55520](#)
[Title 5, Section 55521](#)
[Title 5, Section 55522](#)
[Title 5, Section 56000](#)
[Title 5, Section 56200](#)
[Title 5, Section 58108](#)
[Title 5, Section 58612](#)
[Title 5, Section 59300](#)
[Title 5, Section 59327](#)

Adopted April 14, 2009
Last Reviewed September 9, 2014

The Student Success and Support Program (3SP) in the Ventura County Community College District recognize that student success is the responsibility of the District's three colleges and its students. The program creates a framework for the provision of core matriculation services, including orientation, assessment and placement, and counseling/advising/educational planning services that are intended to increase student access and academic success. 3SP services also include the provision of intervention and follow-up services to academically at-risk students such as those that are on academic or progress probation, or are otherwise identified as at-risk

AP 5050_1.14.16 revision from Registrars and with edits made during the meeting

students.

College and District Responsibilities

The District and its colleges shall develop processes to ensure that information regarding its matriculation policies under the Student Success and Support Program are accessible and available to all students during or prior to enrollment, and are included in class schedules, catalogs or other appropriate communications describing student rights and responsibilities under the 3SP. The colleges shall make reasonable effort to avoid duplication of services that are funded through the 3SP or funded through other programs.

Each of the District's colleges shall develop internal processes for the delivery of 3SP services to students. Appropriate college and District staff shall collaborate in the development of such processes to ensure accurate data collection and MIS reporting. No 3SP process will subject a person to unlawful discrimination as prohibited by subchapter 5 (commencing with section 59300) of chapter 10. Failure of a nonexempt student to meet the requirements of the 3SP may result in a hold placed on registration or loss of registration priority.

At a minimum the colleges and District shall provide students, as mandated and except as exempted, with the following 3SP services:

- a) Orientation (via online or in-person delivery modes or a combination thereof);
- b) Assessment through placement tests, evaluation of external course work, evaluation of other colleges' assessment test scores, evaluation of other types of test instruments and scores, and other multiple measures;
- c) Counseling, advising and/or other educational planning service culminating in the development of an abbreviated and/or comprehensive student educational plan, identification of the student's educational goal, and course of study;
- d) Follow-up services to at-risk students;
- e) Referral of students to appropriate support services including but not limited to financial aid, support services for foster youth and military veterans, tutorial or other instructional support services, campus child care services, EOPS and/or DSPS programs and services; and to appropriate curriculum offerings that may be available including, but not limited to basic skills, ESL and noncredit instructional programs.

Orientation (Title 5, section 55521)

Each college shall provide students with information on a timely basis, as determined by the college, regarding policies, procedures, and information including, but not limited to:

- 1) Academic expectations and progress and probation standards pursuant to section 55031;
- 2) Maintaining registration priority pursuant to section 58108;
- 3) Prerequisite or corequisite challenge process pursuant to section 55003;
- 4) Maintaining Board of Governors Fee Waiver eligibility pursuant to section 58612;
- 5) Description of available programs, support services, financial aid assistance, and campus facilities, and how they can be accessed;
- 6) Academic calendar and important timelines;
- 7) Registration and college fees;
- 8) Available education planning services;
- 9) Other issues, policies, and procedures the college determines as necessary to provide a comprehensive orientation to students.

Assessment (Title 5, section 55522)

Each college will provide assessment and placement services using multiple measures that include, but are not limited to:

- 1) Assessment test instruments for use in placing students in English, mathematics or English as a Second Language (ESL) courses that are approved by the California Community Colleges Chancellor's Office and appropriately validated for the college;
- 2) Self-assessment instruments;
- 3) Evaluation of college coursework, assessment scores and placement recommendations from other colleges and universities;
- 4) Evaluation of other test scores including but not limited to AP, SAT, IB tests and EAP results.

No assessment test process shall be used in a manner or for a purpose other than that for which it was developed or has been otherwise validated; assessments tests including the TOEFL, in conjunction with multiple measures may be used to determine the admission of minors as special part-time or full-time students, and of international students. No assessment test, method, or procedure shall be used to exclude students from any particular course or educational program, except that districts may establish appropriate prerequisites pursuant to sections 55002 and 55003.

The colleges may use an assessment test to select students for its nursing program, provided that:

- 1) They comply with all other provisions of this subchapter;
- 2) The assessment test or other measures are used in conjunction with other assessment tests, methods, or procedures to select students for enrollment in the nursing program; and
- 3) The Chancellor has determined that the assessment test predicts likelihood of success in nursing programs has approved use of the assessment test for that purpose and has established statewide proficiency cut-off scores for that test pursuant to Education Code section 78261.

Counseling, Advising, and Other Educational Planning Services

Each college shall provide counseling, advising and educational planning services which include, but are not limited to:

- 1) Assistance to students in the identification of an education and career goal and course of study, including, but not limited to, preparation for transfer, associate degrees, and career technical education certificates and licenses;
- 2) The provision of information, guided by sound counseling principles and practices, using a broad array of delivery, including technology-based strategies, to serve a continuum of student needs and abilities to enable students to make informed choices;
- 3) Guidance and assistance in the development of an education plan to accomplish a course of study related to a student's education and career goals;
- 4) Assistance to students in the exploration of education and career interests and aptitudes.

Each college shall make a reasonable effort to do all of the following:

- 1) Ensure that all nonexempt students who are on academic or progress probation or facing dismissal participate in counseling as provided in section 55023;
- 2) Ensure that all nonexempt students who do not have a course of study participate in counseling, advising, or other education planning services to assist them in the process of selecting an educational goal and course of study pursuant to section 55520;

- 3) Ensure that all nonexempt students who are enrolled in non-degree-applicable basic skills courses participate in counseling, advising, or other education planning services.

Notifications: Requirements of the Student Success and Support Program and Loss of Eligibility for the Board of Governors' Fee Waiver

The District and its colleges notify students who are at risk of losing their enrollment priority due to their academic standing or due to exceeding the maximum unit limit as established under Board Policy and Administrative Procedure 5055. ~~The District and its colleges will, beginning spring 2015, notify students~~ Students will be notified about the requirements of the Student Success and Support Program including notifying students who are at risk of losing Board of Governors Fee Waiver eligibility due to their being placed on academic or progress probation for two consecutive terms. Students will be notified of their status no later than thirty days following the end of the term that resulted in the student being placed on academic or progress probation.

The colleges will ensure that, within a reasonable time of receiving such notice, students shall have the opportunity to receive appropriate counseling, advising, or other educational planning services in order to provide students with an opportunity to maintain enrollment priority and fee waiver eligibility.

Appeals for the reinstatement of enrollment priority and the Board of Governor's Fee Waiver are initiated by students with the college Counseling office.

- Reinstatement decisions for the Board of Governor's Fee Waiver may be handled at each college through a committee process or by individual Counselors. The reinstatement decision for the Board of Governor's Fee Waiver is determined at each college. The reinstatement approval is based on verifiable evidence of extenuating circumstances, untimely accommodation for disabled students that applied for but did not receive accommodation, academic and/or progress improvement, economic situation, inability to obtain essential support services, no enrollment and special consideration factors for CaWORKs, DSPS (EAC/ACCESS), EOPS and Veterans. Foster Youth and Former Foster Youth (up to 24 years of age) are not subject to the loss of fee waiver under the regulations.

Student Education Plan

Each college shall provide students with an opportunity to develop student education plans that are either:

- 1) Abbreviated. Abbreviated student education plans are one to two terms in length, designed to meet the immediate needs of entering students and those for whom a comprehensive plan is not appropriate; or
- 2) Comprehensive. The comprehensive student education plan is tailored to meet the individual needs and interests of the student and may include other elements to satisfy participation requirements for programs such as EOPS, DSPS, CaWORKS, veterans' education benefits, athletics. It will address a student's education goal and program of study requirements, applicable course prerequisites or co-requisites, assessment for placement results, potential transfer institutions, the need for basic skills, and the need for referral to other support and instructional services as appropriate; and will include the steps the student needs to take on their educational path to complete their identified course of study. The planning process will take into account a student's interests, skills, and career goals.

Each college shall develop processes to ensure that all continuing, nonexempt students have

selected an educational goal, program of study and have developed a comprehensive student educational plan once they have completed 15 units of degree-applicable college coursework.

The District and its colleges will ensure that comprehensive educational plans are accessible and recorded in electronic form, and will make a reasonable effort to not duplicate educational planning processes for students participating in special programs.

If a student believes the District or college has failed to make good faith efforts to develop a plan, has failed to provide programs and services specified in the student education plan, or has otherwise violated the requirements of this section, the student may file a complaint pursuant to section 55534(a). See the section on Violations and Appeals further down in this document for complaint procedures.

Accommodations

a) Student Success and Support Program services for students with disabilities shall be appropriate to their needs, and colleges shall, where necessary, make modifications to the services provided or use alternative tests, methods, or procedures to accommodate the needs of such students. Colleges may require students requesting such accommodations to provide proof of need. Disabled Students Programs and Services (DSPS) is authorized consistent with the provisions of subchapter 1 (commencing with section 55600) to provide specialized services and modified or alternative services as identified in section 55520. Notwithstanding this authorization, participation in the DSPS program is voluntary and no student may be denied necessary accommodations in the assessment process because he or she chooses not to use specialized matriculation services provided by these programs.

b) Student Success and Support Program services for students served by the Extended Opportunity Programs and Services (EOPS) who are disadvantaged by economic, social, and educational status shall be appropriate to their needs, and colleges shall, where necessary, make modification to the services provided or use alternative supports to meet the needs of such students. EOPS is authorized, consistent with the provisions of subchapter 2.5 (commencing with section 56200) of chapter 7 to provide services that are over, above, and in addition to services otherwise provided to all credit-enrolled students. Notwithstanding this authorization, participation in the EOPS program is voluntary and no student may be denied necessary supports because he or she chooses to not use specialized services provided by this program.

c) Colleges shall ensure that Student Success and Support Program services are accessible for English language learners and are appropriate to their needs. Colleges shall, where necessary, make modifications to the services provided to accommodate the needs of such students. Modified or alternative services for limited or non-English speaking students may be provided in English as a Second Language programs.

Student Responsibilities, Exemptions, and Appeals Student Responsibilities

a) All students shall be required to:

- 1) identify an education and career goal;
- 2) diligently engage in course activities and complete assigned coursework; and
- 3) complete courses and maintain progress toward an education goal and completing a course of study.

b) Nonexempt first time students shall, within a reasonable period of time, be required to:

- 1) identify a course of study;
- 2) be assessed to determine appropriate course placement;
- 3) complete an orientation activity provided by the college;

c) Participate in counseling, advising, or another education planning service pursuant to section 55523 to develop, at a minimum, an abbreviated student education plan.

d) For the purposes of this section, a first time student is a student who enrolls at the college for the first time, excluding students who transferred from another institution of higher education. For purposes of this section, first time enrollment does not include concurrent enrollment during high school. To the extent that a college has the capacity to require and provide the services identified in (b)(1) through (4) to other students, nothing in this section would preclude a college from doing so.

e) Nonexempt students who have completed the services identified in (b)(1) through (4) shall be required to complete a comprehensive education plan after completing 15 semester units of degree applicable credit course work or prior to the end of the 3rd semester.

f) Failure to fulfill the required services listed in (b) may result in a hold on a student's registration or loss of registration priority pursuant to section 58108 until the services have been completed.

g) Information obtained from the matriculation process shall be considered student records and shall be subject to the requirements of subchapter 6 (commencing with section 54600) of chapter 5.

Exemptions

Students may opt to exempt themselves from orientation, assessment, counseling, advising, or education plan development services if they meet one or more of the following criteria:

- 1) has completed an associate degree or higher;
- 2) has enrolled at the college solely to take a course that is legally mandated for employment as defined in section 55000 or necessary in response to a significant change in industry or licensure standards;
- 3) has enrolled at the college as a special part-time or full-time admit student pursuant to Education Code section 76001.

Exempt students shall be notified that they may participate in those services.

Students who opt to exempt themselves from one or more of the services shall be advised that they will not receive priority registration that is granted to students who complete all of the services.

Violations and Appeals

The District and its colleges shall notify students of their right to challenge any alleged violation of the provisions of this administrative procedure, and the steps required to do so.

- 1) Challenges and complaints relative to this administrative procedure shall be submitted pursuant to the requirements of the District Student Grievance Process.
- 2) If a challenge contains an allegation that a college or the District has violated the provisions of

Title 5, section 55522(2), the District shall, upon completion of the challenge procedure established herein, advise the student that he or she may file a formal complaint of unlawful discrimination pursuant to subchapter 5 (commencing with section 59300) of chapter 10. Completion of the challenge procedure shall be deemed to be an effort at information resolution of the complaint under section 59327.

Book	Administrative Procedures
Section	Chapter Five, Student Services
Title	Attendance
Number	AP_ 5070
Status	PROPOSED
Legal	Title 5 Sections 55044, 58000 et seq

AP 5070 Attendance

This procedure implements Board Policy 5070, as well as section 70901.5 of the California Education Code and section 58000 et seq of Title 5, California Code of Regulations to ensure accurate Attendance Accounting practices.

A. The District shall develop and adopt an academic calendar annually.

1. The calendar shall contain at least 175 days during the fiscal year, shall identify and include holidays and other non-instructional days.
2. The calendar will include at least 32 weeks.
3. Adult or continuing education calendars may be scheduled differently than the college calendar due to facility use and program need.
4. Class hours will be scheduled in accordance with State regulations, regardless of the number of weeks in the session.

B. The District shall schedule classes in accordance with State regulations including observance of the following attendance accounting methods and requirements.

1. Census Week – credit classes that meet on a regular basis each week for a full semester (primary term); applicable only to fall and spring semesters. The enrollment count is taken on the Census date as determined by attendance accounting requirements.
2. Census Day – short-term credit classes which meet on a regular basis for at least 5 days but do not meet for a full semester (primary term). This includes classes held during summer sessions and Intersession. The enrollment count is taken on the census day which is 20% of the class meeting days, excluding holidays.
3. Positive Attendance – classes which do not meet on a regular basis or which operate on an open entry/open exit basis. Requires the collection and reporting of the actual hours of attendance of each student. The following classes are always positive attendance: in-service academy, non-credit, and apprenticeship.
4. Independent Study or Work Experience – classes which are identified as independent study or work experience during the curriculum approval process.

C. FTES reporting

1. All scheduled classes shall be advertised and open to the public unless special circumstances provide for an allowable restriction of enrollment in accordance with state regulation.
2. In-service training courses in the areas of police, fire, corrections, and other criminal justice system

occupations will conform to all apportionment attendance and course of study requirements imposed by law, and be fully open to the enrollment and participation of the public. Prerequisites for these courses shall not be established or construed so as to prevent academically qualified persons who are not employed by agencies in the criminal justice system from enrolling in and attending the courses.

a. Preference in enrollment may be given to persons who are employed by, or serving in a voluntary capacity with a fire protection or fire prevention agency in any course of in-service fire prevention agency or association.

b. In-service training courses which are restricted to employees of police, fire, corrections, and other criminal justice agencies, shall not report attendance for the restricted courses for purposes of state funding.

3. Scheduled classes where the full cost of instruction is paid by an organization, ~~or~~ agency or third party may not be claimed for apportionment.

D. Faculty shall maintain accurate attendance records.

1. Faculty shall take and record attendance at each regularly scheduled class meeting up to the census date for census week based (full-semester length) and census day based (short-term) classes.

~~2. Faculty shall record the actual attendance hours of each student for each class meeting for positive attendance classes. The records must be in a legible manner that can be clearly interpreted by others. The attendance records must be submitted to the division office and/or the Admissions and Records Office.~~

~~3. Where a class has both scheduled meeting times and positive attendance hours hours by arrangement, faculty shall record the attendance hours of each student for both the scheduled meeting times and the positive attendance hours hours by arrangement, and shall document the instructional activities that take place during the positive attendance hours by arrangement.~~

~~2.~~ Any student absent from the first class meeting may be dropped by the instructor.

~~3.~~ All rosters must be cleared of inactive enrollment (drop students) as of the ~~end of the business day~~ census deadline, which is the day before the census date (full semester classes) or census day (short-term classes). Inactive enrollment is defined as:

a. "No shows" or

b. "Is no longer attending or actively participating" such as students who have accumulated excessive unexcused absences.

~~4.~~ Instructors of distance education classes, especially those that are 100% online, must incorporate drop policies into their syllabus that include the following:

- Students enrolled in online classes must meet a standard of participation to be considered actively enrolled by regularly logging in and actively participating in the course, or they may be considered inactive and may thus be dropped by the instructor.
- Specific assignments within an online course can act as attendance or student activity indicators. If the assignment or activity is not completed by a given date, then a student may be considered inactive and may be dropped. Attendance assignments or student activity indicators will be determined by individual instructors.

~~5.~~ Faculty may include a statement in the course syllabus to the effect that it is the student's responsibility to drop or withdraw from the class; however, this does not alleviate the faculty member from the requirement to clear his/her roster of inactive enrollments ~~before the census day/date~~ as of the census deadline of each course.

~~6.~~ Faculty may, but are not required to drop students for lack of attendance or participation after the census date deadline and are not required to notify the student after having provided every student access to the drop policy in the course syllabus. After the census date, it is the instructor's discretion to drop students who have accumulated excessive absences as stated in the course syllabus.

~~7.~~ Tardiness and/or leaving class early may be treated in the same manner as absences per the class

syllabus.

8. Final grades may be affected by attendance to the extent that the instructor has included attendance, noted as participation, in the "method by which the final grade is determined," and has provided this information in the class syllabus.

9. Faculty may excuse absences when the absence results from illness, accident, other circumstances beyond the student's control, or participation in authorized professional or college activities.

10. Faculty will determine if work missed during any absence can be made up.

11. All drops (administrative, instructor or student initiated) shall be recorded in the same manner.

12. Students remaining in a class beyond the published withdrawal deadline as stated in the class schedule will receive an evaluative grade.

13. Faculty will be required to enter the last date of ~~known activity attendance and/or participation~~ for all students ~~enrolled in specified Federal programs~~ who receive F or NP grades.

E. Positive Attendance Courses

1. Faculty shall record the actual attendance hours of each student for each class meeting for positive attendance classes. The records must be in a legible manner that can be clearly interpreted by others. The attendance records must be submitted to the division office and/or the Admissions and Records Office.

2. Where a class has both scheduled meeting times and hours by arrangement, faculty shall record the attendance hours of each student for both the scheduled meeting times and the hours by arrangement, and shall document the instructional activities that take place during the hours by arrangement.

F. Variable (Open-Entry/Open-Exit) Courses

Students may enroll multiple times in variable unit open-entry/open-exit courses meeting the requirements of section 58164. The enrollments are limited to the number of times necessary for the student to complete the entire curriculum of the course one time as described in the corresponding course outline of record.

Except in four circumstances, a student may not enroll more than one time (repeat) in each portion of a course offered for variable unit on an open-entry/open exit basis. (§ 55044(a).) The four circumstances in which a student may repeat a portion of the course are as follows:

- the course is required for legally mandated training,
- the course is a special class for students with disabilities,
- extenuating circumstances, or
- alleviation of substandard work.

Active participatory courses in physical education, visual arts, and performing arts are not permitted to be repeated pursuant to this section even if they are offered on a variable unit open-entry/open-exit basis.