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**District Technical Review Workgroup**  
**Student Services – DTRW-SS**  
**AGENDA**

**September 18, 2014 – DAC Lakin Boardroom**  
**3:00 p.m. – 4:30 p.m.**

- Approval of April 24, 2014 Meeting Notes

**Old Business**

- BP/AP 5500 Standards of Conduct – pulled from 9.09.14 Board Meeting and sent back to DTRW-SS for further review (Steve Blum, Trustee, provided a new draft for review by the workgroup – included in agenda packet.) This item will return to the Board Agenda after review and changes.
- BP/AP 5520 Discipline Procedure – pulled from 9.09.14 Board Meeting to DTRW-SS for further review. Notes from Board Meeting: On AP, the Hearing Panel can request legal assistance, however, in AP 5530 Student Rights and Grievances (included in the agenda packet), parties can be represented by single advisor, but not a licensed attorney. Trustee Blum seeking consistency/fairness. This item will return to the Board Agenda after review and changes.
- BP/AP 5300 Student Equity – Scott Lay, Community College League of California, indicated the revised CCLC versions will be online April 2014. This will return to the fall DTRW-SS meeting. There are no new versions on the CCLC Policy/Procedure website as of 9.16.14

**New Business**

- DTRW-SS – selection of Co-Chair – Lori Bennett
- DTRW-SS Calendar – Lori Bennett and Workgroup
- BP/AP Status Update – Clare Geisen
- Student Organization Advisors – Catalog Edit – Pat Ewins
- BP/AP 5010 Admissions and Concurrent Enrollment – Registrars (SB 141 & SB 150)
- BP/AP 5015 Residence Determination – Registrars
- BP/AP 5020 Non Residence Determination – Registrars
- BP/AP Distance Education - Develop New Policy/Procedure – Mary Rees
- Drop Fee Period – Patrick Jefferson – currently under review by DOC/ATAC per Cabinet
- Ticketing during first week of classes – Patrick Jefferson – currently under review by DOC/ATAC per Cabinet
- Parking and Online Services – Patrick Jefferson – currently under review by DOC/ATAC per Cabinet
- Basic Skills Course – Discussion/Patrick Jefferson
- Last Date of Attendance (LDA) Before Census – Dave Anter/Registrars



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**Business on Hold or Under Review by Other Workgroups:**

- BP/AP 4050 Articulation (Articulation Officers) – approved by DTRW-SS 3.27.14, moved forward to 4.14.14 Chancellor’s Cabinet, returned by Chancellor’s Cabinet to 4.24.14 DTRW-I to clarify questions regarding administrative procedure – returned to 9.18.14 DTRW-I meeting
- AP 4100 Graduation Requirements for Degrees and Certificates – on hold as this item is under review at State Chancellor’s office as of April 2014.
- BP/AP 5030 Student Activity Fee (Student Services) This item was returned (2.27.14 DTRW-SS) to the campuses for further vetting, support, and to obtain clarification regarding IT issues. Dr. Engelsen requested Ventura College ASG students to visit Oxnard College to provide an overview of the proposal.

Next Meeting Date: October 9, 2014 – 1 pm – DAC Lakin Boardroom  
Submission deadline: October 3, 2014

Ventura County Community College District

**District Technical Review Workgroup – DTRW-SS Meeting Notes**

April 24, 2014 – DAC Lakin Boardroom

3:00 p.m. – 4:30 p.m.

**DRAFT PRIOR TO APPROVAL OF MEETING NOTES AT 9.18.14 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), Patrick Jefferson (VC)  
 Academic Senate Presidents: Linda Kama’ila (OC), Mary Rees (MC), Peter Sezzi on behalf of 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:**

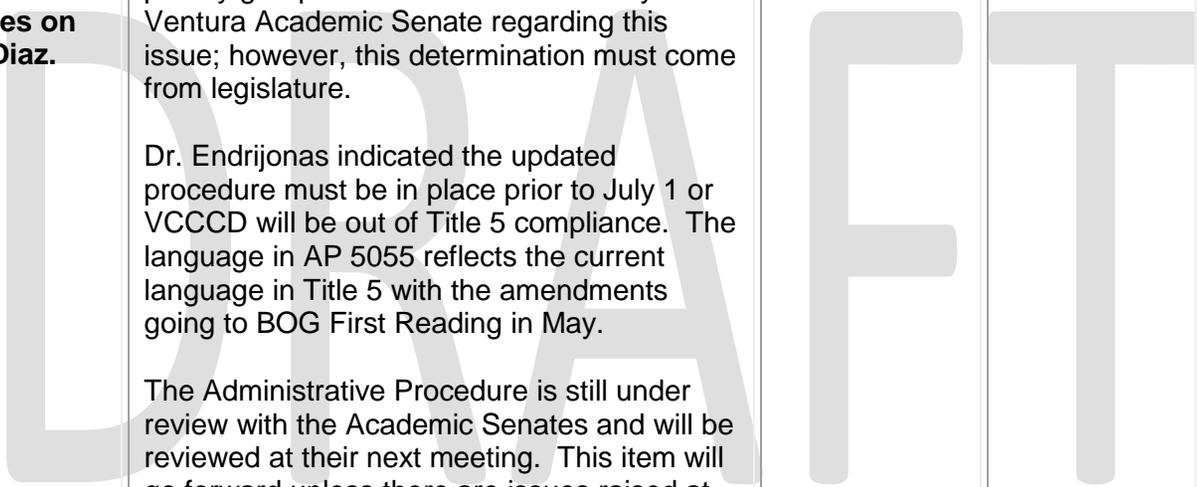
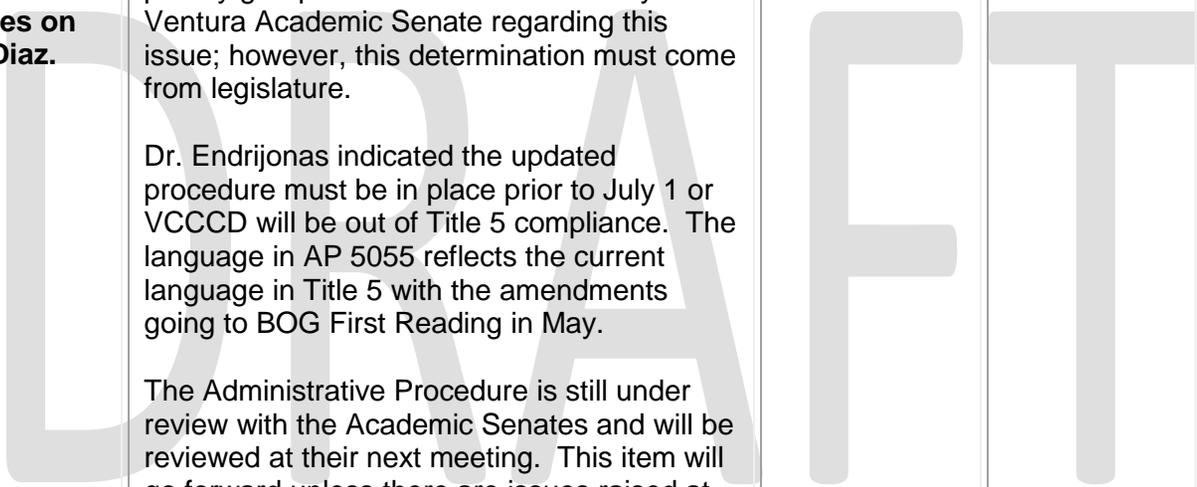
Clare Geisen, Pam Kennedy Luna

**Recorder:**

Laurie Nelson-Nusser

**Notes:**

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
<b>Welcome and Approval of March 27, 2014 Meeting Notes</b>	Dr. Endrijonas welcomed everyone to DTRW-SS. The meeting commenced at 3:02 pm.  The March 27, 2014 meeting notes were approved as presented.			
<b>OLD BUSINESS</b>				
<b>BP/AP 5020 Non Resident Tuition – wrong version of BP 5020 was presented at 3.27.14 DTRW-SS meeting</b>	BP 5020 Non Resident Tuition was approved as presented. This item will move forward to Cabinet, Policy in May and to the full Board for approval in June.			

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
<b>BP/AP 5050</b> <b><u>MATRICULATION</u></b> <b><u>Student Success and Support Program</u></b>	<p>Academic Senates will review and will notify Ms. Nusser if there are any issues resulting from their meetings and will go forward to Cabinet, Policy in May and to the full Board for approval in June.</p>			
<b>BP/AP 5055 Enrollment Priorities – A newer AP revision was sent to the Academic Senates on 4.14.14 by Joel Diaz.</b>	<p>There was discussion regarding equality between DSPS and Foster Youth enrollment priority groups. Concern was voiced by the Ventura Academic Senate regarding this issue; however, this determination must come from legislature.</p> <p>Dr. Endrijonas indicated the updated procedure must be in place prior to July 1 or VCCCD will be out of Title 5 compliance. The language in AP 5055 reflects the current language in Title 5 with the amendments going to BOG First Reading in May.</p> <p>The Administrative Procedure is still under review with the Academic Senates and will be reviewed at their next meeting. This item will go forward unless there are issues raised at the Senate meetings.</p> <p>Student alerts have been going out via emails and letters, as well as posting on the websites, since spring 2013 regarding priority enrollment.</p>			
<b>BP/AP 5150 Extended Opportunity Programs and Services (EOPS) – no VCCCD AP/current BP in BoardDocs.</b> returned from 4.14.14 Chancellor’s Cabinet for	<p>This item was returned from Chancellor’s Cabinet on April 14 to the April 24 DTRW-SS meeting for clarification.</p> <p>Dr. Endrijonas will respond to Ms. Geisen with clarification and send BP/AP 5150 back through Cabinet for review.</p>			

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
clarification regarding AP 5150.	<p>The questions from Cabinet were as follows:</p> <ul style="list-style-type: none"> <li>○ Does this follow Ed Code? For example, language stating, “programs and services that are over, above and in addition to .....”</li> <li>○ Also, in terms of the list -- are these requirements? Bullet points need explanation/clarification/expectation.</li> </ul>			
<b>BP/AP 5500 Standards of Conduct – no AP in BoardDocs</b>	<p>Mr. Sandford provided a handout at the meeting of a proposed preamble to AP 5500 Standards of Conduct. The workgroup reviewed the preamble and came to agreement on the verbiage. Changes were made to the preamble during the meeting and the revised version will be sent to Ms. Nusser for inclusion on the Chancellor’s Cabinet agenda for Monday, April 28.</p> <p>The Ventura Academic Senate will review the preamble at their next meeting (May 1) and will go forward if there are no issues. Dr. Endrijonas stated it is imperative this item goes forward in April, Policy Committee in May, and to the June Board Meeting for catalog deadline purposes.</p>			
<b>BP/AP 5520 Discipline Procedure – no BP in BoardDocs</b>	<p>The Ventura Academic Senate will review this at their next meeting and will go forward to Cabinet if there are no issues. Dr. Endrijonas stated it is imperative this item goes forward in April, Policy Committee in May, and to the June Board Meeting for catalog deadline purposes.</p>			
<b>BP/AP 5530 Student Rights and Grievances – no BP in BoardDocs</b>	<p>The Ventura Academic Senate will review this at their next meeting and will go forward to Cabinet if there are no issues. Dr. Endrijonas stated it is imperative this item goes forward in April, Policy Committee in May, and to the</p>			

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
	June Board Meeting for catalog deadline purposes.			
<b>BP/AP 5300 Student Equity</b>	Dr. Endrijonas mentioned that Scott Lay, Community College League of California, indicated the revised CCLC versions will be online in April. This will return to the fall DTRW-SS meeting.			
<b>NEW BUSINESS</b>				
<b>DTRW-SS Annual Survey</b>	The annual DTRW-SS Self-Appraisal Survey was reviewed by the workgroup. As a result of the findings, the meetings will move to the 2 <sup>nd</sup> Thursday of each month starting in September 2014. The group was in agreement. Ms. Nusser will send out new meeting invitations for the 2014-15 academic year.			
<b>Implementation of Senate Bill 150 (Correa) and Senate Bill 141 (Lara) regarding nonresident tuition - Registrars</b>	<p>Mr. Diaz advocated SB 150, which permits a district to exempt nonresident special part-time students from paying nonresident tuition. VCCCD currently exempts concurrently enrolled students from nonresident tuition if they are taking the course for high school credit only. When a student elects to receive high school credit only, they cannot use the course for college credit. If the student wants college credit, they must pay the nonresident tuition. Implementing this bill would allow certain student to also receive college credit and be exempt from nonresident tuition.</p> <p>The workgroup was in agreement to implement SB 150 and incorporate it into the policy and procedure (BP/AP 5020).</p> <p>SB 141 requires colleges to exempt US citizens who reside in a foreign country from</p>			

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
	<p>paying nonresident tuition if they meet certain requirements. When a student is exempt for nonresident tuition for this purpose, apportionment can be claimed.</p> <p>Some of the administrative procedures will require updating to include this exemption.</p> <p>Discussion ensued and was approved by the workgroup.</p> <p>The Registrars will review the applicable policies and procedures to make the necessary adjustments regarding both Bills and drafts will be brought to the fall meeting in September.</p>			
<p><b>Tracking of BP/AP on hold or under review by other workgroups - march</b></p>	<ul style="list-style-type: none"> <li>• BP/AP 4050 Articulation (Articulation Officers) – approved by DTRW-I on 3.27.14, moved forward to 4.14.14 Chancellor’s Cabinet, returned by Chancellor’s Cabinet to 4.24.14 DTRW-I to clarify questions regarding administrative procedure</li> <li>• AP 4100 Graduation Requirements for Degrees and Certificates – on hold as this item is under review at State Chancellor’s office.</li> <li>• 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 12.05.13, 1.23.14, 2.27.14; 3.27.14; 4.24.14. Reviewed in Cabinet 4.14.14. Moving forward to Policy Committee in May.</li> <li>• BP/AP 5030 Student Activity Fee (Student</li> </ul>			

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
	<p>Services) This item was returned (2.27.14 DTRW-SS) to the campuses for further vetting, support, and to obtain clarification regarding IT issues. Dr. Engelsen requested Ventura College ASG students to visit Oxnard College to provide an overview of the proposal. 4.24.14: Dr. Engelsen indicated the Ventura College ASG students came to Oxnard College and students requested more time for review. Dr. Carrasco-Nungaray indicated the VC Counselor group voiced the student activity fee should not be charged or required for off campus students – is it legal? The remote fee of \$3.00 has been removed as of summer session. BP/AP 5030 will return to the group in the fall.</p> <ul style="list-style-type: none"> <li>• BP/AP 5300 Student Equity – Scott Lay, Community College League of California, indicated the revised CCLC versions will be online April 2014. This will return to the fall DTRW-SS meeting.</li> </ul>			
<b>Chair/Co-Chair for fall</b>	Dr. Moore, Chancellor, requested DTRW-SS volunteers for Chair and Co-Chair for the 2014-15 academic year and indicated interested individuals should contact her via email.			
<b>NEXT MEETING</b>	Thursday, September 11, 2014 – 3:00 p.m. – DAC Lakin Boardroom			

DTRW-SS

September 18, 2014

BP/AP 5500, 5520, 5530

Steve Blum's Version - Items 9 & 10 were moved in the order and statement added

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 January 2014

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 at the District, on the college campus or during off-campus college-sponsored activities are subject to the procedures outlined in Administrative Procedures 55200:

Student Discipline Procedures:

1. Causing, attempting to cause, or threatening to cause physical injury to another person or to one's self or **any other unlawful use of force or fear.**
9. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact, verbal assaults, such as teasing or name-calling, social isolation or manipulation, and cyber-bullying.
10. 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.
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 or designee.
3. Use, possession, 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. (Use or possession of medical marijuana is not allowed on any college property.)
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 (including e-cigarettes or use of similar mechanisms) in any area where smoking has been prohibited by law or by regulation of the college or the District.
11. Obstruction or disruption of classes, administrative or disciplinary procedures, or authorized college activities.
12. Disruptive behavior, willful disobedience, profanity, vulgarity, lewd, or other offensive conduct, on campus or during campus sponsored activities.
13. The persistent defiance of authority or abuse of District/college personnel.
14. Academic dishonesty, cheating, or plagiarism.
15. Dishonesty, 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.
16. Unauthorized entry to or use of District/college facilities.
17. Engaging in expression which is obscene, libelous, or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on college/District premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District
18. 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.
19. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
20. Unauthorized preparation, giving, selling, transfer, distribution, or publication of any recording or photography 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.
21. 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.



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	<del>March 11, 2010</del> <a href="#">January 2014</a>

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 at the District, on the college campus or ~~at on or during~~ off-campus college-sponsored activities are subject to the procedures outlined in Administrative Procedures 55200: 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 or designee.
3. Use, possession, 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. (Use or possession of medical marijuana is not allowed on any college property.)
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 (including e-cigarettes or use of similar mechanisms) in any area where

DTRW-SS review 1.23.14, 2.27.14, 4.24.14

Policy Committee 5.14.14, 8.20.14

Pulled from Board Agenda 6.17.14

Policy Committee 8.20.14

Pulled from Board Agenda 9.09.14

DTRW-SS 9.18.14

smoking has been prohibited by law or by regulation of the college or the District.

9. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact, verbal assaults, such as teasing or name-calling, social isolation or manipulation, and cyber-bullying.
10. 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.-
11. Obstruction or disruption of classes, administrative or disciplinary procedures, or authorized college activities.
12. Disruptive behavior, willful disobedience, profanity, vulgarity, lewd, or other offensive conduct, on campus or during campus sponsored activities.
13. The persistent defiance of authority or abuse of District/college personnel.
14. Academic dishonesty, cheating, or plagiarism.
15. Dishonesty, 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.
16. Unauthorized entry to or use of District/college facilities.
17. Engaging in expression which is obscene, libelous, or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on college/District premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District
18. Violation of District/college rules and regulations including those concerning student organizations, the use of District/college facilities, or the time, place, and manner (see AP ~~22223900~~) of public expression or distribution of materials.
19. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
20. Unauthorized preparation, giving, selling, transfer, distribution, or publication of any recording or photography 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.
21. 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.

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.~~

DTRW-SS review 1.23.14, 2.27.14, 4.24.14

Policy Committee 5.14.14, 8.20.14

Pulled from Board Agenda 6.17.14

Policy Committee 8.20.14  
Pulled from Board Agenda 9.09.14  
DTRW-SS 9.18.14

- ~~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.~~
- ~~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 review 1.23.14, 2.27.14, 4.24.14](#)  
[Policy Committee 5.14.14, 8.20.14](#)  
[Pulled from Board Agenda 6.17.14](#)

Policy Committee 8.20.14  
Pulled from Board Agenda 9.09.14  
DTRW-SS 9.18.14



Book	VCCCD Board Policy Manual
Section	Chapter 5 Student Services
Title	AP 5500 STANDARDS OF CONDUCT
Number	AP 5500
Status	Active
Legal	Education Code Section 66300 and 66301; Accreditation Standard II.A.7.b
Adopted	April 13, 2010
Last Reviewed	<del>March 11, 2010</del> <a href="#">January 2014</a>

The purpose of these standards is to ensure a safe, respectful and productive learning environment for VCCCD students, staff, faculty and administrators. In order for the colleges and the district to fulfill their mission of student learning achievement, all employees must feel secure in their work setting. Student conduct that negatively impacts the ability of students to meet their educational goals or employees to carry out their professional job responsibilities will be subject to the terms of this procedure.

[Definitions: The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student.](#)

~~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 at

the district office, on the college campus or during 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.

1.

~~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 or designee.

2.

~~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.

3.

~~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. (Use or possession of medical marijuana is not allowed on any college property.)

4.

~~5.~~ Committing or attempting to commit robbery or extortion.

5.

~~6.~~ Causing or attempting to cause damage to District property or to private property on campus.

6.

~~7.~~ Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.

7.

~~8.~~ Willful or persistent smoking (including e-cigarettes or use of similar mechanisms) in any area where smoking has been prohibited by law or by regulation of the college or the

~~District.~~

8. ~~9.~~ Engaging District.

9. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact, verbal assaults, such as

teasing or name-calling, social isolation or manipulation, and cyber-bullying.

10. 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.

~~10.~~ Obstruction or disruption of classes, administrative or disciplinary procedures, or authorized college activities.

11.

~~12. 11.~~ Disruptive behavior, willful disobedience, profanity, vulgarity, lewd, or other offensive conduct, ~~or the open and persistent defiance of the authority on campus or during campus sponsored activities of,~~ or

~~The persistent defiance of authority or persistent~~ abuse of, District/college personnel, ~~in performance of their duties.~~

13.

~~12.~~ Academic dishonesty, cheating, or plagiarism.

14.

~~13. Dishonesty, f~~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.

15.

~~16. 14.~~ Unauthorized entry to or use of District/college facilities.

Engaging in expression which is obscene, libelous, or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on college/District premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District

17.

~~18. 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 (see AP ????) of public expression or distribution of materials.

~~District/college facilities, or the time, place, and manner of public expression or distribution of materials.~~

19. 16. Persistent, serious misconduct where other means of correction have failed to

bring about proper conduct.

~~20. 17.~~ Unauthorized preparation, giving, selling, transfer, distribution, or publication of any recording or photography 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.

~~21. 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~~Board Policy 5500.



Book                    VCCCD Board Policy Manual  
Section                Chapter 5  
Title                    Student Services-Student Discipline Procedures  
Number                BP 5520  
Status                 Active  
Legal                  [Education Code Section 66300](#)  
                              [Education Code Section 72122](#)  
                              [Education Code Section 76030](#)

Adopted                PROPOSED

Last Reviewed

The Chancellor shall establish Student Disciplinary Procedures.

See Administrative Procedure AP 5520.

DTRW-SS review 1.23.14; 2.27.14; 3.27.14; 4.24.14  
Cabinet review 4.28.14  
Policy Committee 5.14.14  
Pulled from Board Agenda 6.17.14  
Policy Committee 8.20.14  
Pulled from Board Agenda 9.09.14  
DTRW-SS 9.18.14



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, <a href="#">66301</a> , 72122, 76030, <a href="#">76033</a> , <a href="#">76232</a>
Adopted	June 16, 2010
Last Reviewed	<del>June 9, 2010</del> <a href="#">January 2014</a>

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. ~~Days during which the District is in session and primary term classes are in session, excluding Saturdays and Sundays.~~

~~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 Board Policy 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 Faculty.** 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, ~~in writing,~~ 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~~ Student Code of 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 or verbal notice by the CSSO, or designee, 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, or designee, that the student has violated the ~~Standards of Student Conduct~~ Student Code of 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 more severe disciplinary sanctions. A reprimand is permanently retained in the college discipline files.

Temporary Removal from Class. Exclusion of the student by ~~an instructor~~ Faculty for good cause for the day of the removal and the next class meeting or activity. [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/programs, or from all classes and/or activities/programs of the college for up to the remainder of the semester and the following semester. A student suspended from all classes, and/or activities, and/or programs 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/Faculty 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/Faculty 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/Faculty may remove a student from his or her class for good cause for the day of the removal and the next class meeting or activity. The instructor/Faculty 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/Faculty regarding the removal prior to the day that the student is eligible to return to class. If the instructor/Faculty 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 or activity without the concurrence of the instructor/Faculty. 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. If the student is a minor, the college may contact the student's parent or guardian regarding any disciplinary referral. 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~~Student Code of Conduct or Education Code that the student is accused of violating;
- ~~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 10 ~~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 ~~5~~ days and must occur within 10 ~~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, (if requested) 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 CSSO's decision regarding a short term suspension shall be final.

~~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 7-10 days after the delivery of the notice, or within 7-10 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 7-10 days after the delivery of the notice, or within 7-10 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.

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.

## **Hearing Procedures for Long-term Suspension and Expulsion**

Request for Hearing. Within 7-5 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 7-5 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 204 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 1<sup>st</sup>, 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, or designee, 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, or designee, 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. If either party refuses to adhere to the instructons of the Hearing Panel Chair the right to the hearing will be deemed waived. 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 7-5 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 14-15 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 14-15 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.



Book                    VCCCD Administrative Procedure Manual

Section                Chapter 5 Student Services

Title                    BP 5530 STUDENT RIGHTS AND GRIEVANCES

Number                BP 5530

Status                 Active

Legal                  Title IX, Education Amendments of 1972; Education Code Section 76224(a) 66301; 76120

Adopted              PROPOSED

Last Reviewed

The Chancellor shall establish Student Rights and Grievance Procedures.

See Administrative Procedure AP 5530.



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), <a href="#">66301; 76120</a>
Adopted	June 16, 2010
Last Reviewed	<del>June 9, 2010</del> <a href="#">January 2014</a>

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

College Grievance Officer. The administrator in charge of student discipline and/or grievances, appointed by the College President, 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. Days during which the District is in session and primary term classes are in session, excluding Saturdays and Sundays.

~~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 290 days of the incident on which the grievance is based, or 290 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 and shall be shared with the Grievant.

### **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, or designee, 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, or designee, 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, or designee, 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 14-10 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 names of the Grievance Hearing Committee shall be forwarded to the Grievant and the Respondent. They will each have 5 days to exercise the right to a preemptory challenge of a single committee member. . After 5 days the right to challenge the committee composition will be deemed waived. Within 10 days of confirmation, tThe 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 57 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 7-5 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 made within 10 days and shall be final and not subject to further appeal.

If the statement of the grievance satisfies each of the requirements ~~t~~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 Sstudent 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 and written statements 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 shall have the right to be represented by a single advisor but not a licensed attorney. ~~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-Officer 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 with the Grievance Officer. The Grievance Officer shall assist with procedure but shall not be a voting member of the ~~These~~ committee. 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 204 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 204 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

September 18, 2014

DTRW-SS Calendar



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**DTRW-SS**  
**SUBMISSION DEADLINES AND MEETING DATES**  
**2014-2015**

All meetings are on the second Thursday of each month\*  
and start at 3:00 pm and end at 4:30 pm  
Location: DAC Lakin Boardroom

<b>SUBMISSION DEADLINE</b>	<b>MEETING DATE</b>
September 12, 2014	September 18, 2014
October 3, 2014	October 9, 2014
November 7, 2014	November 13, 2014
December 5, 2014	December 11, 2014
January 2, 2015	January 8, 2015
February 6, 2015	February 12, 2015
March 6, 2015	March 12, 2015
April 3, 2015	April 9, 2015

\*The September 11 meeting was rescheduled to September 18, 2014.

DTRW-SS

September 18, 2014

Student Advisors – Catalog Edit

## Laurie Nelson-Nusser

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**From:** Sharon Miller  
**Sent:** Thursday, September 11, 2014 1:31 PM  
**To:** Laurie Nelson-Nusser  
**Subject:** FW: follow-up - MC Catalog edit:: update/re: student orgs advisors

Greetings Laurie - did this item get placed on the DTRW-SS agenda? When is the next mtg. date/time/location?

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**From:** Patricia Ewins  
**Sent:** Friday, August 08, 2014 1:23 PM  
**To:** Laurie Nelson-Nusser  
**Cc:** Sharon Miller  
**Subject:** FW: follow-up - MC Catalog edit:: update/re: student orgs advisors

Laurie.... will you please add this to the DTRW-SS agenda?

Thanks,

*Pat*

Patricia Ewins  
Dean of Student Learning--Performing Arts & Student Life  
Moorpark College  
7075 Campus Drive, Moorpark, CA 93021  
805.378.1408

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**From:** Sharon Miller  
**Sent:** Wednesday, August 06, 2014 9:21 AM  
**To:** Patricia Ewins  
**Subject:** RE: follow-up - MC Catalog edit:: update/re: student orgs advisors

Want to get the college catalogs edited with this removed from the catalogs **“Institutional recognition shall not be withheld or withdrawn solely because of the inability of a student organization to secure an advisor.”**

It's under **Appendix IV - Rights and Responsibilities- Section B: Privileges of Student Organizations - item #B page # 259 of the new catalog -2014-2015.**

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**From:** Patricia Ewins  
**Sent:** Wednesday, June 11, 2014 12:44 PM  
**To:** Sharon Miller  
**Subject:** FW: follow-up - MC Catalog edit:: update/re: student orgs advisors

Sharon.... Please bring this forward early in the year so we can get it done.

Pat

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Patricia Ewins  
Dean of Performing Arts & Student Life,

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**From:** Lori Bennett  
**Sent:** Thursday, May 15, 2014 2:18 PM  
**To:** Carmen Leiva; Patricia Ewins  
**Subject:** RE: follow-up - MC Catalog edit:: update/re: student orgs advisors

I just read all these emails. And it looks like we should work on this next year, so we can remove it from the 2015-16 catalog, if we can gain agreement among all three colleges.

Lori

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**From:** Carmen Leiva  
**Sent:** Thursday, May 15, 2014 1:11 PM  
**To:** Patricia Ewins  
**Cc:** Lori Bennett  
**Subject:** RE: follow-up - MC Catalog edit:: update/re: student orgs advisors

Pat,

Please see below e-mail trail, I cannot delete it at this time, maybe for next year's catalog, or we can added it in the amendment. Let me know if something is different, thanks.

Best,

Carmen

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**From:** Krista Mendelsohn  
**Sent:** Thursday, May 15, 2014 11:51 AM  
**To:** Olivia Long; Carmen Leiva  
**Subject:** FW: Student Organizations and Activities catalog edits

Hi Ladies,

If your Student Activities Specialists (Sharon and Rick) contact you asking to remove the following sentence from the catalog, please see Erika's response below. They need to amend their by-laws before we remove it.

**From the OC Catalog: (p204)**  
**B. Privileges of student Organizations**  
**Section 3.**

***“Institutional recognition shall not be withheld or withdrawn solely because of the inability of a student organization to secure an advisor.”***

Thanks,  
Krista

**From:** Erika Endrijonas  
**Sent:** Thursday, May 15, 2014 11:46 AM

**To:** Krista Mendelsohn  
**Cc:** Sergio Lagunas; Karen Engelsen  
**Subject:** Re: Student Organizations and Activities catalog edits

I just reviewed the College ASG by-laws that the Policy Committee of the Board reviewed yesterday and it very clearly states that all clubs must have an advisor. If they want that out of the catalog, they have to amend their by-laws.

It stays for this year.

Thanks  
Erika

Dr. Erika Endrijonas  
Executive Vice President  
Oxnard College

Sent from my iPad

On May 15, 2014, at 11:37 AM, "Krista Mendelsohn" <[kmendelsohn@vcccd.edu](mailto:kmendelsohn@vcccd.edu)> wrote:

Hi Sergio,

Thanks for your email. Due to the late nature of your request, all catalog changes must be ok'd by Erika first.

Erika – please respond today if you wish me to remove the section identified by Sergio below. If this is a BP or AP, I would expect that it has to go through the proper channels first.

Thanks,  
Krista

**From:** Sergio Lagunas  
**Sent:** Thursday, May 15, 2014 10:57 AM  
**To:** Krista Mendelsohn  
**Cc:** Karen Engelsen  
**Subject:** RE: Student Organizations and Activities catalog edits

Krista,

Sharon from MC and Rick from VC, student activities specialists from the other campuses and myself are requesting that the following language be removed from the college catalogs at all three campuses:

**From the OC Catalog: (p204)**  
**B. Privileges of student Organizations**  
**Section 3.**

***“Institutional recognition shall not be withheld or withdrawn solely because of the inability of a student organization to secure an advisor.”***

All three of us found it unnecessary to have this language in the college catalog. Here is a point made by Rick from VC, “Allowing a student organization to form without a dedicated faculty/staff person to serve as an Advisor would be a liability to the College, especially with regards to oversight of Club accounts.”

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**From:** Patricia Ewins  
**Sent:** Thursday, May 15, 2014 11:45 AM

To: Carmen Leiva

Subject: FW: follow-up - MC Catalog edit:: update/re: student orgs advisors

Carmen...

How would we go about making a change to the Appendix portion of the catalog? This is an "All three colleges" issues that needs to be corrected. I have included the agreement from each of the colleges below but not sure who can actually do it. The red phrase needs to be deleted.

Thanks,

MC catalog page 255 /Appendix IV - Rights and Responsibilities- Section B: Privileges of Student Organizations - item #3: "*.....institutional recognition shall not be withheld or withdrawn solely because of the inability of a student organization to secure an advisor.*"

Pat

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Patricia Ewins

Dean of Performing Arts & Student Life,

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From: Sharon Miller

Sent: Thursday, May 15, 2014 10:45 AM

To: Patricia Ewins

Subject: follow-up - MC Catalog edit:: update/re: student orgs advisors

This language is in all three college catalogs.. VC, OC & MC - and was placed in there as boiler plate language when the District consolidated all three catalogs to be similar several year ago. This was NOT in the VC catalog before the consolidation.

I have heard back from the other two Student Activities Specialists from VC & OC, and they too recommend to remove this sentence from the college catalogs. ( see below emails )

Rick ( my colleague) from VC cannot find anything in ED CODE or Title 5 either that states this about student organizations.

**Therefore, based on this research, I recommend to remove this sentence from the MC college catalog.**

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From: Sergio Lagunas

Sent: Thursday, May 15, 2014 10:16 AM

To: Rick Trevino; Sharon Miller

Subject: RE: MC Catalog edit:: update/re: student orgs advisors

In that case, I too agree the change to be made.

---

From: Rick Trevino

Sent: Thursday, May 15, 2014 10:11 AM

To: Sergio Lagunas; Sharon Miller

Subject: RE: MC Catalog edit:: update/re: student orgs advisors

This was also in my catalog, but I am asking to have it removed as it does not coincide with College practices.

I have not been able to find anything in Ed Code that would indicate that this is required.

Allowing a student organization to form without a dedicated faculty/staff person to serve as an Advisor would be a liability to the College, especially with regards to oversight of Club accounts.

I also noticed that this language was not in the Ventura College catalog prior to the District consolidating catalog language a couple years ago. In my opinion, this change needs to be made immediately by all three campuses.

Thanks.

Rick Trevino  
Student Activities Specialist  
Ventura College

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**From:** Sergio Lagunas  
**Sent:** Thursday, May 15, 2014 9:45 AM  
**To:** Sharon Miller; Rick Trevino  
**Subject:** RE: MC Catalog edit:: update/re: student orgs advisors

**From the OC Catalog:**

**B. Privileges of student Organizations**

*3. A chartered student organization shall have a faculty advisor who shall be chosen by the members of that organization and approved by the Executive Vice President of Student Learning or designee. **Institutional recognition shall not be withheld or withdrawn solely because of the inability of a student organization to secure an advisor.***

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**From:** Sharon Miller  
**Sent:** Wednesday, May 14, 2014 5:38 PM  
**To:** Rick Trevino; Sergio Lagunas  
**Subject:** FW: MC Catalog edit:: update/re: student orgs advisors

Rick & Sergio - would you please look into your respective college catalogs and see if there is a sentence like the one below.. it would be listed in your college catalog under the section titled : Rights and Responsibilities - ... Privileges of Student Organizations..

I am advocating for and suggesting that the college remove this sentence from the MC Catalog:

MC catalog page 255 /**Appendix IV - Rights and Responsibilities- Section B: Privileges of Student Organizations - item #3: “.....*institutional recognition shall not be withheld or withdrawn solely because of the inability of a student organization to secure an advisor.*”**

This is a loop hole for student orgs. to be formed AND recognized WITHOUT an advisor.. meaning Student Activities Specialist would be the “default” advisor for the org until a faculty/staff advisor is found.... Think about the potential of this loop hole... I am trying to eliminate this sentence from the MC catalog..

I’m double checking that this is NOT written anywhere in the VC & OC catalogs.. so I can get it removed from the MC catalog.

Thanks.. I know you are both crazy busy until you get through graduation... this can wait until next week..

Sharon Miller  
Moorpark College/Student Activities dept.

DTRW-SS

September 18, 2014

BP/AP 5010, 5015, 5020

New Drafts from Registrars

SB 141 & SB 150

CALIFORNIA COMMUNITY COLLEGES  
CHANCELLOR'S OFFICE

1102 Q STREET  
SACRAMENTO, CA 95811-6549  
(916) 322-4005  
<http://www.cccco.edu>



February 12, 2014

**TO:** Admissions and Records Officers  
Chief Student Services Officers  
Chief Business Officers

**FROM:** Dan Troy, Vice Chancellor  
Fiscal Policy

Linda Michalowski, Vice Chancellor  
Student Services and Special Programs

**SUBJECT:** Implementation of Senate Bill 150 (Correa) and Senate Bill 141 (Lara)

With the Governor's signing of Senate Bill (SB) 150 and SB 141, several colleges have raised questions about implementation, impact on apportionment funding, and effective date of implementation. The following summary is intended to provide clarification on these new provisions of law pertaining to two categories of nonresident students.

As doubled-joined bills SB 141 and SB 150, which both amended California Education Code section 76140, provide two new exemptions from nonresident tuition for specified students described below. Both of the new exemptions became effective January 1, 2014, so students determined to be eligible for either exemption who paid nonresident tuition for terms or sessions starting on or after that date (i.e., students who enrolled for a 2014 term prior to January 1, 2014) are entitled to a refund of those fees.

**SB 150:** Community college districts are permitted to exempt nonresident special part-time students from the requirement to pay nonresident tuition for community college credit courses. The term "special part-time student" refers to students who have been recommended by the principal of the pupil's school and have parental permission to attend a community college during any session or term and who enroll in 11.99 or fewer units per semester, or the quarter equivalent, in accordance with Education Code section 76001. The exemption does not apply to special full-time students.

Districts that elect to provide this exemption should develop, adopt, and publish a policy for consistently granting the exemption. As it relates to the development of the local policy, it is our belief that this exemption is not intended to apply to categories of students who would be precluded from qualifying for the AB 540 nonresident tuition exemption; i.e., a) students who actually reside outside of California and enroll via Distance Education and b) students on most nonimmigrant visas. There is an exception for "T" and "U" nonimmigrant visa holders who were recently made eligible for the AB 540 nonresident tuition exemption under Education Code Section 68122, so a district policy could permit students holding either of these two nonimmigrant visa types to also qualify for this new non-resident tuition exemption.

It is important to note that this exemption does not authorize districts to claim apportionment funding for nonresident special part-time students who are exempted from nonresident tuition under this provision.

A student receiving a nonresident tuition exemption under SB 150 does not receive resident status for the purpose of fees or financial aid. Rather they are exempt from nonresident tuition fees under this law. These students do not qualify for the BOG Fee Waiver or any other financial aid. However, please note that districts are permitted to exempt special part-time students, including those that have nonresident status, from the per unit enrollment fee pursuant to Education Code Section 76300(f).

**SB 141:** Districts are required to exempt from nonresident tuition a nonresident student who is a U.S. citizen and who resides in a foreign country, if that student meets all of the following requirements:

- i. Demonstrates a financial need for the exemption.
- ii. Has a parent or guardian who has been deported or was permitted to depart voluntarily under the federal Immigration and Nationality Act.
- iii. Moved abroad as a result of the deportation or voluntary departure.
- iv. Lived in California immediately before moving abroad.
- v. Attended a public or private secondary school in California for three or more years.
- vi. Upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education.
- vii. Will be living in California and will file an affidavit with the community college stating that he or she intends to establish residency in California as soon as possible.
- viii. Documentation shall be provided by the student as required by statute as specified in Education Code section 76140(a)(5).

Districts are authorized to claim state apportionment for FTES generated by nonresident students exempted under this provision and their attendance should be reported as resident FTES for state apportionment purposes.

A student receiving a nonresident tuition exemption under SB 141 does not receive resident status for the purpose of fees or financial aid. Rather they are exempt from nonresident tuition fees under this law. These students do not qualify for the BOG Fee Waiver or any other state financial aid until they establish California residency. As citizens, SB 141 students may apply and qualify for federal financial assistance such as Pell, FSEOG and federal student loans.

**Status:** SB 141 and SB 150 were signed by the Governor on October 5, 2013 and became effective on January 1, 2014.

**Contact:** For questions concerning attendance accounting and reporting for apportionment purposes, please contact Elias Regalado at [eregalad@cccco.edu](mailto:eregalad@cccco.edu) or (916) 445-1165. For other admissions questions, please contact Mia Keeley at [mkeeley@cccco.edu](mailto:mkeeley@cccco.edu) or (916) 323-5953. For questions concerning BOG fee waivers/financial aid, please contact Tim Bonnel at [tbommel@cccco.edu](mailto:tbommel@cccco.edu) or (916) 445-0104, or Rhonda Mohr at [rmohr@cccco.edu](mailto:rmohr@cccco.edu) or (916) 323-6894.

Links:

[Senate Bill 150](#)  
[Senate Bill 141](#)

Book	VCCCD Board Policy Manual
Section	Chapter 5 Student Services
Title	BP 5010 ADMISSIONS AND CONCURRENT ENROLLMENT
Number	BP 5010
Status	Active
Legal	<a href="#">California Education Code, Sections 48800-48802</a> <a href="#">California Education Code, Section 68000</a> <a href="#">California Education Code, Sections 68011-68023</a> <a href="#">California Education Code, Sections 68040-68044</a> <a href="#">California Education Code, Sections 68050-68052</a> <a href="#">California Education Code, Sections 68060-68062</a> <a href="#">California Education Code, Sections 68070-68085</a> <a href="#">California Education Code, Section 68100</a> <a href="#">California Education Code, Sections 68120-68124</a> <a href="#">California Education Code, Sections 68130-68134</a> <a href="#">California Education Code, Section 76038</a> <a href="#">U.S. Department of Education regulations on the Integrity of Federal Financial Aid Programs under Title IV of the Higher Education Act of 1965 as amended</a> <a href="#">California Education Code, Sections 76000, 76001, 76002</a> <a href="#">Labor Code Section 3077</a>
Adopted	April 18, 2006
Last Reviewed	March 12, 2013

The Chancellor shall establish procedures regarding the admission of students, non-residents and special part-time and full-time admissions students.

The District shall admit the following students:

- Any California resident possessing a high school diploma or its equivalent.
- Other persons who are over the age of 18 years and who, in the judgment of the Chancellor or his or her designee, are capable of profiting from the instruction offered. Such persons shall be admitted as provisional students, and thereafter shall be required to comply with the District's rules and regulations regarding scholastic achievement and other standards to be met by provisional or probationary students as a condition to being readmitted in any succeeding semester.
- Persons who are apprentices as defined in Section 3077 of the Labor Code

The District may admit other persons who meet the criteria set forth in AP-5010 and are determined to be capable of profiting from the instruction offered:

#### Concurrently Enrolled Special Admission Students

The District may admit concurrently enrolled special admission students providing they are determined to be able to benefit from advanced scholastic or vocational education, and they meet

~~the criteria set forth in AP 5010.~~

~~For purposes of this section, concurrently enrolled special admission students are defined as minors and persons 18 years of age or older enrolled in grades K through 12 in an accredited public or private school, or an approved home school program who are eligible to attend pursuant to section 48800 et seq. A home school program that is affiliated with an accredited public or private K-12 school district, or for which an affidavit is on file with the California Department of Education will be considered an approved home school program.~~

~~Concurrently enrolled special admission students may be admitted as a special part-time or special full-time student in any session or term.~~

~~The Chancellor shall establish procedures regarding ability to benefit and admission of high school and younger students.~~

~~-~~

~~Denial of Requests for Admission:~~

- ~~• If the Board denies a request for special full-time or part-time enrollment by a pupil who is identified as highly gifted, the board will record its findings and the reason for denying the request in writing within 60 days.~~
- ~~• The written recommendation and denial shall be issued at the next regularly scheduled board meeting that occurs at least 30 days after the pupil submits the request to the District.~~

~~The Chancellor shall establish procedures regarding evaluation of requests for special full-time or part-time enrollment by a pupil who is identified as highly gifted.~~

~~Claims for state apportionment submitted by the District based on enrollment of high school pupils shall satisfy the criteria established by statute and any applicable regulations of the Board of Governors.~~

~~-~~

~~Nonresidents:~~

~~The District may admit any person who is determined to be a nonresident of California under conditions stipulated herein providing the admission criteria set forth in AP 5010 is met and upon payment of all required nonresident tuition and fees. See BP 5020, AP 5020 regarding nonresident tuition and fees.~~

~~Nonresidents are defined as:~~

- ~~• U.S. Citizens who are legal residents of a state other than California.~~
- ~~• Immigrant aliens (permanent residents) who are legal residents of a state other than California~~
- ~~• Non-immigrant aliens who are citizens and legal residents of their home country~~
- ~~• Non-U.S. citizens who do not have lawful immigration status~~
- ~~• Any person who does not have a legal right to establish residency in California or, if he/she has the legal right to establish residency in California, has not demonstrated the combination of physical presence and intent sufficiently to warrant a determination of California residency.~~

~~Residency shall be determined in compliance with Section 68000 et seq. of the California Education Code. The Chancellor shall establish procedures regarding compliance with statutory and regulatory~~

~~criteria for residency of community college students.~~

~~The attendance of nonresident students shall not be claimed for apportionment funding except as allowed by law under the California Education Code and Title 5 Administrative Code.~~

See [Administrative Procedure 5010](#), [Board Policy 5020](#) and [Administrative Procedure 5020](#).

Book	VCCCD Administrative Procedure Manual
Section	Chapter 5 Student Services
Title	AP 5010 Admissions and Concurrent Enrollment
Number	AP 5010
Status	Active
Legal	<a href="#">California Education Code, Section 76000</a>
Adopted	April 18, 2006
Last Reviewed	March 12, 2013

1. Designated Authority and Responsibility for the Admissions Process  
Responsibility for the admission process in the colleges of the District is assigned to the appropriate administrator or designee in the Office of Admissions and Records.

The District may deny or place conditions on a student's enrollment upon a finding by the Board or designee that the applicant has been expelled within the preceding five years or is undergoing expulsion procedures in another California community college district, and that the applicant continues to present a danger to the physical safety of the students and employees of the District.

The District shall in its discretion, or as otherwise federally mandated, evaluate the validity of a student's high school completion. The President shall establish procedures for evaluating the validity of a student's high school completion.

2. Admission Procedures for Students Over 18

Specific and current admission procedures are published in the most recent versions of the college catalog and website.

All prospective students must complete and sign a valid admissions application to be admitted to the college. Applications may be submitted in written format or online. Each person applying for admission or enrollment to the colleges of the Ventura County Community College District is classified as a 'resident' or a 'non-resident' for purposes of admission and/or tuition. The admission application will be the basis for initial residency determination. (See [BP 5015](#), AP 5015 – Residency Determination, and [BP 5020](#), [AP 5020](#) – Nonresident Tuition)

Admission to the colleges of the Ventura County Community College District is open to any California resident who possesses a high school diploma or equivalent (certificate of proficiency, GED), any adult 18 years of age or older who may benefit from instruction offered, and any California resident who is an apprentice as defined in Section 3077 of the Labor Code.

For the purpose of admission to the colleges of the VCCCD, Sstudents' self-certification may serve as proof of high school attendance and graduation or its equivalent. Students may be required to provide verification of high school graduation; or in the case of home schooled students, verification from an accredited high school district that the home school curriculum completed is deemed equivalent to graduation from an accredited high school meets the criteria for exemption from California Compulsory Attendance Laws, for financial aid eligibility or other

purposes.

~~except that home schooled students may be required to provide~~

Admission may be granted to other persons who are determined to be capable of benefiting from the instruction offered, including minors who are concurrently enrolled in grades K-12 and persons who are not California residents, including nonimmigrant aliens. Additional admission criteria apply as stated below.

### 3. Admission Procedures for Non-Resident Students That Include a Determination of Residence Status

A U.S. citizen who is determined to be a resident of another state may be admitted under conditions stipulated by the governing board and on payment of non-resident tuition, capital outlay surcharge, enrollment fees, health fees, and other applicable fees.

Residency shall be determined in compliance with Section 68000 et seq. of the California Education Code. The Chancellor shall establish procedures regarding compliance with statutory and regulatory criteria for residency of community college students.

U.S. citizens who are determined to be non-residents, but who submit verifiable documentation to certify that they meet the following criteria, will remain classified as a nonresident but may be exempted from payment of non-resident tuition pursuant to AB 540:

- High school attendance in California for three or more years, and;
- Graduation from a California high school or attainment of the equivalent thereof
- Verifiable documentation shall include the self-certifying affidavit required by the California Community Colleges' Chancellor's Office, and may include high school transcripts or other acceptable documents verifying attendance and graduation.

A non-citizen who holds or is applying for an F1 or M1 student visa may only be admitted under conditions stipulated by the governing board, and upon submission of a completed International Student Application packet and on payment of an application processing fee, non-resident tuition and foreign student surcharge, enrollment fees, health fees, and other applicable fees.

Non-citizens holding other non-immigrant visas may be admitted under conditions stipulated by the governing board, and upon presentation of their visa at the Admissions and Records Office for verification and determination of residency status. Non-immigrant students who are determined to be eligible to establish California residency under the terms of their visa will initially be classified as nonresidents and required to submit additional documentation in support of their request for residency reclassification. (See BP 5015 and AP 5015, Residency Determination).

Non-citizens without lawful immigration status shall be admitted classified as a non-residents but exempted from payment of non-resident tuition provided they submit verifiable documentation to certify they meet the following criteria:

- High school attendance in California for three or more years, and;
- Graduation from a California high school or attainment of the equivalent thereof, and;
- Verifiable documentation shall include the self-certifying affidavit required by the California Community Colleges' Chancellor's Office, and may include high school transcripts or other acceptable documents verifying attendance and graduation.

Non-residents students who are U.S. citizens and who reside in a foreign country will be admitted and classified as nonresidents but exempted from payment of nonresident tuition provided they meet all of the following requirements:

- Demonstrate a financial need for the exemption.
- Has a parent or guardian who has been deported or was permitted to depart voluntarily under the federal Immigration and Nationality Act.
- Moved abroad as a result of the deportation or voluntary departure.
- Lived in California immediately before moving abroad.
- Attended a public or private secondary school in California for three or more years.
- Upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education.
- Will be living in California and will file an affidavit with the community college stating that he or she intends to establish residency in California as soon as possible.
- Documentation shall be provided by the student as required by the statute as specified in Education Code section 76140(a)(5).
- Students receiving this exemption do not receive resident status for the purpose of tuition or financial aid. Rather they are exempt from nonresident tuition under this law. Application for this exemption is initiated at the Admissions and Records Office on the student's primary campus.

#### 4. Minors as Special Admission Students

In accordance with the California Education Code, minors may be permitted to take college courses under very specific circumstances. The intent of Special Admissions is to provide minors who can benefit from advanced scholastic and vocational education the opportunity to take college-level courses that are not available through their primary school or other alternatives.

Special Admission students are required to complete and submit an application for college admission, a Special Admission packet that includes the Recommendation for Special Admission (required every semester), Memorandum of Understanding, and a transcript (for high school students) or a letter from the primary school principal attesting to the student's ability to benefit from advanced scholastic or vocational education (for K-8 students). Additional documentation, including the college instructor's written permission, may be required.

Students admitted as part-time special admission students may enroll in a maximum of six (6) units per semester or term, unless approved for additional units by the designated college administrator. Under no circumstances may a part-time special admission student enroll in more than eleven (11) units in a regular semester.

Special part-time admission students who are determined to be non-residents may be admitted and classified as nonresidents but exempt from paying nonresident tuition per California Ed. Code section 76141. The following conditions apply:

- The term "special admission student" refers to concurrently enrolled K-12 students who have been recommend by the principal of the pupil's school and have parental permission to attend a community college during any session or term and who enroll in 11 or fewer units per semester, in accordance with Education Code section 76001. (Except that parental permission may not be required for special admission students who are 18 years of age or older)
- The exemption does not apply to full-time special admissions students.
- This exemption does not apply to categories of students who would be precluded from qualifying for AB540 nonresident tuition exemption; i.e., a) students who reside outside of CA and enroll via Distance Education and b) students on most nonimmigrant visas.
- T and U nonimmigrant visas are eligible for this exemption.
- Students receiving this exemption do not receive resident status for the purpose of tuition or financial aid. Rather they are exempt from nonresident tuition tuition under this law.

Application for this exemption is initiated at the Admissions and Records Office on the student's primary campus.

The attendance of nonresident students shall not be claimed for apportionment funding except as allowed by law under the California Education Code and Title 5 Administrative Code.

Parents and students applying for Special Full-time Admission status must contact the Registrar's Office. Petitions for Special Full-Time Admission will be considered only after the parent and student have exhausted all alternatives available through the secondary school district that the student would be attending. The decision to admit a minor as a special full-time admission student may be subject to the availability of classes. Special full-time admission students are required to complete at least 12 units in each primary term, and to maintain continuous enrollment until reaching the age of 18.

Denial of Requests for Admission:

- If the Board denies a request for special full time or part time enrollment by a pupil who is identified as highly gifted, the board will record its findings and the reason for denying the request in writing within 60 days.

The written recommendation and denial shall be issued at the next regularly scheduled board meeting that occurs at least 30 days after the pupil submits the request to the District.

Claims for state apportionment submitted by the District based on enrollment of high school pupils shall satisfy the criteria established by statute and any applicable regulations of the Board of Governors

Under the Family Educational Rights and Privacy Act, once a student of any age is attending an institution of post-secondary education, all rights pertaining to the inspection, review and release of his/her educational records belong to the student without regard to the student's age. Therefore all students, regardless of age, must provide written consent for the release of their college transcripts and/or college records.



Book VCCCD Board Policy Manual  
Section Chapter 5 Student Services  
Title BP 5015 RESIDENCE DETERMINATION  
Number BP 5015  
Status Active  
Legal [California Education Code, Section 68040](#)  
[California Education Code, Section 76140](#)  
[Title 5, Sections 54000, et seq.](#)  
Adopted April 18, 2006  
Last Reviewed June 18, 2013

Students shall be classified at the time of each application for admission or registration as a resident or nonresident student.

The Chancellor shall enact procedures to ensure that residence determinations are made in accordance with Education Code and Title 5 regulations.

See [Administrative Procedure 5015](#).

Last Modified by Laurie Nusser on July 1, 2013

Book	VCCCD Administrative Procedure Manual
Section	Chapter 5 Student Services
Title	AP 5015 RESIDENCE DETERMINATION
Number	AP 5015
Status	Active
Legal	<a href="#">Title 5, Section 54000 et seq.</a> <a href="#">California Education Code, Sections 68000 et seq.</a> <a href="#">California Education Code, Section 68130.5</a>
Adopted	April 18, 2006
Last Reviewed	June 18, 2013

### **Residence Classification**

Residency classification is the responsibility of the Registrar's Office and shall be determined for each student at the time of application for admission pursuant to California Education Code and Title 5 Administrative Code. **The residency determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.**

Students shall be notified of residence determination within 14 calendar days of submission of application.

### **Rules Determining Residence**

**A student who has resided in the state for more than one year immediately preceding the residency determination date is a resident.**

**A student who has not resided in the state for more than one year immediately preceding the residency determination date is a nonresident.**

**The residence of each student enrolled in or applying for enrollment in any class or classes maintained by VCCCD shall be determined in accordance with the Education Code which states that every person has, in law, a residency.**

### **Residency Determination for Military Personnel and Dependents**

Consult BP 5013 and AP 5013 "Students in the Military" for information regarding residency determination as applied to active-duty military personnel and their dependents.

### **Reclassification**

A student previously classified as a non-resident may be reclassified as of any residence determination date upon submission of a Request for Residency Reclassification and adequate documentation to support that California residency has been established.

Requests for Residency Reclassification are to be submitted to the appropriate office as identified above. Written documentation will be required of the student in support of the reclassification request.

A questionnaire to determine financial independence is included in the request for reclassification. The determination that a student is not financially independent will weigh against a request for reclassification.

A student shall be considered financially independent for purposes of residence reclassification if the applicant meets all of the following requirements:

- Has not and will not be claimed as an exemption for state and federal tax purposes by his/her parent in the calendar year prior to the year the reclassification application is made;
- Has not lived and will not live for more than six weeks in the home of his/her parent during the calendar year the reclassification application is made.

Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state.

### **Non-Citizens**

The District may admit any non-citizen who is 18 years of age or a high school graduate.

If non-citizens are present in the United States without lawful immigration status or with any type of temporary visa, they will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.

Non-citizens who are undocumented or are present in the U.S. in an immigration status that does not allow them to establish residency here may become eligible for California residency once they take steps to change their immigration status to one that does allow the establishment of U.S. and California residency, and are able to meet all other requirements for California residency.

If, for at least one year and one day prior to the start of the semester in question, a non-citizen has possessed any immigration status that allows him/her to live permanently in the United States and she or he meets the California residency requirements, the student can be classified as a resident.

### **Exemptions from Nonresident Tuition**

A student who is without lawful immigration status may be exempted from payment of non-resident tuition pursuant to [AB 540](#) provided they submit verifiable documentation to certify that he or she meets the following requirements:

- high school attendance in California for three or more years;
- graduation from a California high school or attainment of the equivalent thereof;
- registration for classes not earlier than the fall semester or quarter of 2001-2002;
- the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he or she is eligible to do so.
- verifiable documentation shall include the self-certifying affidavit required by the California Community Colleges' Chancellor's Office, and may include high school transcripts or other acceptable documents verifying attendance and graduation.

A nonresident student who is a U.S. student that previously resided in California may be exempted from payment of non-resident tuition pursuant to AB 540 provided they submit verifiable documentation to certify that he or she meets the following requirements:

- high school attendance in California for three or more years;
- graduation from a California high school or attainment of the equivalent thereof;
- registration for classes not earlier than the fall semester or quarter of 2001-2002;
- verifiable documentation shall include the self-certifying affidavit required by the California Community Colleges' Chancellor's Office, and may include high school transcripts or other acceptable documents verifying attendance and graduation.

Non-residents students who are U.S. citizens and who reside in a foreign country will be admitted and classified as nonresidents but exempted from payment of nonresident tuition provided they meet all of the following requirements:

- Demonstrate a financial need for the exemption.
- Has a parent or guardian who has been deported or was permitted to depart voluntarily under the federal Immigration and Nationality Act.
- Moved abroad as a result of the deportation or voluntary departure.
- Lived in California immediately before moving abroad.
- Attended a public or private secondary school in California for three or more years.
- Upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education.
- Will be living in California and will file an affidavit with the community college stating that he or she intends to establish residency in California as soon as possible.
- Documentation shall be provided by the student as required by the statute as specified in Education Code section 76140(a)(5).
- Students receiving this exemption do not receive resident status for the purpose of tuition or financial aid. Rather they are exempt from nonresident tuition under this law. Application for this exemption is initiated at the Admissions and Records Office on the student's primary campus.

Special part-time admission students who are determined to be non-residents may be admitted and classified as nonresidents but exempt from paying nonresident tuition per California Ed. Code section 76141. The following conditions apply:

- The term "special admission student" refers to concurrently enrolled K-12 students who have been recommended by the principal of the pupil's school and have parental permission to attend a community college during any session or term and who enroll in 11 or fewer units per semester, in accordance with Education Code section 76001. (Except that parental permission may not be required for special admission students who are 18 years of age or older)
- The exemption does not apply to full-time special admissions students.
- This exemption does not apply to categories of students who would be precluded from qualifying for AB540 nonresident tuition exemption; i.e., a) students who reside outside of CA and enroll via Distance Education and b) students on most nonimmigrant visas.
- T and U nonimmigrant visas are eligible for this exemption.
- Students receiving this exemption do not receive resident status for the purpose of tuition or financial aid. Rather they are exempt from nonresident tuition under this law. Application for this exemption is initiated at the Admissions and Records Office on the student's primary campus.

The attendance of nonresident students shall not be claimed for apportionment funding except as allowed by law under the California Education Code and Title 5 Administrative Code.

### **Right To Appeal**

Students who have been classified as non-residents have the right to a review of their classification (Title 5 Section 54010 (a)). Any student, following a final decision of residence classification by the Registrar's Office may make written appeal to the Dean of Student Services or designee within 30 calendar days of notification of final decision by the college regarding classification.

### **Appeal Procedure**

The appeal is to be submitted to the appropriate dean. The appeal must include a cover letter indicating the student's rationale, and the documented, verifiable evidence as to why his or her residency classification is incorrect.

The appropriate dean shall review all applicable records including the application for admission (may be a copy of the student's online admission application), the residency reclassification request form and supporting documentation, and may request additional information from either the student or the Registrar's Office.

Within 30 calendar days of receipt, the appropriate dean shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

Book VCCCD Board Policy Manual  
Section Chapter 5 Student Services  
Title BP 5020 NONRESIDENT TUITION  
Number BP 5020  
Status Active  
Legal Education Code Sections 68050, 68051, 68052, 68130, 76141  
Adopted April 18, 2006

**Consolidation**

~~Nonresident students shall be charged nonresident tuition for all units enrolled.~~

~~No later than February 1 of each year, the Chancellor shall bring to the Board for approval an action to establish nonresident tuition for the following fiscal year. The fee shall be calculated in accordance with guidelines contained in applicable state regulations and/or the California Community College Attendance Accounting Manual.~~

The Chancellor shall establish procedures regarding collection, waiver, and refunds of nonresident tuition.

~~The Chancellor is authorized to implement a fee to be charged only to persons who are both citizens and residents of foreign countries pursuant to existing law to students who are not residents of California, including persons who are classified as international students. The Board finds and declares that this fee does not exceed the amount expended by the district for capital outlay in the preceding year divided by the total FTES in the preceding fiscal year.~~

~~**Students' self-certification may serve as proof of high school attendance and graduation (or its equivalent).** Students' self-certification may serve as proof of high school attendance and graduation (or its equivalent). No later than February 1 of each year, the Chancellor shall bring to the Board for approval an action to establish international student tuition for the following fiscal year. The fee shall be calculated in accordance with guidelines contained in applicable state regulations and/or the California Community College Attendance Accounting Manual.~~

~~Students who would otherwise be charged this fee shall be exempt if they demonstrate that they are a victim of persecution or discrimination in the county of which they are a citizen and resident, or if they demonstrate economic hardship. Students shall be deemed victims of persecution or discrimination if they present evidence that they are citizens and residents of a foreign country and that they have been admitted to the United States under federal regulations permitting such persons to remain in the United States. Students shall be deemed to have demonstrated economic hardship if they present evidence~~

DTRW-SS review 9.26.13 – revised version from Registrars 9.04.13  
Cabinet Review 3.17.14  
Policy Committee 3.19.14 - pulled from 4.08.14 Board Agenda (wrong version of BP 5020)  
DTRW-SS review 4.24.14  
Cabinet review 5.02.14; Policy Committee review 5.14.14  
Pulled from Board Agenda 6.17.14  
Policy Committee review 8.20.14

~~that they are citizens and residents of a foreign country and that they are receiving Aid to Families with Dependent Children, Supplemental Income/State Supplementary benefits, or general assistance.~~

See Administrative Procedures 5020.

Revised ~~40/28/42~~ 11/14/12

DTRW-SS review 9.26.13 – revised version from Registrars 9.04.13  
Cabinet Review 3.17.14  
Policy Committee 3.19.14 - pulled from 4.08.14 Board Agenda (wrong version of BP 5020)  
DTRW-SS review 4.24.14  
Cabinet review 5.02.14; Policy Committee review 5.14.14  
Pulled from Board Agenda 6.17.14  
Policy Committee review 8.20.14

Book: VCCCD Administrative Procedure Manual  
Section: Chapter 5 Student Services  
Title: AP 5020 NONRESIDENT TUITION Number AP 5020  
Status: UNDER REVIEW  
Legal: Education Code Sections 76140 et seq. Adopted April 14, 2009  
Last Reviewed: March 12, 2009

### 1. Nonresident Tuition

The nonresident and capital outlay surcharge fees will be set by the VCCCD Board of Trustees no later than February 1 of each year. The calculation will reflect the expense of education in the preceding fiscal year according to the Budget and Accounting Manual and it shall reflect non-resident tuition in contiguous districts.

Students who are not residents of California, including persons who are classified as international students, will be charged nonresident tuition and a capital outlay surcharge at the Board-approved rate per semester unit unless they are exempted by statute. All nonresident students must pay nonresident tuition in addition to the California Community College mandatory fees.

### 2. Reclassification to California Resident

A student may be considered for reclassification to California resident status if they have resided in California for no less than one year and one day immediately preceding the term for which residency is requested; and are able to present verifiable documentation to support the actions they have taken to establish California residency.

A student previously classified as a non-resident may be reclassified as of any residence determination date upon submission of a Request for Residency Reclassification and adequate documentation to support that California residency has been established in accordance with AP 5015.

### 3. Exemptions from Payment of Nonresident Tuition

#### **Non-residents students who are U.S. citizens and who reside in a foreign country:**

Will be exempt from nonresident tuition if they meet all of the following requirements:

- Demonstrate a financial need for the exemption.

- Has a parent or guardian who has been deported or was permitted to depart voluntarily under the federal Immigration and Nationality Act.
- Moved abroad as a result of the deportation or voluntary departure.
- Lived in California immediately before moving abroad.
- Attended a public or private secondary school in California for three or more years.
- Upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education.
- Will be living in California and will file an affidavit with the community college stating that he or she intends to establish residency in California as soon as possible.
- Documentation shall be provided by the student as required by the statute as specified in Education Code section 76140(a)(5).
- Students receiving this exemption do not receive resident status for the purpose of tuition or financial aid. Rather they are exempt from nonresident tuition under this law. Application for this exemption is initiated at the Admissions and Records Office on the student's primary campus.

**Special admission students who are determined to be non-residents:**

May be exempt from paying nonresident tuition per California Ed. Code section 76141.

- The term “special admission student” refers to concurrently enrolled K-12 students who have been recommend by the principal of the pupil’s school and have parental permission to attend a community college during any session or term and who enroll in 11 or fewer units per semester, in accordance with Education Code section 76001. (Except that parental permission may not be required for special admission students who are 18 years of age or older)
- The exemption does not apply to full time special admissions students.
- This exemption does not apply to categories of students who would be precluded from qualifying for AB540 nonresident tuition exemption; i.e., a) students who reside outside of CA and enroll via Distance Education and b) students on most nonimmigrant visas.
- T and U nonimmigrant visas are eligible for this exemption.
- Students receiving this exemption do not receive resident status for the purpose of tuition or financial aid. Rather they are exempt from nonresident tuition under this law. Application for this exemption is initiated at the Admissions and Records Office on the student’s primary campus

**Military Exemption:**

Military personnel on active duty in California (except those assigned for educational purposes) are granted a waiver of nonresident tuition until they are discharged from their military services. Dependents of active duty military personnel are granted a waiver for a period of one year from the date they enter California. Upon expiration of the waiver, evidence must be provided as to the date the student surrendered his/her out-of-state residence to become a resident of California. Any student who does not submit adequate evidence that California residency has been

established will be classified as a nonresident and charged nonresident tuition until such time as California residency has been established.

**California High School Attendance and Graduation Exemption (AB540):**

Students without lawful immigration status and U.S. citizens who are not residents of California may be entitled to exemption from nonresident tuition if they meet all of the following criteria:

- attended high school in California for three or more years, and
  - graduated from a California high school or attained the equivalent, and
  - filed an affidavit stating that they have filed or will file an application to legalize their immigration status as soon as possible.
- Verifiable documentation shall include the self-certifying affidavit required by the California Community Colleges' Chancellor's Office, and may include high school transcripts or other acceptable documents verifying attendance and graduation.

Nonimmigrant alien students (students who are present in the U.S. on a nonimmigrant visa) are not eligible for this exemption.

Eligibility for an AB540 exemption does not result in the student being classified as a California resident.

**September 11, 2001 Exemption:**

If an individual who was killed in the terrorist attacks on the World Trade Center in New York City, the Pentagon in Washington, D.C., or the crash of United Airlines Flight 93 was a resident of California on September 11, 2001, or if their dependent was a resident on that date and if they meet the financial need requirement for the Cal Grant A Program, the dependents of this individual may be exempt from nonresident tuition. If the dependent is a spouse, the exemption applies until January 1, 2013. If the dependent is a child, the exemption applies until the person reaches the age of 30.

**Other Exemptions**

Other limited exemptions from non-resident tuition may be authorized. Eligibility for exemption shall be approved as permissible under California Education Code and/or California Title 5 Administrative Code by the campus Vice President of Business Services or his or her designee.

#### 4. Payment

Fees including Non-resident tuition must be paid in full at the time of registration, or payment arrangements must be made using the district-approved payment plan option. International Student application fee applies.

#### 5. Refunds

Courses must be dropped by the refund deadlines for each semester/session to generate a fee credit or refund. No fee credits or refunds are issued for withdrawals that occur after the deadline date.

DTRW-SS

September 18, 2014

BP/AP 4105 – draft/proposed AP

Distance Education



Book	VCCCD Administrative Procedure Manual
Section	Chapter 4 Academic Affairs
Title	AP 4105 DISTANCE EDUCATION
Number	AP 4105
Status	Proposed
Legal	References: Title 5 Sections 55200 et seq.

**Definition:** Distance education refers to instruction in which the faculty and student are separated by distance and interact through the assistance of communication technology.

**Course Approval:** A course in which any portion of student contact time is replaced by means of distance delivery must be reviewed and approved separately, following the guidelines established by the System Office.

The review and approval of new and existing distance education courses shall follow the curriculum approval procedures outlined in Administrative Procedures 4020, Program and Curriculum Development. Distance education courses shall be approved under the same conditions and criteria as all other courses and comply with the AFT/VCCCD agreement.

**Certification:** When approving distance education courses, the curriculum committee will certify the following:

**Course Quality Standards:** The same standards of course quality are applied to the distance education courses as are applied to traditional classroom courses, within reason given the specific nature of the technology taken into consideration.

**Course Quality Determinations:** Determinations and judgments about the quality of the distance education course were made with the full involvement of the curriculum committee approval procedures with participation from at least one distance education faculty member suitably trained in the technology approved by the district.

**Instructor Contact:** Each section of the course that is delivered through distance education will include regular effective contact between instructor and students that is measurable and observable in a mode that allows faculty and student participation to be evaluated during periods in which the faculty member would otherwise be visited for observation as part of the evaluation process (including, but not limited to, weekly participation in discussion board or log files from weekly chat discussions)

**Duration of Approval:** All distance education courses approved under this procedure will continue to be in effect unless there are substantive changes of the course outline of record. However, faculty teaching the distance education courses must be trained and approved prior to course assignment, with input from peers, department chair and administrative leader in distance education.

**Delivery Platform:** All Distance Education courses and support services within the VCCCD will utilize a District approved platform for delivery or method approved by Curriculum Committee, or a Distance Education subcommittee thereof, and based on criteria approved by the local Academic Senate and with the approval from District. Criteria could include: Alternative platform offers significant pedagogical advantages in terms of

ease-of-use, and access to discipline specific technology tools. Alternative platform is supported by provider at no additional cost to students, faculty or district, provided a reasonably priced textbook or bundled course resource package is purchased. Alternative platform is ADA compliant.