



District Technical Review Workgroup
Student Services – DTRW-SS
AGENDA – AS AMENDED 3.06.13
(changes are indicated in bold)
March 7, 2013 – Lakin Board Room
3:00 p.m. – 4:30 p.m.

➤ **Approval of February 14, 2013 Meeting Notes**

Old Business

- BP/AP 5055 – Enrollment Priorities – draft letter to students – feedback from counselor groups after 2.14.13 DTRW-SS meeting (Marian Carrasco Nungaray)
- AP 5130 Financial Aid – draft submitted by Victoria Lugo – feedback from Financial Aid Officers after 2.14.13 DTRW-SS meeting (Victoria Lugo)
- BP/AP 5150 Extended Opportunity Programs and Services (EOPS) – no VCCCD AP/current BP in BoardDocs – feedback from EOPS Directors/Coordinators after 2.14.13 DTRW-SS meeting
- BP/AP 5500 Standards of Conduct (Pat Ewins) – revisions from comparison document 2.14.13 DTRW-SS meeting

New Business

- BP/AP 5035 Withholding of Student Records for Non-repayment of Financial Obligations (Registrars)
- BP/AP 5040 Student Records and Directory Information (Registrars)
- BP/AP 5052 Open Enrollment (Registrars)
- **BP/AP 5200 Student Health Services**
- **BP/AP 5205 Student Accident Insurance**
- **BP/AP 5210 Communicable Diseases**
- **BP/AP 5300 Student Equity**
- **BP/AP 5400 Associated Students Organizations**
- **BP/AP 5410 Associated Students Elections**
- **BP/AP 5420 Associated Students Finance**
- **BP/AP 5520 Discipline Procedure**
- **BP/AP 5530 Student Rights and Grievances**
- **Student Alert Notice – Priority Registration Changes**

Business on Hold or Under Review by DCAA/Other Workgroups

- AP 4100 Graduation Requirements for Degrees and Certificates – under review by DTRW-I, Academic Senates, and DCAA.
- BP/AP 4240 Academic Renewal – under review by DCAA
- BP/AP 5013 Students in the Military – under review by DCAA
- BP/AP 5015 Residence Determination – under review by DCAA
- BP/AP 5020 Nonresident Tuition – under review by DCAA
- BP/AP 5055 Priority Enrollment – under review by DCAA

Next Meeting Date: April 11, 2013, 3 pm – DAC Lakin Boardroom

DTRW-SS 3.07.13
Review of BP/AP's – Karen Engelsen' Submissions

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| BP 5200 Student Health Services | OK as is |
| AP 5200 | Proposed (new) See draft |
| BP 5205 Student Accident Insurance | OK as is |
| AP 5205 | Proposed (new) See draft |
| BP 5210 Communicable Disease | OK as is |
| AP 5210 | Proposed (new) See draft |
| BP 5300 Student Equity | OK as is |
| AP 5300 | Proposed (new) See draft |
| BP 5400 Associated Students Organization | Minor edit |
| AP 5400 | Proposed (new) See draft |
| BP 5410 Associate Students Elections | OK as is |
| AP 5410 | Proposed (new) See draft |
| BP 5420 Associated Students Finance | OK as is |
| AP 5420 | Proposed (new) See draft |



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| Book | VCCCD Board Policy Manual |
| Section | Chapter 5 Student Services |
| Title | BP 5200 STUDENT HEALTH SERVICES |
| Number | BP 5200 |
| Status | Active |
| Legal | Education Code Section 76401 |
| Adopted | April 18, 2006 |

Student health services shall be provided in order to contribute to the education aims of students by promoting physical and emotional well being through health oriented programs and services.



Book VCCCD Administrative Procedure Manual
Section Chapter 5 Student Services
Title AP 5200 STUDENT HEALTH SERVICES
Number AP 5200
Status PROPOSED – NO VCCCD AP EXISTS IN BOARDDOCS
Legal Education Code Section 76401; Title V, Section 54702
Adopted
Last Reviewed

DRAFT – Need to review Model Policy language – Get input from Student Health Services Coord

The Student Health Center on each campus is funded by the Student Health Fee (per Education Code Section 76355), and shall be available upon request to students who are registered in the current semester at the time of service and have paid the health fee. Hours of operation will be adequate to cover essential functions while classes are in session. The Center does not provide around-the-clock coverage or full coverage during the span of hours that the campus is in operation.

Written practices, protocols and procedures specific to registered nursing and licensed clinical social work activity in student health services are maintained in the offices of the Student Health Services Coordinator.

Student health services are not comprehensive and are not structured to address all the health care needs of District students.

Services include:

- Clinical Care Services
- Health Education
- Mental Health Services

The primary focus of Clinical Care services is treatment and referral. As a secondary function, and to maintain the health of the campus community, the Student Health Centers may offer lab work or immunization for a fee. Clinical Care Services are not a substitute for a student's primary medical care. Ongoing treatment will be referred to a student's own health care provider. Medical management should be supplemental to the primary treatment plan established by the student's own health care provider. If the student does not have a primary health care provider, the Student Health Center will facilitate access to available community health resources.

Health education occurs during both Clinical Care and as outreach activities, and supports the goal of prevention. Outreach includes informational clinics, online self-assessment, participation in public health initiatives involving campus populations, and other health information distribution services. Topics may include: drug and alcohol abuse, eating disorders, sexual health, birth control, mental health, nutrition, smoke cessation, and suicide prevention.

The primary focus of Mental Services is the safety of the student in crisis, and the safety of the general college population from potential disruption of the learning environment by the student in crisis. Mental Health services center on prevention, crisis intervention, and initiation of case management for referral. Students are limited to four visits per semester, with the goal of stabilization, initiation of case management, and readjustment skill building.

No health fee supported services are conducted expressly for student athletes or athletic teams beyond the scope of services provided to the general student population.

No health fee supported services may be used for providing care/services to employees. Services rendered to VCCCD employees for first aid, TB clearance, and required immunizations will be financially supported by VCCCD.

The Student Health Center scope of services also includes:

- Student Insurance program; remediation of campus accidents, filing of accident reports and processing of claims.
- Campus Behavior Intervention; participation of the coordinator or health professional in a cross-functional intervention team (with police and academic management) in the remediation of student conduct issues with physical health or psychological complications.
- Emergency Preparedness; participation of the coordinator or health professional in emergency preparedness activities as directed by the College or District, including county-wide public health initiatives such as flu clinics and mock disaster exercises.



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| Book | VCCCD Board Policy Manual |
| Section | Chapter 5 Student Services |
| Title | BP 5205 STUDENT ACCIDENT INSURANCE |
| Number | BP 5205 |
| Status | Active |
| Legal | Education Code Section 72506 |
| Adopted | April 18, 2006 |

The District shall assure that students are covered by accident insurance in those instances required by law or contract.



Book VCCCD Administrative Procedure Manual
Section Chapter 5 Student Services
Title AP 5205 STUDENT ACCIDENT INSURANCE
Number AP 5205
Legal Education Code Section 72506
Status PROPOSED – NO VCCCD AP 5205 IN BOARDDOCS
Adopted
Last Reviewed

DRAFT – Review Model Policy – Have Student Health Coordinators and Athletic Directors review

Student accident insurance is funded by the Student Health Fee (Title 5, Education & California Education Code Section 76355). The Student Health Fee may not fund the athletic accident insurance portion of the policy (California Education Code Section 76355). The athletic accident insurance is funded by the athletic division.

Student and Athlete insurance is available to:

- Enrolled and registered students injured while attending regularly scheduled classes at college or while attending college-sponsored activities, including club activities, or traveling under college supervision to and from college sponsored events.
- Enrolled and registered student athletes injured while participating in or attending any regularly scheduled practice or competition supervised by an authorized representative of the college or while traveling directly to and from practice or competition with other members as a group, provided such travel is supervised by an authorized representative of the college.
- Child(ren) of enrolled and registered students while in or about the child care facility provided by the college, provided that the facility is on the college campus.
- Official Visitors who have been formally invited to the campus or who are on campus to conduct research or to address the faculty and/or students. Vendors and non-student spectators, regardless of activity, are not Official Visitors.

The District or their representative(s) is not authorized to guarantee payment of Student/Athletic Accident Insurance claims. Questions regarding payment of claims are directed to the current student / athletic accident insurance vendor.



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| Book | VCCCD Board Policy Manual |
| Section | Chapter 5 Student Services |
| Title | BP 5210 COMMUNICABLE DISEASE |
| Number | BP 5210 |
| Status | Active |
| Legal | Education Code Section 76403 |
| Adopted | April 18, 2006 |

The Chancellor shall establish procedures necessary to assure cooperation with local public health officials in measures necessary for the prevention and control of communicable diseases in students.

See Administrative Procedure 5210.



Book VCCCD Administrative Procedure Manual
Section Chapter 5 Student Services
Title AP 5210 COMMUNICABLE DISEASES
Number AP 5210
Status PROPOSED – NO AP 5210 IN BOARDDOCS
Legal Education Code Section 76403
Adopted
Last Reviewed

The District shall:

Cooperate with local health officers in measures necessary for the prevention and control of communicable diseases in students

Ensure compliance with any immunization program required by the State Department of Health Services regulations.



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| Book | VCCCD Board Policy Manual |
| Section | Chapter 5 Student Services |
| Title | BP 5300 STUDENT EQUITY |
| Number | BP 5300 |
| Status | Active |
| Legal | Education Code Sections 66030; 66250, et seq.; 72010 et seq.; Title 5, Section 54220 |
| Adopted | April 18, 2006 |

The Board is committed to assuring student equity in educational programs and college services. The Chancellor shall establish and implement a student equity plan that meets the Title 5 standards for such a plan.

See Administrative Procedure 5300.



Book VCCCD Administrative Procedure Manual
Section Chapter 5 Student Services
Title AP 5300 STUDENT EQUITY
Number AP 5300
Status PROPOSED – NO AP 5300 IN VCCCD BOARDDOCS
Legal Education Code Sections 66030, 66250 et seq., and 72010 et seq.; Title 5 Section 54220
Adopted
Last Reviewed

Each college in the District has a student equity plan. The plan is filed as required to the Chancellor’s Office of California Community Colleges following approval by the Board.

The Student Equity Plan shall address:

- Involvement by appropriate people from the community who can articulate the perspective and concerns of historically underrepresented groups.
- The active involvement of the groups on campus.
- Campus-based research as to the extent of student equity.
- Institutional barriers to equity.
- Goals for access, retention, degree and certificate completion, English as a Second Language (ESL) and basic skills completion, and transfer for each historically underrepresented group.
- Activities most likely to be effective to attain goals, including coordination of existing student equity related programs.
- Sources of funds for the activities in the plan.
- A schedule and process for evaluation of progress toward the goals.
- An executive summary that describes the groups for whom goals have been set, the goals, the initiatives that the District/each College will undertake to achieve the goals, the resources budgeted for that purpose, and the District officer or employee who can be contacted for further information.

The Student Equity Plan shall be developed, reviewed, maintained, and updated under the supervision of the EVP for Student Learning, or designee, on each campus.



Book VCCCD Administrative Procedure Manual
Section Chapter 5 Student Services
Title BP 5400 ASSOCIATED STUDENTS ORGANIZATIONS
Number BP 5400
Status Active
Legal Education Code Section 76060
Adopted April 18, 2006
Last Reviewed

The students of the District are authorized to organize student body associations. The Board hereby recognizes ~~that these~~ associations as the Associated Students of ~~the District at~~ Moorpark, Oxnard, and Ventura College.

The Associated Students organization is recognized as the official voice for the students in District decision-making processes. It may conduct other activities as approved by the Chancellor. The Associated Students activities shall not conflict with the authority or responsibility of the Board or its officers or employees.

The Associated Students shall conduct itself in accordance with state laws and regulations and administrative procedures established by the Chancellor. Advisement will be provided to the Associated Students for proper direction and assistance with all student activities.

The Associated Students shall be granted the use of the District premises subject to such administrative procedures as may be established by the Chancellor. Such use shall not be construed as transferring ownership or control of the premises.

See Administrative Procedure 5400.



Book VCCCD Administrative Procedure Manual
Section Chapter 5 Student Services
Title AP 5400 ASSOCIATED STUDENTS ORGANIZATIONS
Number AP 5400
Status PROPOSED – NO AP 5400 IN VCCCD BOARDDOCS
Legal Education Code Section 76060
Adopted
Last Reviewed

Each College of the Ventura County Community College District shall have one Associated Students Organization.

Membership in student organizations is open to all students. Both day and evening student representatives shall be encouraged.

Policies and practices of the Associated Students shall be outlined in the Constitution and By-laws as established and reviewed regularly by student leadership.

The Associated Students Organizations may conduct such activities as are consistent with the purposes of the organization, the educational and social goals of the College, and approved policies and procedures of the College and the District.

A governing body shall be elected that shall keep an account of its meetings, expenditures, authorizations, and policies established. Meetings will be held in compliance with the Brown Act.

A simple majority of the elected voting members of the Associated Students Organization governing body shall constitute a quorum.



Book VCCCD Board Policy Manual
Section Chapter 5 Student Services
Title BP 5410 ASSOCIATE STUDENTS ELECTIONS
Number BP 5410
Status Active
Legal Education Code Section 76061
Adopted April 18, 2006

The Associated Students shall conduct annual elections to elect officers. The elections shall be conducted in accordance with procedures established by the Chancellor.

Any student elected as an officer in the Associated Students shall meet the following requirements:

- The student shall be enrolled in the District at the time of election and throughout his or her term of office, with a minimum of five semester units.
- The student shall meet and maintain the minimum standards of scholarship.

See Administrative Procedure 5410.



Book VCCCD Administrative Procedure Manual
Section Chapter 5 Student Services
Title AP 5410 ASSOCIATED STUDENTS ELECTIONS
Number AP 5410
Status PROPOSED – NO AP 5410 IN VCCCD BOARDDOCS
Legal Education Code Sections 76063 - 76065
Adopted
Last Reviewed

The Associated Students shall conduct annual elections to elect officers as described in the “Student Election Standard Operating Practices for Associated Students Positions and Student Trustee Position.”

Any student elected as an officer in the Associated Students shall meet eligibility requirements as stated in the respective Associated Students Constitution and By-laws, as defined in the College Catalogs, and as set forth in the “Student Election Standard Operating Practices” guidelines for student elections.



Book VCCCD Board Policy Manual
Section Chapter 5 Student Services
Title BP 5420 ASSOCIATED STUDENTS FINANCE
Number BP 5420
Status Active
Legal Education Code Sections 76063–76065
Adopted April 18, 2006

Associated Student funds shall be deposited with and disbursed by the Chancellor.

The funds shall be deposited, loaned or invested in one or more of the ways authorized by law.

All funds shall be expended according to procedures established by the Associated Students, subject to the approval of each of the following three (3) persons, which shall be obtained each time before any funds may be expended:

- the Chancellor or designee;
- the employee who is the designated adviser of the particular student body organization; and
- a representative of the student body organization.

The funds of the Associated Students shall be subject to an annual audit.



Book VCCCD Administrative Procedure Manual
Section Chapter 5 Student Services
Title AP 5420 ASSOCIATED STUDENTS FINANCE
Number AP 5420
Status PROPOSED – NO AP 5420 IN VCCCD BOARDDOCS
Legal Education Code 76060, 76063 - 76065
Adopted
Last Reviewed

The Board authorizes the Associated Students to establish and maintain student organization accounts at each college. The Vice President of Administrative Services shall be responsible for the proper administration of the financial activities of each student organization account.

The Associated Student Organizations will have all funds deposited and disbursed by the Student Business Office.

The funds shall be deposited, loaned or invested in one or more of the following ways authorized by law:

- Deposits in trust accounts of the centralized State Treasury System pursuant to Government Code Sections 16305 – 16305.7 or in a bank or banks whose accounts are insured by the federal Deposit Insurance Corporation.
- Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations, if the associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation and if any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by the insurance.
- Purchase of any of the securities authorized for investment by Government Code Section 16430 or investment by the Treasurer in those securities.
- Participation in funds that are exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code and that are open exclusively to nonprofit colleges, universities, and independent schools.
- Investment certificates or withdrawable shares in federal or state credit unions, if the credit unions are doing business in this state and have their accounts insured by the National Credit Union Administration and if any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by the insurance.
- Loans, with or without interest, to any student body organization established in another community college of the District for a period not to exceed three years.
- Investment of money in permanent improvements to any community college District property including, but not limited to, buildings, automobile parking facilities, gymnasiums, swimming pools, stadia and

playing fields, where those facilities , or portions thereof , are used for conducting student extracurricular activities or student spectator sports, or when those improvements are for the benefit of the student body.

All funds shall be expended subject to such procedures as may be established by the Associated Students subject to the approval of each of the following three persons:

- The Campus President or designee;
- The officer or employee of the district who is the designated advisor of the particular student body organization; and
- A representative of the student body organization.

The books, financial records and procedures of all student organizations are subject to an annual audit. Reports of the annual audit of A.S. funds are submitted to the Vice President of Administrative Services. Audit information, except that containing personnel or other confidential information, shall be released to the Associated Students by the Vice President of Administrative Services, or designee.

Book VCCCD Administrative Procedure Manual
Section Chapter 5 Student Services
Title AP 5520 STUDENT DISCIPLINE PROCEDURE
Number AP 5520
Status Active – THERE IS NO BP IN VCCCD BOARDDOCS
Legal Reference: Education Code Section 66300, 72122, 76030
Adopted June 16, 2010
Last Reviewed June 9, 2010

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

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

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

Definitions of key terms:

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

Day. A calendar day, unless otherwise specified in this procedure. If the final day to take any action required by this procedure falls on a Saturday, Sunday, or other day that the ~~administrative office of the District are~~ college is closed, the date for such action shall be extended to the next business day. Similarly, ~~if if the final day to take any action required by this policy occurs~~ any action is required while the faculty or staff member involved is "off contract" or otherwise unavailable, ~~the timeline will commence when the faculty member returns to active contract status.~~

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~~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.

Comment [p1]: This will need to be updated to match the conduct code.

Original draft from P. Ewins received 3.05.13
DTRW-SS 3.07.13 first reading

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.

Original draft from P. Ewins received 3.05.13
DTRW-SS 3.07.13 first reading

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

Definitions of types of discipline listed in order of severity

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

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

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

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

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

Disciplinary Probation and/or Temporary Ineligibility to Participate in Extracurricular Activities and/or Temporary Denial of Other Privileges. Placement of the student on probation by the College President or designee, for good cause, for a specified period of time, not to exceed one academic year, during which a student's fitness to continue to attend school, in light of the student's disciplinary offenses, is ~~tested~~ ~~evaluated~~; 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 interim suspension of a student where he or she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days. A suspended student shall be prohibited from being enrolled in any community college within the District for the period of the suspension. [Education Code Sections 66017 and 76031; cf. Penal Code Section 626.2.]

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

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

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

Original draft from P. Ewins received 3.05.13
DTRW-SS 3.07.13 first reading

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

Suspensions and Expulsions

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

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

- the specific section of the Standards of Student Conduct or Education Code that the student is accused of violating;
- a specific statement of the facts supporting the proposed discipline;

Original draft from P. Ewins received 3.05.13

DTRW-SS 3.07.13 first reading

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

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

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

Short-term Suspension. Within 10 days after the delivery of the notice, or within 10 days of a meeting if the student requests a meeting, or within 10 days of receiving the student's statement as to why the proposed disciplinary action should not be implemented, the CSSO shall decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the CSSO's decision shall be provided to the student and, if the student is a minor, to the student's parent or guardian. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action, as well as any conditions or limitations placed on the student during the short-term suspension. The notice will include the right of the student to request a meeting with the College President or designee within 7 days of notification of the recommended disciplinary action. The notice shall be deemed delivered if it is personally served on the student, or the student's parent or guardian if the student is a minor, or deposited in U.S. mail to the student's most recent address on file with the college. Such meeting [with the college President or designee](#) 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~~ [for this decision](#), 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~~ [7-10](#) days after the delivery of the notice, or within ~~7-10~~ [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

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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. The College President or designee may invoke immediate, and if necessary, consecutive interim suspension(s) of a student awaiting a formal hearing where he or she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order.

Comment [p2]: This is problematic because it allows the student to return to class while awaiting the decision.

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. The College President or designee may invoke immediate and if necessary, consecutive, interim suspension(s) of a student awaiting a formal hearing where he or she concludes that immediate, suspension is required to protect lives or property and to ensure the maintenance of order.

Hearing Procedures for Long-term Suspension and Expulsion

Request for Hearing. Within 7-10 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 7-10 days after the student's receipt of the College President's decision or recommendation in the case of expulsion, the student's right to a hearing shall be deemed waived.

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

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

Comment [p3]: Student grievance hearing stipulates it cannot be the chair. Should they be the same? I have no strong feelings which way it should be ...but same would be nice.

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

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

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

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 and written statements will be admissible, but will be insufficient, alone, to establish a charge against the student. The Hearing Panel Chair, in consultation with the Hearing Panel, shall be responsible for determining the relevancy of presented evidence and testimony, the number of witnesses permitted to testify, and the time allocated for testimony and questioning. The Hearing Panel Chair, in consultation with the Hearing Panel, shall further be responsible for instructing and questioning witnesses on behalf of the Hearing Panel, and for dismissing any persons who are disruptive or who fail to follow instructions. The Hearing Panel Chair shall have the final decision on all procedural questions concerning the hearing.

Comment [p4]: How and where would this be enforced?

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 college appointed 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.

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

College President's Decision

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

Board of Trustees Decision

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

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

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

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

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

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

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

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AP 5530 STUDENT RIGHTS AND GRIEVANCES

Book VCCCD Administrative Procedure Manual
Section Chapter 5 Student Services
Title AP 5530 STUDENT RIGHTS AND GRIEVANCES
Number AP 5530
Status Active – THERE IS NO BP 5530 IN VCCCD BOARDDOCS
Legal Title IX, Education Amendments of 1972; Education Code Section 76224(a)
Adopted June 16, 2010
Last Reviewed June 9, 2010

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

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

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

This procedure does not apply to:

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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

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

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

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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~~ District is closed, the date for such action shall be extended to the next business day. Similarly, if any action is required while the faculty or staff member involved is "off contract" or otherwise unavailable, the timeline will commence when the faculty member returns to active contract status. ~~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.~~

Comment [p1]: This is problematic because it can occur when faculty are off contract and cannot be required to respond.

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.

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Formal Resolution

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

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

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

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

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

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

- The statement satisfies the definition of a grievance as set forth above;
- The statement contains facts which, if true, would constitute a grievance under these procedures;
- The grievant is a student, which under certain circumstances includes applicants and former students, and meets the definition of "grievant" as set forth in these procedures;
- The grievant is personally and directly affected by the alleged grievance;
- The grievance seeks a remedy which is within the authority of the hearing panel to recommend or the college president to grant:

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- The grievance was filed in a timely manner;
- The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.

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

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

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

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

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

The Grievance Hearing Committee Chair, in consultation with the Grievance Hearing Officer and Grievance Hearing Committee, shall be responsible for determining the relevancy of presented evidence and testimony, the number of witnesses permitted to

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testify, and the time allocated for testimony and questioning. The Grievance Hearing Committee Chair, in consultation with the Grievance Hearing Committee, shall further be responsible for instructing and questioning witnesses on behalf of the Grievance Hearing Committee, and for dismissing any persons who are disruptive or who fail to follow instructions. The Grievance Hearing Committee Chair, in consultation with the College Grievance Officer, shall have the final decision on all procedural questions concerning the hearing.

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

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

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

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

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

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

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

College President's Decision

The College President, at his/her discretion, may accept, reject, or modify the findings, decision, and recommendations of the Grievance Hearing Committee. The factual findings of the Grievance Hearing Committee shall be accorded great weight. The College President may additionally remand the matter back to the Grievance Hearing Committee for further consideration of issues specified by the College President. Within 21 days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the College President shall send to all parties his or her written decision, together with the Grievance Hearing Committee's decision and

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recommendations. If the College President elects to reject or modify the Grievance Hearing Committee's decision or a finding or recommendation contained therein, the College President shall review the record of the hearing, and shall prepare a new written decision that contains specific factual findings and conclusions. The decision of the College President shall be final, subject only to appeal as described below.

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

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

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

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

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

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

The Chancellor's decision shall be final.

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MOORPARK COLLEGE

STUDENT ALERT

CHANGES TO REGISTRATION PRIORITIES

Effective fall 2014

The California Community College Board of Governors has unanimously approved changes that will establish system wide enrollment priorities. These changes will be implemented in fall 2014 and are designed to ensure classes are available for students seeking associate degrees, transfer, or job training, and to reward students who make steady and efficient progress toward their educational goals.

Continuing students with verified Education Plans, in good academic standing, who have not exceeded 75 transferable units, as well as **new students** who have completed their college orientation, self-assessments, and Education Plans **will now have registration priority over students who do not meet these criteria.**

Active-duty **military** and **veterans**, current and former **foster youth**, followed by students in **EOPS** and **ACCESS** will continue to have first priority for registration **as long as they meet the same criteria listed above.**

- Students on probation should seek help to improve their academic standing.
- Students nearing 75 transfer units should carefully plan their remaining courses.
- Student with designated High Unit Majors should check with a counselor see if they are eligible for a registration priority waiver.