



District Technical Review Workgroup
Student Services – DTRW-SS
AGENDA

April 24, 2014 – DAC Lakin Boardroom
3:00 p.m. – 4:30 p.m.

- Approval of March 27, 2014 Meeting Notes

Old Business

- BP/AP 5020 Non Resident Tuition – wrong version of BP 5020 was presented at 3.27.14 DTRW-SS meeting
- **BP/AP 5050 MATRICULATION Student Success and Support Program**
- BP/AP 5055 Enrollment Priorities – A newer revision was sent to the Academic Senates on 4.14.14 by Joel Diaz.
- BP/AP 5150 Extended Opportunity Programs and Services (EOPS) – returned from 4.14.14 Chancellor's Cabinet with the following questions regarding AP 5150:
 - Does this follow Ed Code? For example, language stating, “programs and services that are over, above and in addition to”
 - Also, in terms of the list -- are these requirements? Bullet points need explanation/clarification/expectation.
- BP/AP 5500 Standards of Conduct – under review by Ventura Academic Senate – No AP in BoardDocs
- BP/AP 5520 Discipline Procedure – under review by Ventura Academic Senate – No BP in BoardDocs
- BP/AP 5530 Student Rights and Grievances – under review by Ventura Academic Senate – No BP in BoardDocs

New Business

- DTRW-SS Annual Self-Appraisal
- **Implementation of Senate Bill 150 (Correa) and Senate Bill 141 (Lara) - Registrars**

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
- AP 4100 Graduation Requirements for Degrees and Certificates – on hold as this item is under review at State Chancellor's office.
- 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



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- 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.
 - 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.

Next Meeting Date: TBD: August ____, 2014, 3 pm – DAC Lakin Boardroom
TBD: Submission deadline: August ____, 2014

Ventura County Community College District

District Technical Review Workgroup – DTRW-SS Meeting Notes

March 27, 2013 – DAC Lakin Boardroom

3:00 p.m. – 4:30 p.m.

DRAFT PRIOR TO APPROVAL OF MEETING NOTES AT 4.24.14 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, Robert Nunez

Recorder:

Laurie Nelson-Nusser

Notes:

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
Welcome and Approval of February 27, 2014 Meeting Notes	Dr. Endrijonas welcomed everyone to DTRW-SS. The meeting commenced at 3:03 pm. The February 27, 2014 meeting notes were approved as presented.			
OLD BUSINESS				
BP/AP 5030 – Student Activity Fee (Victoria Lugo/Student Activity Specialists)	There was discussion between the colleges and there has been no consensus as of yet regarding the Student Activity Fee. This item will return to the April meeting.	Add item to 4.24.14 agenda	4.18.14	Laurie Nusser
BP/AP 5150 Extended Opportunity Programs	Existing BP 5150 and proposed AP 5150 were reviewed by the workgroup and will now	Send BP/AP to Academic	ASAP	Laurie Nusser

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
and Services (EOPS) – no VCCCD AP/current BP in BoardDocs.	be reviewed by the Academic Senates. Ms. Nusser will send them to the Academic Senate Presidents.	Senate Presidents		
BP/AP 5500 Standards of Conduct – no AP in BoardDocs	BP/AP 5500 have been reviewed and approved by both the Moorpark and Oxnard College Academic Senates, but the Ventura Academic Senate still has concerns about whether the policies should more explicitly include information about faculty rights with disruptive students. This item will return to the April meeting after further review by the Ventura Academic Senate. 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.	Add to agenda at next Ventura Academic Senate Meeting Add item to 4.24.14 agenda	ASAP 4.18.14	Art Sandford Laurie Nusser
BP/AP 5520 Discipline Procedure – no BP in BoardDocs	BP/AP 5520 have been reviewed and approved by both the Moorpark and Oxnard College Academic Senates, but the Ventura Academic Senate still has concerns about whether the policies should more explicitly include information about faculty rights with disruptive students. This item will return to the April meeting after further review by the Ventura Academic Senate. 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.	Add to agenda at next Ventura Academic Senate Meeting Add item to 4.24.14 agenda	ASAP 4.18.14	Art Sandford Laurie Nusser
BP/AP 5530 Student Rights and Grievances – no BP in BoardDocs	BP/AP 5530 have been reviewed and approved by both the Moorpark and Oxnard College Academic Senates, but the Ventura Academic Senate still has concerns about whether the policies should more explicitly include information about faculty rights with disruptive students. This item will return to the	Add to agenda at next Ventura Academic Senate Meeting	ASAP	Art Sandford

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
	April meeting after further review by the Ventura Academic Senate. 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.	Add item to 4.24.14 agenda	4.18.14	Laurie Nusser
New Drop Codes	The Registrars provided a handout indicating revised drop codes from the March 27 DTRW-SS meeting. The IT Department has reviewed the Banner issues and there are no technical issues for adding these codes. There was discussion regarding the verbiage and minor changes will be made prior to moving forward for implementation. This item will be revisited within 6 months to ensure capture of pertinent information.			
NEW BUSINESS				
BP/AP 5050 Matriculation	<p>A revised version of BP 5050 Matriculation was handed out at the meeting by the Registrars. The title of BP and AP 5050 Matriculation has been changed to "Student Success and Support Program."</p> <p>Revisions were made at the meeting and these versions will be sent to the Academic Senates by the Registrars with a copy to Ms. Nusser and will move forward to the May Policy Committee. (Sent to Academic Senates on 4.04.14 by Joel Diaz.)</p>			
AP 5055 Enrollment Priorities	There have been further changes at State level regarding loss of BOG fee waivers and appeals and, therefore, require further revisions to the VCCCD version of this administrative procedure. The Registrars reviewed and provided revised handouts for the new version of AP 5055.			

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
	The phrase “have an active educational plan and an informed program of study” will be removed from items 3-7 and the revised version will be sent to the Academic Senate Presidents by the Registrars with a copy to Ms. Nusser for version control. This will be sent early next week. (A newer revision was sent to the Academic Senates on 4.14.14 by Joel Diaz.)	Send revised version of changes made in meeting to Academic Senates	First week of April	Registrars
BP/AP 5300 Student Equity	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.			
DTRW-SS Annual Survey	The survey will be distributed prior to the April meeting and Dr. Endrijonas requested everyone to take the survey at their earliest convenience.			
Tracking of BP/AP on hold or under review by other workgroups	<ul style="list-style-type: none"> • BP/AP 4020 Program and Curriculum Development – will move forward to Chancellor’s Cabinet, Policy, Consultation Council, and subsequently to the Board for full approval. • BP/AP 4022 Course Approval – will move forward to Chancellor’s Cabinet, Policy, Consultation Council, and subsequently to the Board for full approval. • BP/AP 4050 Articulation – will move forward to Chancellor’s Cabinet, Policy, Consultation Council, and subsequently to the Board for full approval. • AP 4100 Graduation Requirements for Degrees and Certificates – under review at DTRW-I – on hold awaiting State information and clarification between the 			

Agenda Item	Summary of Discussion	Action (If Required)	Completion Timeline	Assigned to:
	<p>CSUs and Chancellor's office whether "C" is regarded as P/NP.</p> <ul style="list-style-type: none"> • 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. As of 3.27.14, this item is still under review with DOC. • BP/AP 5300 Student Equity – under review by DCAA/Academic Senates (sent to Academic Senates 4.01.13) tabled by DCAA for further review in order to wait for new state information from the Student Equity Taskforce – was to return to DCAA in fall and is now at DTRW-SS still awaiting state information. • BP/APs 5500 Standards of Conduct, 5520 Student Discipline Procedure, and 5530 Student Rights and Grievances were reviewed at the Ventura Academic Senate meeting and will be further reviewed at their next Academic Senate meeting. These items will return to the April 24 DTRW-I meeting. • BP/APs 3540 Sexual and Other Assaults on Campus and 3550 Drug Free Environment and Drug Prevention were sent to DCHR for review. Chief Beckley is reviewing BP/AP 3540. 			
NEXT MEETING	Thursday, April 24, 2014 – 3:00 p.m. – DAC Lakin Boardroom			

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~~

~~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 ~~10/28/12~~ 11/14/12

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.

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 ~~N~~ 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

Military ~~Resident~~ Exemption: ~~Non-resident U.S.:~~

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 Graduate 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 must be paid in full at the time of registration, or payment arrangements must be made using the district-approved payment plan option.

5. Refunds

Courses must be dropped by the refund deadlines for each semester/session to generate a fee credit or refund. ~~Nonresident Tuition is refunded at a rate of 100% for classes that are dropped by the 10% withdrawal deadline, and at a rate of 50% for classes that are dropped by the 20% withdrawal deadline.~~ No fee credits or refunds are issued for withdrawals that occur after the 20% withdrawal deadline date.



Book	VCCCD Board Policy Manual
Section	Chapter 5 Student Services
Title	BP 5050 MATRICULATION Student Success and Support Program
Number	BP 5050
Status	Active
Legal	Education Code Sections 78210, et seq.; Title 5, Section 55500
Adopted	April 18, 2006

The District shall provide matriculation services to students for the purpose of furthering equality of educational opportunity and academic success. The purpose of matriculation is to bring the student and the district into agreement regarding the student's educational goal through the district's established programs, policies and requirements.

The Chancellor shall establish procedures to assure implementation of matriculation services that comply with the Title 5 regulations.

See Administrative Procedure 5050.

VCCCD	Administrative Procedure Manual
Section	Chapter 5 Student Services
Title	AP 5050 MATRICULATION <u>Student Success and Support Program</u>
Number	AP 5050
Status	Active
Legal	Education Code Sections 78210 et seq.; Title 5 Section 55500 et seq.
Adopted	April 14, 2009
Last Reviewed	March 12, 2009

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

College and District Responsibilities

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

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

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

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

ORIENTATION (Title 5, section 55521)

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

- (1) Academic expectations and progress and probation standards pursuant to section 55031;
- (2) Maintaining registration priority pursuant to section 58108;
- (3) Prerequisite or co-requisite challenge process pursuant to section 55003;
- (4) Maintaining Board of Governors Fee Waiver eligibility pursuant to section 58612.

- (5) Description of available programs, support services, financial aid assistance, and campus facilities, and how they can be accessed;
- (6) Academic calendar and important timelines.
- (7) Registration and college fees.
- (8) Available education planning services.
- (9) Other issues, policies, and procedures the college determines as necessary to provide a comprehensive orientation to students.

ASSESSMENT (Title 5, section 55522)

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

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

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

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

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

COUNSELING, ADVISING AND OTHER EDUCATIONAL PLANNING SERVICES

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

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

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

- (1) ensure that all nonexempt students who are on academic or progress probation or facing dismissal participate in counseling as provided in section 55023;
- (2) ensure that all nonexempt students who do not have a course of study participate in counseling, advising, or other education planning services to assist them in the process of selecting an educational goal and course of study pursuant to section 55530;
- (3) ensure that all nonexempt students who are enrolled in non-degree-applicable basic skills courses participate in counseling, advising, or other education planning services.

NOTIFICATIONS: REQUIREMENTS OF THE STUDENT SUCCESS AND SUPPORT PROGRAM AND LOSS OF ELIGIBILITY FOR THE BOARD OF GOVERNORS' FEE WAIVER

The district and its colleges notify students who are at risk of losing their enrollment priority due to their academic standing or due to exceeding the maximum unit limit as established under BP and AP 5055. The district and its colleges will, beginning Spring 2015, notify students about the requirements of the Student Success and Support Program including notifying students who are at risk of losing Board of Governors Fee Waiver eligibility due to their being placed on academic or progress probation for two consecutive terms.

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

STUDENT EDUCATION PLAN

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

(1) Abbreviated. Abbreviated student education plans are one to two terms in length, designed to meet the immediate needs of entering students and those for whom a comprehensive plan is not appropriate; or

(2) Comprehensive. The comprehensive student education plan is tailored to meet the individual needs and interests of the student and may include other elements to satisfy participation requirements for programs such as EOPS, DSPS, CalWORKs, veterans' education benefits, athletics. It will address a student's education goal and program of study requirements, applicable course prerequisites or co-requisites, assessment for placement results, potential transfer institutions, the need for basic skills, and the need for referral to other support and instructional services as appropriate; and will include the steps the student needs to take on their educational path to complete their identified course of study. The planning process will take into account a student's interests, skills and career goals.

Each college shall develop processes to ensure that all continuing, nonexempt students have selected an educational goal, program of study and have developed a comprehensive student educational plan once they have completed 15 units of degree-applicable college coursework.

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

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

STUDENT FOLLOW-UP

Each college shall establish a process to ensure it is evaluating the academic progress of, and providing appropriate student services to at-risk students.

Follow-up services shall be targeted to at risk students, specifically students enrolled in basic skills courses, students who have not identified an education goal and course of study, or students who are on academic or progress probation or facing dismissal. These services include, but are not limited to, academic or progress probation interventions, academic early alert systems, and referral to other support services.

ACCOMMODATIONS:

(a) Student Success and Support Program services for students with disabilities shall be appropriate to their needs, and colleges shall, where necessary, make modifications to the services provided or use alternative tests, methods, or procedures to accommodate the needs of such students. Colleges may require students requesting such accommodations to provide proof of need. Disabled Students Programs and Services (DSPS) is authorized, consistent with the provisions of subchapter 1 (commencing with section 56000) to provide specialized services and modified or alternative services as identified in 55520. Notwithstanding this authorization, participation in the DSPS program is voluntary and no student may be denied necessary accommodations in the assessment process because he or she chooses not to use specialized matriculation services provided by these programs.

(b) Student Success and Support Program services for students served by the Extended Opportunity Programs and Services (EOPS) who are disadvantaged by economic, social, and educational status shall be appropriate to their needs, and colleges shall, where necessary, make modification to the services provided or use alternative supports to meet the needs of such students. EOPS is authorized, consistent with the provisions of subchapter 2.5 (commencing with section 56200) of chapter 7 to provide services that are over, above, and in addition to services otherwise provided to all credit-enrolled students. Notwithstanding this authorization, participation in the EOPS program is

voluntary and no student may be denied necessary supports because he or she chooses to not use specialized services provided by this program.

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

STUDENT RESPONSIBILITIES, EXEMPTIONS AND APPEALS

Student Responsibilities

(a) All students shall be required to:

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

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

- (1) identify a course of study.
- (2) be assessed to determine appropriate course placement.
- (3) complete an orientation activity provided by the college.
- (4) participate in counseling, advising, or another education planning service pursuant to section 55523 to develop, at a minimum, an abbreviated student education plan.

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

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

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

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

EXEMPTIONS

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

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

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

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

VIOLATIONS AND APPEALS

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

(1) Challenges and complaints relative to this administrative procedure shall be submitted pursuant to the requirements of the district Student Grievance Process.

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

~~1. **Educational Plan** brings the student and the District into agreement regarding the student's educational goal through the District's established programs, policies, procedures and requirements. The agreement is implemented by means of the student educational plan.~~

Each student, in entering into an educational plan, will do all of the following:

- ~~• identify an education and career goal;~~
 - ~~• identify a course of study;~~
 - ~~• be assessed to determine appropriate course placement;~~
 - ~~• complete orientation;~~
 - ~~• participate in the development of the student educational plan;~~
 - ~~• complete a student educational plan no later than the term after which the student completes 15 semester units of degree applicable credit coursework;~~
 - ~~• diligently attend class and complete assigned coursework; and~~
 - ~~• complete courses and maintain progress toward an educational goal~~
- ~~• Express at least a broad educational intent upon admission~~
 - ~~• Declare a specific goal no later than the term after which the student completes 15 semester units of degree applicable credit coursework~~
 - ~~• Diligently attend class and complete assigned coursework~~
 - ~~• Complete courses and maintain progress toward an educational goal~~
 - ~~• Cooperate in the development of the student educational plan~~

2. Services Offered

~~Matriculation Student Success and Support Program (3SP) services include, but are not limited to, all of the following:~~

- ~~• Processing of the application for admission~~
 - ~~• Orientation and pre-orientation services designed to provide to students, on a timely basis, information concerning campus procedures, academic expectations, financial assistance, and any other appropriate matters~~
 - ~~• Assessment and counseling upon enrollment, which shall include, but not be limited to, all of the following:~~
- ~~1. Administration of assessment instruments to determine student competency in computational and language skills~~
 - ~~2. Assistance to students in the identification of aptitudes, interests and educational objectives, including, but not limited to, associate of arts degrees, transfer for baccalaureate degrees, and vocational certificates and licenses~~
 - ~~3. Evaluation of student study and learning skills~~
 - ~~4. Referral to specialized support services as needed, including, but not limited to, federal, state, and local financial assistance; health services; campus employment placement services; extended opportunity programs and services; campus child care services programs that teach English as a second language; and disabled student services~~
 - ~~5. Advisement concerning course selection~~

6. ~~Post-enrollment evaluation of each student's progress. Follow-up services, and required advisement or counseling for students who are enrolled in remedial courses, who have not declared an educational objective as required, or who are on academic probation.~~

3. Assessment

The District shall not use any assessment instrument except one specifically authorized by the Board of Governors of the California Community Colleges.

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Exemptions Policy

Assessment is required for all non-exempt students. Exemption criteria are:

- Possession of an associate degree or higher from a regionally accredited institution
- Completion of less than 15 semester units and an education goal of one of the following: (a) to advance in current job/career (update job skills); (b) to maintain a certificate or license; (c) educational development (intellectual, cultural). Exemption from the orientation and counseling portion of matriculation will be given if the student is able to demonstrate that he/she is concurrently attending another college where he/she is already receiving matriculation services
- Exemption from the testing portion of matriculation will be given if the student is able to provide scores from recently taken District-approved assessment tests

A comprehensive assessment process is required for all non-exempt students. Students are required to participate in all components of the Student Success and Support Program (3SP) process, i.e. orientation, assessment, and a student educational plan. You may be exempt* from participating in the 3SP process if you meet any one of the criteria listed below:

- Students who have already earned an AA/AS degree or higher from a regionally accredited institution and CAN DEMONSTRATE THIS WITH DOCUMENTATION.
- Student has enrolled at the college for a reason other than career development or advancement, transfer, attainment of a degree or certificate of achievement, or completion of basic skills or English as a Second Language course sequence.
- Student has completed these services at another college within the last 3 years.
- Student has enrolled solely to take a course that is legally mandated for employment as defined in section 55000 or necessary in response to a significant change in industry or licensure standard.
- Student has enrolled at the college as a special admit student pursuant to Education Code section 76001.



Book	VCCCD Board Policy Manual
Section	Chapter 5 Student Services
Title	BP 5055 ENROLLMENT PRIORITIES
Number	BP 5055
Status	Active
Legal	Title 5, Section 58108 Title 5, Section 58106 Title 5, Section 51006
Adopted	April 18, 2006
Last Reviewed	December 10, 2013

The Chancellor, in consultation with the Academic Senates, shall establish procedures defining enrollment priorities, limitations, and processes for student challenge, which shall comply with Title 5 regulations.

See [Administrative Procedure 5055](#).

Last Modified by Laurie Nusser on December 17, 2013

Book	VCCCD Administrative Procedure Manual
Section	Chapter 5 Student Services
Title	AP 5055 ENROLLMENT PRIORITIES
Number	AP 5055
Status	Active
Legal	California Education Code, Section 66025.8 et. seq. Title 5 Sections 58106, 58108, 58311
Adopted	April 14, 2009
Last Reviewed	December 10, 2013

The Ventura County Community College District assigns enrollment priority to all new, continuing, and returning students in accordance with the California Education Code and Title 5 Administrative Code. Enrollment priority is also known as registration priority.

NEW STUDENTS: receive enrollment priority after completing orientation, assessment and a student educational plan. These may be accomplished in different ways including but not limited to completing the online orientation or attending an in-person session; taking the assessment tests, submitting transcripts of other college work completed and/or other test scores for evaluation; completing a one- or two-semester “abbreviated” educational plan, or developing a comprehensive educational plan that is approved by an academic counselor.

- Exemption from a service: New students have the right to request an exemption from orientation, assessment and educational planning activities based on criteria identified below; students who claim exemption will not be eligible for enrollment priority. The exemption criteria are as follows:
 - Student has earned an Associate or higher degree
 - Student is a Special Admission student (concurrently enrolled minor)
 - Student is enrolling solely to take a course that is legally mandated for employment or necessary in response to a significant change in industry or licensure standards.

CONTINUING STUDENT: a student who has been enrolled in one or more of the two previous primary semesters. Only continuing students are eligible to apply for a high-unit waiver.

Continuing students receive enrollment priority based on the number of completed and in-progress degree-applicable units taken at any of the colleges in this district providing they have not been placed on academic or progress probation or more serious academic sanction for two consecutive terms. Transfer units are not used to calculate enrollment priority.

Limitations

- Continuing students who have earned more than 90 units will lose enrollment priority and will register during open registration unless they successfully petition for a waiver that reinstates them to the previous enrollment priority. The petition for reinstatement of enrollment priority is initiated through a counseling appointment.
- Students may petition for reinstatement of registration priority if they are enrolled in a high-unit major or program of study, high-unit transfer major; or are registering for their last semester at the college.

- Continuing students who are placed on academic or progress probation or more serious academic sanction for two consecutive terms will lose enrollment priority and will register during open registration. Students who lose their priority may appeal if they have verifiable extenuating circumstances as defined below; an approved appeal will result in the reinstatement of enrollment priority. The petition to appeal loss of enrollment priority is initiated through a counseling appointment.
- Extenuating circumstances are defined as verifiable cases of accident, illness or other circumstances beyond the student's control. Appeals must be supported by verifiable documentation of circumstances.

RETURNING STUDENT: a student who has been previously enrolled, but not enrolled for either of the previous two primary semesters.

Returning students who have not attended in at least one year, who have completed fewer than 90 units, are in good academic standing in the VCCCD, and have completed orientation assessment and an educational plan will have registration priority over returning students who do not meet these criteria.

SPECIAL ADMISSION STUDENT: a concurrently enrolled minor attending public, private or home school who is also taking classes at a college in the district.

Special Admission students register behind other groups as designated by state mandate. Where the district has an MOU with specific high schools that designate them as partners in a "middle college high school" agreement, the students from those high schools will be afforded priority over other special admission students.

ASSIGNMENT OF ENROLLMENT PRIORITIES IN THE VCCCD

Pursuant to Title 5 Sections 58106, 58108; Education Code Section 66025.8 et. seq. within the Ventura County Community College District, priority registration appointments are assigned based on the following criteria and in the following order:

1. Priority as defined by statute for:
 - foster youth and former foster youth; all new students must have completed orientation, assessment, and an educational plan.
 - active military and military veterans, DSPS students, EOPS students, and CalWORKS students - all continuing and returning students in these groups must be in good academic standing; all new students in these groups must have completed orientation, assessment, and an educational plan.
2. Student athletes beyond their first semester as verified by a designated athletics counselor – all continuing students must be in good academic; students new to the college must have completed orientation, assessment and an educational plan;.
3. Continuing students with 76-90 units who are in good academic standing
4. Continuing students with 45-75 units who are in good academic standing
5. Continuing students with 30-44 units who are in good academic standing
6. Continuing students with 15-29 units who are in good academic standing
7. Continuing students with 1-14 units who are in good academic standing
8. a) New students who have completed orientation, assessment, and an educational plan;

b) Returning students who have not attended in at least one year, who have completed fewer than 90.5 units, are in good academic standing in the VCCCD, and have completed orientation assessment and an educational plan.

9. Open registration for all students (excluding Special Admission students), including:

- All students that have been placed on academic or progress probation or more serious academic sanction for two consecutive terms unless they successfully appeal for reinstatement of enrollment priority based on verifiable extenuating circumstances.
- All students with more than 90.5 units who are in good academic standing unless they successfully petition for reinstatement of enrollment priority.
- New and returning students who choose to be exempt from participating in orientation, assessment and/or the development of a student educational plan (see Exemption information above).

10. Special admission high school students and other concurrently enrolled minors.

DEFINITIONS

Abbreviated Educational Plan: A plan that identifies the courses a new student will take in their first one or two semesters. An abbreviated educational plan may be developed by a student with or without the help of an academic counselor, and is not approved by a counselor. Abbreviated educational plans are required for all new non-exempt students; however, a comprehensive educational plan will also satisfy this requirement.

Comprehensive (Active) Educational Plan: A plan that identifies the courses a student must take to complete their informed program of study and reach their educational goals. The comprehensive educational plan is generally at least two semesters long, and ideally will be long enough to identify everything a student must do to achieve their educational goal.

Good Academic Standing: Defined solely for purposes of assigning enrollment priority as a student who has not been placed on academic or progress probation or more serious academic sanction for two consecutive terms. Students who are on probation for two consecutive terms will lose enrollment priority for the next term.

Informed Program of Study: The degree, certificate or transfer program of study that a student declares upon completing 15 units of college coursework. The "informed program of study" is the basis for a student's comprehensive educational plan.

Primary Semesters: fall and spring

Current version of AP 5055

~~Pursuant to Title 5 Section 58106; Education Code Section 66025.8 et. seq. within the Ventura County Community College District, priority registration appointments are given to continuing students in good academic standing and new students who have completed orientation, assessment, and an educational plan (effective fall 2014) in the following order:~~

- ~~1. As defined by statute, active military, military veterans, foster youth, former foster youth, DSPS students, EOPS students, and CalWORKS students. All continuing and returning~~

students in these groups must be in good academic standing; all new students in these groups must have completed orientation, assessment, and an educational plan.

- ~~2. Student athletes beyond their first semester who are in good academic standing as verified by a designated athletics counselor.~~
- ~~3. Continuing students with 76-90 units* who are in good academic standing.~~
- ~~4. Continuing students with 45-75 units* who are in good academic standing.~~
- ~~5. Continuing students with 30-44 units* who are in good academic standing.~~
- ~~6. Continuing students with 15-29 units* who are in good academic standing.~~
- ~~7. Continuing students with 1-14 units* who are in good academic standing.~~
- ~~8. New students who have completed orientation, assessment, and an educational plan (fall 2014) and returning students with fewer than 90 units who are in good academic standing.~~
- ~~9. New students who have not completed orientation, assessment, and educational plan (fall 2014).~~
- ~~10. Open registration for all students (except "11." below), including returning students and all students with 91+ units who are in good academic standing (see high-unit waiver for continuing students only).~~
- ~~11. Special admission high school students.~~

~~*Completed and in progress VCCCD units only. Basic skills and non-degree applicable units shall not be counted.~~

Continuing Student: ~~a student who has been enrolled in one or more of the two previous primary semesters. Only continuing students are eligible to apply for a high-unit waiver.~~

Returning Student: ~~a student who has been previously enrolled, but not enrolled for either of the previous two primary semesters.~~

Primary Semesters: ~~fall and spring~~

Good Academic Standing: ~~Defined solely for purposes of assigning enrollment priority as a student who is not in Probation 2 status. Students who are on probation for two consecutive semesters will lose enrollment priority for the next semester or summer session.~~

~~Note that the requirements that students be in good academic standing, complete orientation, assessment and an educational plan will be effective for fall 2014 registration. All other enrollment priorities are currently in effect.~~



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

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

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

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

Book	Administrative Procedures
Section	Chap 5 Student Services
Title	Extended Opportunity Programs and Services
Number	AP 5150
Status	<u>PROPOSED</u>
Legal	<u>Education Code Sections 69640-69656</u> <u>Title 5 Sections 56200 et seq.</u>

AP 5150 Extended Opportunity Programs and Services

The Extended Opportunity Programs and Services shall offer programs and services that are over, above and in addition to the regular educational programs of the college. EOPS program plans will be submitted each year that will include at a minimum:

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



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 at-on-or during off-campus college-sponsored activities are subject to the procedures outlined in Administrative Procedures 5520: Student Discipline Procedures:

1. Causing, attempting to cause, or threatening to cause physical injury to another person or to one's self.
2. Possession, sale or otherwise furnishing a weapon, including but not limited to, any actual or facsimile of a firearm, knife, explosive or other dangerous object, or any item used to threaten bodily harm without written permission from a district employee, with concurrence of the College President 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.

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 ????) of public expression or distribution of materials.

Comment [pe1]: Need to add the AP #

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.~~

~~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.



Book VCCCD Board Policy Manual
Section Chapter 5 Student Services
Title ABP 5500 STANDARDS OF CONDUCT Number
Status Active
Legal Education Code Section 66300; Accreditation Standard II.A.7.b
Adopted April 13, 2010
Last Reviewed ~~March 11, 2010~~ January 2014

Comment [pe1]: Can this be called "Student Code of Conduct"?

AP 5500 Standards of Conduct

NOTE: The Code of Conduct as written below should match what is in BP 5500

References:

Education Code Sections

66300 and 66301;

Accreditation Standard II.A.7.b

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~~, 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.~~

Comment [pe2]: Need to add the AP #

- ~~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.



<u>Book</u>	<u>VCCCD Board Policy Manual</u>
<u>Section</u>	<u>Chapter 5</u>
<u>Title</u>	<u>Student Services-Student Discipline Procedures</u>
<u>Number</u>	<u>BP 5520</u>
<u>Status</u>	<u>Active</u>
<u>Legal</u>	<u>Education Code Section 66300</u> <u>Education Code Section 72122</u> <u>Education Code Section 76030</u>
<u>Adopted</u>	PROPOSED
<u>Last Reviewed</u>	

The Chancellor shall establish Student Disciplinary Procedures.

See Administrative Procedure AP 5520.



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, 66301 , 72122, 76030, 76033 , 76232
Adopted	June 16, 2010
Last Reviewed	June 9, 2010 January 2014

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 instructorFaculty 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 instructorFaculty 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 instructorFaculty 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 instructorFaculty 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 instructorFaculty regarding the removal prior to the day that the student is eligible to return to class. If the instructorFaculty 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 instructorFaculty. 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 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, 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 instructions 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.



<u>Book</u>	<u>VCCCD Administrative Procedure Manual</u>
<u>Section</u>	<u>Chapter 5 Student Services</u>
<u>Title</u>	<u>BP 5530 STUDENT RIGHTS AND GRIEVANCES</u>
<u>Number</u>	<u>BP 5530</u>
<u>Status</u>	<u>Active</u>
<u>Legal</u>	<u>Title IX, Education Amendments of 1972; Education Code Section 76224(a) 66301; 76120</u>
<u>Adopted</u>	PROPOSED
<u>Last Reviewed</u>	

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). 66301; 76120
Adopted	June 16, 2010
Last Reviewed	June 9, 2010 January 2014

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 20 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.

From: [Joel Diaz](#)
To: [Erika Endrijonas](#)
Cc: [Susan Bricker](#); [David Anter](#); [Laurie Nelson-Nusser](#)
Subject: FW: Implementation of SB 150 (Correa) and SB 141 (Lara)
Date: Tuesday, April 22, 2014 3:26:33 PM
Attachments: [SB 150 and SB 141 Memo.doc](#)
Importance: High

Erika,

We would like to add SB150 and 141 to Thursdays DTRW-SS agenda. These two bills became effective on January 1, 2014. One of the bills is permissive and the other is required.

SB150 permits a district to exempt nonresident special part-time students from paying nonresident tuition. We currently exempt 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.

This bill will not benefit students under other type of nonimmigrants visas such as international students; but will benefit other non-resident students such undocumented and minors who are US citizens whose families have not lived in CA long enough to establish residency. We would like to know if the group would like to implement this bill.

SB 141 requires us to exempt US citizens who reside in a foreign country from paying nonresident tuition if they meet certain requirements. Some of the APs will need to be updated to include this exemption. We will be updating the APs to allow this exemption. When a student is exempt for nonresident tuition for this purpose, apportionment can be claimed.

I have attached the summary of the two bills that was provided by the Chancellor's office.

Thank You.

Joel Diaz, Registrar
Office of Admissions & Records
Oxnard College
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Fax: (805) 986-5943
email: jdiaz@vcccd.edu

From: CCC Admissions & Records - Deans, Directors & Staff [<mailto:CCC-ADMISSIONS@LISTSERV.CCCNEXT.NET>] **On Behalf Of** Michalowski, Linda
Sent: Wednesday, February 12, 2014 11:26 AM
To: CCC-ADMISSIONS@LISTSERV.CCCNEXT.NET
Subject: Implementation of SB 150 (Correa) and SB 141 (Lara)

Please see the attached summary of two bills that provide nonresident tuition exemptions for two new groups of students. The memo includes contact information if you have questions.

Linda

Linda Michalowski
Vice Chancellor, Student Services and Special Programs
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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 or (916) 445-1165. For other admissions questions, please contact Mia Keeley at mkeeley@cccco.edu or (916) 323-5953. For questions concerning BOG fee waivers/financial aid, please contact Tim Bonnel at tbonnel@cccco.edu or (916) 445-0104, or Rhonda Mohr at rmohr@cccco.edu or (916) 323-6894.

Links:

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