



SAN DIEGO COMMUNITY COLLEGE DISTRICT

CITY COLLEGE • MESA COLLEGE • MIRAMAR COLLEGE • CONTINUING EDUCATION

Board Policy

Chapter 2 – Board of Trustees

BP 2015 – STUDENT MEMBERS

The Board of Trustees shall include one non-voting student member. The Associated Student Presidents of San Diego City, Mesa, and Miramar Colleges shall have the responsibility of Student Trustee. Only one of the three shall sit with the Board on a rotating basis determined by the three Associated Student Presidents. The term of office shall be one year commencing June 1st through May 31st.

The student member shall be enrolled in, and maintain a minimum of, five semester units in the District at the time of nomination and throughout the term of service. If the student member is an employee with the District, the member will not be required to give up employment. The student shall maintain a 2.0 grade point average for all college work attempted.

The student member shall be seated with the Board of Trustees and shall be recognized at the Board meeting as a full member of the Board. The student member is entitled to participate in discussion of issues, receive all materials presented to members of the Board, with the exception of closed session meetings. The student member is not entitled to make, amend, or second motions, but may remove items from the consent calendar for discussion. The student member can cast an advisory vote, although the vote shall not be included in the determining vote required to carry any measure before the Board. The student member shall be entitled to any mileage allowance necessary to attend Board meetings to the same extent as publicly elected Trustees.

On or before May 15th of each year, the Board of Trustees shall adopt regulations granting privileges to the Student Trustee, including a stipend of \$100 per month and an advisory vote.

References: Education Code Section 72023.5

Adopted: 12/14/06

Revised: 08/27/15; 07/19/18; 05/09/19; XX/XX/XX

(Replaces current SDCCD BP 2015; former policy 1001.33; current procedure 3200.1 (1/19/2000))



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Board of Trustees Policy

Chapter 2 - Board of Trustees

BP 2105 – ELECTION OF STUDENT MEMBER(S)

The students enrolled in each of the Community Colleges of the District shall, in a general election, elect an Associated Student Body President who will also serve as the Student Trustee. Elections shall be conducted in accordance with ~~Student Services, Administrative~~ Procedure, AP 3200.1 2015, Student Member(s).

The student member(s) shall be chosen by the students enrolled at each college in the District as follows:

1. Any student who is: (a) a resident of California; and (b) enrolled in a college of the District for at least five semester units may stand for election by filing a declaration of candidacy at each college during the first week of April. The election shall be held at each college no later than the first week of May (first week is specified as the first week containing a Monday). Names shall appear on each ballot in alphabetical order.

The student member is required, through the term of office, to be enrolled in a college of the District for at least five semester units, and to maintain an overall 2.0 grade point average for all college work attempted.

2. It is the Board's ~~of Trustee's~~ intent that the student member(s) represent the districtwide student position, and toward that end, the Chancellor shall prescribe a districtwide channel for communication involving student position input from all colleges/campuses. Administrative support for the provision of districtwide student input shall be determined annually as a part of the regular budget process.
3. A recall election may be activated in accordance with the recall procedures prescribed for the Associated Student Body elections at each college.
4. In the event that a student representative is unable to complete his/her/their term, the vacancy shall be filled by the remaining Associated Student Presidents at the other college(s).

Reference: Education Code Section 72023.5; 72103
Administrative Procedure 2015

Adopted: 12/14/2006

Supersedes: ~~SDCCD—Formerly Policy BP~~ 1001.33; 12/14/06
current procedure 3200.1 (1/19/2000)

~~Office of primary responsibility—Student Services—~~



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Board of Trustees Policy

Chapter 5 – Student Services

BP 3125 TRANSPORTATION OF STUDENTS

~~It is the intent of this policy to provide a clear statement of the District's regulation regarding the transportation of students to and from sponsored events and activities. The requirements contained herein are additional to and do not replace other requirements mandated by law or found in District Policy/Procedure.~~

- ~~1. When transportation of students is not provided by the District, the District possesses no authority to supervise its mode, manner, or arrangement and any "provider liability" accrues in accordance with law to the provider of said transportation.~~
- ~~2. Students who use private modes of transportation are deemed to have accepted liability for injury or damages which may result from, or in the course of, said transportation. They may be required to sign a statement affirming the condition of their election of private transportation and agreeing to hold harmless the District for any claim whatsoever resulting from their transportation.~~
- ~~3. When transportation is undertaken by the District using District-owned vehicles or contracted carriers, the District shall assure reasonable supervision and adequate liability insurance protection for purposes of such transportation.~~
 - ~~a. Students may elect not to use District-provided transportation except where the supervising District official determines that transportation of the participating students, as a unit, is a requirement of the activity.~~
 - ~~b. Students who elect to use private modes of transportation where transportation is provided by the District, are deemed to have accepted liability for injury or damages which may result from, or in the course of, said transportation. They shall be required to sign a statement affirming the conditions of their election of private transportation and agreeing to hold harmless the District for any claim whatsoever resulting from their transportation.~~
- ~~4. District employees are not permitted to use their private vehicles to transport students, except in the event of an emergency where student safety would be in jeopardy. Employees who transport students in their private vehicles shall be deemed to be acting outside the scope of their employment, and in this regard, shall accrue any and all liability for damages or injury resulting from their providing the transportation.~~
- ~~5. Students are not authorized to secure a rental vehicle as part of their travel.~~

Adopted: _____ November 10, 2016

Supersedes: ~~5/14/81, 1/26/12~~



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Board of Trustees Policy

Chapter 5 – Student Services

~~BP 3120 – OFF-CAMPUS STUDENT ACTIVITIES~~ BP 4300 – FIELD TRIPS AND EXCURSIONS

Off-campus student activities involve the District when they are an integral part of programs offered by the District. These learning situations include, but are not limited to: field trips, excursions, classes convened off campus, co-curricular activities, student body activities, and the use of community resources individually by students. This policy is intended to ensure that off-campus student activities adhere to all state, local and federal regulations, as well as all District policies and procedures, including the Student Code of Conduct, and the Student Travel Guidelines.

1. DEFINITION OF OFF-CAMPUS ACTIVITIES

- a. Required off-campus activities: Activities which replace regularly scheduled on-campus sessions and are an integral part of the instructional program. All students are expected to attend the scheduled off-campus activity since it is part of the regularly scheduled class time.
- b. Optional off-campus activities: Activities that are convened off-campus but are not required as part of an educational program.
- c. Co-curricular activities: Travel related to the instructional program, which includes, but is not limited to student leadership, athletics, speech and debate, journalism and dramatic/performing arts.
- d. Voluntary activities: Activities or events off premises of the District which are not an integral part of District programs. Voluntary activities are neither approved nor sponsored by the District.
- e. International travel: Travel outside the United States.

2. REQUIREMENTS

- a. Required off-campus activities must meet all of the following conditions:
 - 1) The activity must have a direct relationship to the instructional program and demonstrate a benefit greater than could be achieved in a classroom activity.
 - 2) The learning experience is not conveniently available to students outside class time.
 - 3) Adequate preparation or orientation shall be provided in advance of travel.
 - 4) The activity shall be scheduled, insofar as possible, to avoid requiring that students be absent from other classes.
 - 5) The requirement for the activity shall be specified in the catalog course description and course syllabi.

- 6) Overnight trips or trips outside California shall be individually approved in advance by the Board of Trustees, and must comply with all out-of-state travel restrictions listed herein. The Chancellor, or designee, may approve travel within California that does not include an overnight stay.
- 7) District vehicles, including contract carriers, may be used to provide transportation and expenses for transportation/use of District vehicles and may be paid from District funds which have been budgeted for this purpose.
- 8) No expenses for students, other than transportation, may be paid from District funds (e.g., entry fees, food, lodging, etc.) unless approved by the Board.
- 9) Required off-campus activities shall not be authorized if any student cannot participate because of lack of funds or if the activity is not accessible to persons with disabilities.
- 10) The necessary expenses of District employees may be paid from District budgeted funds (see Board of Trustees Policy, *BP 6310, Travel*).

b. Optional off-campus activities:

- 1) The visit shall not be during, nor may it replace, a regularly scheduled class session.
- 2) The activity shall be scheduled, insofar as possible, to avoid requiring that students be absent from other classes.
- 3) Students are encouraged but shall not be required to attend. Students unable to attend due to finances or access shall be provided an alternate enrichment option to the extent feasible.
- 4) No penalty for nonattendance may be reflected in the course grade, nor may any student be held accountable in any way for the learning experience which would have been gained through attendance.
- 5) The activity need not be specified in the catalog course description.
- 6) Overnight trips or trips outside California shall be individually approved in advance by the Board of Trustees, and must comply with all out-of-state travel restrictions listed herein. The Chancellor or designee may approve travel within California that does not include an overnight stay.
- 7) District vehicles, including contract carriers, may be used to provide transportation, and expenses for transportation/use of District vehicles may be paid from District funds which have been budgeted for this purpose.
- 8) No expenses for students, other than transportation, may be paid from District funds; e.g., entry fees, food, lodging, etc., unless approved by the Board.
- 9) The necessary expenses of District employees may be paid from District budgeted funds (see Board of Trustees Policy, *BP 6310, Travel*).

3. CO-CURRICULAR ACTIVITIES

- a. Co-curricular activities both on and off campus, are authorized by the Board of Trustees in conjunction with educational programs, and meet all of the following criteria:
 - 1) Participation shall be approved in advance by the Board of Trustees.
 - 2) Students of the District shall be active participants in the activity or event.
 - 3) The activity or event is an extension of classroom instruction or related community college programs.
 - 4) Travel need not be considered an integral part of the completion of a course.
 - 5) The payment of all necessary expenses of students and employees participating in co-curricular activities is a proper expenditure of District funds which are budgeted for that purpose.
 - 6) No penalty for nonattendance may be reflected in the course grade, nor may any student be held accountable in any way for the learning experience which would have been gained through attendance.

4. ASSOCIATED STUDENT BODY ACTIVITIES

Associated Students activities involving field trips or excursions are those activities which are approved by the local student organization. Costs, if any, are charged against Associated Students' funds. Such activities are authorized by the Board under the following conditions:

- a. Activities and travel inside the State of California that does not include an overnight stay, must be approved in advance by the administrator responsible for Student Affairs.
- b. Activities and travel outside the State of California, and travel within California that includes an overnight stay must be approved in advance by the Board of Trustees, and comply with all travel restrictions listed herein.

5. STUDENT CODE OF CONDUCT

~~All students are expected to adhere to the Student Code of Conduct at all times while participating in off-campus student activities (see BP 3100 Student Rights, Responsibilities, Campus Safety and Administrative Due Process).~~

~~Each college/campus may establish, as a part of its annual budget, funds to provide for costs related to off-campus student activities which are governed by this policy.~~

~~Sexual Misconduct Training: All students who travel must complete the District's Title IX training in advance of travel.~~

6. VOLUNTARY ACTIVITY OR EVENT

Activities include visits to museums, art galleries, libraries and other public places and involvement in community service activities.

- a. Activities that are neither approved nor sponsored by the District.

- b. The District/college name, logo or affiliation may not be used for purposes of promotion of the event.
- c. District general funds may not be used for participation in the activity or event.

7. INTERNATIONAL STUDENT TRAVEL

The District recognizes that international travel/study abroad and other opportunities are an integral part of the academic program.

- a. All students who travel internationally as part of a study abroad program or other international activity must adhere to the District Student Code of Conduct and all applicable state and federal laws at all times. Students are also expected to adhere to the laws, regulations and policies of the host country and educational institution.
- b. All student travel outside of the United States requires prior approval of the Board of Trustees.

8. TRANSPORTATION OF STUDENTS

- a. When transportation of student is not provided by the District-SDCCD, the District possesses no authority to supervise its mode, manner, or arrangement and any "provider liability" accrued in accordance with law to the provider of said transportation.
- b. Students who use private modes of transportation are deemed to have accepted liability for injury or damages which may result from, or in the course of, said transportation. He/She/They may be required to sign a statement affirming the condition of their election of private transportation and agreement affirming the condition of their election of private transportation and agreeing to hold harmless the District for any claim whatsoever resulting from their transportation.
- c. When transportation is undertaken by the District using District-owned vehicles or contracted carriers, the District shall assure reasonable supervision and adequate liability insurance protection for purposes of such transportation.
 - 1) Students may elect not to use District-provided transportation except where the supervising District official determines that transportation of the participating students, as a unit, is a requirement of the activity.
 - 2) Students who elect to use private modes of transportation where transportation is provided by the District, are deemed to have accepted liability for injury or damages which may result from, or in the course of, said transportation. He/She/They shall be required to sign a statement affirming the conditions of their election of private transportation and agreeing to hold harmless the District for any claim whatsoever resulting from their transportation.
- d. District employees are not permitted to use their private vehicles to transport students, except in the event of an emergency where student safety would be in jeopardy. Employees who transport students in their private vehicles shall be deemed to be acting outside the scopes of their employment, and in this regard, shall accrue any and all liability for damages or injury resulting from their providing the of transportation.
- e. Students are not authorized to secure a rental vehicle as part of their travel.

9. TRAVEL RESTRICTIONS

The California Community Colleges Chancellor's Office (CCCCO) has indicated it will not approve requests from local community college districts to travel to a restricted state. In accordance with Government Code Section §11139.8, the San Diego Community College District (SDCCD) prohibits its employees, officers, members and/or students to travel to, or approve a request for state-funded or sponsored travel to, any state that after June 26, 2015, has:

- a. Eliminated protections against discrimination on the basis of sexual orientation, gender identity, or gender expression; and/or
- b. Enacted a law that authorized or requires discrimination against same-sex couples or their family or on the basis of sexual orientation, gender identity, or gender expression, subject to certain exceptions.

Detailed information regarding SDCCD travel can be found in the Student Travel Guidelines.

10. STUDENT CODE OF CONDUCT

All students are expected to adhere to the Student Code of Conduct at all times while participating in off-campus student activities (see Board of Trustees Policy, ~~BP 3100~~ 5500, *Student Rights, Responsibilities, Campus Safety and Administrative Due Process*).

Each college/campus may establish, as a part of its annual budget, funds to provide for costs related to off-campus student activities which are governed by this policy.

Sexual Misconduct Training: All students who travel must complete the District's Title IX training in advance of travel.

Reference: BP ~~3100~~ 5500, *Student Rights, Responsibilities, Campus Safety and Administrative Due Process*;
Student Travel Guidelines;
Government Code Section §11139.8

Adopted: ~~November 10, 2016~~

Supersedes: Policy C-5493 – 09/1/72; Policy 3120 – 10/14/98; 01/26/12; 11/10/2016;
(Renumbered 4300)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Administrative Procedure

Chapter 3 – General Institution

BP 3433 – Prohibition of Sexual Harassment under Title IX

The San Diego Community College District (“District”) is committed to providing an academic and work environment that respects the dignity of individuals and groups. All forms of sexual harassment are contrary to basic standards of conduct between individuals. State and federal law and this policy prohibit sexual harassment and the District will not tolerate sexual harassment. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence.

The District seeks to foster an environment in which all employees, students, applicants for employment, and applicants for admission feel free to report incidents of sexual harassment in violation of this policy and Title IX, without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of sexual harassment in violation of this policy and Title IX or for participating, or refusing to participate, in a sexual harassment investigation. The District will investigate all allegations of Title IX retaliation swiftly and thoroughly. If the District determines that someone has retaliated, it will take reasonable steps within its power to stop such conduct. Individuals who engage in Title IX retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any employee, student, applicant for employment, or applicant for admission who believes he/she/they has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in Administrative Procedure, AP 3434, *Responding to Harassment Based on Sex under Title IX*. The District requires supervisors to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

To this end, the San Diego Community College District shall ensure that the institution undertakes education and training activities to counter sexual harassment and to prevent, minimize, or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The San Diego Community College District shall establish procedures that define sexual harassment on campus. The San Diego Community College shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding sexual harassment in violation of this policy. State and federal law and this policy prohibit retaliatory acts against all participants by the District, its employees, students, and agents.

The District will publish and publicize this policy and related written procedures (including the procedure for making complaints) to administrators, faculty, staff, students, applicants for employment, and applicants for admission, particularly when they are new to the institution.

The District will make this policy and related written procedures (including the procedures for making complaints) available in all administrative offices and will post them on the District's website.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Volunteers or unpaid interns who violate this policy and related procedures may be subject to disciplinary measure up to and including termination from the volunteer assignment, internship, or other unpaid work experience program.

References: Title IX of the Education Amendments Act of 1972; 34 Code of Federal Regulations Part 106

Adopted: XX/XX/XXXX

Supersedes: New Policy



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Board of Trustees Policy

Chapter 5 – Student Services

BP 5015 – RESIDENCE DETERMINATION

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

A resident is any person who has been a bona fide resident of California for at least one year on the residence determination date. The residence determination date shall be the day immediately preceding the first day of a semester or summer session for which the student applies to attend.

Residence classification shall be made for each student at the time applications for admission are accepted or registration occurs, and whenever a student has not been in attendance for more than one semester. A student previously classified as a nonresident may be reclassified as of any residence determination date. Effective January 1, 2019, under the provision of Education Code Section 68086, students enrolling only in noncredit courses shall not be subject to residence classification requirements.

The District Chancellor shall enact procedures to assure that residence determinations are made in accordance with Education Code and Title 5 Regulations, and shall ensure that these procedures are set forth in detail in the College catalogs; College catalogs are available in each of the colleges' Admissions offices and posted on the college and District websites.

Reference: Education Code Sections 68040, 68086, and 76140;
Title 5 Section 54000 et seq.

Adopted: October 27, 2016

Supersedes: 08/27/15; 10/27/16



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Administrative Procedure

Chapter 2 – Board of Trustees

AP 2015 – STUDENT MEMBER(S) ~~HIP~~

1. STUDENT MEMBER

- a. The Associated Student President at City College, Mesa College and Miramar Colleges will collectively serve as the Student Trustee and sit at the Board of Trustees meetings on a rotating basis.
- b. The Student Trustee must be enrolled in a college of the District for at least five semester units and maintain a ~~an overall~~ 2.0 grade point average in all work completed.
- c. The Student Trustee will receive a stipend of \$100 per month based on their participation in monthly United Student Council (USC) and Board meetings.
- d. Term of service: June 1st – May 31st.

2. RESPONSIBILITIES

Represent and advocate for all students of the District.

Serve as the districtwide student voice at various participatory governance meetings including District Governance Council and the United Student Council.

Be prepared and attend all assigned meetings of the Board of Trustees.

Participate in the United Student Council in accordance with Board of Trustees Policy, BP ~~3200-5400~~, *Associated Students Organizations*.

Participate in the Community College League of California (CCLC) Student Trustee training, and other appropriate trainings in preparation for assuming the responsibilities of Student Trustee.

Approved by
the Chancellor: ~~November 30, 2018~~

Supersedes: ~~New Procedure-11/30/18~~



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Administrative Procedure

Chapter 5—Student Services

AP 3125.2 STUDENT TRAVEL—PERMISSION, RELEASE, AND WAIVER FORM

~~This procedure is applicable to all colleges/campuses. It pertains only to waivers, releases and permission documents which are required when transporting students, or when supervising students off the premises of the District. Additional requirements concerning student travel are applicable as enumerated in District policies and procedures, as well as state and federal law.~~

1. IMPLEMENTATION

- ~~a. All students who are authorized to travel in accordance with Board of Trustees Policy, BP 3125, Transportation of Students, must complete the Student Travel, Permission/Release/Waiver form, in advance, to travel.~~
- ~~b. The District supervising employee shall:
 - ~~1) Assure that the appropriate forms, as specified in 1.a. are completed for each travel.~~
 - ~~2) Completed forms should be sent to the responsible Dean.~~~~
- ~~c. Minor students (under 18 years of age) must also complete a Minor (Under 18) Student Travel Permission/Release/Waiver form.~~
- ~~d. Responsible Dean shall establish and maintain a file of completed forms. Forms should be maintained for one year following the event.~~

Forms/References:

- ~~1. Attachments to this procedure: Student Travel Permission, Release and Waiver and Minor (Under 18) Student Travel Permission/Release Waiver.~~

Adopted: _____ April 17, 2019

Supersedes: _____ 10/14/98; 02/02/12



Administrative Procedure

Chapter 3 – General Institution

AP 3433 – Prohibition of Sexual Harassment under Title IX

The San Diego Community College District (“District”) is committed to providing an academic and work environment free of unlawful sexual harassment under Title IX.

This procedure and the related policy protects students and employees in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District’s facilities, a District bus, or at a class or training program sponsored by the District at another location.

Definitions:

Sexual Harassment under Title IX – Conduct that satisfies one or more of the following:

1. A District employee conditions the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct (*quid pro quo* harassment);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity;
3. Sexual assault, including the following:
 - a. **Sex Offenses** – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - b. **Rape** (except Statutory Rape) – The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
 - c. **Sodomy** – Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
 - d. **Sexual Assault with an Object** – To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything the offender uses other than the offender’s genitalia (e.g., a finger, bottle, handgun, stick.)
 - e. **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.

f. Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse

1) Incest – Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

2) Statutory Rape – Non-Forcible sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.

g. Dating Violence – Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

h. Domestic Violence – Violence committed:

1) By a current or former spouse or intimate partner of the victim;

2) By a person with whom the victim shares a child in common;

3) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

4) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; and/or

5) By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.

i. Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

References: Title 5 Sections 59320 et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e; and Title IX of the Education Amendments Act of 1972

Approved by
the Chancellor:

Supersedes: New Procedure



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Administrative Procedure

Chapter 5 – Student Services

AP 3120.2 – AUTHORIZATION TO CONDUCT OFF-CAMPUS STUDENT ACTIVITIES **AP 4300 – FIELD TRIPS AND EXCURSIONS**

This procedure implements Board of Trustees Policy, ~~BP 3120 4300, Off-Campus Student Activities Field Trips and Excursions~~, and prescribes the authorization documents required when off-campus student activities are undertaken as part of any District program. All travel in which transporting students is required, or when supervising students off the premises of the District, waivers, releases and permission documents must be finalized and approved prior to the activity. Additional requirements concerning student travel are applicable as enumerated in District policies and procedures, the Student Travel Guidelines, and state and federal law.

REQUEST FOR APPROVAL AND AUTHORITY FOR OFF-CAMPUS EVENTS IS PROCESSED AS FOLLOWS:

1. REQUIRED FIELD TRIPS, EXCURSIONS, AND CLASSES CONVENED OFF-CAMPUS

a. Faculty member conducting field trip or excursion shall:

- 1) Ensures requirements ~~is~~ are specified in the course description and syllabus;
- 2) Completes ~~Request/Authorization to Conduct Off-Campus Student Activity Form, 3120.2~~ (available online, and on campus in the Vice President, ~~of~~ Instruction and Vice President, of Student Services offices);
- 3) Submits the completed form to the school or program dean; and
- 4) Ensures the required field trip or excursion is structured in compliance with the provision of Board of Trustees Policy, ~~BP 3120 4300, Off-Campus Student Activities Field Trips and Excursions~~.

b. Approval ~~Process – by The~~ school or program dean shall:

- 1) Review the off-campus activity request to determine if it complies with all requirements for a required field trip or excursion as enumerated in Board of Trustees Policy, ~~BP 3120 4300, Off-Campus Student Activities Field Trips and Excursions~~.
- 2) If Board approval is required, prepare a Board ~~A~~ agenda item for the President's signature, and subsequent Board of Trustees consideration. All student travel must receive Board approval in advance of travel.
- 3) Notify faculty once approved.
- 4) Advise faculty of the requirements for transporting students as outlined in Board of Trustees Policy, BP 4300, Field Trips and Excursions ~~(See Board of Trustees Policy~~

~~3125, Transportation of Students~~, as well as ~~the Student Travel Guidelines, which includes the Advisor Travel Guidelines: Faculty and Staff Chaperoning Student Travel~~ available in the Dean of Student Affairs' office online.

5) Ensure that minor release forms are completed and on file, as appropriate.

6) Coordinate required processing for necessary funds.

2. CO-CURRICULAR ACTIVITIES

a. Activities that are scheduled by season, (e.g. intercollegiate athletics, speech and debate, etc.), are generally approved by the Board ~~of Trustees by with the~~ blanket resolution, reviewed annually, authorizing the activity, advanced payment, and travel. In this case, no further approval is required.

b. Individual activities not preapproved (as part of 2.a above) must be approved individually, in advance, and processed as described ~~in section above~~ herein.

3. ASSOCIATED STUDENTS ACTIVITIES

a. Associated student activities are authorized in accordance with the local college/campus student government process.

b. The appropriate student body official prepares ~~SDCCD Form 3120.2, the~~ Request/Authorization to Conduct Off-Campus Student Activity, referencing the date, time and authorizing body/officer.

c. Approving ~~a~~ Authority – Dean responsible for Student Affairs shall:

1) Reviews the request ~~(SDCCD Form 3120.2) to conduct an off-campus activity~~.

2) If the request is in compliance with Board policy, approve the request.

3) If Board approval is required, prepare a Board Agenda item for the President's signature and subsequent Board consideration. Notify student organization of final Board action.

4. COLLECTION AND RETENTION OF DOCUMENTATION

All travel in which transporting students is required, or when supervising students off the premises of the District, waivers, releases and permission documents must be finalized and approved prior to the activity.

a. All student who are authorized to travel in accordance with Board of Trustees Policy, BP 4300, Field Trips and Excursions, must complete the Student Travel, Permission/Release/Waiver form, in advance, to travel.

b. Minor students (under 18 years of age) must also complete a Minor (Under 18) Student Travel Permission/Release/Waiver form.

c. The Dean/District supervising employee shall:

- 1) Assure that the appropriate forms, as specified above, are completed for each travel; and
- 2) Send completed forms to the responsible Dean/District supervising employee.
 - a) The Dean responsible for travel/District supervising employee shall establish and maintain a file of completed forms. Forms should be maintained for one year following the event.

5. TRAVEL RESTRICTIONS

The California Community Colleges Chancellor's Office (CCCCO) has indicated it will not approve requests from local community college districts to travel to a restricted state. In accordance with Government Code Section §11139.8, the San Diego Community College District (SDCCD) prohibits its employees, officers, members and/or students to travel to, or approve a request for state-funded or sponsored travel to, any state that after June 26, 2015, has:

- a. Eliminated protections against discrimination on the basis of sexual orientation, gender identity, or gender expression; and/or
- b. Enacted a law that authorized or requires discrimination against same-sex couples or their family or on the basis of sexual orientation, gender identity, or gender expression, subject to certain exceptions.

Detailed information regarding SDCCD travel can be found in the Student Travel Guidelines.

Reference Attachments: SDCCD Form 3120.2, Request/Authorization to Conduct Off-Campus Student Activity;
Minor (Under 18) Student Travel Permission/Release/Waiver;
Student Travel Guidelines;
Government Code Section §11139.8

Approved by
the Chancellor: November 28, 2016

Supersedes: Formerly 3120.2 – 10/14/98, 02/02/12; 11/28/16; (Merged with 3125. 2 & Renumbered AP 4300)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Administrative Procedure

Chapter 5 – Student Services

AP 5015 – RESIDENCE DETERMINATION

1. RESIDENCE CLASSIFICATION

- a. Residency classification shall be determined for each student at the time the application for admission is accepted and whenever a student has not been in attendance for more than one semester/academic year. If a student misses at least two semesters, he/she/they must go through the residence classification process once again. Summer or other intersessions are not included in this consideration. A student's residency is a union of act and intent. Residence classifications are to be made in accordance with the following provisions:

- 1) The residence determination date is that day immediately preceding the opening day of instruction for any term during which the student proposes to attend. Enrollments in late starting classes within a term are subject to this uniform residence determination date. Both a student's residency classification and a student's eligibility for an exception to residency determination are based on information as of the relevant residence determination date.
- 2) Residence classification is the responsibility of the Admissions Office.
- 3) Students shall be notified of residence determination within 14 calendar days of submission of their application for admission and all required documents. The initial residency classification will be made at the time the student applies for admission. Students may file residency questionnaire forms through the third week of the semester to request a review of their residency status. Final residency determination is made by the Admissions Office. Students may appeal the decision.

b. Students Enrolled Only in Noncredit Classes

Effective January 1, 2019, under the provisions of Education Code Section 68086-added by AB-3104, students enrolling only in noncredit courses shall not be subject to residence classification requirements.

c. Students Enrolled Only in Contract Education Courses

Community college districts must charge and report nonresident tuition for students enrolled in for-credit contract education courses who are residents of another state or a foreign country.

The District shall publish the residence determination date and summary of the rules and regulations governing residence determination and classification in the District catalog or addenda thereto.

2. RULES DETERMINING RESIDENCE

In order to establish California residency for tuition reasons, it is necessary that there be a union of act and intent. To establish residency, a person capable of establishing residence in California must couple their physical presence in California with objective evidence that the physical presence is with the intent to make California their home for other than a temporary purpose.

The residency of each student enrolled in, or applying for enrollment in, any class or classes maintained by the District shall be determined in accordance with Education Code and Title 5 ~~which states that every person has, in law, a residence. No one factor is controlling in determining residence classification. The institution may look for certain objective manifestations of subjective intent on the part of a person asserting that residence status has been established, or has been maintained in spite of an absence from the state.~~

a. In determining the student's place of residence, the following general statutory rules ~~are to be observed~~ apply:

- 1) Every person has, in law, a residence; and
- 2) Every person who is married or 18 years of age or older, and is not precluded by law from doing so, may establish residence in California.

b. In determining the place of residence, the following rules are to be observed:

- ~~1) A student who has resided in the state for more than one year immediately preceding the residence determination date is a resident.~~
- ~~2) A student who has not resided in the state for more than one year immediately preceding the residence determination date is a nonresident.~~
- ~~3) Intent to make California the home, for other than a temporary purpose, may be manifest in many ways. No one factor is controlling.~~
- ~~4) Every person who is married or 18 years of age, or older, and under no legal disability to do so, may establish residence.~~

- 1) A person may have only one residence at any given time.
- 2) A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which one returns in seasons of repose.
- 3) A residence cannot be lost until another is gained.
- 4) The residence can be changed only by the union of act and intent.
- 5) Every individual may establish their own residence. A person's residence shall not be derivative from that of his/her/their spouse. Many of the objective manifestations of a married couple may be shared, but each may have some evidence of intent that is not shared, which may indicate different residences.

6) The residence of the parent with whom an unmarried minor child maintains his/her/their domicile is the residence of the unmarried minor child. When the minor lives with neither parent, the minor's residence is that of the parent with whom the last domicile was maintained. ~~_, provided that~~ The minor may establish his/her/their residence when both parents are deceased and a legal guardian has not been appointed.

a) Does not apply if the Immigration and Nationality Act precludes the minor from establishing domicile (residence) in the United States.

7) The residence of an unmarried minor who has a living parent ~~living~~ cannot be changed by the minor's own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control, unless the student qualifies under either the Self-Support exception, or the Two-Year Care and Control exceptions.

~~8) An alien noncitizen~~, including an unmarried minor ~~alien noncitizen~~, may establish his/her/their residence unless precluded by the United States Citizenship and Immigration Services (USCIS) Immigration and Nationality Act from establishing residence in the United States.

c. Physical Presence

1) A person capable of establishing residence in California must be physically present in California for one year prior to the residency determination date to be classified as a resident student.

2) A temporary absence for business, education or pleasure will not result in loss of California residence if, during the absence, the person always intended to return to California and did nothing inconsistent with that intent.

3) Physical presence within the state~~California~~ solely for educational purposes does not ~~allow constitute a student to~~ establishing California residency~~ye~~, regardless of the length of time present in the state.

d. Evidence of Intent

1) Intent to make California the home, for other than a temporary purpose, may be manifest in many ways. Conduct inconsistent with a claim of California residence includes, but is not limited to:

a) Maintaining voter registration and voting in another state;

b) Being the petitioner for a divorce in another state;

c) Attending an out-of-state educational institution as a resident of that state;

d) Declaring nonresident for California state income tax purposes;

e) Paying taxes in another state or country as a resident of that state or country;

- f) Not fulfilling tax obligations to the State of California; and/or
- g) Filing an income tax return as a resident of another state. A California resident must file a California income tax return on all income, wherever earned. Claiming an exemption from state income tax as a nonresident is inconsistent with a claim of residency for tuition purposes.

3. NON-CITIZENS

- a. A noncitizen, including an unmarried minor noncitizen, may establish residence unless their immigration or visa status precludes them from establishing domicile in the United States provided that the student has resided in California for more than one year prior to the residence determination date for the semester. A noncitizen under a visa which requires them to have residence outside of the United States, or that they have entered the United States solely for a temporary purpose, shall not be classified as a resident unless and until they have taken appropriate steps to obtain a change of status from the United States Citizenship and Immigration Services (USCIS) to a classification which does not preclude establishing domicile, and has resided in California for more than one year as noted above. A noncitizen is precluded from domicile in the United States if that person entered the U.S. permitting legal entry for a temporary purpose. Noncitizens who may establish residence must meet the same requirements as U.S. Citizens or Permanent Residents.
- b. An undocumented noncitizen who entered the United States illegally or who has not applied for legalized status cannot become a California resident. However, certain students may qualify for nonresident tuition exemption under AB 540 (see item 4.q.) Noncitizens who violate the terms of the visa or stay in the United States beyond the time permitted by law will not be permitted to establish residence.
- c. The District will admit any noncitizen who is 18 years of age or older, or a high school graduate.
- d. ~~If, for at least one year and one day prior to the start of the semester in question, a non-citizen has possessed any immigration status that allows him/her to live permanently in the United States and he/she meets the California residency requirements, the student can be classified as a resident.~~

4. NONRESIDENT EXEMPTIONS

- a. A student who is a minor and remains in this state after the parent, who was previously domiciled in California and has established residence elsewhere, shall be entitled to retain resident classification until attaining the age of majority and has resided in the state the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.
- b. A student who is a minor and who provides evidence of being entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date with the intention of acquiring a residence therein, shall be

entitled resident classification until he/she/they has resided in the state the minimum time necessary to become a resident.

- c. A student who has not been an adult (19 years of age) for one year immediately preceding the residence determination date for the semester for which the student proposes to attend an institution, shall have the immediate pre-majority-derived California residence, if any, added to the post-majority residence to obtain the one year of California residence.
- d. A student holding a valid credential authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the college year in which the student enrolls in an institution, shall be entitled to resident classification if the student meets any of the following requirements:
 - 1) ~~He/she holds~~ Holding a provisional credential and is enrolleded in courses necessary to obtain another type of credential authorizing service in the public schools;
 - 2) ~~He/she holds~~ Holding a public school credential issued pursuant to Education Code Section 44250 and is enrolleded in courses necessary to fulfill credential requirements; and/or
 - 3) ~~He/she enrolled~~ Enrollment in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Education Code Section 44259.
- e. A student holding a valid emergency permit authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the academic year in which the student enrolls at an institution in courses necessary to fulfill teacher credential requirements, is entitled to resident classification only for the purpose of determining the amount of tuition and fees for no more than one year. Thereafter, the student's residency status will be determined under the other provisions of this procedure.
- f. A student who is a full-time employee, the spouse or child of a full-time employee, of the California State University, the University of California, or a California Community College, or of any California state agency ~~or a student who is a child or spouse of a full-time employee of the California State University, the University of California or a community college, or of any state agency~~ may be entitled to resident classification, until the student has resided in the state for the minimum amount of time necessary to become a resident.
- g. An undergraduate student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the United States Armed Forces ~~of the United States~~ stationed in this state on active duty shall be entitled to resident classification. If the member of the armed forces ~~of the United States~~ later transfers on military orders to a place outside this state, or retires as an active member of the armed forces ~~of the United States~~, the student dependent shall not lose his/her/their resident classification, so long as he/she/they remains continuously enrolled in the District.
- h. A student who is a member of the United States Armed Forces ~~of the United States~~ stationed in this state on active duty, except a member of the armed forces assigned for

educational purposes to a state-supported institution of higher education, is entitled to resident classification only for the purpose of determining the amount of tuition and fees. If the student later transfers on military orders to a place outside this state, the student shall not lose his/her/their resident classification, so long as he/she/they remains continuously enrolled in the District.

- i. A student who was a member of the United States aArmed ~~f~~Forces ~~of the United States~~ stationed in California on active duty for more than one year immediately prior to being discharged shall be exempt from paying nonresident tuition for up to one year if he/she/they files an affidavit stating that he/she/they intends to establish residency in California as soon as possible. This one year exemption shall be used while the student lives in the state and within two years of being discharged. A former member of the armed forces ~~of the United States~~ who received a dishonorable or bad conduct discharge shall not be eligible for this exemption.
- j. A student who was a member of the United States aArmed ~~f~~Forces ~~of the United States~~ who was discharged or released from at least 90 days of active service less than three years before the date of enrollment in a term beginning on or after July 1, 2015, and his/her/their dependents, who are using, or intending to use their GI Bill education benefits are entitled to resident classification regardless of the student's state of residence.
- k. A student who is a minor and resides with his/her/their parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more than one year prior to the residence determination date for the semester, ~~quarter or term~~ for which the student proposes to attend.
- l. A student who is a Native American is entitled to resident classification for attendance at a community college if the student is also attending a school administered by the Bureau of Indian Affairs located in proximity to the district. Additionally, any student who, prior to enrollment in a community college, graduated from any school located in California that is operated by the United States Bureau of Indian Affairs, is entitled to resident classification, so long as continuous attendance is maintained at the college (Education Code 68077).
- m. A student who is a federal civil service employee and his/her/their natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.
- n. A student who resides in California and is 19 years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until ~~he/she has the student has~~ resided in the state for the minimum amount of time necessary to become a resident.
- o. A student who lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, and the parent has performed

such labor in this state for at least two months per year in each of the two preceding years, and the parent resides in this District and the parent of the student has claimed the student as a dependent on ~~his~~ the parent's state or federal personal income tax return if ~~he/she has the parent has~~ sufficient income to have personal income tax liability shall be entitled to resident classification.

- p. A student who is a dependent of any individual killed in the September 11, 2001, terrorist attacks on the World Trade Center in New York City, the Pentagon building in Washington, D.C., or the crash of United Airlines Flight 93 in southwestern Pennsylvania. The exemption applies if the dependent meets the financial need requirements for the Cal Grant A Program under Education Code section 69432.7 and either the dependent was a resident of California on September 11, 2001, or the individual killed in the attacks was a resident of California on September 11, 2001.
- q. Pursuant to AB 540, students, other than those precluded by law, may qualify for exemption from nonresident tuition. ~~either by:~~ This exemption is not available for students who are absent from California and are taking distance education classes from California community college. There are four eligibility requirements as follows:
 - 1) Requirement One (1) – Attendance at California Schools may be met in either of the following two ways:
 - a) Total attendance (or attainment of credits earned) in California equivalent to three or more years of full-time attendance at California high schools, California adult schools, campuses of the California Community Colleges, or any combination of these; or
 - b) Three or more years of full-time California high school coursework, and a total of three or more years of attendance in California elementary schools and/or California secondary schools.
 - 1) Attendance in credit courses at a California Community College counted toward this requirement shall not exceed a total of two years of full-time attendance.
 - 2) Requirement Two (2) – Completion of a Course of Study can be met in any of the following ways:
 - a) Graduation from a California high school or equivalent; or
 - b) Attainment of an associate degree from a California Community College; or
 - c) Fulfillment of the minimum transfer requirements established for the University of California or the California State University for students transferring from a California community college.

3) Requirement Three (3) – Registration as an entering student at, or current enrollment at, an accredited institution of higher education in California.

4) Requirement Four (4) – In the case of a person without lawful immigration status, the filing of an affidavit stating that the student has either filed an application to legalize their immigration status, or will file an application as soon as they are eligible to do so.

~~1) High school attendance in California for three (3) or more years, or;~~

~~2) Elementary or secondary school attendance in California for a total of three (3) or more years and completion of three (3) or more years of California high school credits or equivalent, and;~~

~~3) Graduation from a California high school or equivalent. In the case of a person without lawful immigration status, the student must file an affidavit with the college stating that he/she has filed an application to legalize their immigration status;~~

~~4) Registration or enrollment in a course offered by any college in the District for any term commencing on or after January 1, 2002;~~

~~5) Completion of a questionnaire form prescribed by the California Community Colleges Chancellor and furnished by the District of enrollment, verifying eligibility for this nonresident tuition exemption; and~~

~~6) In the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he/she is eligible to do so.~~

r. Pursuant to SB 141, students are exempted from nonresident tuition who are U.S. citizens and who reside in a foreign country if the student meets all of the following requirements:

1) Demonstrates a financial need for the exemption~~;~~

2) Has a parent or guardian who has been deported or was permitted to depart voluntarily under the federal Immigration and Nationality Act~~;~~

3) Moved abroad as a result of the deportation or voluntary deportation~~;~~

4) Lived in California immediately before moving abroad~~;~~

5) Attended a public or private secondary school in California for three or more years~~;~~

6) Upon enrollment, will be in his/her the student's first academic year as a matriculated student in California public higher education~~;~~

7) Will be living in California and will file an affidavit with the community college stating that he/she the student intends to establish residency in California as soon as possible~~; and-~~

8) Documentation shall be provided by the student as required by statute as specified ~~ede~~ in Education Code Section 76140(a)(5).

s. The San Diego Community College District will exempt all qualifying nonresident, special part-time students (other than those with a non-immigrant status, such as those present in the United States on a B Visitor Visa) from paying the nonresident tuition fee and expressly allows districts to report their attendance as resident FTES for apportionment purposes (AB 2364, Holden, Chapter 299, Statutes of 201; Education Code 76140.) ~~Students who are exempted from nonresident tuition in this section shall not be counted towards FTES for apportionment purposes nor shall be eligible for state funded financial aid such as the Board of Governor's Fee Waiver or any other financial aid.~~

t. The San Diego Community College District will exempt qualifying veterans and dependents ("covered individuals") from paying nonresident tuition. A "covered individual" is defined as:

- 1) A Veteran who lives in California and enrolls in the college within three years of discharge from a period of active duty service of 90 days or more.
- 2) A spouse or child entitled to transferred education benefits who lives in California and enrolls in the college within three years of the transferor's discharge from a period of active duty service of 90 days or more.
- 3) A spouse or child using benefits under the Marine Gunnery Sergeant John David Fry Scholarship who lives in California and enrolls in the college within three years of the transferor's discharge from a period of active duty service of 90 days or more. An individual who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California and enrolls in the community college within three years of the Service Member's death in the line of duty following a period of active duty service of 90 days or more.
- 4) Under Veterans Access, Choice, and Accountability Act (VACA), individuals eligible for rehabilitation under 38 U.S. Code § 3102 pursuing a course of education with education assistance from the Training and Rehabilitation for Veterans with Service-Connected Disabilities (Chapter 31) education benefits program.

5. ERRONEOUS DETERMINATION OF NONRESIDENT STATUS

If a student is erroneously, through no fault of their own, determined to be a nonresident and consequently nonresident tuition is paid, such tuition is refundable in full by the Business Office of the College, provided acceptable proof of State residence is presented within the term for which the tuition was paid.

If incorrect classification results from false or misleading facts, a student may be excluded from classes or the college upon notification and required to pay the appropriate tuition and fees for the term attended.

6. RECLASSIFICATION

A student previously classified as a nonresident may be reclassified as of any residence determination date. A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend. To appeal a residency determination decision, a student may file a *Residency Determination Appeal* form with the college's Admissions Office prior to the residency determination date. The *Residency Determination Appeal* form must be submitted prior to the semester for which reclassification is to be effective.

Extenuating circumstances may be considered in cases where a student failed to petition for reclassification prior to the residency determination date. In no case, however, may a student receive a nonresident tuition refund after the date of the first census. Supporting documentation will be required of the student in support of the reclassification request and must be turned in prior to the end of the current semester.

a. Financial Independence

~~A questionnaire to determine financial independence must be submitted with the petition for reclassification. Determination of financial independence is not required for students who were classified as nonresidents by the University of California, the California State University, or another community college district (Education Code Section 68044).~~

- 1) A student shall be considered financially independent for purposes of residence reclassification if the applicant meets all of the following requirements:
 - a) Has not and will not be claimed as an exemption for state and federal tax purposes by the parent(s) in the calendar year ~~prior to the year~~ the reclassification application is made, nor in any of the three calendar years prior to the reclassification application; and
 - b) Has not and will not receive more than seven hundred fifty dollars (\$750) per year in financial assistance from their parent(s) in the calendar year the reclassification application is made, nor in any of the three calendar years prior to the reclassification application; and
 - c) Has not ~~lived~~, and will not, live for more than six weeks in the home of the parent(s) during the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification application.
- 2) A student who has established financial independence may be reclassified as a resident if the student has met the requirements of Title 5 Sections ~~54020, 54022, and 54024.~~ The student must manifest the union of act and intent to establish California residence for one year prior to the residence determination date.
- 3) ~~Failure to satisfy all of the financial independence criteria listed above does not necessarily result in denial of residence status if the one year requirement is met and demonstration of intent is sufficiently strong.~~
- 4) Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the

student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state. Title 5 Section 54032(d) permits a district to disregard a finding of financial dependence where there is not intent to establish (or maintain) residence in another state.

5) Financial status is only one factor to be considered and districts may wish to require some further documentation showing the student's objective intent to become a California resident.

6) The Admissions Office will make a determination, based on the evidence and notify the student not later than 14 days of receipt of the petition for reclassification.

7) Students have the right to appeal according to the procedures below.

7. RIGHT TO APPEAL

Students who have been classified as nonresidents have the right to a review of their classification (Title 5 Section 54010 (a)). Any student, following a final decision of residence classification by the Admissions Office, may make a written appeal to the Vice President of Student Services within 30 calendar days of notification of final decision by the Admissions Office regarding classification.

8. APPEAL PROCEDURE

The appeal is to be submitted to the college Admissions Office which must forward it to the Vice President of Student Services within five working days of receipt. Copies of the original application for admission, ~~the residency questionnaire,~~ and evidence or documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

The Vice President of Student Services shall review all the records and have the right to request additional information from either the student or the Admissions Office.

Within 30 calendar days of receipt of the appeal, the Vice President shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made and shall be final.

References: Education Code Sections 68000 et seq., 68040, 68060, 68061, 68062, 68071, 68073, 68086, 68130.5, 68075.7, and 76140;
Title 5 Section 54000 et seq., 54022, 54045, 54047; and
38 U.S. Code Section 3679

Approved by
the Chancellor: November 9, 2016

Supersedes: 09/16/2015; 11/09/16



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Administrative Procedure

Chapter 5 – Student Services

AP 5203 – Lactation Accommodation

The District shall provide reasonable accommodations for a lactating student to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding whenever a student is required to be present on campus. College and College of Continuing Education DSPS Offices are the designated contact for accommodation support.

Reasonable accommodations include, but are not limited to, all of the following:

1. Access to a private and secure room, other than a restroom, to express breast milk or breast-feed an infant child.
 - a. The room shall have a comfortable place to sit and have a table or shelf to place equipment.
2. Permission to bring onto the college campus a breast pump and any other equipment used to express breast milk.
3. Access to a power source for a breast pump or any other equipment used to express breast milk.
4. Lactating students shall be provided a reasonable amount of time to accommodate their need to express breast milk or breast-feed an infant child.
5. Students who need to miss class for this purpose will be allowed a reasonable amount of time to attend to such needs with no academic penalty.
6. Permission will be granted to make up any missed work.

Instructors must be notified in advance if accommodations are needed during class time. Students should contact the DSPS Office on their campus for accommodation support.

References: Education Code Section 66271.9

Approved by
the Chancellor:

Supersedes: New Procedure