



# SAN DIEGO COMMUNITY COLLEGE DISTRICT

CITY COLLEGE • MESA COLLEGE • MIRAMAR COLLEGE • COLLEGE OF CONTINUING EDUCATION

*Educational Services*

## **Chapter 5 – Student Services**

**Cabinet Review: 9/06/2022**

**DGC Review: 09/07/2022**

**Board of Trustees – First Read: 09/29/2022; Second Read: 10/13/2022**

### **Policies and Procedures Review**

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The following Board of Trustees Policies and Administrative Procedures are being revised in response to CCLC Legal Updates and the required six-year review.

#### **Board of Trustees Policies:**

##### **BP 3200 (Formerly 0005) – Accreditation**

- Updated to reflect the name change for the College of Continuing Education.
- Six-year review; minor technical.

##### **BP 3601 – Financial Aid Program Participation Agreement: Code of Conduct**

- Request to delete BP; transfer to a new Administrative Procedure.

##### **BP 5015 – Residence Determination**

- Updated to reflect amendments to Title 38 of the U.S. Code regarding residency determinations for a student with military or veteran status, for determining eligibility for in-state tuition.

##### **BP 5130 – Financial Aid**

- Six-year review; minor technical.

##### **BP 5400 (Formerly 3200) – Associated Students Organization**

- Updated to reflect student elections at the College of Continuing Education
- Six-year review; minor technical.

##### **BP 5410 – Associated Students Elections**

- Six-year review; minor technical.

##### **BP 5420 – Associated Students Finance**

- Six-year review; minor technical.

## **Administrative Procedures:**

### **AP 3200 (Formerly 0005.1) – Accreditation**

- Updated to reflect the name change for the College of Continuing Education.
- Six-year review; minor technical.

### **AP 5015 – Residence Determination**

- Updated to reflect amendments to Title 38 of the U.S. Code regarding residency determinations for a student with military or veteran status, for determining eligibility for in-state tuition.

### **AP 5130.1 (Formerly BP 3601) – Financial Aid Program Participation Agreement: Code of Conduct**

- Request to transfer BP 3601 to a new AP; unique to SDCCD (non-CCLC)
- Six-year review; minor technical.

### **AP 5130.2 (Formerly 3001.3) – Student Loan Defaults**

- Updated to add a reference to Education Code Section 66022.
- Update to remove transcripts as a student record that may be withheld to comply with the Educational Debt Collection Practices Act.
- Unique to SDCCD (non-CCLC).

### **AP 5130.2 (Formerly 3001.3) – Student Loan Defaults – ATTACHMENT A**

- Updated to align with the corresponding AP.
- Minor technical.

### **AP 5400 (Formerly 3200) – Associated Students Organization**

- Minor technical.

### **AP 5410 (Formerly 3200.2) – Associated Students Elections**

- Six-year review; minor technical.

### **AP 5420 – Associated Students Finance**

- Six-year review; minor technical.



# **SAN DIEGO COMMUNITY COLLEGE DISTRICT**

## **Board of Trustees Policy**

### **Chapter 3 – General Institution**

#### **BP-~~0005~~ 3200 – ACCREDITATION**

This policy enumerates the rights and responsibilities of all San Diego Community College District (District) students. It also outlines the District's commitment to a safe learning environment for all students.

~~The Board of Trustees is committed to adhering to the eligibility requirements and accreditation standards and policies of the Western Association of Schools and Colleges (WASC) Accrediting Commission for Community and Junior Colleges (ACCJC) for the colleges and the Western Association of Schools and Colleges, Accrediting Commission for Schools for the Continuing Education program.~~

The District credit colleges, San Diego City, Mesa, and Miramar College, are committed to adhering to the eligibility requirements, accreditation standards, and policies identified by the Accrediting Commission of Community and Junior college (ACCJC), a part of the Western Association of Schools and Colleges (WASC). The College of Continuing Education is committed to adhering to the eligibility requirements, accreditation standards, and policies of the WASC Accrediting Commission for Schools.

The District Chancellor or designee shall:

- a) Ensure that the District complies with the accreditation process and standards of the Accrediting Commission of Community and Junior Colleges;
- b) Ensure that the District complies with the accreditation process and standards for programs that seek special accreditation from other accrediting bodies;
- c) Ensure that the District complies with the accreditation process and standards of the Accrediting Commission for Schools for the College of Continuing Education program;
- d) Keep the Board informed of approved accrediting organizations and the status of accreditations;
- e) Ensure that the Board is involved in any accreditation process in which Board participation is recommended or required; and
- f) Provide the Board with a summary of all accreditation reports and any actions taken or to be taken in response to recommendations in an accreditation report.

Adopted: December 8, 2016

Supersedes: BP 0005 – 02/18/10; 12/08/16; (Renumbered AP 3200)



# SAN DIEGO COMMUNITY COLLEGE DISTRICT

**DRAFT**

## **Board of Trustees Policy**

**Transfer  
to an AP  
(AP 5130.1)**

### **Chapter 5 – Student Services**

#### **BP 3601 – Financial Aid Program Participation Agreement: Code of Conduct**

The Program Participation Agreement (PPA) of the Higher Education Opportunity Act (HEOA) requires that an institution participating in a Title IV loan program develop, publish, administer, and enforce a code of conduct. The code of conduct applies to the officers, employees, and agents of the institution.

The following conduct standards will be imposed for all offices, employees and agents of the San Diego Community College District who have responsibility working with educational loans.

1. A revenue sharing arrangement with any lender is prohibited. The HEOA defines "revenue sharing arrangement" as any arrangement between the San Diego Community College District (District) and a lender under which the lender makes Title IV loans to students attending the District (or to the families of those students), the District recommends the lender or the loan products of the lender and, in exchange, the lender pays a fee or provides other material benefits, including revenue or profit sharing, to the District or to its officers, employees, or agents;
2. Acceptance of gifts from lenders, guaranty agencies or loan servicers is prohibited. No officer or employee of the District's financial aid office (or an employee or agent who otherwise has responsibilities with respect to educational loans) may solicit or accept any gift from a lender, guarantor, or servicer of education loans. A "gift" is defined as any gratuity, favor, discount, entertainment, hospitality, loan, or other item having monetary value of more than a de minimus amount.
3. A gift does not include (1) standard material, activities or programs on issues relating to a loan, default aversion, or financial literacy, such as a brochure, workshop or training; (2) food, refreshments, training, or informational material provided as part of a training session designed to improve the service of a lender, guarantor, or servicer if the training contributes to the professional development of the District's officer, employee or agent; (3) favorable terms and benefits on an education loan provided to a student employed by the District if those terms and benefits are comparable to those provided to all students at the District; (4) entrance and exit counseling services provided to borrowers as long as the District's staff are in control of the counseling and the counseling does not promote the services of a specific lender; (5) philanthropic contributions from a lender, guarantor, or servicer that are unrelated to education loans or any contribution that is not made in exchange for any advantage related to education loans, and; (6) State education grants, scholarships, or financial aid funds administered by or on behalf of a State;
4. No officer or employee of the District who is employed in the financial aid office of the District (or an employee or agent who otherwise has responsibilities with respect to education loans) may accept from a lender, or an affiliate of any lender, any fee,

~~payment, or other financial benefit as compensation for any type of consulting arrangement or contract to provide services to or on behalf of a lender relating to education loans;~~

- ~~5. Steering borrowers to particular lenders or delaying loan certifications is prohibited. For any first-time borrower, the District may not assign, through the award packaging or other methods, the borrower's loan to a particular lender. In addition, the District may not refuse to certify, or delay the certification, of any loan based on the borrower's selection of a particular lender or guaranty agency;~~
- ~~6. The District will not request or accept from any lender any offer of funds for private loans, including funds for an opportunity pool loan, to students in exchange for providing concessions or promises to the lender for a specific number of Title IV loans made, insured, or guaranteed, a specified loan volume, or a preferred lender arrangement. An "opportunity pool loan" is defined as a private education loan made by a lender to a student (or the student's family) that involves a payment by the District to the lender for extending credit to the student;~~
- ~~7. Acceptance from any lender any assistance with call center staffing or financial aid office staffing is prohibited. However, a lender may provide professional development training, educational counseling materials (as long as the materials identify the lender that assisted in preparing the materials), or staffing services on a short-term, nonrecurring basis during emergencies or disasters; and~~
- ~~8. An employee of the District's financial aid office (or employee who otherwise has responsibilities with respect to education loans or financial aid) who serves on an advisory board, commission, or group established by a lender or guarantor (or a group of lenders or guarantors) is prohibited from receiving anything of value from the lender, guarantor, or group, except for reimbursement for reasonable expenses incurred by the employee for serving on the board.~~

Adopted: \_\_\_\_\_ November 9, 2017

Supersedes: \_\_\_\_\_ 2/18/10



# SAN DIEGO COMMUNITY COLLEGE DISTRICT

## Board of Trustees Policy

### Chapter 5 – Student Services

#### BP 5015 – RESIDENCE DETERMINATION

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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. Notwithstanding this standard for determining bona fide California residency, a student with military or veteran status may be deemed to qualify as a California resident for in-state tuition eligibility, in accordance with state and federal law.

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 non-resident 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 college's Admissions offices and posted on the college and District websites.

Reference: Education Code Sections 68040, 68086, and 76140;  
Title 5 Section 54000 et seq.  
38 U.S. Code Section 3679

Adopted: April 14, 2022

Supersedes: 08/27/15; 10/27/16; 04/14/22



# SAN DIEGO COMMUNITY COLLEGE DISTRICT

## Board of Trustees Policy

### Chapter 5 – Student Services

#### BP 5130 – FINANCIAL AID

##### 1. FINANCIAL AID

A program of financial aid for students will be provided, which may include, but is not limited to scholarships, grants, loans, and employment programs. All financial aid programs will adhere to guidelines, procedures, and standards issued by the funding agency and will incorporate federal, state, and other applicable regulatory requirements.

The District shall establish, publicize, and apply satisfactory academic progress standards for participants in Title IV student aid programs in accordance with federal regulations.

##### 2. MISREPRESENTATION

Consistent with the applicable federal regulations for federal financial aid, the District shall not engage in “substantial misrepresentation” of 1) the nature of its educational program, 2) the nature of its financial charges, or 3) the employability of its graduates.

The Chancellor shall establish procedures for regular reviews of the District’s websites and other informational materials for accuracy and completeness and for training District employees and vendors to assure compliance with this policy.

The Chancellor shall establish procedures wherein the District shall periodically monitor employees’ and vendors’ communication with prospective students and members of the public, and take corrective action where needed.

This policy does not create a private cause of action against the District or any of its representatives or service providers. The District and its Board of Trustees do not waive any defenses or governmental immunities by enacting this policy.

##### 3. FINANCIAL AID VERIFICATION

Financial aid applicants shall provide verification documents specified by law if the Secretary of Education selects the applicant for verification. The Financial Aid office will require ~~Applicants not selected by the Secretary of Education for verification will be required by the Financial Aid Office~~ to verify any information on the application which appears illogical, incorrect, or inconsistent. Financial Aid grant and loan funds will be disbursed only after the required verification is completed. The college reserves the right to verify any information at any time to assure compliance with federal regulations.

See Administrative Procedure AP 5130 Financial Aid.

References: Education Code Sections 66021.6 and 76300;  
Title 5 Sections 58600-58630;

20 U.S. Code Sections 1070 et seq.;  
Higher Education Amendments of 1986, Public Law 99-49, Section 668.56, as amended;  
Subpart E of 34 Code of Federal Regulations (CFR) Part 668;  
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended;  
WASC/ACCJC Accreditation Standard III.D.15

Adopted: ~~November 10, 2016~~

Supersedes: ~~New Policy~~11/10/16





# SAN DIEGO COMMUNITY COLLEGE DISTRICT

## Board of Trustees Policy

### Chapter 5 – Student Services

#### **BP ~~3200~~ 5400 – ASSOCIATED STUDENTS ORGANIZATIONS**

The students of the District are authorized to organize a student body association. The Board of Trustees hereby recognizes those associations as the Associated Students of the District for San Diego City, Mesa, ~~and Miramar College~~, and Continuing Education Colleges.

The Associated Students organizations and United Student Council are recognized as the official voice for the students at their respective colleges, ~~Continuing Education~~ and the District on all shared governance matters. It may conduct other activities as approved by the District Chancellor. The Associated Students activities shall not conflict with the authority or responsibility of the Board of Trustees or its officers or employees.

The Associated Students shall conduct itself in accordance with state laws and regulations and administrative procedures established by the District Chancellor.

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

#### 1. ASSOCIATED STUDENT GOVERNMENT

- a. The Associated Students shall conduct annual elections for officers.
- b. Students qualified to run for election in the credit program must:
  - 1) Be enrolled in at least 5 credit units each semester, including at the time of election; and
  - 2) Have a minimum cumulative grade point average of 2.0.
- c. Elections shall be in accordance with Administrative Procedure, AP 5410, Associated Students Elections.
- d. The Dean of Student Affairs at each college ~~and Continuing Education~~ will be responsible for advising the Associated Students Organization, student clubs/organizations, and all elected student officials.

#### 2. STUDENT CLUBS

- a. Students are free to organize and participate in voluntary clubs/organizations of their own choosing, subject to District policies, procedures, along with state and federal laws.
- b. Criteria for club formation, organization, and operation are delineated in Administrative Procedure AP 3200, Associated Students Organization and Operating Guidelines for Student Clubs and Organizations.

### 3. STUDENT TRUSTEE

- a. The Associated Student Body President, elected by the students at each college, will share the responsibility of serving as the student representative on the Board of Trustees on a rotating basis.
- b. Students qualified to serve for appointment as Student Trustee must meet all criteria required for election in accordance with 1.b of this policy.

### 4. UNITED STUDENT COUNCIL

- a. The United Student Council (USC) is a districtwide, shared governance council of student leaders which serves as the collective voice for students within the District on matters pertaining to students.
- b. The United Student Council shall meet monthly.
- c. Voting members of the United Student Council shall include:
  - 1) The sitting Student Trustee;
  - 2) The Associated Student Presidents from each college; and
  - 3) One other representative from each college; ~~and~~
  - 4) ~~Two representatives from Continuing Education.~~
- d. The Vice Chancellor or designee shall advise the Student Trustees on all districtwide protocols, procedures, operations and legislative matters.

Also see Board Policy 2015, *Student Membership(s)*, Board Policy 2105, *Elections of Student Member(s)*, Board Policy 5410, *Associated Students Elections*, and Board Policy 5420, *Associated Students Finance*.

Reference: Education Code Section 76060

Adopted: ~~October 27, 2016~~

Supersedes: Policy C-2855 – Sections A3b and A3c only; BP 3200 – 04/27/78; 01/26/12; 8/27/15; 10/27/16; (Renumbered BP 5400)



# SAN DIEGO COMMUNITY COLLEGE DISTRICT

## Board of Trustees Policy

### Chapter 5 – Student Services

#### BP 5410 – ASSOCIATED STUDENTS ELECTIONS

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

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

- The student shall be enrolled in the District at the time of election and throughout ~~his/her~~their term of office, with a minimum of five semester units or the equivalent.
- The student shall meet and maintain the minimum standards of scholarship as defined in Board of Trustees Policy, ~~BP-3200~~ 5400, *Associated Students Organizations*.

Also see Board Policy 2015, *Student Members*~~hip~~(s), and Board Policy 2105, *Elections of Student Member(s)*.

Reference: Education Code Section 76061

Adopted: ~~October 27, 2016~~

Supersedes: ~~New Policy~~10/27/16



# SAN DIEGO COMMUNITY COLLEGE DISTRICT

## Board of Trustees Policy

### Chapter 5 – Student Services

#### **BP 5420 – ASSOCIATED STUDENTS FINANCE**

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

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

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

1. The District Chancellor or designee;
2. The employee who is the designated adviser of the particular student body organization;  
and
3. A representative of the student body organization.

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

References: Education Code Sections 76063–76065

Adopted: ~~October 27, 2016~~

Supersedes: ~~New Policy 10/27/16~~



# SAN DIEGO COMMUNITY COLLEGE DISTRICT

## Board of Trustees Policy

### Chapter 3 – General Institution

#### **AP-~~0005.4~~ 3200 – ACCREDITATION**

The San Diego Community College District (District) credit colleges, San Diego City, Mesa, and Miramar College, shall adhere to the standards and requirements identified by the Accrediting Commission of Community and Junior Colleges (ACCJC), a part of the Western Association of Schools and Colleges (WASC): a regionally, federally-recognized accrediting agency designated by the Board of Governors of the California Community Colleges. The District's College of Continuing Education program is accredited by the WASC Accrediting Commission for Schools.

The following guidelines apply to the District colleges' ~~and Continuing Education's~~ preparation of the comprehensive Self Evaluation of Educational Quality and Institutional Effectiveness Report (Self Evaluation Report) for reaffirmation of accreditation.

Under processes established by ACCJC, the colleges ~~and Continuing Education~~ undergo a cycle of periodic evaluation through institutional self-evaluation and external peer review. ACCJC sets a seven-year cycle for evaluation and ~~R~~reaffirmation of ~~A~~accreditation. The review process includes four steps:

1. Internal evaluation
2. External evaluation
3. Commission review and accreditation action
4. Continuous institutional improvement

Each college ~~and Continuing Education~~ president shall appoint an Accreditation Liaison Officer who is responsible for coordinating all necessary activities in preparation for the external evaluation by the visiting team and subsequent reports and visits.

The college's ~~and Continuing Education's~~ Accreditation Liaison Officer, working with the President, will ensure that the Self-Evaluation process and all related reports are completed in a thorough and timely manner.

An Accreditation Steering Committee, in consultation with the Accreditation Liaison Officer, will establish a Self-Evaluation writing process and timeline that will include a broad representation of the college faculty, staff, and students.

The Chancellor shall appoint a district-wide Accreditation Liaison who is responsible for coordinating the districtwide activities for accreditation logistics, including compilation of districtwide information for the self-evaluation reports and coordinating the external evaluation for all the institutions to ensure consistency and alignment in reporting districtwide processes.

References: ACCJC Accreditation Eligibility Requirement 21;  
ACCJC Accreditation Standards I.C. 12 and 13;  
Title 5 Section 51016

Approved by  
the Chancellor: ~~November 9, 2016~~

Supersedes: ~~AP 0005.1 – New Procedure 11/09/16; (Renumbered AP 3200)~~



# **SAN DIEGO COMMUNITY COLLEGE DISTRICT**

## **Administrative Procedure**

### **Chapter 5 – Student Services**

#### **AP 5015 – RESIDENCE DETERMINATION**

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##### **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 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 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. The Admissions Office makes the final residency determination. Students may appeal the decision.

b. **Students Enrolled Only in Noncredit Classes**

Effective January 1, 2019, under the provisions of Education Code Section 68086, 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 RESIDENCY

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. 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 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 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. 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 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 exception.

- 8) A noncitizen, including an unmarried minor noncitizen, may establish his/her/their residence unless precluded by the United States Citizenship and Immigration Services (USCIS) 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 solely for educational purposes does not constitute establishing California residency, 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. 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.

### 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) Holding a provisional credential and is enrolling in courses necessary to obtain another type of credential authorizing service in the public schools;

- 2) Holding a public school credential issued pursuant to Education Code Section 44250 and is enrolling in courses necessary to fulfill credential requirements; and/or
  - 3) 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, a California Community College, or of any California 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 stationed in this state on active duty shall be entitled to resident classification. If the member of the armed forces later transfers on military orders to a place outside this state, or retires as an active member of the armed forces, the student dependent shall not lose his/her/their resident classification, so long as he/she/they remain continuously enrolled in the District.
  - h. A student who is a member of the United States Armed Forces 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 remain continuously enrolled in the District.
  - i. A student who was a member of the United States Armed Forces 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 file an affidavit stating that he/she/they intend 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 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 Armed Forces 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 commencing~~ 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 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 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 the parent's state or federal personal income tax return if 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. 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 Student 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.
- 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 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 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 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.)
  - 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 has been discharged 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 has been discharged from a period of active duty service of 90 days or more. An individual who resides in California and 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

- 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 the reclassification application is made, nor in any of the three calendar years prior to the reclassification application;
  - 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, 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 Section 54020. The student must manifest the union of act and intent to establish California residence for one year prior to the residence determination date.
- 3) 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.



- 4) 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.
- 5) 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.
- 6) 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, 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: ~~April 18, 2022~~

Supersedes: 09/16/2015; 11/09/16; 04/18/22





# **SAN DIEGO COMMUNITY COLLEGE DISTRICT**

## **Board of Trustees Policy** **Administrative Procedure**

### **Chapter 5 – Student Services**

#### **BP 3601-AP 5130.2 – Financial Aid Program Participation** **Agreement: Code of Conduct**

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The Program Participation Agreement (PPA) of the Higher Education Opportunity Act (HEOA) requires that an institution participating in a Title IV loan program develop, publish, administer, and enforce a code of conduct. The code of conduct applies to the officers, employees, and agents of the institution.

The following conduct standards will be imposed for all offices, employees, and agents of the San Diego Community College District who have a responsibility for working with educational loans.

1. A revenue-sharing arrangement with any lender is prohibited. The HEOA defines "revenue-sharing arrangement" as any arrangement between the San Diego Community College District (District) and a lender under which the lender makes Title IV loans to students attending the District (or to the families of those students), the District recommends the lender or the loan products of the lender and, in exchange, the lender pays a fee or provides other material benefits, including revenue or profit-sharing, to the District or to its officers, employees, or agents;
2. Acceptance of gifts from lenders, guaranty agencies or loan servicers is prohibited. No officer or employee of the District's financial aid office (or an employee or agent who otherwise has responsibilities with respect to educational loans) may solicit or accept any gift from a lender, guarantor, or servicer of education loans. A "gift" is defined as any gratuity, favor, discount, entertainment, hospitality, loan, or other item having monetary value of more than a de minimus amount.
3. A gift does not include (1) standard material, activities or programs on issues relating to a loan, default aversion, or financial literacy, such as a brochure, workshop or training; (2) food, refreshments, training, or informational material provided as part of a training session designed to improve the service of a lender, guarantor, or servicer if the training contributes to the professional development of the District's officer, employee or agent; (3) favorable terms and benefits on an education loan provided to a student employed by the District if those terms and benefits are comparable to those provided to all students at the District; (4) entrance and exit counseling services provided to borrowers as long as the District's staff are in control of the counseling and the counseling does not promote the services of a specific lender; (5) philanthropic contributions from a lender, guarantor, or servicer that are unrelated to education loans or any contribution that is not made in exchange for any advantage related to education loans, and; (6) State education grants, scholarships, or financial aid funds administered by or on behalf of a State;
4. No officer or employee of the District who is employed in the financial aid office of the District (or an employee or agent who otherwise has responsibilities with respect to

education loans) may accept from a lender, or an affiliate of any lender, any fee, payment, or other financial benefit as compensation for any type of consulting arrangement or contract to provide services to or on behalf of a lender relating to education loans;

5. Steering borrowers to particular lenders or delaying loan certifications is prohibited. For any first-time borrower, the District may not assign, through the award packaging or other methods, the borrower's loan to a particular lender. In addition, the District may not refuse to certify, or delay the certification, of any loan based on the borrower's selection of a particular lender or guaranty agency;
6. The District will not request or accept from any lender any offer of funds for private loans, including funds for an opportunity pool loan, to students in exchange for providing concessions or promises to the lender for a specific number of Title IV loans made, insured, or guaranteed, a specified loan volume, or a preferred lender arrangement. An "opportunity pool loan" is defined as a private education loan made by a lender to a student (or the student's family) that involves a payment by the District to the lender for extending credit to the student;
7. Acceptance from any lender any assistance with call center staffing or financial aid office staffing is prohibited. However, a lender may provide professional development training, educational counseling materials (as long as the materials identify the lender that assisted in preparing the materials), or staffing services on a short-term, nonrecurring basis during emergencies or disasters; and
8. An employee of the District's financial aid office (or employee who otherwise has responsibilities with respect to education loans or financial aid) who serves on an advisory board, commission, or group established by a lender or guarantor (or a group of lenders or guarantors) is prohibited from receiving anything of value from the lender, guarantor, or group, except for reimbursement for reasonable expenses incurred by the employee for serving on the board.

Adopted: November 9, 2017

Approved by  
the Chancellor: DATE

Supersedes: BP 3601 – 2/18/10; 11/09/17; (Renumbered AP 5130.1)



# SAN DIEGO COMMUNITY COLLEGE DISTRICT

## Administrative Procedure

### Chapter 5 – Student Services

#### AP-~~3001.3~~ 5130.2 – STUDENT LOAN DEFAULTS

#### ATTACHMENT A – PROOF OF SERVICE BY MAIL

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is San Diego Community College District, 3375 Camino del Rio South, San Diego, California, 92108-3883.

On (current date), I served the below-listed document(s) described as: (Describe document), by placing a true copy of the above document enclosed in a sealed envelope addressed as follows:

List addressee(s)

I placed such envelope with postage thereon fully prepaid for deposit in the United States Mail in accordance with the office practice of San Diego Community College District for collecting and processing correspondence for mailing with the United States Postal Service. I am familiar with the Office practice of San Diego Community College District for collecting and processing correspondence for mailing with the United ~~Sites~~ States Postal Services, which practice is that when correspondence is deposited with the S.D.C.C.D. personnel responsible for delivering correspondence to the United State Postal Service, such correspondence is delivered to the United States Postal Service that same day in the ordinary course of business.

Executed on (Month, Day, Year), at San Diego, California.

I declare under penalty of perjury that the above is true and correct.

(Place signature on line and type name below line)

ATTACHMENT I



# SAN DIEGO COMMUNITY COLLEGE DISTRICT

## Administrative Procedure

### Chapter 5 – Student Services

#### **AP 3001.3-AP 5130.2 – STUDENT LOAN DEFAULTS**

This procedure details the regulations adopted by the District to withhold services from students or former students who have defaulted on a student loan.

#### **DEFINITIONS**

Default – Failure of borrower to honor the obligation to repay a student loan. The default must be reported to the college by the Student Aid Commission.

Student loan – Loans granted under the Stafford Loan Program ~~(formerly Guaranteed Student Loan)~~ and Supplemental Loan for Students Program.

~~Services – Include, but are not limited to, copies of official transcripts, official grade reports, and diplomas.~~

~~Withholding of registration privileges is prohibited in accordance with California Education Code Section 66022.~~

#### **IMPLEMENTATION**

When notice is received from the California Student Aid Commission that a student is in default under the Stafford Loan Program ~~(formerly Guaranteed Student Loan Program)~~, the college Financial Aid Officer shall:

1. Mail written notice with affidavit of mailing (Attachment ~~1.A~~) to the student concerned at the student's last known address. The notice will inform the student that a "hold" has been placed on their record for purposes of withholding ~~the specified~~ services ~~listed under item 1.c~~. The notice must include a statement that a student may clear the hold on services by direct communication with the California State Student Aid Commission.
2. Place a hold on:
  - a. The provision of grades;
  - b. ~~The provision of transcripts;~~
  - c. The provision of diplomas;

In accordance with Education Code Section 66022, as amended, withholding registration privileges may not be withheld and transcripts is prohibited.

The hold may be removed by the Financial Aid Office only.

Reference: Education Code Section 66022; and  
Educational Debt Collection Practices Act

Approved by  
the Chancellor: ~~November 28, 2016~~

Supersedes: 10/14/98; 4/13/10; 11/28/16



# SAN DIEGO COMMUNITY COLLEGE DISTRICT

## Administrative Procedure

### Chapter 5 – Student Services

#### AP ~~3200-5400~~ – ASSOCIATED STUDENTS ORGANIZATIONS AND GUIDELINES FOR STUDENT CLUBS AND ORGANIZATIONS

The District recognizes that student clubs and organizations contribute to the educational, social, recreational, and personal development of students. Students are free to organize and participate in voluntary clubs and organizations of their own choosing, subject to the provisions of the California Education Code, District policies, and administrative procedures, provided that such clubs and organizations do not discriminate in their treatment of other members of the academic community nor operate in a manner which interferes with the educational function or rights of others.

Following are the guidelines applicable to the development and operation of student clubs and organizations.

#### 1. ADVISOR ROLE

- a. All clubs and organizations, with exception of the Associated Students, must operate with an advisor identified by the student group and approved by the college/~~Continuing Education~~ President or designee. The advisor for the Associated Student Organization is designated by the college/~~Continuing Education~~ President.
- b. It is the responsibility of the student group, in consultation with the administrator responsible for Student Affairs, to identify and recommend a club or organization advisor in accordance with college campus guidelines, who will accept the responsibility for assisting the club or organization with its objectives, events, meetings, and activities.
- c. Each semester, the administrator responsible for Student Affairs will submit ~~to the Vice President, Student Services~~ a list of club or organization advisors for the semester to the Vice President, Student Services. The Vice President of Student Services will recommend the listed club or organization advisors to the President for final approval. An orientation session for advisors will be provided.

#### 1) Responsibilities:

- a) The advisor has a unique role with the club or organization which is very important and can be rewarding and challenging. This is an opportunity to help students develop critical life skills and promote student development and civic responsibility.
- b) The advisor must be an employee of the San Diego Community College District. The advisor provides leadership and supervises all activities of the club or organization. The advisor is responsible for ~~implementation of all policies and procedures prescribed by the governing board~~ implementing all policies and procedures the governing board prescribes.

- c) The administration requires that the club or organization advisor, or a substitute acceptable to the administration, attend each meeting and official activity of the club or organization.
- d) The club or organization advisor serves as a role model, a facilitator, and a resource for college/campus procedures, policies and business processes. The advisor should promote good planning, organization and interpersonal relationships.
- e) Advisors are responsible for proper care of college/campus facilities and ensuring that all rules and regulations are adhered to in connection with use of facilities.
- f) In the event an advisor cannot continue in their role, the activities of the club or organization shall be suspended until a replacement is identified.
- g) The advisor or designee approved by the dean responsible for Student Affairs must travel to and from all events outside of San Diego County with the students. Advisors must ensure that off-campus travel is in accordance with Board of Trustees Policy, *BP 3120 4300*, ~~*Off-Campus Student Activities*~~*Field Trips and Excursions*, and consistent with *Section 11* of this procedure.
- h) Advisors are encouraged to work with one student club or organization at a time. Any requests for exception must be made in writing to the Vice President, Student Services.
- i) Advisors are responsible for all club or organization expenditures. The advisor ensures that the purchase is appropriate and that appropriate receipts and documentation are submitted to the Student Affairs Office. Receipts are required for audits. The club or organization advisor will assist the treasurer in monitoring club or organization expenditures.

## 2. ASSOCIATED STUDENT BODY ORGANIZATION

~~Each college and Continuing Education in the District~~San Diego City, Mesa, Miramar and Continuing Education colleges shall each have one Associated Students Organization. Both day and evening student representatives shall be encouraged to participate. A governing body shall be elected that shall keep an account of its meetings, expenditures authorizations and policies established. A simple majority of the elected voting members of the Associated Students Organization governing body shall constitute a quorum.

- a. An Associated Student Body Organization may be formed within any ~~college~~/campus of the District with the approval of the President or designee of the respective college ~~/Continuing Education~~. All Associated Student Body Organizations are subject to the control and regulations of ~~the governing board of the District's~~ governing board. In order to be recognized as an Associated Student Body Organization, the name, purpose, Constitution and by-laws must be approved by the President or designee.

## 3. REGISTERED STUDENT CLUBS OR ORGANIZATIONS (OTHER THAN ASSOCIATED STUDENTS)

- a. Registered student clubs or organizations must be initiated by students of the San Diego Community College District.
- b. A group of District students may become a registered student club or organization by submitting a completed registration packet to the Student Affairs Office of the respective college. The registration must include, but is not limited to:
  - 1) The name, address, and telephone number of the club or organization;
  - 2) The name of the club or organization advisor;
  - 3) The name, address, email address, and telephone number of principal officers as defined by the club or organization, or authorized representatives of the club or organization. Note: It is the responsibility of the club officers to ensure that this information is current with the college at all times;
  - 4) The Constitution of the club or organization including: statement of purpose; membership requirements; removal of officers; and national, state, or off-campus affiliation if any, and bylaws containing specifications for withdrawal or expenditure of funds;
  - 5) An acknowledgment signed by the principal officers or designated representatives that the rules and policies of the District/colleges/campuses have been read, understood, and will be upheld;
  - 6) A statement of nondiscrimination that there shall be no barrier or unequal treatment based on race, ethnic background, gender, age, religion, sexual preference, sexual identity, disability, or national origin which inhibits or prevents any person's full participation in any activities which utilize District facilities;
  - 7) All student clubs or organizations must register each academic year, defined as the first day of the fall semester through the final day of the spring semester. Student clubs must also renew their registration each semester; and
  - 8) Club or organization leadership must attend an orientation each academic year.

#### 4. NAMING OF STUDENT CLUBS OR ORGANIZATIONS

- a. The District recognizes that student clubs or organizations are a vital component of college life and student development. Approved clubs or organizations are recognized entities affiliated with the college. As such, the naming of clubs or organizations must comply with Board of Trustees Policy, *BP 31005500*, *Student Rights, Responsibilities, Campus Safety and Administrative Due Process*.
- b. All student clubs or organizations must have a name that reflects the mission and purpose of the club or organization.
- c. A club may not use any name or acronym which is obscene, libelous, slanderous, or which disrupts the learning or work environment. The college reserves the right to



disapprove the name of a club or organization. In the event that the name of a student club or organization is not approved for any reason, registration of the club or organization will be denied.

- d. The name of the student club or organization must be submitted to the college as part of the registration process as described in *Section 3* (above).
- e. Once approved, a club or organization may not change its name in any way without prior approval from the college/District. Should a club or organization change its name without prior approval of the college/District, the college will cancel the registration of the club or organization and all privileges associated with official registration will be revoked.

## 5. USE OF COLLEGE CAMPUS FACILITIES

- a. College/campus services and facilities may be utilized free of charge by registered student clubs or organizations on a space-available basis, consistent with college/campus regulations.

- b. Regulations Governing Use of District Facilities:

- 1) District facilities shall be used in accordance with all the regulations stated herein and pursuant to federal, state, and local laws.

- a) The San Diego Community College District (San Diego City ~~College~~, San Diego Mesa ~~College~~, San Diego Miramar ~~College~~ and Continuing Education colleges) is committed to providing a drug-free environment. Refer to the college Drug Abuse and Alcohol Prevention Program (DAAPP) for more information at the following link: <http://www.sdccd.edu/daapp/>.

- b) The institutions also prohibit the use of tobacco products and electronic delivery devices on campus or at college/District-sponsored events.

- c) Board Policy, *BP ~~3100~~5500*, *Student Rights, Responsibilities, Campus Safety and Administrative Due Process, Section 3.0, Student Code of Conduct*, states that use, possession, distribution, manufacture, cultivation, or sale of any controlled substance including marijuana, narcotics or other hallucinogenic drugs or substances, or inhaling or breathing the fumes of, or ingesting, any poison classified as such by the California Business and Professions Code Section 4160, Schedule "D," except as provided by law, is prohibited while on the college premises or at college-sponsored events. A student may be suspended or expelled for violation of this policy.

- 2) Request for facility use must be processed through the Student Affairs Office or directly through the advisor. All requests must be submitted in a timely manner in accordance with college/campus guidelines.

- 3) Activities and programs of student clubs or organizations will not be scheduled to the detriment of educational programs and the free flow of traffic.

- 4) The advisor or designee, approved by the dean responsible for Student Affairs, must

authorize and be in attendance during the club's or organization's use of District facilities. An officer or authorized representative of the student club or organization whose name appears in the officer registration file, must also be in attendance during the use of District facilities. Students may not use space during non-office hours or without proper supervision unless specifically authorized.

- 5) The advisor and officers of the club or organization are responsible for the proper care of facilities.
- 6) The advisor is responsible for ensuring that all ~~of District/college/campus~~ rules and regulations related to the use of District facilities are adhered to.
- 7) No student club or organization may reserve facilities for use by another club or organization.
- 8) Users requiring special facility arrangements, equipment, and maintenance services or staffing may be charged at District cost. The District reserves the right to require an advance deposit.
- 9) A request for use of a District facility may be denied if the request is not in accordance with ~~District/college/campus~~ regulations governing such matters, and shall be denied if circumstances are such that the event will present a clear and present danger to the orderly operation and peace of the District/college/campus.

c. Procedures for Securing Use of Facilities:

- 1) A written request must be submitted to the Student Affairs Office or to the advisor in accordance with college/campus guidelines. Request for use of the College of Continuing Education facilities should be processed through the campus Dean. The request should include, but may not be limited to:
  - a) Name of club or organization;
  - b) Facility requested (i.e., classroom for meeting);
  - c) Date and time of event;
  - d) Purpose of the event (i.e., social function);
  - e) Officer's signature;
  - f) Advisor's signature; and
  - g) Special equipment or setup required.
- 2) A tentative hold will be placed upon the requested date providing that:
  - a) The event does not conflict with or detract from a previously scheduled event or interfere with the educational process. In approving the scheduling of an event, the audience size, the frequency and proximity of similar events, and the number

of events already scheduled on the given date will be considered;

- b) The facility requested is suitable for the activity;
  - c) The event does not pose a threat to life or property; and
  - d) There is adequate time to successfully plan and conduct the event.
- 3) Final approval will be granted providing:
- a) Compliance with related ~~district/college/campus~~ regulations regarding contracts, financial accountability, security, ticket handling and publicity;
  - b) Adequate technical and staff support are available;
  - c) The event does not violate any state, federal, or local rulings specifically related to that activity.
- 4) All events will be posted on the student activity calendar in the designated office responsible for student affairs.

#### 6. STUDENT CLUB OR ORGANIZATION FUNDING RESOURCES

- a. Recognized student organizations or clubs may raise funds and apply for funds from other sources to support approved activities and events in accordance with District and college policies, procedures, and guidelines. All fundraising by student members of clubs or organizations must have prior approval of the advisor, including requests for donations, and processed according to approved college/Continuing Education business processes.
- b. Associated Students Organization Funds:
  - 1) Must be reviewed and authorized by the Associated Students Advisor;
  - 2) Shall be exclusively used for programs and purposes which are of benefit and/or in the interest of the student body;
  - 3) May not be expended for programs or purposes in violation of the law;
  - 4) May not be used, directly or indirectly, for partisan political or religious purposes;
  - 5) Shall be subject to normal District business and accounting procedures;
  - 6) Shall be referenced in a financial code in the by-laws of all Constitutions;
  - 7) May not be reallocated, transferred, or utilized for purposes differing from the approved allocation without prior consent of the Associated Student Body; and
  - 8) Shall not be expended for personal benefit or gain of any kind.

- c. An officially registered student club or organization may apply for funding to help carry out programs and operational activities. Sources of funding on campus include the Associated Students funds, District allocated student vending revenue, revenue from fundraising activities, membership dues and donations.

d. ~~Fund Raising~~Fundraising:

- 1) Registered student clubs or organizations may raise funds to support their activities subject to the following provisions:
  - a) All fundraising activities must be in accordance with all relevant District policies and procedures including Administrative Procedure, *AP 6905.1, District Enterprise Activities and Food Vending*;
  - b) All fundraising activities must be related to support~~ing~~ the purposes of the sponsoring club or organization; all promotional materials for the activity must specify the intended use;
  - c) Registered student clubs or organizations raising funds through either paid admission or voluntary donations at events under their sponsorship must have numbered tickets, as well as receipts. The funds are to be deposited in the designated Accounting office with a completed financial statement the next business day following the event;
  - d) Fundraising activities of indefinite duration or which extend beyond a semester's end shall be subject to the filing of semester-ending financial reports. All such reports will indicate the sum collected, expenses incurred, and disposition, if any, of the proceeds. All financial statements shall be available for examination by any interested member of the campus community;
  - e) Registered student clubs or organizations may not raise funds which contribute to the personal benefit or gain of individual members;
  - f) Registered student clubs or organizations may sponsor commercial vending on campus, with prior approval from the administrator responsible for student affairs. Such activity must be related to major college events;
  - g) Registered student clubs or organizations may reach contractual agreements with individuals or groups on or off-campus to perform, on campus only, under approval of the Administrator responsible for Student Affairs;
  - h) Violation of the rules and regulations governing fundraising activities are subject to disciplinary action in accordance with Board of Trustees Policy, *BP ~~3100~~5500, Student Rights, Responsibilities, Campus Safety and Administrative Due Process, Section 3, Student Code of Conduct.*

## 7. CLUB OR ORGANIZATION MEMBERSHIP

- a. All club or organization members must be actively enrolled students in the San Diego Community College District.

- b. It is the shared responsibility of the club officers and advisors to ensure that members are currently enrolled students.
- c. All officers must be enrolled in at least one class at the college/campus of the club registration.
- d. All officers must be in good academic and disciplinary standing. Students with prior Code of Conduct infractions will be subject to additional requirements.
- e. Students are limited to serving no more than two terms at the executive officer level in a given club, organization, or student government.

## 8. TRAVEL

- a. All student travel must be consistent with Board of Trustees Policy, ~~BP 3125, Transportation of Students; and Administrative Procedure, AP 3120.2, Authorization to Conduct Off-Campus Student Activities.~~ BP 4300, Field Trips and Excursions.
- b. All clubs must adhere to an advisor/student ratio of up to 10 students to one advisor for travel outside San Diego County.
- c. Advisors are not permitted to transport students in personal vehicles.
- d. All students authorized to travel are required to complete the online Sexual Assault Prevention Training, for compliance under Title IX. Students may use the link below to access the Title IX ~~& Campus Safe Act~~ Education and Training website for detailed information: <https://www.sdccd.edu/students/titleix.aspx>  
<https://www.sdccd.edu/students/titleix/education-training.aspx>

## 9. RESPONSIBILITIES

- a. A student club or organization is responsible for conducting its affairs in a manner consistent with District rules and regulations. Student clubs or organizations are responsible for ensuring that non-District individuals or groups, invited as an incidental part of a club's or organization's program, comply with District regulations, policies and procedures while on District property.
- b. Each student club or organization and/or its officers or designated representatives shall budget, provide for, and promptly meet its legitimate financial obligations to the Associated Student Body, the District, and other organizations or individuals with which they have entered into a contractual agreement. Any club inactive for five or more academic years will have their club fund balance moved in accordance with the Associated Students guidelines.
- c. All persons on District property are required to abide by District policies and college/campus regulations and shall identify themselves upon request to District officials acting in the performance of their duties.
- d. Each student club or organization is accountable for the actions of its members, on

behalf of the group, anytime during the academic year in which the club or organization has been authorized.

- e. The functioning of registered student clubs or organizations shall be confined to, and controlled by, their active membership. Clubs or organizations may invite ~~other members of the~~ faculty members, staff, and ~~other~~ guests to participate in activities/events when appropriate.
- f. The officers of student clubs or organizations, as designated representatives, are responsible for the use of District facilities and services by their club or organization, as well as financial and legal obligations of the club or organization.
- g. All officers and designated representatives of registered student clubs and organizations shall be students of the college for the length of their term in office. It is the responsibility of the student club or organization to keep the registration information designating officers and/or representatives up-to-date, at all times, in the Student Affairs Office.
- h. All officers and designated representatives of registered student clubs and organizations are required to complete the online Sexual Assault Prevention Training, for compliance under Title IX. Officers and designated representatives may use the link below to the Title IX ~~& Campus Safe Act~~ Education and Training website for detailed information: <https://www.sdccd.edu/students/titleix.aspxhttps://www.sdccd.edu/students/titleix/education-training.aspx>
- i. Violation of any regulation pertaining to the proper conduct of the club or organization may result in disciplinary action in accordance with Board of Trustees Policy, *BP 31005500*, *Student Rights, Responsibilities, Campus Safety and Administrative Due Process*.
- j. There are no Associated Student Body Organization activities permitted during summer sessions, unless specifically authorized, in writing, by the Vice President of Student Services.

#### 10. CLUB DISCIPLINARY SANCTIONS

- a. All student clubs or organizations are expected to adhere to all policies and procedures of the college and District at all times.
- b. Any club or organization found to have violated any provision herein may be subject to disciplinary action.
- c. Disciplinary sanctions for clubs include, but are not limited to:
  - 1) Warning;
  - 2) Probationary status;
  - 3) Suspension – 1 semester club suspension; and

4) Suspension – 1 academic year club suspension.

- d. Nothing would preclude the college from imposing disciplinary action against specific club members ~~of the club~~.

#### 11. OFF-CAMPUS ACTIVITIES CONDUCTED BY STUDENT CLUBS OR ORGANIZATIONS

- a. The San Diego Community College District does not authorize, approve, regulate, or supervise off-campus activities of student clubs. The District assumes no responsibility for off-campus activities, including contractual arrangements made by student clubs or organizations, unless expressly authorized by the college President.

Adopted: ~~April 17, 2019~~

Supersedes: AP 3200 – 11/23/16; 04/17/19; (Renumbered AP 5400)



# SAN DIEGO COMMUNITY COLLEGE DISTRICT

## Administrative Procedure

### Chapter 5 – Student Services

#### **AP ~~3200.2~~ 5410 – ASSOCIATED STUDENTS ELECTIONS**

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The Associated Students (AS) shall conduct annual elections to elect officers. Any student elected as an officer in the Associated Students shall meet the criteria ~~as~~ established herein.

##### 1. APPLICATION PROCESS

Candidates shall be eligible to run for an elected position in the Associated Students Government after submitting a candidate application packet to include verification of eligibility and any other required information, as determined by the respective local college/campus Student Affairs office.

##### 2. ELECTION RESPONSIBILITIES

The Student Affairs office has administrative oversight for the election process. The Associated Students have operational responsibilities in accordance with respective college guidelines.

##### 3. ELECTION PROCESS

The Associated Students Government Organization shall hold regular annual elections by the end of the spring semester to elect members and officers who will serve during the following academic year. In the event that the regular annual election fails to produce at least fifty percent (50%) of the Senate positions and/or fails to elect a President and/or Vice President, a special election shall be held in accordance with the respective college's Associated Students Constitution.

##### 4. CAMPAIGNING

- a. No candidate shall begin active campaigning until notified of ~~his/her~~ their eligibility by the Student Affairs office.
- b. Campaigning, including the posting of campaign materials, shall not violate the election code of the local college/campus, or any provision contained herein.
- c. Candidates shall remove all election materials from the campus within 48 hours after the close of the election.

##### 5. POLLING

- a. Electronic polls shall be open during ~~the~~ normal online business hours, on at least two (2) consecutive work days.
- b. Where polls are provided on campus, no campaign material or activity shall be allowed within 50 feet of the polling location on election days. Where evening polling has been designated, hours and locations will be posted in the Student Affairs office.



- c. Paper ballots, when applicable, shall be deposited in a locked box and stored in a secure location in the Dean of Student Affairs office.

## 6. VOTING

- a. All students actively enrolled in classes during the term the election is held, are eligible to vote.
- b. Students can vote online or at polling stations on campus, where provided. To vote at a polling station, a student must present ~~his/her~~their voter verification or student identification number provided by the campus of registration.
- c. Where polling stations are provided, paper ballots shall be deposited in a locked box and retained in the ~~office of the~~ Dean of Student Affairs office. Ballots should be forwarded to the District Student Services office within 24 hours after the close of the election.

## 7. COUNTING ELECTRONIC VOTES/BALLOTS AND CERTIFYING ELECTIONS

- a. The electronic votes are tabulated electronically and certified by the District ~~Student Services~~Educational Services office.
- b. Paper ballots are tabulated by the District ~~Student Services~~Educational Services office and incorporated into the final election tally. Paper ballots are retained for 90 days following the election.
- c. The Vice Chancellor of ~~Student Services~~Educational Services shall certify the election and send the verified results to the Dean of Student Affairs at each college.

## 8. ELECTION IRREGULARITIES

- a. Allegations of election irregularities must be filed in writing to the Dean of Student Affairs within 24 hours of the close of the election.
- b. In the event that a student finds cause to allege violation of the Election Code, the Dean of Student Affairs, in consultation with the Vice Chancellor of ~~Student Services~~Educational Services, may temporarily suspend certification of the election and notify the candidates.
- c. A comprehensive investigation of the allegations of violation of the election code shall be conducted by the Dean responsible for Student Affairs. The findings shall be reviewed by the Vice Chancellor of ~~Student Services~~Educational Services within 30 days of the formal complaint.
- d. If allegations are substantiated, the election will be invalidated and all parties notified of the final outcome.
- e. In the event of an invalid election, a new election shall be conducted within six (6) weeks of the start of the following fall semester.

## 9. VACANCIES

- a. In the event that the office of the Associated Students President is vacated, the Associated Students Vice President shall assume the duties of the President until a new president has been elected.
- b. In the event that the office of the Associated Students Vice President becomes vacant, the position may be replaced as delineated in each college's respective Associated Students Government Constitution.

#### 10. TERMS OF OFFICE

- a. Associated Students Executive Council and Associated Students Senate
  - 1) All members of the Associated Students Executive Council and Associated Students Senate will serve a term of one (1) academic year.
  - 2) All members of the Associated Students Executive Council and Associated Students Senate shall serve no more than two (2) terms in any one position.
- b. Associated Students Clubs and Organizations representatives shall serve a term of one (1) semester.
- c. Student Judicial Review Board
  - 1) All Student Judicial Review Board members, where in effect, shall serve a term of one (1) year from the beginning of the fall semester to the end of the spring semester.
  - 2) All Student Judicial Review Board Members, where in effect, shall serve no more than two (2) terms.

Reference: Education Code Section 76061

Approved by  
the Chancellor: ~~November 28, 2016~~

Supersedes: AP 3200.2 – 05/07/12; 11/28/16; (Renumbered AP 5410)



# **SAN DIEGO COMMUNITY COLLEGE DISTRICT**

## **Administrative Procedure**

### **Chapter 5 – Student Services**

#### **AP 5420 – ASSOCIATED STUDENTS FINANCE**

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Associated Student funds are maintained in accordance with the following procedures:

1. Associated Student Organization fund books, financial records, and procedures are subject to an annual audit.
2. Reports of the annual audit of Associated Student funds are submitted to the Governing Board.
3. Audit information, except that containing personnel or other confidential information, shall be released to the Associated Students by the Governing Board.
4. Associated Student funds shall be deposited with and disbursed by the District's Governing Board.
5. The funds shall be deposited, loaned, or invested in deposits in trust accounts of the centralized State Treasury System pursuant to Government Code Sections 16305-16305.7 or in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.

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

1. The District Chancellor or designee;
2. The officer or employee of the District who is the designated advisor of the particular student body organization; and
3. A representative of the student body organization.

Approval shall be obtained each time before any funds may be expended.

References: Education Code Sections 76063-76065

Approved by  
the Chancellor: ~~November 28, 2016~~

Supersedes: ~~New Procedure 11/28/16~~