



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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

Educational Services

Chapter 5 – Student Services

Cabinet Review: 04/18/2023 & 04/25/2023

DGC Review: 04/19/2023 & 05/03/2023

Board of Trustees – First Read: 05/11/2023; Second Read: 06/15/2023

Policies and Procedures Review

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

Category 2: New and/or revisions to policies and/or procedures in response to legal and/or regulatory requirements.

Category 3: Technical and/or non-substantive revisions to policies and/or procedures, such as reference updates, title changes, or policies and procedures that are being reviewed for currency but not undergoing significant revision.

Board of Trustees Policies:

BP 3002 (to delete) – Student Enrollment

CATEGORY-2

- Request to delete; duplicate/outdated version of BP 5052 & BP 5055)

BP 5052 – Open Enrollment

CATEGORY-3

- Combined information from BP 3002, Student Enrollment
- Six-year review; minor technical

BP 5055 – Enrollment Priorities

CATEGORY-3

- Updated to conform to CCLC requirements
- Combined information from BP 3002, Student Enrollment
- Six-year review; minor technical

BP 5110 – Counseling

CATEGORY-3

- Six-year review; minor technical

BP 5140 (formerly BP 3105) – Support Services, Programs and Disability Discrimination Procedures for Students with Disabilities

CATEGORY-2

- Updated to address timely responses to accommodation requests and update references
- Six-year review

BP 5150 – Extended Opportunity Programs and Services (EOPS)

CATEGORY-3

- Six-year review; minor technical

BP 5200 – Student Health Services

CATEGORY-3

- Six-year review; minor technical

BP 5205 – Student Accident Insurance

CATEGORY-3

- Six-year review; updated to include current information

Administrative Procedures:

AP 5075 (formerly AP 3002.2) – Course Adds and Drops

CATEGORY-2

- Updated to correct drop deadline prior to census
- Updated to include CCLC language regarding the Excused Withdrawal request and restrictions
- Updated to correct transcript reference code for Military Withdrawal

AP 5110 – Counseling

CATEGORY-3

- Six-year review; minor technical

AP 5140 – Support Services, Programs and Disability Discrimination Procedures for Students with Disabilities

CATEGORY-2

- Updated to add clarifying definitions of terms
- Updated to clarify accommodation procedures
- Updated to correct hyperlink

AP 5520 (formerly AP 3100.2) – Student Disciplinary Procedures

CATEGORY-2

- Updated to reflect recent legislation that complainants or witnesses in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for violations of the student conduct policy unless the violation was egregious
- Updated to reflect information for the removal of a student in Distance Education courses



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Board of Trustees Policy

To be deleted

Chapter 5 – Student Services

BP 3002 – STUDENT ENROLLMENT

OPEN ENROLLMENT

- ~~1) All courses and classes of the District shall be open for enrollment to any person who has been admitted.~~
- ~~2) Enrollment is limited to students meeting properly validated prerequisites and co-requisites, as approved and identified in the college catalog.~~
- ~~3) Students may add and drop classes in accordance with District procedure *AP 3002.2, Class Adds and Drops*.~~
- ~~4) Other limitations on enrollment, established in accordance with statutes and regulations, may be placed upon specified courses and programs. Other limitations in enrollment courses and programs are also specified in the college catalogs and District policy.~~
- ~~5) All scheduled classes are advertised and open to the public unless special circumstances provide for an allowable restriction of enrollment in accordance with state regulations.~~

ENROLLMENT PRIORITY SYSTEM

- ~~1) A priority system for enrollment in credit classes has been established in accordance with state regulations as outlined in *AP 3002.1, Enrollment Priority and Open Enrollment*.~~
- ~~2) The enrollment priority system shall provide an equitable means for assigning enrollment priorities and reflect the core mission of the District.~~
- ~~3) All students will be subject to the criteria set forth in the enrollment priority system.~~

~~Adopted: October 27, 2016~~

~~Supersedes: 3/14/13~~



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Chapter 5 – Student Services

BP 5052 – OPEN ENROLLMENT

All courses, course sections, and classes of the District shall be open for enrollment to any person who has been admitted to the college. Enrollment may be subject to any priority system that has been established. Enrollment may also be limited to students meeting properly validated prerequisites and co-requisites, or due to other practical considerations such as exemptions set out in statute or regulation.

- 1) All courses and classes of the District shall be open for enrollment to any person who has been admitted.
- 2) Enrollment is limited to students meeting properly validated prerequisites and co-requisites, as approved and identified in the college catalog.
- 3) Students may add and drop classes in accordance with Administrative Procedure, AP 5075, Class Adds and Drops.
- 4) Other limitations on enrollment, established in accordance with statutes and regulations, may be placed upon specified courses and programs. Other limitations in enrollment courses and programs are also specified in the college catalogs and District policy.
- 5) All scheduled classes are advertised and open to the public unless special circumstances provide for an allowable restriction of enrollment in accordance with state regulations.

The District Chancellor shall assure that this policy is Information regarding open enrollment shall be published in the catalogs and schedules of classes.

Reference: Title 5 Section 51006

Adopted: ~~October 27, 2016~~

Supersedes: ~~New Policy BP 5052 – 10/27/16~~



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Chapter 5 – Student Services

BP 5055 – ENROLLMENT PRIORITIES

~~The District Chancellor shall establish procedures defining enrollment priorities, limitations, and processes for student challenge, which shall comply with Title 5 regulations.~~

All courses of the District shall be open to enrollment, subject to an established priority system. Enrollment also may be limited to students meeting properly validated prerequisites and co-requisites as approved and identified in the college catalog. Other limitations placed upon specified courses and programs are established in accordance with statutes and regulations, and District policy.

- 1) A priority system for enrollment in credit classes has been established in accordance with state regulations as outlined in *AP 5055, Enrollment Priority and Open Enrollment*.
- 2) The enrollment priority system shall provide an equitable means for assigning enrollment priorities and reflect the core mission of the District.
- 3) All students will be subject to the criteria set forth in the enrollment priority system.

References: Title 5 Sections 51006; 58106; and 58108

Adopted: ~~October 27, 2016~~

Supersedes: ~~New Policy BP 5055 – 10/27/16~~



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Chapter 5 – Student Services

BP 5110 – COUNSELING

Counseling services are an essential part of the educational mission of the San Diego Community College District. ~~The colleges and San Diego City, Mesa, Miramar, and~~ Continuing Education colleges shall provide students with the opportunity for educational, vocational, and personal counseling that is related to the student's education. Counseling shall be provided to all new, continuing and returning students.

A person performing counseling services for students shall be qualified as a counselor pursuant to Education Code Sections 87355 and 87356.

Reference: Education Code Section 72620, 87355 and 87356;
Title 5 Section 51018;
ACCJC Accreditation Standard II.C.5

Adopted: ~~November 10, 2016~~

Supersedes: ~~New Policy BP 5110 – 11/10/16~~



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Chapter 5 – Student Services

BP 3105 – ACADEMIC ACCOMMODATIONS AND DISABILITY DISCRIMINATION FOR STUDENTS WITH DISABILITIES

BP 5140 – SUPPORT SERVICES, PROGRAMS AND DISABILITY DISCRIMINATION PROCEDURES FOR STUDENTS WITH DISABILITIES

The District is committed to educational opportunity for students with disabilities and will comply with all provisions of Section 504 of the Rehabilitation Act of 1973, the Americans with Disability Act, as amended, and Section 508 of the Rehabilitation Act of 1973. Students with disabilities will be reasonably accommodated in compliance with federal and state requirements in all applicable programs of the District. Disability Support Programs and Services (DSPS) shall be primarily responsible for authorizing academic adjustments, auxiliary aids, services, or instruction that facilitate equal educational opportunities for disabled students who can benefit from instruction as required by federal and state laws. The District is committed to all provisions of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and Section 508 of the Rehabilitation Act of 1973. The fundamental principles of nondiscrimination and accommodation in academic programs provide that:

1. DSPS services will be available to students with verified disabilities, including but not limited to, reasonable accommodations, academic adjustments, disability management, vocational and academic counseling, technology accessibility, accessible facilities, equipment, instructional programs;
2. No student with a qualified disability ~~shall will~~, on the basis because of the disability, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination under any post-secondary education activity or program; and
3. ~~Reasonable accommodations to academic activities or requirements shall be made as are necessary to ensure that such requirements do not discriminate or have the effect of discrimination on a student with a qualified disability; and~~
4. The institution ~~shall will~~ create an educational environment where disabled students ~~with disabilities~~ have equal access to instruction, including those taking place in a work preparation and clinical settings, without compromising the essential components of the course, educational program, or degree.

The District will respond in a timely manner to academic accommodation requests. See Administrative Procedure, AP 5140, Support Services and Disability Discrimination Procedures for Students with Disabilities, for implementation of this policy, which provides for an interactive and individualized review of each request.

The District identifies DSPS, or the 504 Officer, as the office or individual to determine academic accommodations under Section 504 of the 1973 Rehabilitation Act. DSPS will notify the appropriate administrator when ~~it is~~ unable to resolve a student complaint about ~~providing an~~ the provision of a requested accommodation.

The Site Compliance Officer (SCO) is identified as the campus individual to handle all discrimination grievances under the Americans with Disabilities Act and can also be found through the District's Equal Employment Opportunity and Diversity Office.

All programs and services of the District, including the DSPS program, shall conform to all requirements established by the relevant law and regulations.

~~The intent of this policy is to ensure compliance with federal and state laws. The related administrative procedure is intended to provide consistent and fair review of all academic adjustment requests and dispute resolution.~~

~~Also see BP/AP 3410 Nondiscrimination, BP/AP 3430 Prohibition of Harassment, AP 3435 Discrimination and Harassment Complaints and Investigations, AP 3105.2 Service Animals, and BP/AP 3108 Accessibility Standards for Electronic and Information Technology.~~

Reference: Education Code Sections 67310 and 84850;
Title 5 Sections 56000 et seq. and 56027

Adopted: September 8, 2016

Supersedes: BP 3105 – 04/22/04; 10/14/10; 02/19/15; 02/18/16; 09/08/16; (Renumbered BP 5140)



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Chapter 5 – Student Services

BP 5150 – EXTENDED OPPORTUNITY PROGRAMS AND SERVICES (EOPS)

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

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

The ~~District Chancellor shall assure that the~~ EOPS Program shall conform to all requirements established by the relevant law and regulations as outlined in Title 5 Sections 56200–56298.

References: Education Code Sections 69640–69656;
Title 5 Sections 56200 et seq.

Adopted: ~~October 27, 2016~~

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



Board of Trustees Policy

Chapter 5 – Student Services

BP 5200 – STUDENT HEALTH SERVICES

Student Health Services support the success of students by attending to their physical and psychological well-being. Student health services shall be provided ~~in-on~~ the District credit college campuses in order to contribute to the educational goals of students by promoting physical and emotional well-being through health-oriented programs and services.

Student Health provides general medical and nursing care to students currently enrolled and attending classes. The office services are similar to a typical urgent care office, with the semesterly health service fee, no additional fees apply and visits with a provider are free.

All students are assessed a mandatory fee for health services and accident insurance whether or not they choose to use the health services available to them, see the current college catalog for details surrounding the health services fee, exceptions, and waivers available.

Reference: Education Code Section 76401

Adopted: ~~October 27, 2016~~

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



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Chapter 5 – Student Services

BP 5205 – STUDENT ACCIDENT INSURANCE

The District shall assure that students are covered by accident insurance in those instances required by law or contract. As outlined in Administrative Procedure, AP 5030, Fees, all students are assessed a mandatory fee for health services and accident insurance whether or not they choose to use the health services available to them. Detailed information about the health services fee, exceptions, and waivers available is outlined in the current year college catalogs.

The San Diego Community College District provides accident insurance for students and student athletes for accidents resulting in injuries occurring on District property or during certain off-campus activities. Illnesses are not covered by Student Accident Insurance. The insurance is secondary insurance and pays only those specified medical expenses not covered by the student's own medical insurance. The policy has various coverage limits and is not a substitute for private medical insurance. The student is ultimately responsible for any medical expenses incurred.

All claims are made through the Student Health Services office, or the Athletic Department as soon as possible after an accident to adhere to the insurance's strict claim reporting procedures.

Reference: Education Code Section 72506

Adopted: ~~October 27, 2016~~

Supersedes: ~~New Policy BP 5205 – 10/27/16~~



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Administrative Procedure

Chapter 5 – Student Services

AP-3002.2 5075 – CLASS COURSE ADDS AND DROPS

1. ADDING-CLASSES COURSES

- a. Students may add classes with available seats through the registration period.
- b. If a class is full, students may waitlist the class. During registration, students are added from the waitlist in chronological order as seats become available. Students must meet all registration requirements at the time of registration from the waitlist process.
- c. Once the semester begins, students may only add a class with permission from the instructor. Faculty are strongly encouraged to follow the waitlist order. Students will not be allowed to add classes beyond the published add deadline for the class.
- d. Students are not officially registered until all mandatory fees are paid in full.
- e. ~~Students are limited to~~ The maximum study load is twenty (20) academic units in the fall and spring semesters, and ~~twelve (12)~~ academic units in the summer session. The maximum study load includes Exercise Science activity units. Students may petition the Vice President of Student Services at the respective college for an exception to the limit.
- f. Students may not enroll in two or more courses where the meeting register for classes with times that overlap, or do not have at least a 10-minute passing period time between.
- g. Students may not enroll in two or more sections of the same credit course during the same term unless the length of the course provides that the student is not enrolled in more than one section at any given time.
- h. Students must meet all prerequisites or co-requisites of a course as stated in the college catalog at the time of registration.
- i. Students not officially registered in a class shall not be permitted to attend that class. No exceptions will be made.

2. DROPPING CLASS/WITHDRAWAL

- a. Drop prior to Census – Students who drop, or are dropped, prior to the census date shall have no notation made on their ir academic record. Census for primary session classes occurs on the 2nd Friday of instruction next instructional day succeeding the add/drop deadline. Census for other sessions occurs at 20% of instruction for the class.
 - 1) Although it is the responsibility and obligation of the student to add, drop or withdraw from a course, instructors shall clear their rosters of inactive students no later than the end of the last business day before the census day for all students. Inactive

students include no-shows, those who have officially dropped, and those students who are no longer participating in the course.

- b. Withdrawal – Students who withdraw, or are withdrawn, on or after the census date and through the end of the withdrawal deadline will have a “W” posted to the academic record. The withdrawal deadline for primary session classes occurs on the 10th Friday of instruction. The withdrawal deadline for other sessions occurs at 60% of instruction.
- c. Withdrawal after deadline – The withdrawal deadline for students is (after the 10th Friday for primary session classes, otherwise after 60% of instruction). The academic record of students who remain enrolled in a class beyond the published withdrawal deadline will have a grade or symbol other than “W” on the record receive an evaluative letter grade.
- d. ~~Extenuating Circumstances – Students who withdraw after the withdrawal deadline may, in the case of extenuating circumstances, be assigned a “W.” Such cases will require documentation and will be handled through the petition process. Extenuating circumstances are defined as illness, accident and other circumstances beyond the control of the student.~~
- e. ~~Extraordinary Circumstances – Students who withdrew after the withdrawal deadline due to extraordinary conditions, as those defined in Title 5, Section 58146 may, in the case of extraordinary circumstances, not be assigned a W. Such cases will require documentation and will be handled through the petition process.~~

Excused Withdrawal – Students who were required to withdraw or drop a course(s) due to extraordinary or extenuating circumstances are eligible to petition for an Excused Withdrawal, as identified in Title 5 Section 55024. Such cases will be handled through the petition process to have their academic record reflect the grade of “EW” for the impacted course(s). An “EW” will not be counted toward the permitted number of withdrawals or counted as an enrollment attempt, nor will it be counted in progress probation and dismissal calculations.

1) Extraordinary conditions are those defined in Title 5, Section 58146

2) In the case of an incarcerated student, an excused withdrawal cannot be applied if the failure to complete the course(s) was the result of the student’s behavioral violation or if the student requested and was granted a mid-semester transfer.

- f. Military Withdrawal – Students who are active members of the armed forces of the United States who receive orders compelling a withdrawal from class may petition to have their academic record annotated with a “MW” symbol and transcript reference code MILT, to exclude the withdrawal from progress probation and disqualification calculations. Military Withdrawal will not be counted toward the permitted number of withdrawals or counted as an enrollment attempt. Students are required to provide verification of such orders. The symbol may be assigned at any time. In the event a student is unable to request a military withdrawal prior to the assignment of a final grade in class, a military withdrawal will only be assigned with approval of the instructor who assigned the original grade.
- g. Withdrawal due to Pregnancy – In accordance with Title IX of the Education Amendments of 1972, absences due to pregnancy or related conditions, including

recovery from childbirth, shall be excused for as long as the student's doctor deems the absences to be medically necessary. Students who withdraw after the drop deadline shall be given the opportunity to make up any missed work through the "Assignment of Incomplete" process. If a student elects to withdraw from the class(s) on or after census, a "W" shall be assigned and shall not be counted in progress probation and dismissal calculations.

- h. Withdrawal due to Discriminatory Treatment – In accordance with Title 5 regulations, if the District determines that a student withdrew from a course as a result of discriminatory treatment or due to retaliation for alleging discriminatory treatment, then the district shall not assign a W to the student. Such cases will require documentation and will be handled through the petition process.
- i. Class Repetition – The District will comply with Title 5 regulations regarding class repetition and withdrawals (See AP-~~3910-2~~ 4225, *Course Repetition*).

Reference: Title IX, Title 5, Section 55024 and 58000 et seq.

Approved by
the Chancellor: ~~January 13, 2017~~

Supersedes: AP 3002.2 – ~~New Procedure~~ 01/13/17; (Renumbered AP 5075)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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Administrative Procedure

Chapter 5 – Student Services

AP 5110 – COUNSELING

The provision of counseling services is an integral component of the District's commitment to student success and completion of their educational goals. Counseling services are provided within the ethical guidelines of the profession and in concurrence with the District's Mission Statement.

1. SERVICES PROVIDED:

The counseling services available in the District include at least the following:

- a. Academic counseling, in which the student is assisted in assessing, planning, monitoring and implementing his/her immediate and long-range academic goals.
- b. Career counseling, in which the student is assisted in assessing ~~his/her~~ their aptitudes, abilities, and interests and is advised concerning ~~the~~ current and future employment opportunities.
- c. Personal counseling, including crisis intervention, in which the student is assisted with personal, family, or other social concerns when that assistance is related to the student's education; ~~Continuing Education students will be referred~~ additional referrals may be provided to appropriate community agencies for personal family or other social concerns.
- d. Group counseling and workshop facilitation to assist students with orientation, registration, selection of an academic program, transferring, and accessing campus resources.
- e. Dedicated counseling and support to specialized student populations, including but not limited to the following students: AB 540, athletes, First-Year Experience (FYE), international, concurrent high school partnerships, PUENTE, Mesa Academy, UMOJA and veterans.
- f. Referring students to on-campus, off-campus and online services or resources which support students in achieving their educational goals, including but not limited to career assessment and job placement services, ~~d~~Disability Support Programs and sServices, financial aid, honors, health services, testing, transfer services, and tutoring.

2. CONFIDENTIALITY OF COUNSELING INFORMATION:

Information of a personal nature disclosed by a student 12 years of age or older in the process of receiving counseling from a counselor is confidential, and shall not become part of the student record without the written consent of the person who disclosed the

confidential information. However, the information shall be disclosed when permitted by applicable law, including but not limited to: ~~disclosure as necessary to~~

- a. ~~R~~eporting child abuse or neglect;
- b. ~~R~~eporting to the Chancellor or other persons when the counselor has reason to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or other persons living in the college community;
- c. ~~R~~eporting information to the Chancellor or other persons, as necessary, when the student indicates that a crime involving the likelihood of personal injury or significant or substantial property losses will or has been committed; ~~and/or~~
- d. ~~R~~eporting information to one or more persons specified in a written waiver by the student.

References: Education Code Section 72620;
Title 5 Section 51018;
ACCJC Accreditation Standard II.C.5

Approved by
the Chancellor: ~~January 13, 2017~~

Supersedes: ~~New Procedure~~ AP 5110 – 01/13/17



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Administrative Procedure

Chapter 5 – Student Services

AP 3105.1 – ACADEMIC ACCOMMODATIONS AND DISABILITY DISCRIMINATION FOR STUDENTS WITH DISABILITIES **AP 5140 – SUPPORT SERVICES, PROGRAMS AND DISABILITY DISCRIMINATION PROCEDURES FOR STUDENTS WITH DISABILITIES**

~~The San Diego Community College District provides programs and services to disabled students designed to ensure equitable access to the District's educational programs and services. The purpose of a~~Academic accommodations ~~is to~~are implemented to allow students with disabilities access to the same educational opportunities available to other students. ~~The procedures herein are intended to provide for the consistent and timely processing of requests for academic accommodations.~~

1. DEFINITIONS

- a. Disability – A disability is “a physical or mental impairment that substantially limits one or more major life activities. An individual with a disability is a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.” SDCCD adheres to Title 5 guidelines when defining disability and determining eligibility.
- b. Academic adjustments, auxiliary aids, and services – Any one or more of the services provided to DSPS students described in Section 56026 and/or educational assistance class instruction authorized under Section 56028.
- c. Fundamental Alteration – Any change to a course curriculum or course of study that is so significant that it alters the required objectives or content of the curriculum in the approved course outline of the course.
- d. Educational Limitation – A disability-related functional limitation in the educational setting. This occurs when the limitation prevents the student from having full access to and equal participation in the educational process, including classes, activities, or services offered by the college to students without disabilities, without specific additional academic adjustments, auxiliary aids, services and/or instruction.
- e. Educational Assistance Classes – Instructional activities offered consistent with the provisions of Section 56000 designed to address the educational limitations of students with disabilities who are admitted to the institution pursuant to Educational Code Sections 76000 et seq. and who would be unable to substantially benefit from general college classes even with appropriate academic adjustments, auxiliary aids, and services. This term replaces Special Classes, as used throughout Division 6 of Title 5.
- f. Academic Accommodation Plan (AAP) – A record of the interactive process between each DSPS student and DSPS faculty regarding the academic adjustments, auxiliary

aids, services and/or instruction necessary to provide the student equal access to the educational process.

2. REQUEST FOR ACADEMIC ACCOMMODATION

Section 504 of the Rehabilitation Act of 1973 ensures that students with disabilities are allowed “academic adjustments” and “auxiliary aids.” Accommodations may include ~~the modification of~~ modifying the course delivery and/or evaluation process, access to course materials, course substitution or waiver, ~~as well as and/or allowing for the use of electronic devices~~ assistive technology.

~~The most common accommodations for the classroom are extended time on tests, note-takers, sign language interpreters, and recording of lectures.~~ Assistive and Instructional technology are available through DSPS to eligible students to promote equal access to instruction and instructional materials.

- a. Requests for accommodations are determined on a case-by-case basis through an interactive process between the student or prospective student and the DSPS counselor. The interactive and documentation process should include direct and open communication early in the academic accommodation process.
- b. DSPS ~~faculty~~ will respond to requests for accommodation and/or support services in a timely manner.
- c. Students who request academic accommodations are responsible for contacting the DSPS office. Students who ~~make a~~ request directly to the instructional faculty should be referred to DSPS.
- d. DSPS will make every effort to afford students with communication disabilities primary consideration of their requested form of accommodation.
- e. Students are responsible for providing professional documentation of a qualified disability to DSPS.
- f. ~~If the student does not have appropriate verification of a Learning Disability~~ Students who believe they may have a learning disability and do not otherwise qualify for DSPS services, may contact DSPS to refer or initiate an assessment to determine and document a learning disability.
- g. The DSPS office, in consultation with the student, shall recommend appropriate accommodations and act as a liaison with the instructional faculty ~~and students. The DSPS shall document the~~ recommendations ~~shall be documented by DSPS and a copy provided~~ provide this documentation to the student. The student will provide this documentation to ~~his/her~~ their instructors, as early as possible in the semester and when accommodation is needed for the course.
- h. There may be circumstances when a particular accommodation may require the modification of some aspects of a course ~~program~~. However, the goal is to ensure that the essential elements of the course are not fundamentally changed. Requests for accommodations that ~~would be determined to~~ fundamentally alter the course or

program will not be granted. ~~Direct and open communication is encouraged early in the academic accommodation process.~~

- i. Instructional Faculty must notify DSPS promptly of any disability and/or accommodation-related complaint.

3. ACADEMIC ACCOMMODATION RESOLUTION

The student, ~~classroom-instructional~~ faculty, or DSPS ~~faculty counselor~~ may dispute ~~an the~~ accommodation. If there is a dispute, the original accommodation(s) ~~originally~~ authorized by DSPS will be provided during the problem-resolution process ~~and subsequent challenges~~. The disputing party is encouraged to follow the informal resolution procedure.

a. Informal Resolution Procedure

- 1) An instructor who has questions or disagrees with an accommodation requested by a student with a verified disability shall promptly contact the DSPS ~~faculty counselor~~ who authorized the accommodation(s).
- 2) A student who disagrees with the academic accommodation(s) authorized by the DSPS counselor shall promptly discuss ~~his/her~~ their concern with the DSPS Dean or manager/eCoordinator.
- 3) A student who is not provided ~~an approved~~ DSPS authorized reasonable accommodation by the instructor shall notify the DSPS Office promptly so that an interactive meeting ~~is may be~~ scheduled for to facilitate resolution.
- 4) The DSPS manager/coordinator shall convene an informal meeting of appropriate representatives (i.e., student, DSPS counselor, ~~instructor-instructional faculty~~, and/or discipline department chair) within five (5) instructional days following the notification of the disputed accommodation(s). Every effort shall be made to resolve the matter informally.
- 5) ~~Student will be notified in writing of next steps if not resolved to~~ If a student accommodation complaint is not resolved to the student's satisfaction, DSPS will notify the appropriate administrator when it is unable to resolve a student complaint to provide ~~an~~ accommodation.

b. Formal Resolution Procedure (when not resolved during the informal process):

- 1) If there is no agreement with the informal resolution, the student, the ~~instructor instructional faculty~~, or the DSPS ~~faculty counselor~~ may provide a written complaint to the ~~compliance officer responsible for 504 Officer matters~~ within 10 instructional days of notification of the informal resolution. Contact information for the College 504 Officer can be located on the DSPS-SDCCD Complaint Process website.
- 2) The ~~compliance officer responsible for 504 matters~~ 504 Officer will review the written complaint and carefully research the facts. Written notification of ~~his/her~~ their decision will be provided to the student within 10 instructional days of receipt of the complaint. If the student is not in agreement with the 504 Officer's decision, they will be directed to file a complaint with either the Chancellor of the California Community Colleges or

~~the Federal Office of Civil Rights. The student will be provided a written notification of the option to file a complaint under Administrative Procedure, AP 3435, Discrimination and Harassment Investigations, if student is not in agreement with DSPS faculty or 504 decision.~~

4. REQUESTS FOR A COURSE SUBSTITUTION OR WAIVER

- a. Students who request a course substitution or waiver should file a Petition for Modification of Graduation Requirements or a Petition for Math Substitution as an Academic Accommodation with the appropriate college committee/office/department.
- b. Requests for course substitutions or waivers will be ~~adjudicated~~ decided by the appropriate committee, department, or office and will include at least one DSPS ~~faculty~~ Counselor when the petition states the request is for ~~an~~ academic accommodation. The 504 ~~o~~Officer may be included as determined by the committee chair.
- c. Transfer institutions are not bound by decisions made by the San Diego Community College District regarding course substitutions or waivers. Students are responsible for contacting potential transfer institutions regarding the acceptability of prior coursework.
- d. If the student does not agree with the outcome of the request, they may file a complaint under Administrative Procedure, AP 3435, *Discrimination and Harassment Investigations*.

5. REPORTING OF DISABILITY DISCRIMINATION

- a. A student who believes they are being discriminated against based on their disability, and has exhausted informal resolution pathways, will be directed to file a complaint of disability discrimination under Administrative Procedure, AP 3435, Discrimination and Harassment Investigations, in which A-a complaint of Disability Discrimination is described ~~in Administrative Procedure AP 3435, Discrimination and Harassment Investigations~~. The contact person is the Site Compliance Officer (SCO) at each campus or the San Diego Community College District's Equal Opportunity and Diversity Office.
- b. The process can be initiated in several ways. Referral to the Site Compliance Officer can be made through DSPS, the 504 Officer, or directly by the student. Contact information for the College Site Compliance Officers can be ~~located at~~ found on the ~~following link~~ SDCCD Site Compliance website.

6. STUDENT RIGHTS AND RESPONSIBILITIES

Student right and responsibilities are outlined in the Board of Trustees Policy, BP 5500, Student Rights, Responsibilities, Campus Safety and Administrative Due Process, and corresponding Administrative Procedures.

Reference: ~~Applicable law includes the following:~~
American with Disabilities Act (ADA) (PL 11-336);
ADA Amendments Act 2008;

Rehabilitation Act of 1973, Section 504 [34 C.F.R § 104.3 (j) (1) and (k) (3) and § 104.44 (a) and (b) (1) (ii)];
Family Educational Rights and Privacy Act of 1974; and
Title 5 of the California Code of Regulations

Approved by
the Chancellor: ~~October 17, 2016~~

Supersedes: AP 3105.1 – 04/25/05, 05/07/09, 10/14/10, 03/02/15, 02/23/16; (Renumbered AP 5140)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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

Administrative Procedure

Chapter 5 – Student Services

AP 5520 – STUDENT DISCIPLINARY PROCEDURES

1. PURPOSE

These procedures are designed to provide uniform standards to assure due process when a student is charged with a violation of the San Diego Community College District Student Code of Conduct as defined in Board of Trustees Policy, *BP 5500, Student Rights, Responsibilities, Campus Safety and Administrative Due Process*. All proceedings held in accordance with these procedures shall relate only to an alleged violation of the established standards.

2. DEFINITIONS

- a. District – The San Diego Community College District (SDCCD).
- b. Student – Any person currently enrolled as a student at any college or in any program offered by the District who was also enrolled at the time of the alleged violation of the Standards of Student Conduct.
- c. Instructor – Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.
- d. Day – Days during which the District is in session, and regular classes are held, excluding Saturdays and Sundays.
- e. Short-term Suspension – Exclusion of the student by the College President for good cause from one or more classes for a period of up to ten (10) consecutive days of instruction.
- f. Long-term Suspension – Exclusion of the student by the College President for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.
- g. Expulsion – Exclusion of the student by the Board of Trustees from all colleges in the District.
- h. Removal from In-Person Class – Exclusion of the student by an instructor for the day of the removal and the next class meeting.
- i. Removal from Distance Education Class – Exclusion of the student by an instructor for the day of removal up to one week or five (5) instructional days.

- j. Written or Verbal Reprimand – An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.
- k. Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the College President for any person to remain on campus in accordance with California Penal Code Section 626.4 where the College President or President Designee has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

The person from whom consent has been withdrawn may submit a written request for a hearing within the period of the withdrawal. The request shall be granted not later than seven (7) days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn.

Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code Section 626.4).

3. DISCIPLINARY OFFICER

- a. Each President will designate an administrator to process student disciplinary charges and serve as the Disciplinary Officer.
 - 1) The Disciplinary Officer shall be responsible for processing the alleged violation of the Student Code of Conduct in accordance with these procedures.
 - 2) In cases involving sex or gender-based misconduct, the Title IX Coordinator shall coordinate the District's response to the alleged misconduct and, for the purposes of the responsibilities allocated in Sections 4 and 5 of this Procedure, serve as the Disciplinary Officer. Such cases will be handled according to the process provided in Section 9 of this Procedure, which shall prevail and govern in the event of any conflict with Sections 12, 13 and 14. Sections 4, 5, 6, 7, 8 and 11 of this Procedure shall not apply in cases involving sex or gender-based misconduct.
 - 3) If the student has an actual or perceived disability and the behavior is not a violation of the Student Code of Conduct, the Disciplinary Officer will consult with a DSPS counselor to determine:
 - a) If the student is receiving services through the DSPS office;
 - b) If there is an accommodation that could mitigate the behavior; and/or
 - c) If a referral for professional services is appropriate.
 - 4) The Disciplinary Officer will not be an individual who has a conflict of interest or bias for or against the accuser or the accused.

4. FACT-FINDING INVESTIGATION

- a. Within twenty-five (25) instructional days from the time the Disciplinary Officer is informed of allegations which may constitute a violation of the Student Code of Conduct, the Officer shall conduct a fact-finding investigation to determine whether to pursue an administrative conference or disciplinary hearing. The investigation shall be documented as follows:
 - 1) Interview with the student accused of the violation to gather facts, assuming the student is willing and available to participate. The interview shall be carefully documented as follows:
 - a) Date of interview:
 - b) Description of incident:
 - c) Name of witnesses:
 - d) Location of incident:
 - e) Any mitigating factors:
 - 2) Based upon information obtained in the interview, the Disciplinary Officer shall determine whether to gather additional information or documentation or whether to proceed to an administrative conference or disciplinary hearing.
 - 3) In the event the student is unwilling or unavailable to meet with the Disciplinary Officer, the Disciplinary Officer may determine to proceed with the hearing or administrative conference based upon available information.
 - 4) For purposes of evaluating whether the student's conduct is a violation of the Student Code of Conduct, no consideration shall be given to a student's actual or perceived disability unless such disability is being asserted by the student as a defense to, or in mitigation of a potential violation.
 - 5) Should the Disciplinary Officer gather additional information or interview other witnesses, the interviews must be documented as specified in this procedure.
 - 6) The student shall have the right at any point in the process to accept responsibility for their actions and accept the recommended sanction which concludes the disciplinary process.

5. ADMINISTRATIVE CONFERENCE

- a. At a scheduled meeting, the Disciplinary Officer shall:
 - 1) Advise the student of the alleged offense, including the specific section(s) of the Student Code of Conduct and the facts constituting the alleged offense.
 - 2) Make a reasonable effort to resolve the matter informally. The student is told what

they are accused of doing and the basis of the accusation.

- 3) Advise the student that they shall not have the right to a hearing before a Disciplinary Committee in connection with disciplinary sanctions including reprimand, disciplinary probation, and removal or suspension not exceeding ten (10) instructional days.
 - 4) Ensure the Administrative Conference includes a third party if the recommended disciplinary action is a suspension of less than ten (10) days.
 - 5) Advise the student of their right to a formal hearing for sanctions exceeding ten (10) days.
 - 6) Advise the student that they may elect to waive the right to a formal hearing and accept the decision of the Disciplinary Officer at any time.
- b. If the student elects to waive the right to a hearing before the Disciplinary Committee and to accept the imposition of a sanction mutually agreed upon by the student and the Disciplinary Officer, any such waiver shall be in writing using the Student Waiver of Right of Disciplinary Hearing form and signed by both parties and a witness.

6. DISCIPLINARY HEARING PREPARATION

- a. The matter shall proceed to a formal hearing if the Disciplinary Officer has determined that the alleged offense is too serious to warrant an informal resolution or if an informal resolution cannot be reached. The Disciplinary Officer shall prepare the case as follows:
 - 1) Notify the student of the charges, including the specific section(s) of the Student Code of Conduct and the facts constituting the alleged offense.
 - 2) Identify and interview witnesses necessary for the presentation of the case.
 - 3) If a witness is unavailable during the investigation or it is anticipated that the witness may not be available at the time of the disciplinary hearing, the Disciplinary Officer may attempt to obtain written statements. Witness statements may be used at the hearing, provided, however, that access to the witness statements is made available to the accused student at least three (3) instructional days prior to the hearing. The Disciplinary Officer may conduct additional questioning of the witness in person, telephonically or via additional written questions. The accused student may provide suggested written questions to the Disciplinary Officer at least two (2) days prior to the hearing. The Disciplinary Officer shall obtain a response at least one (1) day prior to the hearing. Written questions of an abusive nature shall not be allowed.
 - 4) Document interviews as identified in this procedure.
 - 5) Obtain relevant written documentation.
 - 6) Access to any tangible evidence, other than the written statement of a witness, anticipated to be presented at the disciplinary hearing shall be made available for review by the student at least two (2) instructional days prior to the hearing.
 - 7) The Disciplinary Officer may, at the Disciplinary Officer's sole discretion, delay the

hearing at any time for good cause.

b. Other Responsibilities of the Disciplinary Officer:

- 1) To advise the student of their right to representation. The student has the right of self-representation or representation by another party, except that the student shall not be represented by an attorney. If the student decides to have a representative, the Disciplinary Officer shall be notified, in writing by the student, who the representative will be no later than two (2) instructional days prior to the hearing. Representatives may not participate in the hearing, nor use any electronic devices during the hearing.
- 2) Advise the student of their right to be present at the hearing, and that the hearing shall proceed in the absence of the student unless a satisfactory explanation has been provided.
- 3) Assume responsibility for making the necessary arrangements for the hearing. Arrangements shall include scheduling a room, providing for a tape recorder, notifying members of the Disciplinary Committee and witnesses, and providing committee members with copies of these procedures.
- 4) Prepare and personally deliver or mail written notice to the student not less than five (5) instructional days prior to the hearing.
 - a) Notice shall specify the time and place of the hearing, a statement of charges against the student, recommended sanction, a list of members of the Disciplinary Committee, the date, time and location that the tangible evidence will be made available for inspection and (when applicable) a statement of possible financial aid suspension or termination. A copy of these procedures shall also be enclosed.
 - b) Notice shall also specify if there is to be an interim suspension from the college pursuant to Education Code Section 66017. In the event of an immediate suspension, the student shall remain suspended until the final disposition of the hearing.
 - c) The notice shall be presumed to have been received and read when sent to the last address available in the records of the college and deposited in the United States mail, postage prepaid and return receipt requested.

7. DISCIPLINARY COMMITTEE – CASES NOT INVOLVING SEX AND GENDER-BASED MISCONDUCT

- a. Each academic year, the Academic Senate shall nominate a minimum of eight (8) faculty members and the Associated Students organization shall nominate eight (8) students to form a pool for a one-year term, from which a Disciplinary Committee may be convened. In the event the pool needs to be augmented, appointments may be made by the Academic Senate and/or Associated Students.
- b. The Disciplinary Committee shall be constituted by the Chairperson in accordance with the following criteria:

- 1) The Disciplinary Committee shall include at least one (1) student selected from the pool submitted by the Associated Students Organization governing body. In the event students identified in the pool are unavailable to serve, the President or designee will select other students as appropriate. Hearings, where the recommended sanction is expulsion, shall include at least two (2) students.
- 2) The Disciplinary Committee shall include at least one (1) instructor selected from the pool submitted by the Academic Senate. In the event faculty identified in the pool are unable to serve, the faculty Senate President or designee will select other faculty as appropriate. Hearings, where the recommended sanction is expulsion, shall include at least two (2) instructors.
- 3) There shall be an equal number of students and faculty represented.

8. DISCIPLINARY HEARING PROCEDURES – CASES NOT INVOLVING SEX AND GENDER-BASED MISCONDUCT

- a. Students shall have the right to a hearing before the Disciplinary Committee as provided in these procedures in connection with restitution, suspension or expulsion exceeding ten (10) instructional days. The hearing shall take place prior to the imposition of the disciplinary sanction. An immediate interim suspension, pending a hearing may be imposed in order to protect lives or property and ensure the maintenance of order. In the case of an immediate interim suspension, the suspended student shall be afforded the opportunity for a hearing before the Disciplinary Committee within ten (10) instructional days of the suspension. In addition, the student's instructors and college police will be notified.
- b. The Chairperson of the Disciplinary Committee shall preside over the hearing and make rulings as to its conduct and shall ensure that the committee's representation is valid. All rulings of the Chairperson shall be final unless there is a two-thirds vote of the members of the Disciplinary Committee to the contrary.

The hearing shall be closed and confidential. A taped recording maintained by the chairperson, shall be the only taped recording maintained. Destruction of the records (tapes) shall be in accordance with *AP 6550.2, Storage and Disposition of Records*.

- c. Proceedings – Formal rules of process, procedure and/or technical rules of evidence as applied in a civil or criminal court, are not used in student discipline proceedings.
- d. Disciplinary Committee – To be a valid hearing, at least two (2) members of the Disciplinary Committee, plus the Chairperson must be present. At least four (4) members of the Disciplinary Committee plus the Chairperson must be present for expulsion hearings. In instances where more than one student is charged with a violation of the Student Code of Conduct for the same incident/case, every effort will be made to have the hearing conducted by the same Disciplinary Committee.
- e. Absence of the Student – The hearing shall proceed in the absence of the student unless a satisfactory explanation for the absence has been provided. The Chairperson shall decide whether to proceed in the absence of the student after considering the explanation for the absence. If the student leaves the hearing before its conclusion, the hearing shall proceed.

- f. Opening – The Chairperson shall preside and call the hearing to order, introduce the participants, and announce the purpose of the hearing, as follows: "this committee meets pursuant to *AP 5520* to hear charges against (student's name) and to make findings of fact and recommendations for action to the President."
- g. Notice of Charges – The Chairperson shall distribute copies of the written notice to the members of the Disciplinary Committee. The Chairperson shall read aloud and affirm that the student has received a copy of the charges in accordance with this procedure. In the event that the student did not receive proper written notice of the charges, the Disciplinary Committee shall decide whether or not to proceed with the hearing. If the hearing must be rescheduled, it shall be within five (5) instructional days.
- h. Plea – The student shall admit or deny each charge. If the student admits each charge, and wishes to present no evidence of mitigating circumstances or other defense, the Disciplinary Committee shall retire to make its decision. If the student denies any or all of the charges, or wishes to present evidence of mitigating circumstances, the hearing shall proceed.
- i. Opening Statement – First, the Disciplinary Officer, and then the student, shall have the opportunity to present an opening statement.
- j. Burden of Proof – The Disciplinary Officer has the burden of proving that each charge is true. A preponderance of evidence (more likely than not) must be established by the Disciplinary Officer. The Disciplinary Officer will present relevant evidence and may call a witness in support of the charges first. Then, the student may present evidence to refute the Disciplinary Officer's evidence.

For purposes of evaluating whether the student's conduct is a violation of the Student Code of Conduct, no consideration shall be given to a student's actual or perceived disability unless such disability is being asserted by the student as a defense to, or in mitigation of a potential violation.

- k. Evidence – All relevant evidence is admissible, including but not limited to testimony of witnesses, physical objects, police reports, photographs, and copies of documents. Formal rules of evidence shall not apply. The chairperson shall rule on the relevance of all evidence.
- l. Witnesses – The Disciplinary Officer and the student shall be entitled to call witnesses and to question witnesses presented by the other. A member of the Disciplinary Committee may ask questions of witnesses at any time upon recognition by the Chairperson. Either side may recall a witness, who again, may be questioned by both parties and the Disciplinary Committee. Witnesses shall not be present at the hearing when not testifying unless all parties and the Disciplinary Committee agree to the contrary.

The Chairperson will swear in each witness as follows: "I (state your name) swear to tell the truth, the whole truth and nothing but the truth."

- m. Closing Arguments – First the Disciplinary Officer, and then the student, shall be afforded the opportunity to make a closing argument.

- n. Committee Deliberation – The Disciplinary Committee shall deliberate in closed session, with only the members of the Disciplinary Committee present. The deliberations shall not be tape recorded. The Disciplinary Committee shall reach its decision based only upon the evidence presented and shall not consider matters outside of the record. The standard of evidence that shall be used is preponderance of evidence (more likely than not). The Committee shall determine the validity of each charge by majority vote. The Committee shall recommend disciplinary sanctions based upon its findings.

9. INVESTIGATION AND DISCIPLINARY HEARING IN CASES INVOLVING SEX OR GENDER-BASED MISCONDUCT

- a. In cases where disciplinary action could be required based on the nature of the allegations, if they are found to be true, a thorough, reliable, fair, and impartial investigation will be conducted by the Title IX Investigative Analyst.
 - 1) Discipline resulting from a sexual harassment complaint under Title IX shall be addressed pursuant to Administrative Procedure, AP 3433, *Prohibition of Sexual Harassment under Title IX*, and Administrative Procedure, AP 3434, *Responding to Harassment Based on Sex under Title IX*.
- b. The Title IX Coordinator may at any time, but is not required to, attempt informal resolution of the complaint in a manner similar to an Administrative Conference as described in Section 5 of this Procedure, except in cases involving allegations of sexual assault or in cases in which the Complainant is a student and the Respondent is an employee.
- c. The Title IX Investigative Analyst will provide both parties with a Notice of Investigation and Allegations identifying the manner in which the responding party is alleged to have violated District Policy, including the alleged underlying facts constituting the violation(s).
- d. Both parties will be given an opportunity to provide what they believe is relevant information and identify persons they believe to be relevant, substantive witnesses. The Title IX Investigative Analyst will attempt to speak with such witnesses whose information in the Investigative Analyst's determination may be relevant and substantive.
- e. Each party is permitted to bring an advisor or supportive individual of their choice to any meeting with the Coordinator or Investigative Analyst. The advisor or supportive individual should not be a witness to the matter and may not speak on the party's behalf.
- f. Each party will be permitted to identify lines of questioning for the Title IX Investigative Analyst to pursue when gathering information from the other party. The Investigative Analyst retains the ultimate authority to determine whether a line of questioning will be pursued, and will not pursue a line of questioning that is duplicative, irrelevant, or abusive.
- g. In order to provide the parties with an opportunity to place all relevant information in context, confront the information provided by witnesses, and/or challenge the information uncovered by the Title IX Investigative Analyst, both parties shall be provided with a ten (10) day review period, where they will have an opportunity to review a factual summary of the information gathered by the Title IX Investigative Analyst in the investigation and

provide comment upon it or provide additional responsive information.

- h. Based upon all relevant information gathered in the investigation, and considering the written responsive comments and/or information provided by both parties and witnesses, the Title IX Investigative Analyst shall issue a final investigation report to both parties.
- i. After an investigation, and prior to completing a determination regarding responsibility, the District will hold a live hearing to provide the Complainant and Respondent an opportunity to respond to the evidence gathered before a Decision-Maker. Neither Party may choose to waive the right to a live hearing, but the Parties can choose whether to participate in the hearing or answer some or all cross-examination questions.
 - 1) The Decision-Maker makes a determination of responsibility or non-responsibility based on the preponderance of the evidence standard. The Decision-Maker will issue a written determination regarding responsibility, provided simultaneously to both parties, no later than 20 business days after the date the hearing ends.
- j. In the event that the Respondent is found responsible for a violation of District Policy and/or Procedure, the District will take disciplinary action against the Respondent and any other remedial action determined to be appropriate. Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion.
- k. An individual who participates as a Complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

10. APPEAL HEARING IN CASES INVOLVING SEX OR GENDER-BASED MISCONDUCT

- a. After the Decision-Maker renders a decision of no responsibility, either party may appeal the determination regarding responsibility and/or disciplinary sanction, by submitting a written appeal within five (5) business days from the date of the notice of determination regarding responsibility and/or from the date of the District's notice of disciplinary sanction. The Vice Chancellor, Educational Services will serve as the Decision-Maker on Appeal.
- b. If filing an appeal of the District's determination regarding responsibility, the party must state the grounds for appeal, and a statement of facts supporting those grounds. The grounds for appeal are as follows:
 - 1) A procedural irregularity affected the outcome;
 - 2) New evidence was not reasonably available at the time the District's determination regarding responsibility or dismissal was made, and this new evidence could affect the outcome; and/or
 - 3) The District's Title IX Coordinator, Investigative Analyst, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or

the individual Complainant or Respondent that affected the outcome.

- c. If the Complainant or Respondent submits an appeal to the District, the District will:
 - 1) Notify the other Party in writing within five (5) business days of receiving a Party's appeal; and
 - 2) Allow the non-appealing Party at least ten (10) business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome.
- d. The written decision by the appeal Decision-Maker shall set forth any deviation from the previous determinations as to responsibility and disciplinary sanction and the reason(s) therefore. In this regard, the appeal Decision-Maker's decision may provide a finding of responsibility or no responsibility; may increase, decrease, modify or eliminate the previously imposed discipline; and may state that the decision is final or may remand the matter for further investigation or other processing as provided in this Procedure; for the sanction of expulsion, the Vice Chancellor, Educational Services will follow the procedures identified in Section 13.c., fulfilling the responsibilities allocated to the President.
- e. As appropriate, the Title IX Coordinator has the discretion to remand the matter to the Title IX Investigative Analyst for further investigation at any point in the process set forth in Section 10 of this Procedure, as may be appropriate under the circumstances.

11. DISCIPLINARY COMMITTEE FINDINGS AND RECOMMENDED SANCTIONS

Within five (5) instructional days after the hearing, the Chairperson shall deliver to the President a written report that provides specific findings of fact as to each charge, and recommended sanctions. A minority opinion may be recorded as part of the report.

12. DISCIPLINARY CASES INVOLVING PROTECTIVE ORDERS

In cases where the severity of the student's action warrants that the District obtain a protective order from the court that prevents the student from attending classes, the student must apply for readmission under the provision of *AP 5010, Student Admission Status*.

13. PRESIDENT'S DECISION

- a. The President shall review the findings and recommended sanctions based upon the record of the hearing. Matters outside of that record shall not be considered. If the President does not accept the sanctions recommended by the Disciplinary Committee, the reason shall be stated in writing. If the President decides to impose a sanction not recommended by the Disciplinary Committee, the reasons shall be stated in writing.
- b. The President shall prepare the final written report of findings and sanctions within five (5) working days following receipt of the Disciplinary Committee's report. A copy shall be sent to the Disciplinary Officer, the Chairperson and to the student by registered mail. If the student is a minor, the report shall be sent to the parent or guardian.
- c. When the decision is to expel a student, the President shall recommend expulsion to the

Governing Board. Only the Board of Trustees shall be authorized to expel a student (Education Code Section 76030). The President may suspend the student pending expulsion action by the Board. The final decision of the Governing Board shall be disseminated to the Presidents and a hold placed on the student's record by the Vice Chancellor, Educational Services.

- d. When the decision is to suspend a student, the student shall be suspended from all colleges, campuses, sites, programs and activities of the District. The President shall notify the Chancellor, Vice Chancellor, Educational Services, and college Presidents of any decision to suspend a student.

The Vice President, Student Services at the colleges and the College of Continuing Education shall place an administrative hold on the student's record as follows: Policy 5500 Violation Contact the Vice President, Student Services, college name.

- e. When the final decision is to suspend or terminate financial aid, the Disciplinary Officer will notify the College Financial Aid Appeals Committee. The College Financial Aid Appeals Committee will make all decisions regarding suspension or termination of financial aid.
- f. Once the President makes a decision, the disciplinary process has been completed. There is no appeal. Expulsion proceedings will be completed upon action by the Board of Trustees.
- g. Findings of the discipline hearing are confidential.

14. RECORDS MAINTENANCE

Upon closure of a disciplinary investigation, conference or hearing, all student disciplinary records shall be maintained in an office designated by the Vice President, Student Services at each college and the College of Continuing Education headquarters in accordance with the Records Retention requirements of the California Education Code.

15. DISCIPLINARY SANCTIONS

Rights and responsibilities of students are not fundamentally different from those of other members of society. District officials administer the academic community under statutory authority in accordance with the directions of the Board. Discipline is administered outside civil authority or concurrent with civil authority in matters which affect the academic community. Examples of disciplinary sanctions for all incidents of misconduct may include, but are not limited to:

- a. Admonition – An oral statement to a student that they are violating or has violated the Student Code of Conduct.
- b. Reprimand – A written notice by the Disciplinary Officer of violation of the Student Code of Conduct. A reprimand may include the possibility of more severe disciplinary sanctions in the event of future infractions of the Student Code of Conduct.
- c. Community service or other educational sanctions.

- d. Disciplinary Probation – Formal written notice by the Disciplinary Officer of violation of the Student Code of Conduct which may include exclusion from participation in specified privileges for a period of time not exceeding one (1) calendar year, including conditions that must be met while on probation. Further violation of the Student Code of Conduct will result in more severe sanctions.
- e. Restitution – Formal action by the Disciplinary Officer to require reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.
- f. Removal from Class – Exclusion of a student by an instructor from a class for the day of an offense and/or the next class meeting. An instructor removing a student from class shall make a written report using the *Faculty Removal of Disruptive Student from Class* form. After-the-fact review by the President/designee shall be effective if the student alleges in writing that an instructor has abused their administrative discretion.

In accordance with Administrative Procedure, *AP 5070, College Class Attendance*, absences pursuant to this definition shall be counted as excused and make-up assignments shall be at the discretion of the instructor.

- g. Suspension – Action by the President to exclude from all colleges, campuses, sites, programs and activities in the District for a definite period of time. This action shall be posted on the permanent record, but shall not be reflected on the academic transcript. This does not prohibit, where an immediate suspension is required in order to protect lives or property and to insure the maintenance of order, interim suspension pending a hearing, provided that a reasonable opportunity be afforded the suspended person for a hearing within ten (10) days.
- h. Expulsion – Action by the Board of Trustees to terminate student status in the District indefinitely. The Board may expel a student for good cause when other means of correction fail to bring about proper conduct or when the presence of the student causes a continuing danger to the physical safety of the student or others.

The Board of Trustees shall accept or reject the panel's findings of fact and President's recommendations after careful review of the record.

The decision of the Board of Trustees must be supported by substantial evidence.

Final action shall be taken by the Board of Trustees at a public meeting. Action to expel a student will be posted on the academic record and transcript.

16. DISCIPLINE OF FORMER STUDENTS AND APPLICANTS

- a. Any person who is a student at the time of a violation, that is subject to discipline in accordance with this Administrative Procedure, may be disciplined notwithstanding that the person de-enrolls from some or all of the classes in which the person was enrolled at the time of the violation. A person who has been registered as a student may be disciplined in accordance with this Administrative Procedure whether or not the person has registered for any classes at the time of the violation.
- b. Any non-student, who would have been subject to discipline pursuant to the above

provisions of this Administrative Procedure if they were a student at the time of the violation, may be disciplined in accordance with this Administrative Procedure. Where the District is either (a) unaware of a past violation at the time of admission or enrollment, or (b) is aware of the conduct constituting the violation but unaware that the violator has applied for admission or enrollment, such discipline may be imposed subsequent to admission or enrollment and at any time while the person is a student.

Reference: Board of Trustee Policy 5500;
Administrative Procedures 3433; ~~Administrative Procedure~~ 3434;
~~Administrative Procedure~~ 5070; ~~Administrative Procedure~~ 5520; and
~~Administrative Procedure~~ 6550.2;
Education Code Sections 66017, 66300, 72122 & 76030 et seq.;
Penal Code Section 626.4

Approved by
the Chancellor: ~~June 14, 2022~~

Supersedes: AP 3100.2 – 04/26/84; 06/16/86; 05/03/00; 10/14/10; AP 3100.3 – 05/10/79;
04/29/84 (Policy 3100.3 merged with Procedure 3100.2); 11/15/13; 12/12/14;
12/07/15; 11/09/16; 05/16/18; 04/17/19; ~~(Renumbered AP 5520)~~ – 06/14/22