

West Valley-Mission Community College District Policies

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AP 3430 PROHIBITION OF HARASSMENT

References:

Education Code Sections 212.5; 44100; 66281.5;
Title 5 Sections 59320 et seq.;
Title IX, Education Amendments of 1972;
Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

Definitions

General Harassment – Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation of any person, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct:

- **Verbal** – Inappropriate or offensive remarks, slurs, jokes, or innuendoes based on a person's race gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats, or intimidation; or sexist, patronizing, or ridiculing statements that convey derogatory attitudes based on gender, race, nationality, sexual orientation, or other protected status.
- **Physical** – Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling, or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation, or other protected status.
- **Visual or Written** – The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.
- **Environmental** – A hostile academic or work environment exists where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation, or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders, or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her

immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Sexual Harassment – In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

- submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment; or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

- **"Quid pro quo"** sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.
- **"Hostile environment"** sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

Examples – Harassment includes, but is not limited to the following misconduct:

- **Verbal:** Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's protected status, including but not limited to sex. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.
- **Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.

- **Visual or Written:** The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.
- **Environmental:** An academic or work environment that is permeated with racially or sexually-oriented talk, innuendo, insults or abuse not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his/her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Consensual Relationships

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

Academic Freedom

To the extent the harassment policies and procedures are in conflict with the District's policy on academic freedom, the harassment policies and procedures shall prevail. If the faculty member wishes to use sexually explicit materials in the classroom as a teaching technique, the faculty member must review that use with an administrator to determine whether or not this violates the sexual harassment policy.

Also see BP/AP 3410 titled Nondiscrimination and AP 3435 titled Discrimination and Harassment Investigations.

AP 3530 WEAPONS ON CAMPUS

References:

Penal Code Sections 626.9 and 626.10

Firearms, knives, explosives or other dangerous objects, including but not limited to any facsimile firearm, knife, or explosive, are prohibited on any District campus or at any District center, or in any facility of the District.

Activities involving firearms or other weapons conducted under the direction of District officials must be authorized by the District Police Department before taking place.

Any person who believes that he/she may properly possess a firearm or other weapon on campus or in a District center or other facility of the District must promptly notify the District Police prior to bringing the item to campus.

Bringing or possessing any firearm, dirk, dagger, ice pick, or knife having a fixed blade longer than 2 1/2 inches upon the grounds, unless the person is authorized to possess such a weapon in the course of his/her employment, has been authorized by a District employee to have the knife, or is a duly appointed peace officer, who is engaged in the performance of his/her duties.

AP 3550 DRUG FREE ENVIRONMENT AND DRUG PREVENTION PROGRAM

References:

Drug Free Schools and Communities Act Amendment of 1989;
20 U.S. Code Section 1145g;
34 Code of Federal Regulations 86.1 et seq.;
Federal Drug-Free Workplace Act of 1988;
41 U.S. Code Section 702

Pursuant to the requirement of the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title 5, Subtitle D), the District is committed to providing its employees and students with a drug-free workplace and campus environment. It emphasizes prevention and intervention through education.

Prohibition of Drugs

The unlawful manufacture, distribution, dispensing, possession, or use of alcohol or any controlled substance is prohibited on District property, during District-sponsored field trips, activities or workshops, and in any facility or vehicle operated by the District.

Violation of this prohibition will result in appropriate action up to and including termination of employment, expulsion, and referral for prosecution, or, as permitted by law, may require satisfactory participation in an alcohol or drug abuse assistance or rehabilitation program.

As a condition of employment, employees must notify the District within five days of any conviction for violating a criminal drug statute while in the workplace. The District is required to inform any agencies that require this drug-free policy within ten days after receiving notice of a workplace drug conviction.

AP 3560 ALCOHOLIC BEVERAGES

References:

Business and Professions Code Sections 24045.4, 24045.6, and 25608;
34 Code of Federal Regulations Section 668.46(b)

The possession, sale or the furnishing of alcohol on campus is governed by California state law and these procedures. The possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control. However, the enforcement of alcohol laws on-campus is the primary responsibility of the District Police Department. The campus has been designated "Drug free" and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the District Police Department. Violators are subject to disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of this policy for anyone to consume or possess alcohol in any public or private area of campus without prior District approval. Organizations or groups violating alcohol or substance policies or laws may be subject to sanctions by the District.

Alcoholic beverages on campus are permitted if:

- The alcoholic beverage is beer or wine for use in connection with a course of instruction, sponsored dinner, or meal demonstration given as part of a culinary arts program at a community college campus, and the instructor or individual has been authorized to acquire, possess, use, sell, or consume it by each College president.
- The alcoholic beverage is for use during a non-college event at a performing arts facility built on District property and leased to a nonprofit public benefit corporation.
- The alcoholic beverage is wine produced by a bonded winery owned or operated as part of an instructional program in viticulture and enology.
- The alcoholic beverage is wine that is for use during an event sponsored by the District or an organization operated for the benefit of the District in connection with the District's instructional program in viticulture or the District's instructional program in enology.
- The alcoholic beverage is acquired, possessed, or used during an event sponsored by the District or an organization operated for the benefit of the District at a community college-owned facility in which any grade from kindergarten to grade 12, inclusive, is taught, if the event is held at a time when students in any grades from kindergarten to grade 12, inclusive, are not present at the facility.
- The alcoholic beverage is for use during a fundraiser held to benefit a nonprofit corporation that has obtained written approval from the District Police and a license under the Business and Professions Code to do so provided that no alcoholic beverage can be acquired, possessed or used at a football game or other athletic contest sponsored by the District.

AP 3900 SPEECH: TIME, PLACE, AND MANNER

References:

Education Code Sections 66301 and 76120

The students and employees of the District and members of the public shall be permitted to exercise their rights of free expression subject to the time, place, and manner policies and procedures contained in BP 3900 titled Speech: Time, Place, and Manner and these procedures. The policy and procedures relating to use of facilities, distribution and posting of literature, and preventing disruption of instructional and/or other District activities do not apply to student news media.

The colleges of the District are non-public forums, except for the following areas, which are reserved for expressive activities which do not violate District policy and which are lawful.

At West Valley College, the following areas of campus are designated as free speech zones: (1) North Walk (with the exception of the creek bridge and adjacent parking spaces); (2) Campus Center Walk; and (3) Campus Quad (in front of EOPS building and behind District Services/President's Office).

At Mission College, the following area of campus is designated as a free speech zone: the "quad area" bordered by the Library, Telecommunications Building, Main Building (east side), and the Campus Center.

These areas are chosen so as to provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus but also so as not to disrupt educational and other activities of the District on behalf of students:

- These areas are designated public forums. The District reserves the right to revoke that designation and apply a non-public forum designation.
- Areas not designated as limited public forums are non-public forums. The District reserves the right to designate areas as non-public forums as necessary to prevent the substantial disruption of the orderly operation of the college. Areas of the college that are non-public forums specifically include campus offices, classrooms, warehouses, maintenance yards, or locker rooms, and any other area not specified above.

The use of these areas reserved and open for expressive activities is subject to the following:

- Persons using and/or distributing material in the areas shall not impede the progress of passersby, nor shall they force passersby to take material.
- No person using the areas shall touch, strike or impede the progress of passersby, except for incidental or accidental contact or contact initiated by a passerby.
- Persons using areas shall not use any means of amplification that creates a noise or diversion that disturbs or tends to disturb the orderly conduct of the campus or classes.

Groups or individuals using the campus for free speech shall:

- Ensure that no speech or written materials contain language or images that are obscene, defamatory, incite violence or create a clear and present danger of the commission of unlawful acts, incite others to violate lawful community college regulations, or substantially disrupt the orderly operation of the College.
- Ensure that no speech or written materials advertise controlled substances, as identified by the laws of the United States and/or the State of California.

Non-student, community groups wishing to engage in speech or expressive activities on campus, in the areas designated as public forums, must provide notification to the District through the Chancellor or designee forty-eight (48) hours in advance of the activities and must describe the nature of the planned activities. No illegal activities will be permitted, no activities which violate District or campus rules, including rules and laws on illegal harassment and discrimination, and none that will substantially interfere with or disrupt activities already scheduled for that day and time in the designated areas.

All persons using the areas that are designated public forums shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within those areas. Material distributed in the areas that is discarded or dropped in or around the areas other than in an appropriate receptacle must be retrieved and removed or properly discarded by those persons distributing the material prior to their departure from the areas that day.

Posting

Bulletin boards shall be provided for use in posting materials at campus locations convenient for use by students, staff, and members of the public. All materials displayed on a bulletin board shall clearly indicate the author or agency responsible for its production and shall be dated with the date of posting by the student activities office. Materials displayed shall be removed after the passage of twenty days.

AP 4100 GRADUATION REQUIREMENTS FOR DEGREES AND CERTIFICATES

References:

Title 5 Sections 55060 et seq.

Associate Degrees

The requirements for an Associate in Arts or Associate in Science degree adhere to Title 5 and the guidelines from California Community College Chancellor's Office. A student must petition to graduate for evaluation and have submitted official transcripts from all previously attended colleges/universities as part of the graduation evaluation process. Candidates for the degrees must fulfill the requirements as prescribed by the colleges and approved by the Board of Trustees of WVMCCD.

1. Demonstrate competence in reading, in written expression, and in mathematics with a 2.0 Grade Point Average in subjects attempted.
2. The student must satisfactorily complete at least 60 semester units of college work.
3. The work must include at least 18 semester units in general education and at least 18 semester units in a major listed in the Community Colleges "Taxonomy of Programs."
4. The work must include at least 12 semester units in residency at either college within WVMCCD.
5. The general education requirements must include a minimum of work in the natural sciences, the social and behavioral sciences, humanities and language and rationality and each college's competency requirement (s).
6. District policies and procedures regarding general education and degree requirements must be published in the college catalog and must be filed with the State Chancellor's Office.
7. For the Career Technical Education Certificate Programs, a minimum grade of "C" is required in each college credit course taken. Refer to the college catalogs for specific details for individual certificate requirements.

Certificates

For a certificate of achievement, a student must successfully complete a course of study or curricula that consist of 18 or more semester units of degree applicable credit coursework unless approved the California Community Colleges Chancellor's Office fewer units. Official approval from the Chancellor's office is required prior to offering the certificate to students.

The content and assessment standards for certificates shall ensure that the certificate programs are consistent with the mission of the District, meet a demonstrated need, are feasible and adhere to guidelines on academic achievement.

Candidates for these certificates must full fill the following requirements:

1. The certificate of achievement the student has completed coursework and developed capabilities relating to career or general education.
2. A minimum grade of "C" is required in college credit course taken. Refer to college catalog for specific details for individual certificate requirements.

3. Two-thirds of the certificate coursework must be completed in residency.
4. The College may designate other certificates (not posted on the transcript) as appropriate that do not require Chancellor's Office approval.

Periodically, the Chancellor will provide for a review and, if appropriate, a proposed revision of graduation and degree requirements under the auspices of the Academic Senates at each of the Colleges.

- Academic Senate recommendations on changes in the requirements and courses meeting the requirements must be approved by the Board before they are published in the College Catalogs as official graduation and degree requirements of the Colleges.

The earning of a double major is authorized under this provision established by Mission College and West Valley College. The major requirements for the double major shall be those major requirements listed in the College Catalog for the academic year in which the student begins the course work for the second major and maintains continuous enrollment.

AP 4225 COURSE REPETITION

References:

Education Code Section 76224;

Title 5 Sections 55040, 55041, 55042, 55253, and 56029

In accord with limitations established in BP 4225, students may petition for approval to repeat courses in which the maximum number of substandard grades was awarded.

1. Substandard grades are considered to be D, F, NC or NP. A withdrawal from a course with a notation of "W" shall not be considered a substandard grade. The colleges are authorized to establish procedures for the exclusion of students from courses in which they have earned substandard grades or recorded withdrawals and repetitions beyond the specific limits established by the District.
2. When a student repeats a course that is not designated as repeatable and receives a satisfactory grade, then the student may not repeat the course again unless there is another provision that allows the repetition.
3. Students who have received three substandard grades (D, F, NC, NP) in a course shall normally be prohibited from re-enrolling in the same course within the District. The colleges may block students from re-enrolling in such courses. The colleges may implement its local processes for the consideration of requests from students to retake courses in which excessive "W's" have been earned.
4. Title 5, Section 55041(b), allows repetition of courses for which substandard work has not been recorded in instances when such repetition is necessary for a student to meet a legally mandated training requirement as a condition of continued paid or volunteer employment. Students can repeat such courses any number of times, even if they received a grade of C or better, however, the grade received by the student each time will be included in calculations of the student's grade point average.
5. Students are allowed to repeat an occupational work experience course if a college only offers one course in occupational work experience in a given field and that course is not offered as a variable unit open-entry/open-exit course. Where only one work experience course is offered subject to the above conditions, students may be permitted to repeat this course any number of times as long as they do not exceed the limits on the number of units of cooperative work experience set forth in Title 5 Section 55253(a).
6. Circumstances under which students may repeat courses in which a C or better grade was earned. Such course repetition requires a finding that circumstances exist which justify such repetition. Grades awarded for courses repeated under these provisions shall be included when calculating a student's grade point average.
7. Courses that are repeated shall be recorded on the student's permanent academic record using an appropriate symbol. Annotating the permanent record shall be done in a manner that all work remains legible, insuring a true and complete academic history.
8. Petitions are submitted to Admissions and Records.
9. Specific regulations regarding course repetition shall be published in the college catalogs.

Students should consult the college catalogs for specific procedures for courses that are exempt from repetition, provisions for repeating courses taken at another college, and provisions for repetition of work not recorded as substandard.

Activity courses

Students may repeat activity courses where the course objectives are met by repeating a similar primary educational activity and an expanded educational experience occurs, each time the course is repeated for the following reasons: The student's skills or proficiencies will be enhanced by supervised repetition and practice within class periods, and active participatory experience in individual study or group assignments is the method to learn the objectives. Examples of activity courses that qualify as repeatable courses include physical education courses and courses in music, fine arts, theater, and dance. Absent substandard academic work courses may not be repeated for more than three semesters or five quarters including summers and intersessions

Students with Disabilities

Students with disabilities can repeat a special class for students with disabilities any number of times when an individualized determination verifies that such repetition is required as a disability-related accommodation for the student for one of the reasons specified in Title 5 Section 56029.

Disabled students who wish to repeat courses will meet with the Disabled Students Program and Services (DSPS) counselor and will submit the appropriate petition form.

Students with disabilities can repeat a special class for students with disabilities any number of times when an individualized determination verifies that such repetition is required as a disability-related accommodation for the student for one of the reasons specified in Title 5 Section 56029.

When a student with a disability repeats a class, the previous grade and credit shall be disregarded in the computation of grade point averages.

Nothing can conflict with Education Code Section 76224 pertaining to the finality of grades assigned by instructors, or with Title 5 or district procedures relating to retention and destruction of records.

Academic Appeals Committee

Students may petition the College's academic appeals committee for approval to repeat up to a total of 8 units in which substandard grades (less than "C," and including "FW," "NP," or "NC") were awarded as long as the District does not claim apportionment under Title 5 Section 58161. The District may disregard the first two substandard grades if the student repeats the class two or more times. The committee will receive students' records and progress and will make a decision on their request to repeat courses.

AP 4230 GRADING AND ACADEMIC RECORD SYMBOLS

Reference:

Title 5 Section 55023

Evaluative symbols

A – Excellent

B – Good

C – Satisfactory

D – Passing (Less than satisfactory)

F – Failing

P – Pass (At least satisfactory)

NP – No Pass

UD – Ungraded Dependent

Non-Evaluative symbols

I – Incomplete

IP – In progress

RD – Report delayed

W – Withdrawal

MW – Military withdrawal

IMW – Incomplete Military withdrawal

The District has not adopted “plus-minus” grades

1.0 Grades from a grading scale shall be averaged on the basis of the point equivalencies to determine a student’s grade point average. The highest grade shall receive 4 points and the lowest grade shall receive 0 points, using only the following evaluative symbols, except as provided in subsection 2.0. The District has not adopted “plus-minus” grades.

1.1 Symbol Definition Grade Point

A = 4.0 Excellent

B = 3.0 Good

C = 2.0 Satisfactory

D = 1.0 Passing, less than satisfactory

F = 0.0 Failing

P = Pass, (at least satisfactory) units awarded not counted in GPA

NP = No Pass, (less than satisfactory) units not counted in GPA)

2.0 The following non-evaluative symbols are authorized:

2.1 I - Incomplete

This symbol is to be used in cases of incomplete academic work for unforeseeable, emergency, and justifiable reasons. Conditions for the removal of the “Incomplete” shall be set forth by the faculty member in a written record which also indicates the grade assigned in lieu of removal. The student will receive a copy of this record and a copy will be filed by the Director of Admissions and Records or the responsible Vice President. A final grade will be assigned by the faculty member when the stipulated work has been

completed and evaluated. The 'I' grade shall not be used in either calculating units attempted or for the computation of the grade point average.

An "Incomplete" grade must be made up no later than one year following the end of the term in which it was assigned. Work not completed in the one year allowable time will automatically result in a grade of F. Established College procedures may be utilized to request a time extension in cases involving unusual circumstances.

2.2 IP - In Progress

This symbol is to be used in the student's permanent record to confirm enrollment and to indicate that the class extends beyond the normal end of the term. It indicates that work is "In Progress" and that unit credit and a grade will be assigned when the course is completed.

If a student enrolled in an open-entry, open-exit course is assigned an "IP" grade and does not re-enroll for the subsequent attendance period, the faculty member will assign an evaluative symbol, in accordance with evaluative symbols above, to be recorded on the student's permanent record for the course. The "IP" grade shall not be used in the computation of grade point average.

2.3 RD - Report Delayed

This symbol is to be used only by the Director of Admissions and Records or the designee of the responsible Vice President for the purpose of indicating that there has been a delay in reporting the grade due to circumstances beyond the control of either the student or the Admissions and Records Office. It is to be replaced by a permanent symbol as soon as possible.

The "RD" grade shall not be used in the computation of the grade point average.

2.4 W - Withdrawal

A student may withdraw from a semester-length class through the end of the first census week and no notation will be made on the student's academic record. (Census week is determined by figuring 20 percent of the weeks of instruction. Instructional weeks are weeks that include at least three class days.) In courses of less than a regular semester's duration, a student may withdraw prior to the completion of 30 percent of the period of instruction and no notation will be made on the student's record.

Thereafter, a student may withdraw from a semester-length class, whether passing or failing, at any time through the last day of the fourteenth week of instruction and a "W" grade shall be authorized. In courses of less than a regular semester's duration, a student may withdraw prior to the completion of 75 percent of the period of instruction and a "W" grade shall be authorized.

The academic record of a student who remains in class beyond the time periods set forth above must reflect an authorized symbol other than "W." However, after the end of the fourteenth week (or after 75 percent of the period of instruction in courses of less than a regular semester's duration), withdrawal may be authorized in the case of extenuating circumstances beyond the control of the student. In such cases, the student must submit a petition in accordance with established College procedures. Approved withdrawal, under the conditions set forth, shall be recorded as a "W."

2.5 MW - Military Withdrawal

"Military Withdrawal" occurs when a student who is a member of the active or reserve United States military service receives orders necessitating a withdrawal from classes. Upon verification of such orders, the withdrawal symbol of "MW" shall be assigned. Military Withdrawals shall not be counted in

“satisfactory progress” probation and dismissal calculations. Further, the following courtesies are available to the student:

In lieu of an “MW” symbol, a student may directly petition the faculty member for an Incomplete (“I”) grade. If granted, the student will receive an “IMW.” This grade will default to a “MW” grade as opposed to one of the standard letter grades if the student fails to ever complete the class.

In the case of a student who is an active or inactive member of the military service and who receives orders compelling a withdrawal from courses, the District shall, upon petition of the affected student, refund the entire enrollment fee for courses in which academic credit is not awarded.

2.6 IMW - Incomplete Military Withdrawal

Incomplete Military Withdrawal occurs when a student who is a member of the active or reserve United States military services receives orders necessitating an incomplete from classes. Upon verification of such orders, the withdrawal symbol of “IMW” shall be assigned. Incomplete Military Withdrawals shall not be counted in “satisfactory progress” probation and dismissal calculations. Refund of course enrollment fees is not applicable in which academic credit is assumed to be granted.

Appeals of Withdrawal Decisions

A student may appeal a decision regarding withdrawal in accordance with District policy, and the California Education Code. The District shall maintain procedures for such appeals and those procedures shall be published and widely available to students.

AP 4231 GRADE CHANGES

References:

Education Code Sections 76224 and 76232;
Title 5 Section 55025

1.0 Grade Changes

The instructor of the course shall determine the grade to be awarded to each student.

The determination of the student's grade by the instructor is final in the absence of mistake, fraud, bad faith, or incompetence. "Mistake" may include, but is not limited to, errors made by an instructor in calculating a student's grade and clerical errors. "Fraud" may include, but is not limited to, inaccurate recording or change of a grade by any person who gains access to grade records without authorization.

The removal or change of an incorrect grade from a student's record shall only be done pursuant to Education Code Section 76232 or by an alternative method that ensures that each student shall be afforded an objective and reasonable review of the requested grade change.

In cases, where the grade change request is due to a discrimination complaint, another faculty member may substitute for the instructor if the student has filed a discrimination complaint, or if the instructor is not available or where the District determines that it is possible that there may have been gross misconduct by the original instructor.

In the case of fraud, bad faith, or incompetence, the final determination concerning removal or change of grade will be made by the Vice President of Instruction or designee.

Grade appeals shall be made within a two-year period upon completion of the course.

Grade appeals are first handled by the instructor and second appealed to the department; and finally to the Division chair/dean. In cases, where the instructor is no longer employed within the district or unable to be contacted the grade appeals would be by the educational dean or designee. In all cases, the instructor who first awarded the grade will be given written notice of the change.

2.0 Security of Grade Records

The District shall implement security measures for student records that assure no person may obtain access to student grade records without proper authorization. These measures shall be installed as part of any computerized grade data storage system.

2.1 The measures implemented by the District shall include, but not necessarily be limited to, password protection for all student grade data bases, locking mechanisms for computer stations from which student grade data bases can be viewed, and strict limits on the number of persons who are authorized to change student grades.

2.2 Persons authorized to change grades shall be designated by the Director of Admissions and Records. No more than five College employees may be authorized to change student grades. Only regular full-time employees of the District may be authorized to change grades. Student workers shall not have access to grade records, and student workers may not change grades at any time.

2.3 Any person who discovers that grades have been changed by someone other than the persons authorized to do so shall notify the Direction of Admissions and Records and campus police immediately. The Admissions & Records Director along with the assistance from Information Systems shall immediately take steps to lock the grade storage system entirely while an investigation is conducted.

2.4 If any student's grade record is found to have been changed without proper authorization, the District will notify 1) the student; 2) the instructor who originally awarded the grade; 3) any educational institution to which the student has transferred; 4) the accreditation agency; and 5) appropriate local law enforcement authorities.

2.5 Whenever a grade is changed for any reason, corrected transcripts will be sent to any educational institution to which a student has transferred.

Any student or employee who is found to have gained access to grade recording systems without proper authorization, or who is found to have changed any grade without proper authority to do so, shall be subject to discipline in accordance with the District policies and procedures.

Any person who is found to have gained access to grade recording systems without proper authorization, or who is found to have changed any grade without proper authority to do so, shall be reported to the appropriate law enforcement agency having jurisdiction over the college where the incident occurred.

AP 4235 CREDIT BY EXAMINATION

Reference:

Title 5 Section 55050

Education Code Sections 70901 and 70902

1. Credit by Examination may be obtained by one of the following methods:

- a. Achievement of a score of [3 or higher] on an Advanced Placement Examination administered by the College Entrance Examination Board.
- b. Achievement of a score that qualifies for credit by examination in the College Level Examination Program.
 - 1) Academic departments at both Colleges may allow academic credit, subject to certain limitations, upon the receipt of certification from any authorized CLEP Testing Center, the nearest being located at San Jose State University. These examinations meet General Education requirements after students have officially matriculated at the college. For specific limitations on acceptability of CLEP credit, the student is advised to consult a counselor at the College in which they are enrolled.
- c. Credit by satisfactory completion of an examination administered by the college in lieu of completion of a course listed in the college catalog.
 - 1) The nature and content of the examination shall be determined solely by faculty in the discipline that normally teaches the course for which credit is to be granted in accordance with policies and procedures by the College Curriculum committee.
 - 2) The faculty shall determine that the examination adequately measures mastery of the course content as set forth in the outline of record.
- d. Achievement of an examination administered by other agencies approved by the college.

2. Determination of Eligibility

- a. The student must be currently registered in the college and in good standing,
- b. The course is listed in the college catalog,
- c. Students must apply for advanced placement credit through the Office of Admissions and Records at the College they are attending.

3. Limitations

- a. Students are cautioned that any credits obtained by any of the methods listed below, while accepted by West Valley-Mission Community College District, may not be acceptable for credit by any other institution, public or private. It is the student's responsibility to check with other institutions to determine the acceptability of any credit earned by examination.
- b. Credits acquired by examination are not applicable to meeting of such unit load requirements as Selective Service deferment, Veteran's or Social Security benefits.

- c. Credits acquired by examination shall not be counted in determining the 12 semester hours of credit in residence required for an Associate degree.
- d. Grading shall be according to the regular grading scale approved by the Board of Trustees; except pass/no pass option shall be offered, as an option, if it is ordinarily available for the course.
- e. Credit by examination is limited to those courses designated by the academic department as eligible for such credit and approved by appropriate designee from the Office of Instruction.
- f. Student's academic record will clearly indicates that the credit was earned by examination.
- g. If a student has had a minimum of 90 days of military active duty in the armed forces, as evidenced by official discharge papers (DD form 214), he or she may be entitled to credit toward a degree at West Valley College or Mission College.
 - 1) Such credit must be requested on a Petition for Military Credit form available in the Office of Admissions and Records at the College and shall be determined on the basis of the "Guide to Evaluation of Education Experiences in the Armed Forces."
- h. Limits on the number of units that may be applied to the Associate degree.
- i. Other limits on student and course eligibility for credit by examination may apply.

AP 4250 PROBATION

References:

Title 5 Sections 55030, 55031, 55032, 55033, and 55034;
Education Code Section 70902(b)(3)

1. Notification of Probation

- a. Notification will consist, at a minimum, of the following:
 - 1) At the end of the semester in which the student's grade point average falls below 2.0 in all units attempted.
 - 2) A notice that the student is on probation shall be sent to the student informing him/her that he/she is on academic probation.
 - 3) Students are notified of his/her academic difficulty and the availability of college support services to respond to the academic difficulty before the student is dismissed.
 - 4) "All units attempted" is defined as all units of credit for which the student is enrolled in at the community college that they attend.
- b. If the percentage of a student's recorded entries of "W," "I," "NC" and "NP" in at least three consecutive semesters reaches or exceeds 50% of all units in which a student has enrolled, the student shall be placed on progress probation.
- c. At the end of the third semester on which the student is on academic or progress probation, a notice that the student is subject to dismissal will be sent to the student informing him/her that he/she is subject to dismissal.

2. Probationary Letter

- a. The letter notifying the student of probation will cover, at a minimum, the significance of being on probation and description of the services available.
- b. A student who is on academic probation and earns a semester grade point average of 1.75 or better shall not be dismissed as long as this minimum semester grade point average is maintained.

AP 4260 PREREQUISITES AND CO-REQUISITES

References:

Title 5 Sections 55000 et seq.

Prerequisites, co-requisites, advisories, and limitations are necessary to ensure that students have access and succeed in their coursework as well maintaining academic standards. Prerequisites, co-requisites, advisories, and limitations do not constitute unjustifiable obstacles to student access and success. Therefore, to foster the appropriate balance between these two concerns, the Education Code requires that prerequisites, co-requisites, advisories, and limitations be established based solely on content review:

1. Information in the Catalog and Schedule of Courses

The colleges shall provide the following explanations both in the college catalog and in the schedule of courses:

- a. Definitions of prerequisites, co-requisites, and limitations on enrollment including the differences among them and the specific prerequisites, co-requisites, and limitations on enrollment that have been established.
- b. Procedures for a student to challenge prerequisites, co-requisites, and limitations on enrollment and circumstances under which a student is encouraged to make such a challenge. The information about challenges includes, at a minimum, the specific process including any deadlines, the various types of challenge that are established in law, and any additional types of challenge permitted by the college.
- c. Definitions of advisories on recommended preparation, the right of a student to choose to take a course without meeting the advisory, and circumstances under which a student is encouraged to exercise that right.
- d. Definitions of contract course, co-requisite, noncredit basic skills course, non-degree-applicable basic skills courses, prerequisite and satisfactory grade.

2. Challenge Process

- a. Any student who does not meet a prerequisite or co-requisite or who is not permitted to enroll due to a limitation on enrollment but who provides satisfactory evidence may seek entry into the course as follows:

- 1) If space is available in a course when a student files a challenge to the prerequisite or co-requisite, the District shall reserve a seat for the student and resolve the challenge within five working days. If the challenge is upheld or the District fails to resolve the challenge within the five working-day period, the student shall be allowed to enroll in the course.
- 2) If no space is available in the course when a challenge is filed, the challenge shall be resolved prior to the beginning of registration for the next term and, if the challenge is upheld, the student shall be permitted to enroll if space is available when the students registers for that subsequent term.

3. Grounds for challenge include the following:

- a. Those grounds for challenge specified in Title 5 Section 55201(f).
- b. The student seeks to enroll and has not been allowed to enroll due to a limitation on enrollment established for a course that involves intercollegiate competition or public performance, or one or more of the courses for which enrollment has been limited to a cohort of students. The student shall be allowed to enroll in such a course if otherwise he/she would be delayed by a semester or more in attaining the degree or certificate specified in his/her educational plan.
- c. The student seeks to enroll in a course that has a prerequisite established to protect health and safety, and the student demonstrates that he/she does not pose a threat to himself/herself or others.
- d. The student has the obligation to provide satisfactory evidence that the challenge should be upheld. However, where facts essential to a determination of whether the student's challenge should be upheld are or ought to be in the college's own records, then the college has the obligation to produce that information.

4. Curriculum Review Process

- a. The curriculum review process shall at a minimum be in accordance with all of the following:
 - 1) Establish a curriculum committee and its membership in a manner that is mutually agreeable to the college administration and the academic senate.
 - 2) Establish prerequisites, co-requisites, and advisories on recommended preparation (advisories) only upon the recommendation of the academic senate except that the academic senate may delegate this task to the curriculum committee without forfeiting its rights or responsibilities under Title 5 Sections 53200-53204 and within the limits set forth in Title 5 Section 55003. Certain limitations on enrollment must be established in the same manner.
 - 3) Establish prerequisites, co-requisites, advisories on recommended preparation, and limitations on enrollment only if:
 - a) The faculty in the discipline or, if the college has no faculty member in the discipline, the faculty in the department do all of the following:
 - (1) Approve the course; and

(2) As a separate action, approve any prerequisite or co-requisite, only if:

(a) The prerequisite or co-requisite is an appropriate and rational measure of a student's readiness to enter the course or program as demonstrated by a content review including, at a minimum, all of the following:

(i) involvement of faculty with appropriate expertise;

(ii) consideration of course objectives set by relevant department(s). The curriculum review process should be done in a manner that is in accordance with accreditation standards;

(iii) be based on a detailed course syllabus and outline of record, tests, related instructional materials, course format, type and number of examinations, and grading criteria;

(iv) specification of the body of knowledge and/or skills which are deemed necessary at entry and/or concurrent with enrollment;

(v) identification and review of the prerequisite or co-requisite which develops the body of knowledge and/or measures skills identified under iv.

(vi) matching of the knowledge and skills in the targeted course (identified under iv.) and those developed or measured by the prerequisite or co-requisite (i.e., the course or assessment identified under v.); and

(vii) maintain documentation that the above steps were taken.

b. Limitations

- 1) Approve any limitation on enrollment that is being established for an honors course or section, for a course that includes intercollegiate competition or public performance, or so that a cohort of students will be enrolled in two or more courses, and, in a separate action, specify which.
- 2) Approve that the course meets the academic standards required for degree applicable courses, non-degree applicable courses, non-credit courses, or community service respectively.
- 3) Review the course outline to determine if a student would be highly unlikely to receive a satisfactory grade unless the student had knowledge or skills not taught in the course. If the student would need knowledge or skills not taught in the course itself, then the course may be approved for degree applicable credit only if all requirements for establishing the appropriate prerequisite have been met excepting only approval by the curriculum committee.
- 4) Review the course outline to determine whether receiving a satisfactory grade is dependent on skills in communication or computation. If receiving a satisfactory grade is sufficiently dependent on such skills, then the course may be approved for degree applicable credit only if all requirements have been met for establishing a prerequisite or co-requisite of not less than eligibility for enrollment to a degree-applicable course in English or mathematics, respectively.
- 5) A course which should have a prerequisite or co-requisite as provided in 5. or 6. but for which one or more of the requirements for establishing a prerequisite have not been met may only:

- a) Be reviewed and approved pursuant to the standards for non-degree applicable credit, non-credit, or community service; or
- b) Be revised and reviewed as required to meet the criteria for establishing the necessary prerequisites or co-requisites.

The curriculum committee also reviews the course and prerequisite in a manner that meets each of the requirements specified above.

5. Program Review

As a regular part of the program review process or at least every six years, except that the prerequisites and co-requisites for vocational courses or programs shall be reviewed every two years, the college shall review each prerequisite, co-requisite, or advisory to establish that each is still supported by the faculty in the discipline or department and by the curriculum committee and is still in compliance with all other provisions of this policy and with the law. Any prerequisite or co-requisite that is still supported shall be reviewed promptly thereafter to assure that it is in compliance with all other provisions of this policy and with the law.

- a. Implementing Prerequisites, Co-requisites, and Limitations on Enrollment. Implementation of prerequisites, co-requisites, and limitations on enrollment must be done in a consistent manner and not left exclusively to the classroom instructor. Every attempt shall be made to enforce all conditions a student must meet to be enrolled in the course through the registration process so that a student is not permitted to enroll unless he/she has met all the conditions or has met all except those for which he/she has a pending challenge or for which further information is needed before final determination is possible of whether the student has met the condition.
- b. Instructor's Formal Agreement to Teach the Course as Described. Each college shall establish a procedure so that courses for which prerequisites or co-requisites are established will be taught in accordance with the course outline, particularly those aspects of the course outline that are the basis for justifying the establishment of the prerequisite or co-requisite. The process shall be established by consulting collegially with the local academic senate and, if appropriate, the local bargaining unit.

6. Review of Individual Courses

If the student's enrollment in a course or program is to be contingent on his or her having met the proposed prerequisite(s) or co-requisite(s), then such a prerequisite or co-requisite must be established as follows. If enrollment is not blocked, then what is being established is not a prerequisite or co-requisite but, rather, an advisory on recommended preparation and must be identified as such in the schedule and catalog. Establishing advisories does not require all the following steps.

- a. Advisories on Recommended Preparation
The college may recommend that a student meet a standard of readiness at entry only if recommended by the faculty in the discipline or department and by the curriculum committee as provided in above. This process is required whether the college used to describe such recommendations in its catalog or schedule as "prerequisites," or "recommended," or by any other term.
- b. Limitations on Enrollment
The types of limitation on enrollment specified below may only be established through the curriculum review process by the discipline or department faculty and the curriculum committee specified above including the requirement to review them again at least every six years; for example, as part of program

review. The following requirements must also be met in order to establish these particular limitations on enrollment:

- 1) Performance Courses. The college may establish audition or try-out as a limitation on enrollment for courses that include public performance or intercollegiate competition such as but not limited to band, orchestra, theater, competitive speech, chorus, journalism, dance, and intercollegiate athletics provided that:
- 2) For any certificate or associate degree requirement which can be met by taking this course, there is another course or courses which satisfy the same requirement; and
- 3) The college includes in the course outline of record a list of each certificate or associate degree requirement that the course meets and of the other course or courses which meet the same requirement.

Limitations on enrollment established as provided for performance courses shall be reviewed during program review or at least every six years to determine whether the audition or try-out process is having a disproportionate impact on any historically under-represented group and, if so, a plan shall be adopted to seek to remedy the disproportionate impact. If disproportionate impact has been found, the limitation on enrollment may not be printed in subsequent catalogs or schedules nor enforced in any subsequent term until such a plan has been endorsed by the department and the college administration and put into effect.

c. Honors Courses

A limitation on enrollment for an honors course or an honors section of a course may be established if, in addition to the review by the faculty in the discipline or department and by the curriculum committee as provided above, there is another section or another course or courses at the college which satisfy the same requirements. If the limitation is for an honors course and not only for an honors section, the college must also include in the course outline of record a list of each certificate or associate degree requirement that the course meets and of the other course or courses which meet the same associate degree or certificate requirement.

d. Blocks of Courses or Sections

Blocks of courses or blocks of sections of courses are two or more courses or sections for which enrollment is limited in order to create a cohort of students. Such a limitation on enrollment may be established if, in addition to review by the faculty in the discipline or department and by the curriculum committee as provided above, there is another section or another course or courses that satisfy the same requirement. If the cohort is created through limitations on enrollment in the courses rather than limitations on specific sections of courses, then the college must include in the course outline of record a list of each certificate or associate degree requirement that the course meets and of the other course or courses which satisfy the same associate degree or certificate requirement.

AP 5070 ATTENDANCE

References:

Title 5 Sections 58000 et seq.

The West Valley Mission Community College District utilizes an enterprise data system that provides the following which reflects the requirements of both Title 5 Educational Code and the CCCC Budget and Student Account Manuals to:

- Compute units of full time equivalent student (FTES) based on the type of course, the way the course is scheduled, and the length of the course;
- Provide reporting of FTES during the “first period” (between July 1 and December 31) and “second period” (between July 1 and April 15);
- Identify the District definition and selection of a single primary term length for credit courses;
- Comply with census procedures prescribed by the California Community College Chancellor’s Office for all credit courses, including work experience, independent study, and credit courses being reported on an actual attendance basis;
- Prepare census day procedure tabulations;
- Prepare actual student contact hours of attendance procedure tabulations;
- Prepare (as applicable) actual apprentice hours of teaching procedure tabulations;
- Prepare support documentation regarding all course enrollment, attendance and disenrollment information;
- Compute FTES that includes only the attendance of students while they are engaged in educational activities required of students and while they are under the immediate supervision and control of an academic employee of the District authorized to render service in the capacity and during the period in which he or she served;
- Provide maintenance of the colleges in the District for at least 175 days during the fiscal year.

AP 5075 COURSE ADDS AND DROPS

References:

Title 5 Sections 55024 and 58004

Adding Courses

Students may add classes through the registration period. Students must use the online registration process to add classes as detailed in the class schedule and website.

After the registration period concludes, classes may only be added prior to census day by first obtaining permission from the class instructor or by filing a petition request. Students may not be added to classes when the student's first date of class attendance is after the census date unless written authorization provided by the Vice President of Instruction or designee.

Students are expected to attend all sessions of each class. Instructors may drop students from class if they fail to attend the first class meeting; fail to attend at least one class session during the first three weeks of instruction, or when accumulated unexcused hours of absence exceed ten percent of the total number of hours the class meets during the semester.

Withdrawals

Withdrawals, or drops, are authorized through the last day of the fourteenth week of instruction or 75% of the term, whichever is less. While an instructor may drop a student for excessive absences, it is the student's responsibility to officially withdraw from a class. Instructor approval to withdraw is not required. Students who withdraw or drop classes during the first four weeks or 30% of the term, whichever is less, will receive no notation on their academic record.

Instructors shall clear their rolls of inactive students not later than the end of the last business day before the census day for the course section. Inactive students are those who were no-shows or those who have discontinued participation in instructional activities.

The District has established the number of times that a student may withdraw from a class and receive a "W." Students will not be permitted to withdraw and receive a "W" in a class more than four times but in any case, no more than allowed by Title 5 Ed Code, as revised. In the case of multiple withdrawals, the District offers the following intervention program:

Students may be permitted to enroll in a class after having received the maximum authorized number of "W" symbols as long as the students will receive a grade or a non-evaluative symbol other than a "W" upon completion of the course, if:

- The District does not claim apportionment; and
- The District policy permits additional withdrawals for which it does not receive apportionment and the official designated in the District's policy approves such withdrawal after a review of a petition submitted by the student.

AP 5500 STANDARDS OF CONDUCT

References:

Education Code Sections 66300 and 66301;
Accreditation Standard II.A.7.b

Definitions: The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student.

- Causing, attempting to cause, or threatening to cause physical injury to another person.
- Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from the District Police, which is concurred in by the Vice President of Student Services.
- Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code Sections 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
- Committing or attempting to commit robbery or extortion.
- Causing or attempting to cause damage to District property or to private property on campus.
- Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
- Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
- Committing sexual harassment as defined by law or by District policies and procedures.
- Engaging in harassing or discriminatory behavior based on race, sex, religion, age, national origin, disability, or any other status protected by law.
- Willful misconduct that results in injury or death to a student or to District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
- Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
- Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
- Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.

- Unauthorized entry upon or use of District facilities.
- Lewd, indecent or obscene conduct or expression on District-owned or controlled property, or at District sponsored or supervised functions.
- Engaging in expression which is obscene, libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises, or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District.
- Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any district policy or administrative procedure.

Students who engage in any of the above are subject to the procedures outlined in AP 5520 titled Student Discipline Procedures.

AP 5520 STUDENT DISCIPLINE PROCEDURES

References:

Education Code Sections 66300, 72122, and 76030

The District shall maintain and enforce a fair, uniform, and confidential student discipline process, the purpose of which is to promote the orderly conduct of a responsible student body in a manner compatible with the District and College function as an educational institution (Education Code 66300).

The President or designee will ensure that administrative disciplinary procedures as well as a uniform system of student grievances and appeals are maintained and made known to all students by prominent inclusion in College publications and on Web sites. When a complaint is filed with the Vice President of Student Services he/she shall make a determination to refer the matter to the College Student Intervention Committee, meet with the student directly in a discipline hearing, or forwards the matter directly to the College Hearing Board. Any disciplinary action taken, including warnings, temporary exclusion, censure, and cancellation of registration will be consistent with Education Code provisions.

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

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

Definitions:

District – The West Valley-Mission Community College District.

Student – Any person currently enrolled as a student at any college or in any program offered by the District.

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.

Short-term Suspension – Exclusion of the student by the President for good cause from one or more classes for a period of up to ten consecutive days of instruction.

Long-term Suspension – Exclusion of the student by the 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.

Expulsion – Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms.

Removal from class – Exclusion of the student by an instructor for the day of the removal and the next class meeting.

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.

Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the District Police for any person to remain on campus in accordance with California Penal Code Section 626.4 where the District Police has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Day – Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays.

Notice – The Vice President of Student Services or designee will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following: the specific section of the Standards of Student Conduct that the student is accused of violating. A short statement of the facts supporting the accusation.

the right of the student to meet with the Vice President of Student Services or designee to discuss the accusation, or to respond in writing. The nature of the discipline that is being considered.

Time limits – The notice must be provided to the student within ten (10) business days of the date on which the conduct took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within seven (7) business days of the date on which conduct occurred which led to the decision to take disciplinary action.

Meeting – If the student chooses to meet with the Vice President of Designee, the meeting must occur no sooner than ten (10) business days after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

Short-term Suspension – Within five (5) business days after the meeting described above, the President shall, pursuant to a recommendation from the Vice President decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the Chancellor's decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The Chancellor's decision on a short-term suspension shall be final.

Long-term Suspension – Within five (5) business after the meeting described above, the Chancellor shall, pursuant to a recommendation from the Vice President of Student Services or designee, decide whether to impose a long-term suspension. Written notice of the Chancellor's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.

Expulsion – Within ten (10) business days after the meeting described above, the Chancellor shall, pursuant to a recommendation from the President, decide whether to recommend expulsion to the Board of Trustees. Written notice of the Chancellor's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.

Hearing Procedures – Request for Hearing:

Within ten (10) days after receipt of the President's decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the Chancellor or designee.

Schedule of Hearing – The formal hearing shall be held within ten (10) days after a formal request for hearing is received.

Governing Board — Governing Board’ shall mean the Governing Board of the West Valley Mission Community College District.

District — the West Valley Mission Community College District, a public community college district of the State of California.

College — West Valley and/or Mission Community College, colleges operated and maintained by the West Valley Mission Community College District.

College Hearing Board — the West Valley Mission Community College Hearing Board, an administrative agency of the College; organized and existing primarily to hear and decide on or recommend appropriate disciplinary action in cases brought before it under these Rules and Regulations.

President — the Presidents of the West Valley Mission Community College District who is the President of West Valley and/or Mission Community College, or in his/her absence, the acting President.

Vice President or ‘Vice President of Student Services — the Vice President of Student Services of the West Valley Mission Community College District or his/her designee.

Member of the College community — shall mean the District Trustees, the academic, support staff and administrative personnel of the District or College, the students of the College and any other person or persons while on District or College property or at a District or College function or activity.

District property — include real and personal property owned, controlled, or in the possession of the Governing Board of the West Valley Mission Community College District, and the real or personal property of all District food service, retail and resident facilities, whether operated directly by the District, a District or College auxiliary organization, or an independent contractor of the West Valley Mission Community College District, and whether located at West Valley or Mission College or elsewhere.

Deadly weapon — include human hands (when they are classified as lethal weapons), any instrument or weapon commonly known as a blackjack, slingshot, billy, nanchaku, sand club, sand bag, metal knuckles, any dirk, dagger, switchblade knife, pistol, revolver or any other firearm, any knife having a blade longer than five (5) inches, any razor with an unguarded blade, any metal or wooden pipe or bar, any chain, rock or stone, or any object or chemical used or intended to be used for the purpose of doing bodily injury to another person.

Good Cause:

1. As used in this article, ‘good cause’ includes, but is not limited to the following offenses:
 - a. Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
 - b. Assault, battery, or any threat of force or violence upon a student or college personnel.
 - c. Willful misconduct which results in injury or death of a student or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the district.

- d. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5
- e. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the Governing Board.
- f. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct (California Education Code, Section 76033).

Grounds for Disciplinary Action

1. Failure to comply with the directions of District or College officers or employees acting in the performance of their duties; or violation of District or College policies or regulations.
2. Violating District regulations concerning the registration of student organizations, use of College facilities, and the time, place, or manner of public expression, distribution of leaflets, pamphlets or other materials.
3. Academic dishonesty, such as cheating or plagiarism.
4. Forgery, alteration, misuse, misappropriation or theft of College papers, documents, records or identification, or knowingly furnishing false information to the District or College or its officers or employees.
5. Disruption or obstruction of classes, meetings, disciplinary proceedings, or other authorized functions or activities of the District or College, whether conducted on the West Valley or Mission College campus or elsewhere including, but not limited to, the use of headsets, walkmans, cellular telephones or pagers in the classroom.
6. Abusive behavior directed toward, or hazing of, a member of the campus community on or off campus property, including verbal abuse, harassment, intimidation, or the threat of abuse, to the person or property of any member of the campus community, or of members of his or her family.
7. Engaging in disorderly conduct, habitual profanity or vulgarity, gambling, lewd, indecent, obscene or offensive behavior on District-owned or controlled property or at any District or College-sponsored or supervised function or activity.
8. The unlawful sale, possession, use or distribution of any drug or substance controlled by state or federal law on District or College-controlled property or at any District- or College-sponsored or supervised function. Such drugs or substances include but are not limited to legally controlled hallucinogens, narcotics, depressants, stimulants, marijuana and its products, toluene, and alcoholic beverages. This regulation does not apply to lawful possession of prescription drugs by the person named on the prescription or possession of contraband drugs or substances by peace officers and College instructors for use as evidence or teaching aids.
9. Theft of, or intentional damage to, campus property, or property in the possession of, or owned by, a member of the campus community; theft of software by copying; unauthorized entry into, unauthorized

use of, or misuse of campus property to include ,computer piracy,' which is unauthorized entry into information which is campus property.

10. Illegal operation of a motor vehicle on the West Valley or Mission College campus.
11. Knowing possession or use of explosives, dangerous chemicals or deadly weapons on campus property or at a college function.
12. Violation of any order of the President, notice of which had been given prior to such violation and during the academic term in which the violation occurs, either by publication in the campus newspaper, or by posting on an official bulletin board designated for this purpose, and which order is not inconsistent with any of the other provisions of this Section.
13. Soliciting or assisting another to do any act which would subject a student to expulsion, suspension or probation pursuant to this Section.
14. Littering on campus property including grounds, facilities and parking lots.
15. Unauthorized preparation, giving, selling, transfer, distribution, or publication for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction.

STUDENT DISCIPLINARY ACTIONS AND PROCEDURES

Pursuant to California Education Code 76030 - 76037, the following types of discipline may be initiated at any time when a student is found to be in violation of the policies or rules and regulations of the West Valley-Mission Community College District or its colleges. College authorities will determine which type of action is appropriate. Any member of the college community (i.e., faculty, staff, and student) may file a written complaint with a college administrator against any student for misconduct.

Prior to initiation of these formal disciplinary actions, the parties involved are highly encouraged to seek resolution through informal efforts. Should either party wish to pursue an informal resolution, appropriate college personnel (counselor, department chair, division chair, dean, and/or the Vice President of Student Services) are available to meet with the parties to mediate and assist with these informal efforts.

Types of Disciplinary Actions:

1. Official Warning (Education Code Section 76031). An official warning is a written notice from the Vice President of Student Services or a designee of the President to the student that states if the misconduct is continued, it may result in further disciplinary action. Written official warnings shall not be made a part of the student's permanent record.
2. Removal from Class (Education Code Section 76032). An instructor may remove a student from his or her class when the student's conduct interferes with the instructional process. The duration will be for the day of removal and may extend through the next class meeting, or a total of two (2) consecutive class meetings. The instructor shall immediately report the removal to the Vice President of Student Services and to the appropriate Division Chair or administrator. A written report shall be provided to the Vice President of Student Services. The Division Chair or appropriate administrator shall arrange for a conference between the student and the instructor regarding the removal. Upon request of either the instructor or the student, the Division Chair or appropriate administrator shall attend the conference. During the period of removal, the student shall not return to the class without the concurrence of the instructor. The student has the

right to return to class after two consecutive class meetings, pending further disciplinary action, if any. Nothing herein will prevent the Division Chair or the appropriate administrator from recommending further disciplinary actions in accordance with these procedures based on the facts which led to the removal.

Within five (5) days following the conference, if further action is required, the Division Chair or appropriate administrator will refer the student to the Vice President of Student Services for further disciplinary actions. The Vice President of Student Services shall decide whether to recommend suspension, whether to impose some lesser disciplinary action, or whether to end the matter. The Vice President of Student Services shall provide the student a written notification of the decision and the type of disciplinary action being imposed. A record of the disciplinary action will be entered in the student's discipline file and will be maintained in the Office of the Vice President of Student Services.

Removal of student who is a minor (Education Code Section 76032):

An instructor may remove a student who is a minor from his or her class when the student's conduct interferes with the instructional process. The duration will be for the day of removal and may extend through the next class meeting, or a total of two consecutive class meetings. If the student removed by an instructor is a minor, the college President or the President's designee shall ask the parent or guardian of the student to attend a parent conference with the instructor regarding the removal as soon as possible. If the instructor or the parent or guardian so requests, a college administrator shall attend the conference. During the period of removal, a student shall not return to the class from which he or she was removed without the concurrence of the instructor of the class. The student has the right to return to class after two (2) class meetings, pending further disciplinary action, if any. Nothing herein will prevent the college administrator from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal. The Vice President of Student Services shall provide the student a written notification of the decision and the type of disciplinary action being imposed. A record of the disciplinary action will be entered in the student's discipline file and will be maintained in the Office of the Vice President of Student Services.

3. Withdrawal of Consent to Remain on Campus (Penal Code Section 626.4). The District Police, working in conjunction with the Vice President of Student Services or the College President, may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If the District Police issues a student a Withdrawal of Consent to Remain on Campus, the Vice President of Student Services is required to review and confirm this action within 24-hours of issuance of this notice.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted no later than seven (7) days from the date of receipt of the request.

In no case shall consent be withdrawn for longer than fourteen (14) calendar days from the date consent was initially withdrawn.

Any person 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. A copy of the Withdrawal Consent form and any other information about the incident will be maintained in the student discipline files in the Office of the Vice President of Student Services.

4. Official Reprimand (Education Code Section 76031). A reprimand is a written notice of the violation of specific rules from the Vice President or a designee of the President. A student receiving a reprimand is formally notified in writing that continued conduct of the type described in the reprimand may result in more severe disciplinary actions. A copy of the official reprimand shall be placed in the student's discipline file and will be maintained in the Office of the Vice President of Student Services.
5. Social Probation (Education Code Section 76031). Social probation consists of the exclusion of the student from participation in specified or all extra-curricular College activities. Extra-curricular College activities are defined as College-related activities for which the student receives no academic credit. The written notification of social probation shall set forth the reason or reasons for the imposition of this disciplinary action, the activities to which the exclusion applies, and the length of time for which it is to be imposed. Social probation shall be imposed for a period not to exceed one (1) semester by the President or his/her designee. A copy of the written notice of social probation shall be served to the student and shall be placed in the student's discipline file maintained in the Office of the Vice President of Student Services, and shall also be placed on the student's permanent record.
6. Restitution (Education Code Section 76031). Restitution consists of the reimbursement for damages to or misappropriation of District property, the property of a member of the College community, or of a visitor on the West Valley or Mission College campuses. Reimbursement may take the form of appropriate personal services to repair, restore or otherwise compensate for the damage or injury done, and may be made a condition of continued attendance at the College. The President or his/her designee shall inform the student in writing of the amount to be reimbursed to the college and the length of time provided for reimbursement. A copy of the restitution requirement will be placed in the student's discipline file maintained in the Office of the Vice President of Student Services, and shall also be placed on the student's permanent record.
7. Disciplinary Probation (Education Code Section 76031). Disciplinary probation is a lesser sanction than suspension. Probation requires the student to adhere to specific written terms and conditions defined by the College Hearing Board, Vice President of Student Services, or the Vice President's designee. The terms of probation shall bear a reasonable relationship to the violation committed by the student. The sanction may include, **but need not be limited to**, ineligibility to participate in college or student-sponsored activities including public performances and may be imposed upon an individual student or group(s) of students. Disciplinary probation may be imposed for a period not to exceed one year.

Should the student violate one or more of the terms of the probation during the probationary period, the Vice President of Student Services will impose a more stringent disciplinary action such as suspension. The student will be notified in writing. The Vice President of Student Services shall also immediately notify the President. A record of the disciplinary action shall be placed in the student's discipline file maintained in Office of the Vice President of Student Services, and shall also be placed in the student's permanent record.

8. Interim/Emergency Suspension (76030). In those cases where an immediate suspension is required in order to protect lives or property, or to ensure the maintenance of order, the College President or the President's designee may summarily suspend a student for a period not to exceed ten (10) instructional days provided that, within the ten-day period, a reasonable opportunity for a disciplinary hearing is provided to that student (California Education Code, Section 66017). Interim suspension is outlined below in the **Due Process Procedures** section. Records of the interim suspension shall be retained in the Vice President of Student Services Office and in the student's permanent record. The President shall report an Interim/Emergency Suspension to the Board of Trustees at its next regular meeting.

9. Disciplinary Suspension (Education Code Sections 66017; 76030; and 76031). Disciplinary suspension is the exclusion from the campus and other privileges or activities for a definite period of time. Disciplinary suspension serves as a penalty against a student for repeated, continued, or serious violations of the District's and/or College's rules, policies, or regulations. A student may be suspended
 - a. for one (1) or more classes for up to ten (10) days of instruction;
 - b. from one (1) or more classes for the remainder of the school term; or
 - c. from all college classes and activities for one (1) or more terms.

A suspended student may be prohibited from occupying any portion of the campus and denied participation in any or all college activities. During the term of the suspension, the suspended student will not be permitted to enroll in classes at West Valley-Mission Community College District. Disciplinary suspensions shall be initiated by the Vice President of Student Services and are subject to the due process procedures outlined below in the following section. The President shall report a disciplinary suspension of any student to the Board of Trustees at its next regular meeting after the suspension has been imposed. A copy of the suspension notice, including the reason for the suspension, shall be placed in the student's discipline file maintained in the Office of the Vice President of Student Services, and shall also be placed in the student's permanent record.

10. Expulsion (Education Code Section 76030). An expulsion for good cause is a permanent termination of student status with readmission to the College upon the express approval of the Board of Trustees. A student may be expelled only by the Board of Trustees after notice has been given and a hearing conducted in accordance with the procedures set forth in the ***Due Process Procedures*** section. The Board of Trustees shall expel a student for misconduct whenever other means of correction have failed to bring about proper conduct or when the seriousness of the situation warrants such disciplinary action. A copy of the expulsion notice, including the reasons for the expulsion, shall be placed in the student's discipline file maintained in the Office of the Vice President of Student Services, and shall also be placed in the student's permanent record.

Any suspension or expulsion shall preclude enrollment at any and all colleges within the District during the period of suspension or expulsion.

DUE PROCESS PROCEDURES

Consistent with Education Code Sections 66017 and 76030, the student disciplinary actions of interim/emergency suspension, disciplinary suspension, and expulsion are subject to the due process and appeal procedures described herein.

In cases where lesser disciplinary actions have been ineffective in halting student misconduct or the magnitude of the misconduct warrants more severe disciplinary action, the College will initiate the process for a suspension or expulsion. When the decision is made to initiate such a process the representative of the College or other individuals who have knowledge of the violation of the student conduct standards will submit a written account to the Vice President of Student Services. The Vice President of Student Services or designee will deliver in person, or provide via certified mail (accompanied by a return receipt) to the student a copy of the charges against him/her. The charges will list the specific violation(s) of the District Student Discipline Policy, a factual summary of the alleged misconduct, other relevant information, and notice of the due process hearing and appeal procedures. If the student is a minor, the parent or guardian shall also be provided notice of the due process hearing and appeal procedures. The following outlines the procedures:

1. The Vice President of Student Services shall administer these procedures and take appropriate action, subject to the approval of the President and the Chancellor as required herein or as otherwise required by law.
2. Disciplinary action taken under these procedures may be taken regardless of anticipated, pending or completed civil or criminal proceedings arising out of the same act or event.
3. Alleged student misconduct of a serious nature to warrant consideration of suspension or expulsion shall be reported to the Vice President of Student Services and when reported to or discovered, the Vice President of Student Services shall initiate an investigation of the charges. Should the Vice President of Student Services deem it appropriate to pursue disciplinary actions against the student, he/she shall arrange a meeting with the student prior to issuance of formal charges, at which time the student shall be informed that an investigation is being conducted.
4. If the student is a minor, the student's parent or guardian shall also be provided notice of the due process procedures.
5. Following issuance of formal charges, the student has the right to request a hearing to present information and/or evidence supporting his/her case.

Should the student fail to request a hearing, the Vice President, after due investigation and deliberation, shall proceed to impose whatever disciplinary action he/she deems appropriate or recommend appropriate action to the President.

If the student requests a hearing, he/she shall be afforded one of the following options:

- a. A hearing before the Vice President of Student Services /designee, or
- b. A hearing before the College Hearing Board. (For a description of College Hearing Board see the **College Hearing Board** section).

The Vice President of Student Services shall set the time, date, and location for the hearing.

6. Proceeding under option 5a, where a student requests a hearing before the Vice President of Student Services:
 - a. The Vice President of Student Services, or the designee, shall discuss the accusation with the student. The Vice President of Student Services and the student or his/her representative shall have the right to call, examine and cross-examine witnesses. The Vice President of Student Services then may consider any relevant evidence or information presented in the matter, take or recommend disciplinary action if appropriate, and inform the student that if he/she disagrees with the disciplinary action, he/she may appeal to the President for review of the disciplinary action by so informing the Vice President in writing (see **Student Appeal Procedures**).
 - b. Following the hearing, in any case where disciplinary suspension is recommended by the Vice President of Student Services, the action shall be reported to the College President within ten (10) business days. The President shall either approve or disapprove the action within five (5) business days of receipt of the disciplinary suspension recommendation. If the President approves, he/she shall impose disciplinary suspension.

- c. The President, at his/her discretion, may stay the disciplinary suspension, if he/she feels that the staying of such will not endanger any individual or the College.
 - d. If after notification, the student fails to appear at the hearing before the Vice President of Student Services, the Vice President may declare the student in default, and proceed as if the student were present at the hearing.
7. Proceeding under Option 5b., where the student requests a hearing before the West Valley or Mission College Hearing Board:
- a. The Vice President of Student Services or designee shall schedule a meeting of the College Hearing Board within ten (10) working days.
 - b. The Vice President of Student Services shall provide the student and the College Hearing Board with a written statement of the charges against the student, and any other relevant information.
 - c. The student may select a representative to assist him/her in his/her presentation before the College Hearing Board. If the student is to be represented by legal counsel, he/she must notify the President of the fact at least seven days prior to the date of the scheduled hearing. An attorney shall not represent the student unless, in the judgment of the College, complex legal issues are involved. The Vice President of Student Services or the College Hearing Board may request legal assistance; any legal advisor provided to the College Hearing Board may sit in an advisory capacity to provide legal counsel but shall not be a member of the panel or vote with it.
 - d. If the student fails to appear at the time and place designated for the hearing, the College Hearing Board may proceed in his/her absence, declaring him/her to be in default.
 - e. The Vice President shall have the proceedings of the College Hearing Board recorded at the meeting, either stenographically or electronically, and any such record shall be maintained at the Office of the Vice President of Student Services for a period of three (3) years.
 - f. The hearing before the College Hearing Board shall be conducted in a manner conducive to the determination of the truth. It is not contemplated or required that the hearing be conducted with the formality of a legal proceeding. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.
 - g. At the hearing, unless the College Hearing Board determines to proceed otherwise, the Vice President of Student Services or designee and the student shall be permitted to each make an opening statement. Thereafter, the Vice President of Student Services or designee shall first present any relevant evidence in his/her possession regarding the alleged misconduct; the student may then present any relevant evidence which he/she may have. The Vice President of Student Services or designee may present rebuttal evidence after the student completes his or her presentation. The Vice President of Student Services or designee and the student or his/her representative shall have the right to call, examine, and cross-examine witnesses. Written statements, if any, shall be submitted under penalty of perjury.
 - h. After submission of all relevant evidence, the College Hearing Board shall immediately meet in private, and based upon the evidence presented to it, determine the truth of the charges and the recommended disciplinary action, if any, to be imposed upon the student. Upon reaching its decision,

the College Hearing Board shall reconvene and announce its decision and recommend the appropriate disciplinary action. Appropriate disciplinary action may include specific sanctions, terms and conditions.

- i. The Vice President of Student Services and the student shall be given written notice of the decision of the College Hearing Board and the discipline or sanctions recommended to be imposed within five (5) working days. The Vice President shall implement such disciplinary action, except as provided in the following paragraph of this section.
- j. If the recommended disciplinary action involves disciplinary suspension, the College Hearing Board shall forward the findings of fact to the President within ten (10) business days. If the President concurs in the recommendations, he/she shall impose disciplinary suspension. If the President disapproves, he/she shall advise the College Hearing Board within five (5) business days.

Any student who has held a recommendation of disciplinary suspension imposed against him/her has the right of appeal to the President. The President, at his/her discretion, may stay the disciplinary suspension, if he/she feels that the decision to stay will not endanger any individual or the College.

If the proposed disciplinary action recommended is expulsion, the President shall initiate proceedings before the Board of Trustees, as set forth in section titled ***Procedures Before the Board of Trustees***.

If, at the conclusion of the hearing before the College Hearing Board, the student wishes to appeal the discipline imposed or recommended, he/she shall immediately inform the Vice President of Student Services in writing (see ***Student Appeal Procedures*** section).

Appeals concerning expulsion shall be scheduled for a hearing before the Board of Trustees by the President. Appeals concerning other forms of disciplinary action shall be directed to the President for disposition.

College Hearing Board

1. The membership of the College Hearing Board shall be as follows:
 - a. Students. Two (2) students each appointed to an annual term by the Student Senate of the Associated Students of West Valley or Mission College for a one (1) year term, and who shall be appointed not later than the third week of the fall semester.
 - b. Faculty. Two (2) faculty members each appointed by the Academic Senate for a one (1) year term, and who shall be appointed not later than the third week of the fall semester.
 - c. Classified. Two (2) classified employees appointed by the Classified Senate for a one (1) year term, and who shall be appointed not later than the third week of the fall semester.
 - d. Administration. A member of the administrative staff of the College shall be appointed by the President for a one (1) year term. The Vice President of Student Services cannot serve in this capacity.
2. As an administrative agency of the College, the College Hearing Board shall be responsible to the President for acting, reviewing, and making recommendations relative to matters brought before it in accordance with the procedures outlined in these procedures. The College Hearing Board shall appoint one member of the panel to serve as the chairperson.

3. No administrator, faculty member, classified staff, or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on the College Hearing Board.
4. The Chairperson of the College Hearing Board shall convene a meeting of the Board at the earliest possible opportunity after appointment of members in the fall semester of each school year for the purpose of orientating the members to the responsibilities and duties of the College Hearing Board and the procedures under which it shall function and operate.

Procedures Before the Board of Trustees

1. If the President, his/her designee, the Vice President of Student Services or the College Hearing Board, recommends expulsion, then the **matter** must be brought before the Board of Trustees by the Chancellor for a hearing, in accordance with these procedures (Education Code Section 76030).
2. Prior to the Board of Trustees' hearing of an expulsion recommendation, the Chancellor shall deliver a written statement to the President of the Board of Trustees, and to the student and his/her parent or guardian, if the student is a minor or to the student alone, if he/she is an adult. This written statement shall be delivered either personally or by certified or registered mail, and contain the following information:
 - a. A recitation in sufficient detail to apprise the student of the charge or charges against him/her.
 - b. The date, time and place of the meeting of the Board of Trustees at which the matter shall be considered, and the date shall not be less than ten (10) days from personal delivery or mailing of the written statement to the student. The hearing shall be conducted in closed session of the Board of Trustees (Education Code Section 72122) unless the student submits a written request for an open hearing to the President at least seven (7) days in advance of the scheduled hearing. The student must also notify the President at least seven (7) business days in advance if he/she intends to attend the hearing.
 - c. A recitation that the student may be represented at the hearing by legal counsel, if so desired. If the student is to be represented by legal counsel, he/she must notify the President of the fact that at least seven (7) days prior to the date of the scheduled hearing. The Board of Trustees may request legal assistance; any legal advisor provided to the Board of Trustees may sit in an advisory capacity to provide legal counsel but shall not be a member of the panel or vote with it.
 - d. A recitation of the privilege of the student and/or the parent or guardian to employ the services of a shorthand reporter or stenographer at his/her or their own expense to record the hearing.
3. The Chancellor shall have written summary of the hearing transcribed into the minutes of the meeting of the Board of Trustees, and if the hearing is conducted in closed session, these minutes shall be transcribed and kept in a separate closed session minutes book not open for public inspection.
4. If after notification, the student fails to appear at the hearing before the Board of Trustees, the Board of Trustees may declare the student in default and proceed as if the student were present at the hearing.
5. After the hearing has been declared open, the Vice President of Student Services shall make a statement and present any relevant evidence and information, either oral or documentary, which he/she has in possession. The Vice President of Student Services shall, if the matter has been heard by the College Hearing Board, present a copy of the College proceedings on the findings of fact. Upon conclusion of the

presentation by the Vice President of Student Services, the student and/or parent or guardian, and/or their legal counsel, may make a statement and present any relevant evidence or information, either oral or documentary, which he/she or they may possess. Each side shall also have the opportunity to offer rebuttal evidence.

6. A prospective witness must either be sworn, or affirm to tell the truth. In the absence of both, the Board of Trustees may deny him/her the right to testify, or may proceed with the hearing, giving consideration to this fact when deliberating the testimony. Witnesses shall be subject to cross-examination by the other party, and inquiry of the members of the Board of Trustees. Written statements of absent witnesses shall be received only if submitted as affidavits or declarations under penalty of perjury.
7. Upon hearing all relevant evidence and information submitted, any final statements of the Vice President of Student Services, and/or the student, parent or guardian (if the student is a minor), and/or their counsel, the Board of Trustees shall confer in private and consider the evidence presented and reach its determination in the matter. When these deliberations are completed, the Board of Trustees shall reconvene in open, public session and announce its decision by recording a vote on the matter into the minutes of the meeting which shall be open to public inspection.
8. Within ten (10) days after the Board of Trustees takes its final action, the President shall deliver to the student and/or the student's parent or guardian, if the student is a minor or the student alone, if he/she an adult, either in person or by registered or certified mail, a letter setting forth the final action of the Board of Trustees, and a copy shall be filed in the student's permanent record and in the files of the Board of Trustees. If the Board of Trustees expels the student, the Vice President of Student Services shall proceed to implement the disciplinary action as soon as practicable, unless otherwise directed by the Board of Trustees.
9. In any case where the Board of Trustees imposes expulsion based upon the student having disrupted the orderly operation of the College, the Board of Trustees, as part of its final action, may deny the expelled student access to the College Campus. If such condition is imposed by the Board of Trustees, the letter of notification required to be given by Paragraph 8 of this Section shall contain a statement of such condition and its duration.
10. The College shall retain records of all disciplinary investigations, proceedings, and action.

STUDENT APPEAL PROCEDURES

With the exception of recommendations of expulsions which are subject to appeal to the Board of Trustees, students may appeal the findings of the College Hearing Board to the College President. Such appeal may be based **only on the following grounds:**

1. Required procedures were not properly followed;
2. New evidence, not reasonably available at the time of the hearing is presented and is of sufficient importance to warrant reconsideration;
3. The findings were unsupported by evidence in record made before the hearing; or
4. The sanction imposed for the violation was unreasonably harsh or inappropriate when viewed within the context of the nature of violation.

Timelines for this appeal process are delineated below

- The student has five (5) days from receipt of the findings of the hearing to file a written appeal with the Vice President of Student Services. The Vice President of Student Services will forward this appeal to the College President.
- Upon receipt of the written appeal, the President has ten (10) days to conduct an appeal hearing and five (5) days from that appeal to hand deliver or mail (by certified mail).
- The appeal hearing shall consist of a review of the record of the student's original and presentation of information pertinent to the grounds for the appeal.
- Upon mutual agreement between the student and the College President, time limits may be extended.

AP 5530 STUDENT RIGHTS AND GRIEVANCES

References:

Education Code Section 76224(a);
Title IX, Education Amendments of 1972

It shall be the policy of the District to maintain a uniform system of student grievances and appeals, which shall afford procedural due process to students in the review and appeal of College and District decisions or actions. The President or designee will ensure that the system for student grievances and appeals is made known to all students by prominent inclusion in College publications and on Web sites.

A student may file a grievance when he or she believes that a faculty or staff member, or an administrator has violated College rules, policies or procedures, or other local, State, or Federal laws.

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. These procedures shall be available to any student who reasonably believes a college decision or action has adversely affected his or her status, rights or privileges as a student. The procedures shall include, but not be limited to, grievances regarding:

- Sex discrimination as prohibited by Title IX of the Higher Education Amendments of 1972
- Sexual harassment
- Financial aid
- Illegal discrimination

Course grades, to the extent permitted by Education Code Section 76224(a), which provides: "When grades are given for any course of instruction taught in a community college District, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final." "Mistake" may include, but is not limited to errors made by an instructor in calculating a student's grade and clerical errors.

The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.

This procedure does not apply to:

- Student disciplinary actions, which are covered under separate Board policies and Administrative Procedures.
- Police citations (i.e. "tickets"). Complaints about citations must be directed to the County courthouse in the same way as any traffic violation.

Definitions

Party – The student or any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. "Party" shall not include the Grievance Hearing Committee or the College Grievance Officer.

President – The President or a designated representative of the President

Student – A currently enrolled student, a person who has filed an application for admission to the college, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).

Respondent – Any person claimed by a grievant to be responsible for the alleged grievance.

Day – Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays and Sundays.

Informal Resolution

Each student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing, and shall attempt to solve the problem with the person with whom the student has the grievance, that person's immediate supervisor, or the local college administration.

The President shall appoint an employee who shall assist students in seeking resolution by informal means. This person shall be called the Grievance Officer. The Grievance Officer and the student may also seek the assistance of the Associated Student Organization in attempting to resolve a grievance informally.

Informal meetings and discussion between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.

Any student who believes he/she has a grievance shall file a Statement of Grievance with the Grievance Officer within ten (**10**) days of the incident on which the grievance is based. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Within two days following receipt of the Statement of Grievance Form, the Grievance Officer shall advise the student of his or her rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form.

If at the end of five (5) days following the student's first meeting with the Grievance Officer, there is no informal resolution of the complaint which is satisfactory to the student, the student shall have the right to request a grievance hearing.

The Grievance Officer shall sit with the Grievance Hearing Committee but shall not serve as a member nor vote. The Grievance Officer shall coordinate all scheduling of hearings, shall serve to assist all parties and the Hearing Committee to facilitate a full, fair and efficient resolution of the grievance, and shall avoid an adversary role.

Request for Grievance Hearing – Any request for a grievance hearing shall be filed on a Request for a Grievance Hearing within ten (10) days after filing the Statement of Grievance as described above.

Within ten (10) days following receipt of the request for grievance hearing, the President shall appoint a Grievance Hearing Committee as described above, and the Grievance Hearing Committee shall meet in private and without the parties present to select a chair and to determine on the basis of the Statement of Grievance whether it presents sufficient grounds for a hearing.

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

- The statement contains facts which, if true, would constitute a grievance under these procedures;
- The grievant is a student as defined in these procedures, which include applicants and former students;
- The grievant is personally and directly affected by the alleged grievance;
- The grievance was filed in a timely manner;
- The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.

If the grievance does not meet each of the requirements, the Hearing Committee chair shall notify the student in writing of the rejection of the Request for a Grievance Hearing, together with the specific reasons for the rejection and the procedures for appeal. This notice will be provided within five (5) days of the date the decision is made by the Grievance Hearing Committee.

If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer shall schedule a grievance hearing. The hearing will begin within ten (10) days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given not less than ten (10) days notice of the date, time and place of the hearing.

Hearing Procedure

The decision of the Grievance Hearing Committee chair shall be final on all matters relating to the conduct of the hearing unless there is a vote of a majority of the other members of the panel to the contrary.

The members of the Grievance Hearing Committee shall be provided with a copy of the grievance and any written response provided by the respondent before the hearing begins.

Each party to the grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the Grievance Hearing Committee determines to proceed otherwise, each party to the grievance shall be permitted to make an opening statement. Thereafter, the grievant or grievants shall make the first presentation, followed by the respondent or respondents. The grievant(s) may present rebuttal evidence after the respondent(s)' evidence. The burden shall be on the grievant or grievants to prove by substantial evidence that the facts alleged are true and that a grievance has been established as specified above.

Each party to the grievance may represent himself/herself, and may also have the right to be represented by a person of his/her choice; except that a party shall not be represented by an attorney unless, in the judgment of the Grievance Hearing Committee, complex legal issues are involved. If a party wishes to be represented by an attorney, a request must be presented not less than seven (7) days prior to the date of the hearing. If one party is permitted to be represented by an attorney, any other party shall have the right to be represented by an attorney. The hearing committee may also request legal assistance through the President's Office. Any legal advisor provided to the hearing committee may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

Hearings shall be closed and confidential unless all parties request that it be open to the public. Any such request must be made no less than seven (7) days prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the committee agree to the contrary.

The hearing shall be recorded by the Grievance Officer either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the Grievance Hearing Committee Chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. The tape recording shall remain in the custody of the District, either at the college or the District office, at all times, unless released to a professional transcribing service. Any party may request a copy of the tape recording.

All testimony shall be taken under oath; the oath shall be administered by the Grievance Hearing Committee Chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded shall be considered to be unavailable.

Within five (5) days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the President a written decision. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall also include a specific recommendation regarding the relief to be afforded the grievant, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing.

President's Decision: Within five (5) days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the President shall send to all parties his/her written decision, together with the Hearing Committee's decision and recommendations. The President may accept or reject the findings, decisions and recommendations of the Hearing Committee. The factual findings of the Hearing Committee shall be accorded great weight; and if the President does not accept the decision or a finding or recommendation of the Hearing Committee, the President shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the President shall be final, subject only to appeal as provided below.

Appeal: Any appeal relating to a Grievance Hearing Committee decision that the Statement of Grievance does not present a grievance as defined in these procedures shall be made in writing to the President within five (5) days of that decision. The President shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a grievance provided in these procedures, but shall not consider any other

matters. The President's decision whether or not to grant a grievance hearing shall be final and not subject to further appeal.

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

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

The written appeal shall be sent to all concerned parties. All parties may submit written statements on the appeal.

The President or designee shall review the record of the hearing and the documents submitted in connection with the appeal, but shall not consider any matters outside of the record. Following the review of the record and appeal statements, the President's designee, if any, shall make a written recommendation to the President regarding the outcome of the appeal.

The President may decide to sustain, reverse or modify the decision of the President's designee. The President's decision shall be in writing and shall include a statement of reasons for the decision. The President's decision shall be final.

The decision on appeal shall be reached within five days after receipt of the appeal documents. Copies of the President's appeal decision shall be sent to all parties.

Time Limits

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

ACADEMIC GRIEVANCE

An academic grievance may be filed when a student feels that a faculty member has violated State or Federal law, or College or District policies and procedures relative to grading or other academic areas. All grade appeals are first handled with the specific instructor, then in order with the Department Chair, the Division Chair, the Vice President of Instruction, the College President, the Chancellor, and the Board of Trustees.

The Education Code provides that all grades awarded by the instructor of record shall be final. The California Code of Regulations, Title 5 Section 55760, permits a grievance to be filed with respect to grading only in situations where a grade was assigned due to mistake, fraud, bad faith, or incompetence.

GENERAL STUDENT GRIEVANCE

A general student grievance may be filed by a student who feels an action of a faculty or staff member, administrator, office, or group violates existing College or District rules, policies, or procedures; or other local, State, or Federal laws.

An explanation of the procedures for submitting student grievances and appeals shall be made available to students in the Student Handbook of each College and shall set forth the appropriate procedure at the respective College, District, and Board levels. A grievance may arise from a decision or action that has an adverse effect on a student with respect to his/her education rights. It may arise when a student believes he/she has been denied education rights provided by college, state and federal policies, rules, or laws. A student may seek redress through the following procedures:

Procedures

Step 1. The complainant will first attempt to resolve his/her grievance by discussion with the person or group directly involved in the matter within five (5) working days after the occurrence of the alleged grievance.

Step 2. If the issue is not resolved to the satisfaction of the complainant, there shall be a conference within five (5) working days of Step 1. This conference shall include the principals involved i.e., the complainant, the accused, and the immediate supervisor. Prior to arranging the meeting, the supervisor shall check with the accused to ensure that the complainant has met with the accused.

The supervisor shall hear from both parties and seek to resolve the matter. The supervisor shall then provide a written summary of findings to the Vice President of Student Services, complainant and respondent.

Step 3. If the issue has not been resolved satisfactorily after the complainant has completed the procedures outlined in Step 1 and Step 2, the complainant shall declare that a grievance exists and shall submit a written statement to the Vice President of Student Services. The grievance must be submitted on the Grievance Report Form within five (5) working days of Step 2. The form may be obtained from the Office of the Vice President of Student Services.

Step 4. With the receipt of the complainant's written grievance and the supervisor's Summary of Findings, the Vice President of Student Services will ensure that the grievance issues contained on the complainant's Grievance Form are consistent with those issues contained in the supervisor's Summary of Findings. The Vice President of Student Services may dismiss a grievance that has been determined to be inconsistent.

Step 5. If needed, the Vice President of Student Services shall set the time, date, and location for a formal grievance hearing. The hearing shall be held within ten (10) working days of the grievance being submitted.

Grievance Hearing

1. The grievance hearing shall involve the complainant, the accused, the appropriate supervisor, and the Vice President of Student Services. The principals involved in the matter may have one representative present at the grievance hearing.
2. Individuals participating in the grievance hearing shall discuss the charge(s), hear testimony, receive all available evidence pertaining to the charge(s), and when appropriate, examine witnesses. Either party will be notified in advance of the hearing if witnesses will be present.
3. The complainant shall assume the burden of proof.
4. The Vice President of Student Services shall judge the testimony and evidence and limit the investigation strictly to the complainant's charge(s).
5. A record of the proceedings shall be maintained by the Vice President of Student Services. A transcript of the hearing will be provided to the complainant and to the accused.
6. Within ten (10) working days after the grievance hearing, the Vice President of Student Services shall submit his/her recommendation(s) to the President. If the President is involved in the dispute, the recommendation(s) shall be forwarded to the District Governing Board.

7. Within five (5) working days of the receipt of the Vice President of Student Service's recommendation, the President shall render a decision and shall forward it to the complainant and to the accused.

Appeal Procedure

The complainant or accused may appeal the President's decision to the Chancellor. The appeal shall be considered by the Chancellor. All final appeals will be brought before the District Governing Board by the Chancellor.

Records

All records of the grievance proceedings shall be retained in a grievance file by the Vice President of Student Services. Only the principals, who are directly involved in the grievance, the President, the Vice President of Academic Affairs, the Vice President of Student Services, and the appropriate campus supervisor, shall have access to the file.

Grade Change Appeals

1. A student should submit his/her request in writing directly to the faculty member within one year after completing the course for which the grade change is being requested.
2. If the faculty member is not available, the student may submit his/her request through the Academic Council Petition process. However, only the faculty member that assigned the original grade may authorize a change of grade.
3. If there are verifiable extenuating circumstances that precluded the student from making a request within one year, the student may submit a request through the Academic Council; however, a request for change of grade may not be initiated beyond four years after completion of the course.
4. Requests that involve changing an evaluative grade (A, B, C, D, F, CR, NC) to a non-evaluative grade (W) can be done only if extenuating circumstances apply. (Extenuating circumstances are verified cases of accidents, illnesses, or other circumstances beyond the control of the student.)
5. The determination of the student's grade by the instructor shall be final in the absence of mistake, fraud, bad faith, or in competency.
6. Students will be notified when grade changes have been posted.