

Administrative Procedures
Chapter 5
Student Services*

AP 5010	Admissions
AP 5011	Admission/Concurrent Enrollment of High School & Other Young Students
AP 5012	International Students
AP 5013	Students in the Military
AP 5015	Residence Determination
AP 5020	Nonresident Tuition
AP 5030	Fees
AP 5031	Instructional Materials Fees
AP 5035	Withholding of Student Records
AP 5040	Student Records, Directory Information, & Privacy
AP 5045	Student Records: Challenging Content and Access Log
AP 5050	Student Success and Support Program
AP 5052	Open Enrollment
AP 5055	Enrollment Priorities
AP 5070	Attendance
AP 5075	Course Adds and Drops
AP 5110	Counseling
AP 5120	Transfer Center
AP 5130	Financial Aid
AP 5140	Disabled Student Programs and Services
AP 5150	Extended Opportunity Programs and Services
AP 5200	Student Health Services
AP 5210	Communicable Disease
AP 5300	Student Equity
AP 5400	Associated Students
AP 5410	Associated Students Elections
AP 5420	Associated Students Finance
AP 5500	Standards of Conduct
AP 5510	Off-Campus Student Organizations
AP 5520	Student Discipline Procedures
AP 5530	Student Rights and Grievance
AP 5550	Speech: Time, Place and Manner
AP 5570	Student Credit Card Solicitation
AP 5610	Voter Registration
AP 5700	Athletics
AP 5800	Prevention of ID Theft in Student Financial Transactions

*Procedures listed in bold text are currently available. All other procedures are being reviewed and will be posted once finalized.

AP 5010 Admissions

Reference: *Education Code Section 76000; U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended; 34 Code of Federal Regulations Section 668.16(p)*

The governing board of Ohlone College shall admit to the community college any California resident, and may admit any nonresident possessing a high school diploma who passed the California High School Proficiency or GED examination, who is over 18 years of age and capable of profiting from further education or who is transferring to another college and meets Ohlone College's academic standards.

In general, to qualify for admission a person must:

- A. Graduate from high school, or
- B. Be an accelerated high school student with special approval from the school principal, or
- C. Be over 18 years of age and deemed capable of profiting from the instructional program.

The Vice President, Student Services or designee is be responsible for evaluating the validity of a student's high school completion if the college or the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education.

For further details on nonresident students that include a determination of residency status see Board Policy and Administrative Procedure 5015, Residence Determination. The Office of Admissions and Records is designated as the processing point for admissions and supplies further details and forms.

Adopted: October 2013

AP 5011 Admissions and Concurrent Enrollment of High School and Other Young Students

Reference: *Education Code Sections 48800, 48800.5, 76001, 76002*

Ohlone College may admit special part-time students who are able to benefit from advanced scholastic or vocational work, as determined by the district governing board of the school district in which the student is enrolled. Such students may be enrolled in up to 7 units per full term on a space available basis.

Admission and registration of high school and younger students may be withdrawn or closed based on seat availability and is also limited to specific courses listed in the schedule of classes and in the application packet. High school and other young students do not receive priority registration. To be considered for admission the student must apply each term, meet the standards established in Education Code 76001 and supply a completed application packet which includes:

- Completed application
- Signed parent/guardian consent,
- Signed statement from his/her principal that the student is capable of benefiting from college level instruction.

In situations where the student is not enrolled in public or private institutions, the parent or guardian may supply this statement.

Students will not be admitted unless they have availed themselves of all opportunities to enroll in equivalent courses at their schools of attendance.

The Vice President, Student Services, or designee, will review the submitted materials and make a determination to admit any high school student. The decision of the Vice President, Student Services shall be final.

Students admitted under the provisions of this regulation are expected to follow the regulations and procedures established for all college students. The Ohlone Community College District is not responsible for the supervision of minor students outside of the classroom setting. Parents are responsible for ensuring that their children are appropriately supervised before class begins, after class finishes and if or when a class is cancelled and/or dismissed early. Parents or guardians will not have access to a student's records (including grades and transcripts) without the student's written consent, the student's minor status notwithstanding.

The student will receive credit for community college courses in the same manner as a regularly enrolled community college student. Granting of high school credit is determined solely by the high school district.

Apportionment Considerations

All K-12 students are coded in the Ohlone system as Special Admissions (SP) students. These students are further defined as falling into the K-9 or 10-12 level to control their registration access. All class offerings follow state guidelines to insure open enrollment including inclusion in the Ohlone College Catalog, and the published and electronic schedule of classes. For classes offered on a high school campus, the principal of the school must sign an agreement with Ohlone which agrees to the open enrollment of all students. In cases where a college course is offered on a high schools campus, the class will be open to all students. The class section must be advertised for at least 30 continuous days on the electronic schedule.

Denial of Admission

If a request for a special part-time or full time enrollment is denied, The Vice President, Student Services provides a recommendation regarding denial to the Board of Trustees at a regularly scheduled meeting that falls at least 30 days after the request for admission has been submitted. The Board will provide written findings and reasons for the denial within 60 days.

Please also see BP 5010, Admissions.

Adopted: November 2013

AP 5012 International Students

References: *Education Code Sections 76020, 76141, 76142; Title 5 Section 54045; Title 8, U.S.C. Section 101, et seq.*

The application process shall include submission of an application form that meets all admission requirements established by the U.S. government for issuing F-1 student visas. This information includes appropriate visa information from the country of residence, including INS forms.

Supporting documents, including proof of financial support, shall be provided to the District prior to issuing form I-20.

Students must submit an acceptable TOEFL score of 133 CBT or 450 PBT, 45 iBT, or enroll in English as a Second Language (ESL).

The college shall determine country of residence, examine visas and other documents to determine that students have secured the proper visas permitting entry for temporary purposes.

If students enter the United States on an I-20 from Ohlone College, they must attend Ohlone College for at least one semester before transferring.

All international students must purchase medical insurance from Ohlone College's carrier. Prospective students shall submit to Ohlone College, before the start of classes, proof of freedom from tuberculosis. Any student who has not provided proof of freedom from tuberculosis documentation must follow directives of the Health Center. Students who are non-compliant may be administratively withdrawn from the college.

All documentation must be professionally translated into English.

Adopted: November 2013

AP 5015 Residence Determination

References: *Education Code Sections 68000 et seq. and 68130.5; Title 5 Sections 54000 et seq.*

Residence Classification

Residency classifications shall be determined for each student at the time of each registration and whenever a student has not been in attendance for more than one semester. Residence classifications are to be made in accordance with the following provisions:

- A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.
- Residence classification is the responsibility of the Office of Admissions and Records.

Rules Determining Residence

- A student who has resided in the state for more than one year immediately preceding the residence determination date is a resident.
- A student who has not resided in the state for more than one year immediately preceding the residence determination date is a nonresident.

The residence of each student enrolled in or applying for enrollment in any class or classes maintained by this District shall be determined in accordance with the Education Code which states that every person has, in law, a residence. In determining the place of residence, the following rules are to be observed:

- Every person who is married or eighteen years of age, or older, and under no legal disability to do so, may establish residence.
- A person may have only one residence.
- A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which one returns in seasons of repose.
- A residence cannot be lost until another is gained.
- The residence can be changed only by the union of act and intent.
- A man or a woman may establish his or her residence. A woman's residence shall not be derivative from that of her husband.
- The residence of the parent with whom an unmarried minor child maintains his/her place of abode is the residence of the unmarried minor child. When the minor lives with neither parent, the minor's residence is that of the parent with whom the last place of abode was maintained, provided the minor may establish his/her residence when both parents are deceased and a legal guardian has not been appointed.
- The residence of an unmarried minor who has a parent living cannot be changed by the minor's own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.

Determination of Resident Status

A resident is a student who has been a bona fide resident of the state for one year prior to the residence determination date. A bona fide resident is a person whose residence is in California as determined above except:

- A student who is a minor and remains in this state after the parent, who was previously domiciled in California and has established residence elsewhere, shall be entitled to retain resident classification until attaining the age of majority and has resided in the state the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.

- A student who is a minor and who provides evidence of being entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date with the intention of acquiring a residence therein, shall be entitled resident classification until he/she has resided in the state the minimum time necessary to become a resident.
- A student who has not been an adult for one year immediately preceding the residence determination date for the semester for which the student proposes to attend an institution shall have the immediate pre-majority-derived California residence, if any, added to the post-majority residence to obtain the one year of California residence.
- A student holding a valid credential authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the college year in which the student enrolls in an institution, shall be entitled to resident classification if each student meets any of the following requirements:
 - He/she holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
 - He/she holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
 - He/she is enrolled in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Education Code Section 44259.
- A student holding a valid emergency permit authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the academic year in which the student enrolls at an institution in courses necessary to fulfill teacher credential requirements, is entitled to resident classification only for the purpose of determining the amount of tuition and fees for no more than one year. Thereafter, the student's residency status will be determined under the other provisions of this procedure.
- A student who is a full-time employee of the California State University, the University of California or a community college, or of any state agency or a student who is a child or spouse of a full-time employee of the California State University, the University of California or a community college, or of any state agency may be entitled to resident classification, until the student has resided in the state the minimum time necessary to become a resident.
- A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty shall be entitled to resident classification. If the member of the armed forces of the United States later transfers on military orders to a place outside this state, or retires as an active member of the armed forces of the United States, the student dependent shall not lose his/her resident classification, so long as he/she remains continuously enrolled in the District.
- A student who is a member of the armed forces of the United States stationed in this state on active duty, except a member of the Armed Forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification only for the purpose of determining the amount of tuition and fees. If the student later transfers on military orders to a place outside this state, the student shall not lose his/her resident classification, so long as he/she remains continuously enrolled in the District.
- A student who was a member of the armed forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he/she lives in this state after being discharged up to the minimum time necessary to become a resident.
- A student who is a minor and resides with his or her parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more than one year prior to the residence determination date for the semester, quarter or term for which the student proposes to attend.

- A student who is a Native American is entitled to resident classification for attendance at a community college if the student is also attending a school administered by the Bureau of Indian Affairs located within the community college district.
- A student who is a federal civil service employee and his or her natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.
- A student who resides in California and is 19 years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until he/she has resided in the state the minimum time necessary to become a resident.
- A student who lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, and the parent has performed such labor in this state for at least two months per year in each of the two preceding years, and the parent resides in this District and the parent of the student has claimed the student as a dependent on his state or federal personal income tax return if he/she has sufficient income to have personal income tax liability shall be entitled to resident classification.

Right To Appeal

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

Appeal Procedure

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

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

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

Reclassification

A student previously classified as a non-resident may be reclassified as of any residence determination date. A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.

Petitions are to be submitted to the Admissions Office.

Petitions must be submitted prior to the semester for which reclassification is to be effective. Extenuating circumstances may be considered in cases where a student failed to petition for reclassification prior to the residency determination date. In no case, however, may a student receive a non-resident tuition refund after the date of the first census.

Written documentation may be required of the student in support of the reclassification request.

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

A student shall be considered financially independent for purposes of residence reclassification if the applicant meets all of the following requirements:

- Has not and will not be claimed as an exemption for state and federal tax purposes by his/her parent in the calendar year prior to the year the reclassification application is made;
- Has not lived and will not live for more than six weeks in the home of his/her parent during the calendar year the reclassification application is made.

A student who has established financial independence may be reclassified as a resident if the student has met the requirements of Title 5 Sections 54020, 54022, and 54024.

Failure to satisfy all of the financial independence criteria listed above does not necessarily result in denial of residence status if the one year requirement is met and demonstration of intent is sufficiently strong.

Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state.

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

Students have the right to appeal according to the procedures above.

Non-Citizens

The District will admit any non-citizen who is 18 years of age or a high school graduate.

If non-citizens are present in the United States illegally or with any type of temporary visa, they will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.

If, for at least one year and one day prior to the start of the semester in question, a non-citizen has possessed any immigration status that allows him/her to live permanently in the United States and she or he meets the California residency requirements, the student can be classified as a resident.

Any students who are U.S. citizens, permanent residents of the U.S., and aliens who are not nonimmigrants (including those who are undocumented), may be exempt from paying nonresident tuition if they meet the following requirements:

- high school attendance in California for three or more years;
- graduation from a California high school or attainment of the equivalent thereof;
- registration or enrollment in a course offered by any college in the district for any term commencing on or after January 1, 2002,

- completion of a questionnaire form prescribed by the Chancellor and furnished by the district of enrollment, verifying eligibility for this nonresident tuition exemption; and
- in the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he or she is eligible to do so.

Adopted: November 2013

AP 5020 Non-Resident Tuition

References: *Education Code Sections 76140 et seq.*

The Business Officer sets the non-resident tuition fee no later than February 1 of each year. The calculation for international students will be made up of the non-resident fee plus a capital outlay fee. The current fee schedule is published on the College Webpage and in the schedule of classes.

The calculation reflects the current expense of education according to the Budget and Accounting Manual.

Exemptions include Any students, other than non-immigrant aliens under 8 U.S. Code Section 1101(a)(15), who meet the following requirements:

- high school attendance in California for three or more years;
- graduation from a California high school or attainment of the equivalent thereof;
- registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
- completion of a questionnaire form prescribed by the State Chancellor's Office verifying eligibility for this nonresident tuition exemption; and
- in the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he/she is eligible to do so.

Adopted: November 2013

AP 5030 Fees

References: *Education Code Sections 70902(a), 76300, 76355, 76365, 76375, 76395, 78300; Title 5 Sections 51012, 58501, 58508*

The Board of Trustees of the Ohlone Community College District in accordance with law authorizes fees for the following:

- Audit Fee
- Catalog
- Enrollment Fee
- Facilities and/or Damage Fees
- ID/Activity Card Fee (optional)
- Parking
- Schedule of Classes
- Special Testing
- Student Health Fee (Fremont Campus and Newark Center)
- Transcript Fee
- Tuition charges for students who are Out-of-State Residents
- Technology use Fee
- Student Center Fee (adopted by students)
- Nonresident Foreign Students
- Verification of Student Records

Current fee rates shall be published in the College Catalog and on the College Web page.

See Board Policy 5030, Fees.

Adopted: November 2013

AP 5035 Withholding of Student Records

References: Title 5 Section 59410

The Admissions and Records Office withholds grades, transcripts, diplomas, and registration privileges from any student or former student who fails to pay a proper financial obligation to the District.

The definition of proper financial obligation includes, but is not limited to: student fees; obligations incurred through the use of facilities, equipment or materials; library fines; unreturned library books; materials remaining improperly in the possession of the student; and/or any other unpaid obligation a student or former student owes to the District. A proper financial obligation does not include any unpaid obligation to a student organization.

See Board Policy 5035, Withholding of Student Records.

Adopted: November 2013

AP 5040 Student Records, Directory Information, and Privacy

References: *Education Code Sections 71091 and 76200 et seq.; Title 5 Sections 54600 et seq.; U.S. Patriot Act; Civil Code Section 1798.85*

The District maintains a cumulative record of enrollment, scholarship, and educational progress for each student.

Release of Student Records

No instructor, official, employee, or governing board member shall authorize access to student records to any person except under the following circumstances:

- Student records shall be released pursuant to a student's written consent. A consent form used for this purpose is available from the Admissions and Records office.
- "Directory information" may be released in accordance with the definitions in Board Policy 5040.
- Students who do not want directory information released must file a "Restriction to Access" document with the Records Office.
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena.
- Student records may be released to employees, officials and agents acting on behalf of the District (including law enforcement unit personnel and health staff) only when they have a legitimate educational interest to inspect the record.
- Student records may be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials, or their respective designees or the United States Office of Civil Rights, where that information is necessary to audit or evaluate a state or federally supported educational program or pursuant to federal or state law. Exceptions are that when the collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal requirements.
- Student records may be released to officials of other public or private schools or school systems, including local, county or state correctional facilities where education programs are provided, where the student seeks or intends to enroll or is directed to enroll. The release is subject to the conditions in Education Code 76225.
- Student records may be released to agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of those students may be disclosed only as may be necessary for those purposes as to financial aid, to determine the amount of the financial aid, or conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid.
- Student records may be released to organizations conducting studies for, or on behalf of, accrediting organizations, educational agencies or institutions for the purpose of developing,

validating, or administering predictive tests, administering financial aid programs, and improving instruction, if those studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of those organizations and the information will be destroyed when no longer needed for the purpose for which it is conducted.

- Student records may be released to appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health or safety of a student or other persons, subject to applicable federal or state law.
- The following information shall be released to the federal military for the purposes of federal military recruitment: student names, addresses, telephone listings, dates and places of birth, levels of education, degrees received, prior military experience, and/or the most recent previous educational institutions enrolled in by the students.

Charge for Transcripts or Verifications of Student Records

A student/former student shall be entitled to two free copies of the transcript of his/her record or to two free verifications of various student records. Additional copies shall be provided at a fee.

Electronic Transcripts

The District may release and receive electronic student transcripts.

Use of Social Security Numbers

The District shall not do any of the following:

- Publicly post or publicly display an individual's social security number;
- Print an individual's social security number on a card required to access products or services;
- Require an individual to transmit his/her social security number over the internet using a connection that is not secured or encrypted;
- Require an individual to use his/her social security number to access an Internet Web site without also requiring a password or unique personal identification number or other authentication device; or
- Print, in whole or in part, an individual's social security number that is visible on any materials that are mailed to the individual, except those materials used for:
 - Application or enrollment purposes;
 - Establishing, amending, or terminating an account, contract, or policy; or
 - Confirming the accuracy of the social security number.

Adopted: November 2013

AP 5045 Student Records — Challenging Content and Access Log

References: *Education Code Sections 76222 and 76232; Title 5 Section 54630*

Challenging Content

Any student may file a written request with the Office of Admissions and Records to correct or remove information recorded in his or her student records that the student alleges to be:

1. inaccurate;
2. an unsubstantiated personal conclusion or inference;
3. a conclusion or inference outside of the observer's area of competence; or
4. not based on the personal observation of a named person with the time and place of the observation noted.

Within 30 days of receipt of the request, the manager over Admissions and Records shall consider the concern based on all available information and shall then sustain or deny the request.

If the manager sustains any or all of the allegations, he/she shall order the correction or removal and destruction of the information. If the manager denies any or all of the allegations and refuses to order the correction or removal of the information, the student, within 30 days of the refusal, may appeal the decision in writing to the Board of Trustees.

Within 30 days of receipt of an appeal, the Governing Board shall, in closed session with the student and the employee who recorded the information in question, determine whether to sustain or deny the allegations. If the Governing Board sustains any or all of the allegations, it shall order the President/Superintendent or his/her designee, to immediately correct or remove and destroy the information. The decision of the Governing Board shall be final.

If the final decision is unfavorable to the student, the student shall have the right to submit a written statement of his/her objections to the information. This statement shall become a part of the student's record until the information objected to is corrected or removed.

Whenever there is included in any student record information concerning any disciplinary action, the student shall be allowed to include in such record a written statement or response concerning the disciplinary action.

Whenever there is included in any student record information concerning any disciplinary action in connection with any alleged sexual assault or physical abuse, or threat of sexual assault, or any conduct that threatens the health and safety of the alleged victim, the alleged victim of that sexual assault or physical abuse shall be informed within three days of the results of the disciplinary action and the results of any appeal. The alleged victim shall keep the results of that disciplinary action and appeal confidential.

Access Log

A log or record shall be maintained for each student's record that lists all persons, agencies, or organizations requesting or receiving information from the record and their legitimate interests. The listing need not include any of the following:

- Students seeking access to their own records;
- Parties to whom directory information is released;

- Parties for whom written consent has been executed by the student;
- Officials or employees having a legitimate educational interest.
- The log or record shall be open to inspection only by the student, the Vice President of Student Services, the manager over Admissions and Records and to the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, and state educational authorities as a means of auditing the operation of the system.

Adopted: November 2013

AP 5500 Standards of Conduct

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

The College reserves the right to take any necessary and/or appropriate steps to protect the safety and well-being of the college community. While the jurisdiction of the College shall generally be limited to conduct which occurs on College premises or at College-sponsored events, a student who is charged with a felony as a result of off-campus behavior, or who represents a risk to the health or safety of the college community, may also be subject to student conduct action. In addition, the jurisdiction may be extended when a student, or a student organization, commits a prohibited act off campus against a student or employee of the College, or against the College itself, when such act is related to the student's or victim's status at the College.

The College maintains its firm commitment to providing reasonable accommodations to students certified with disabilities, and such students are encouraged to discuss with DSPS (Disabled Students Programs and Services) any concerns they have about the requirements set forth within these Standards of Student Conduct. When appropriate, the College will give consideration to whether a conduct violation directly related to a student's disability could have been mitigated by reasonable accommodations. However, it is important to understand that the Standards of Student Conduct described here and the associated Student Discipline Procedures will be applied to all students equally, based exclusively on behavior and conduct.

Although not all-inclusive, the following actions, activities and behaviors are expressly prohibited.

Academic dishonesty

Engaging in any form of academic dishonesty including, but not limited to:

- cheating on an examination
- plagiarizing, that is, the taking and passing off as one's own work the ideas, writings, or work of another, without citing the source
- submitting work from another course unless receiving advance approval to do so by the instructor
- stealing or possessing stolen examinations or course materials
- posing as another person or allowing another person to pose as oneself
- falsifying academic records
- receiving help from others in work to be submitted, if contrary to stated course rules.

Cases of academic dishonesty are subject to both academic and administrative sanctions. Academic sanctions pertain to the student's grade or status in the class where the offense occurred. Administrative sanctions pertain to the student's status at the College.

Dishonesty

- Knowingly furnishing false information to any College official, faculty member or College office.
- Forging, altering or misusing any College document, record, or instrument of identification (including student identification cards, passwords, PINs).

Disruptive behavior

Including, but not limited to:

- behavior that causes a disruption to either academic endeavors or the administrative operation of the College;

- conduct that disrupts any authorized or sponsored College event;
- the blocking of an entrance, exit, or access to any College facility, area, road, stairway and/or walkway;
- behavior that infringes on the rights of other members of the college community; and leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
- engaging in expression which is obscene, libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on College premises, or the violation of lawful College regulations, or the substantial disruption of the orderly operation of the College.

Threatening or intimidating behavior

The use of words or actions to abuse, harass, bully, haze, stalk or coerce any person in a threatening or intimidating manner (including verbally, in writing, or through electronic or other means such as cyberbullying), when judged from the perspective of a reasonable person in the position of the victimized individual.

- Bullying involves the repeated or potentially repeatable, unreasonable actions of an individual, or a group of individuals, directed toward another person or group, which are intended to intimidate, degrade, humiliate, or undermine; or which create a risk to the health or safety of the targeted individual or group.
- Stalking is defined here to be consistent with California Penal Code 646.9. It is the willful, malicious, and repeated following or harassing of another person with the making of a credible threat that intentionally places that person in reasonable fear for his or her safety, or that of his or her immediate family.
- Hazing involves the imposition, with or without the consent of the participants, of strenuous, dangerous, degrading, or humiliating tasks as part of a program of initiation or membership in any student organization or College program.

Harassment

- Engaging in any behavior that is harassing of any individual or group of individuals on the basis of any status protected under the College's policies and procedure prohibiting harassment. This includes any unwelcome conduct directed at a person or persons that creates a hostile, offensive or intimidating learning or working environment, when the unwelcome conduct is targeting any of the following characteristics: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran status.

Sexual Harassment

- Committing sexual harassment as defined by law or by College policies and procedures.

Endangerment of others

- Causing, attempting to cause, or threatening to cause physical harm to any person, or causing reasonable apprehension of such harm or threat.

Possession or Use of Weapons

- Possessing, selling or otherwise furnishing, using, or threatening others with any firearm, knife, explosive, hazardous materials, other dangerous object, or reasonable facsimile thereof, on College property or at College-sponsored activities, except by certified law enforcement officers either on duty or otherwise acting in accordance with the requirements

of their position. Note that the term "weapon" includes any object or substance that is designed to inflict physical harm, cause injury, or incapacitate; or that the student uses or threatens to use to cause physical harm, injury or incapacitation.

Safety equipment tampering

- Tampering with, or the unauthorized use of, fire safety equipment such as extinguishers, smoke detectors, alarm pull stations or emergency exits, including activating a false fire alarm, failing to evacuate a facility during the sounding of a fire alarm or upon the direction of a staff member, or attempting to re-enter the building without permission of the proper authorities.

Damage or destruction

- Engaging in any act that results in damage or destruction of College property, equipment, facilities, systems, intellectual property, vehicles, vessels or the vehicles or property of another while on College property.

Theft

- Committing or attempting to commit robbery or extortion. This includes stealing College property or services, stealing property of any person, distributing stolen property, and/or knowingly receiving stolen College property or private property on College premises.

Unauthorized recording

- The preparation, giving, selling, transfer, distribution, or publication for commercial purpose, of any contemporaneous audio, video or photographic recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, without the prior permission of the instructor.
- The unauthorized preparation, giving, selling, transfer, distribution, or publication of any contemporaneous audio, video or photographic recording of any person or thing while in the classroom, or equivalent site of instruction, without the prior permission of the instructor, except as permitted by any College policy or administrative procedure.
- The use, in any locker room, changing room or restroom, of electronic or other devices, such as cameras or camera phones, to make a video or photographic record.

Unauthorized entry upon or use of College facilities

- Being present in or using College premises, facilities or property when such presence has been prohibited.

Unauthorized technology usage

- Misusing, or using without authority or in violation of law, the College's information technology or telecommunications systems, including but not limited to the unauthorized or illegal use or misuse of College phones, computers, and/or network systems; the violation of the College's information technology policies and guidelines; the unauthorized entry or dissemination of electronic information; the hacking, duplication or unauthorized use of copyrighted software; destruction, unauthorized transfer or alteration of electronic files; and unauthorized use of another individual's electronic identification number, such as a password, user name, ID number, Social Security number, and/or PIN.

Smoking

- Willful or persistent smoking in any College vehicles, buildings, indoor and outdoor facilities, disabled and general use parking lots, and all open areas of College property.

Alcohol

- Consuming, being under the influence of, possessing, selling, offering to sell or furnishing alcoholic beverages or an intoxicant of any kind on College premises or at College-sponsored activities, except as authorized in accordance with official College policies.

Controlled substances

- Unlawfully possessing, selling, offering to sell, furnishing, using, or being under the influence of any controlled substance listed in California Health and Safety Code Sections 11053 et seq., or unlawfully possessing, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5 on College premises or at College-sponsored activities.

Gambling

- Gambling on College property or at College-sponsored activities, except as authorized by the President or his/her designee.

Unauthorized animals

- Privately owned animals are not permitted to enter into any College facility or be left unattended, except as may be authorized for individuals with documented disabilities who may need such assistance, or as authorized to fulfill a class assignment, or as necessary to participate in a College-sponsored program or activity.

Traffic/parking violations

- Persistent or repeated violation of traffic safety and parking regulations.

Skates/skateboards

- Using skates or skateboards on College property.

Non-compliance

- Failing to comply with the lawful direction of a faculty member, College official or law enforcement officer acting in performance of his/her duties, and/or failing to identify oneself to these persons when requested to do so.

Conduct process abuse

- Abusing the College student discipline process, including but not limited to falsifying, distorting or misrepresenting information before a conduct officer or body; instituting a student conduct code proceeding in bad faith; attempting to influence or discourage an individual's proper participation in, or use of, the student conduct system; harassing verbally or physically and/or intimidating a member of a student conduct body; or failing to comply with the terms of any disciplinary sanction imposed.

Legal violations

- Violating any local, state or federal law on College premises or at College events.

Lewd, indecent or obscene conduct or expression

- Engaging in lewd, indecent, or obscene behavior (this includes indecent exposure) on College-owned or controlled property, or at College sponsored or supervised functions.

Willful disobedience

- Willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, College personnel.

Willful misconduct

- Willful misconduct that results in injury or death to a student or to College personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the College or on campus.

Students may be held accountable to both civil authorities and to the College for acts that constitute violations of the law and these Standards of Student Conduct. The College may proceed with the student discipline process while any criminal proceedings are in progress, and will not be subject to a challenge based upon the grounds that criminal charges connected with the same incident are pending, have been dismissed, reduced, resolved in favor of or against the criminal law defendant, or withdrawn. Any acts of student misconduct that are deemed to also be violations of criminal law shall be reported to law enforcement authorities.

Adopted: October 2015

See BP #5500, AP #5520, and the [Student Code of Conduct](#).

AP 5520 Student Discipline Procedures

References:

Education Code Sections 66017, 66300, 72122, 76030, and 76030 et seq.;
Penal Code Section 626.4

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 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.

What follows in this Administrative Procedure is an outline of possible sanctions open to the college, defined authority levels and the investigative and appeal processes implemented by the Vice President of Student Services, The Student Conduct Board, the President and the Board of Trustees. Detailed descriptions of these processes are available through the college website (Student Code of Conduct) and/or through the Vice President of Student Services.

Reporting- Any person may report a violation of student conduct to the Vice President of Student Services. The web site contains specific information on how to report student misconduct and provides additional resources.

The following sanctions may be imposed immediately:

Immediate Interim Suspension- (Education Code Section 66017): The President may order immediate suspension of a student where he/she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.

Removal from Class - (Education Code Section 76032): Any instructor may order a student removed from his/her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the President and the Vice President of Student Services. The Vice President of Student Services will initiate contact with both the faculty member and the student to investigate an alleged violation of student conduct. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor.

Withdrawal of Consent to Remain on Campus - (Education Code Section 66017) The College President, Vice President of Student Services or Campus Police (Penal Code Section 626.4) 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 for up to 10 days. If the person is on campus at the time, he/she must promptly leave or be escorted off campus. The Vice President of Student Services will initiate an investigation of a violation of student conduct.

Authority Levels

Vice President of Student Services-The Vice President of Student Services has been designated by the President to oversee this process, investigate violations, render sanctions, make referrals and/or initiate recommendations for Suspension or Expulsion. Suspension and Expulsion recommendations may be accepted by the student or appealed through a Student Conduct Board, who then makes a recommendation to the President. Any final decision for Suspension is made by the President; any final decision regarding Expulsion is rendered by the Board of Trustees.

Based on the findings of an investigation, the Vice President of Student Services shall do one or more of the following:

- Determine that there was no violation.
- File the report for future reference.
- Issue a written reprimand or warning to the student.
- Impose other sanctions that do not involve removal (e.g., probation, restriction from involvement or presence, etc.)
- Refer the student to a College or community agency for counseling or rehabilitative treatment.
- Initiate suspension or expulsion proceedings.

Student Conduct Board – This group hears appeals to recommendations of Suspension and/or Expulsion. It shall be composed of 2 administrators, 2 faculty members and 2 students.

The College President, the President of the Faculty Senate, and the president of the Associated Students shall each, at the beginning of the academic year, establish a list of persons who will serve on the Student Conduct Board. The College President shall appoint the members from the names on these lists. However, a member who has personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall recuse him or herself.

All decisions made by the Student Conduct Board are then forwarded to the President for a final determination.

President- Within 5 days of receiving any recommendation from the Student Conduct Board the President will render a final decision if the recommendation is Suspension or inform both the Board of Trustees and the Student if the recommendation is Expulsion.

Board of Trustees (Education Code Section 72122).The Board of Trustees shall consider any recommendation from the College President for expulsion at the next regularly scheduled meeting after receipt of the recommended decision. Detailed process and timelines are provided on the website under “Suspensions and Expulsions”.

The Board of Trustees shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures. The student may, within forty-eight (48) hours after receipt of the notice, request that the hearing be held as a public meeting. Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session. The final action of the Board on the expulsion shall be taken in open session, and the result of the action shall be a public record of the College. The decision of the Board shall be final.

Definition:

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

Adopted: October 2015

See BP #5500, AP #5500 and the [Student Code of Conduct](#).

AP 5550 Speech: Time, Place, and Manner

Reference: *Education Code Sections 76120, 66301*

The students of the District shall be permitted to exercise their rights of free expression subject to the time, place and manner policies and procedures contained in Board Policy [5550] and these procedures.

The colleges of the District are non-public forums, except for designated areas generally available to students and the community, as follows:

- The areas generally available to students and the community are limited public forums. The District reserves the right to revoke that designation and apply a non-public forum designation.
- 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. The use of areas generally available to students and the community is subject to the following:
 - Persons using areas generally available to students and the community and/or distributing material in the areas generally available to students and the community shall not impede the progress of passersby, nor shall they force passersby to take material.
 - No person using the generally available to students and the community shall touch, strike or impede the progress of passersby, except for incidental or accidental contact, or contact initiated by a passerby.
 - Persons using areas generally available to students and the community 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 taking place at that time.
 - No persons using the areas generally available to students and the community shall solicit donations of money, through direct requests for funds, sales of tickets or otherwise, except where he or she is using the areas generally available to students and the community on behalf of and collecting funds for an organization that is registered with the Secretary of State as a nonprofit corporation or is an approved Associated Students Organization or club.

All persons using the areas of the college generally available to students and the community shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within the areas generally available to students and the community. Material distributed in the areas generally available to students and the community that is discarded or dropped in or around the areas generally available to students and the community 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 generally available to students and the community that day.

Posting: Students shall be provided with bulletin boards for use in posting student materials at campus locations convenient for student use. 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 Campus Activities Office. Materials displayed shall be removed after the passage of [3] days.