



SAN DIEGO COMMUNITY COLLEGE DISTRICT

CITY COLLEGE • MESA COLLEGE • MIRAMAR COLLEGE • CONTINUING EDUCATION

DISTRICT GOVERNANCE COUNCIL

April 4, 2018

3:00 p.m. – Room 245

AGENDA

- *1.0 Review Minutes of March 21, 2018
- 2.0 Review of Board Agenda for April 12, 2018
(Tentative agenda pages will be provided at the meeting)
- 3.0 Additional Agenda Items
- 4.0 State Budget Update Carroll, Dowd
- 5.0 Brown Act Presentation Kostic
- *6.0 Student Services Policies and Procedures Neault
- 7.0 Roundtable

*Attachments

Next DGC MEETING scheduled: Wednesday, April 18, 2018 – 3:00 p.m.
District Office – Room 245

Visitors and observers are welcome. The District Governance Council (DGC) follows an open process and conducts open meetings. However, because of limited space, we ask that visitors sit in the extra chairs provided against the walls to leave room available at the table for voting DGC members. Your help is appreciated.



SAN DIEGO COMMUNITY COLLEGE DISTRICT

CITY COLLEGE • MESA COLLEGE • MIRAMAR COLLEGE • CONTINUING EDUCATION

DISTRICT GOVERNANCE COUNCIL MINUTES

March 21, 2018

Present: Akers, Beresford, Catano (for Larson), Dowd, Hsieh, Hubbard, Luster, Mahler, Manis, McMahon, Neault, Perigo, Ramsey, Sabanos (for Cortez), Shabazz, Surbrook, Weinroth and Chairperson Chancellor Carroll

Absent: Bulger, Cortez, Kovrig, Larson, Payne

1. APPROVAL OF MINUTES

The minutes of March 7, 2018, were approved.

2. STATE BUDGET UPDATE

Executive Vice Chancellor Dowd shared more information regarding elements of the proposed performance-based funding model for California Community Colleges. She said that CEO and CBO groups have joined forces in asking for a seven-year implementation period to give time to test the metrics. No final decisions have been made and discussions will continue.

3. AP 2712 – CONFLICT OF INTEREST CODE

Vice Chancellor Surbrook brought this revised administrative procedure and explained minor changes in response to legal and/or regulatory requirements. No concerns were raised.

4. 2017-18 EEO FUND MULTIPLE METHOD ALLOCATION MODEL

Vice Chancellor Surbrook brought back this item explaining that the District meets all nine of the multiple methods, making it eligible for additional state funding. The report provides evidence about various activities that support each of the nine multiple methods. The report will go before the Board of Trustees for approval at an upcoming meeting.

5. CAMPUS SOLUTIONS

Vice Chancellor Neault answered questions and announced that she will be providing a demonstration of the new software at the Board of Trustees meeting on April 12, 2018. She encouraged the Council to attend and also said she would repeat the demonstration at the DGC meeting on April 18, 2018.

6. FULL-TIME FACULTY NEEDS

Miramar College Academic Senate President Marie McMahon discussed inequities and passed out a resolution from the Miramar College Academic Senate in favor of increasing the number of contract faculty at Miramar College.

7. ACADEMIC SENATES

As requested by the Academic Senates, Chancellor Carroll announced that there will be a Brown Act presentation held at the DGC meeting on April 4, 2018. There will also be a discussion regarding Guided Pathways.

Adjourned 4:10 p.m.

Chancellor's Office & Board of Trustees



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Administrative Procedure

Chapter 5 – Student Services

AP 3002.1 – ENROLLMENT PRIORITY AND OPEN ENROLLMENT

The San Diego Community College District registration priority system is intended to provide an equitable means for assigning registration priorities that is for all students and reflects the core mission of the District.

1. DEFINITIONS

- a. Active Duty Military – Students who have verified that they are currently on active duty and identified in the student system.
- b. Foster Youth – Students under the age of 25 who verify that they are current or former Foster Youth as identified in the student system.
- c. Homeless Youth – Students under 25 years of age, who have been verified at any time during the 24 months immediately preceding the receipt of his/her application for admission by a postsecondary educational institution.
- d. CalWORKs – Students who are recipients of California Work Opportunity and Responsibility to Kids (CalWORKs).
- e. Disability Support Programs and Services (DSPS) – Students who are receiving Disability Support Programs and Services.
- f. Extended Opportunity Programs and Services (EOPS) – Students who meet the eligibility criteria for EOPS services and are verified in student system.
- g. Continuing Student – Students who have not had more than one consecutive semester lapse in enrollment in a given year.
- h. Educational Plan – Students with a declared major who have developed an academic plan as identified in the student system.
- i. Fully-Matriculated – Students who have completed assessment, orientation and have an educational plan on file as identified in the student system.
- j. New Students – Students entering City, Mesa or Miramar college for the first time with no previous academic history at City, Mesa or Miramar.
- k. Non-Matriculated – Students who have NOT completed the following services: Orientation, Assessment or an Educational Plan.
- l. Returning Students – Students returning to City, Mesa or Miramar college after an absence of one year or longer.
- m. Concurrently Enrolled – Students who are concurrently enrolled ~~at a four-year institution~~ ~~or in~~ high school while attending community college.

- n. Students with 100+ Units – Students who have earned 100 or more units including transfer units, but excluding basic skills units.
- o. Veteran – Students who have verified that they have been discharged from military service within the past four-years as identified in the student system.
- p. High Unit Majors – Academic programs that require more than 50 units in the major.
- q. Intercollegiate Athletes – Athletes on a designated intercollegiate team.

2. PRIORITY GROUPS

In accordance with Title 5, Section 58108, students are assigned to a priority group for registration purposes as follows:

- 1) Fully-Matriculated Active Duty Military & Veterans, Foster Youth and Homeless Youth students who meet the eligibility criteria as defined in statute; and students who are participants in the Disability Support Programs and Services (DSPS), CalWORKs or Extended Opportunity Programs and Services (EOPS). Non-matriculated students are placed at the end of this group;
- 2) Intercollegiate Athletes;
- 3) Fully-Matriculated Continuing students;
- 4) Fully-Matriculated New and Returning students;
- 5) Non-Matriculated Continuing, New and Returning students;
- 6) Students with 100+ Units;
- ~~7) Concurrently Enrolled students at a 4-Year Institution or High School;~~
- 8) Students possessing a Baccalaureate Degree or higher;
- 9) Students who lose priority due to Academic Standing: and
- 10) Students concurrently enrolled in High School.

Note: Active Duty Military, Veterans, Foster Youth, Homeless Youth, Intercollegiate Athletes, DSPS, CalWORKs, and EOPS students will have first priority in groups ~~46-89~~.

3. UNIT RANGE

Students will be further prioritized within each of the priority groups according to cumulative units, including transfer units and coursework in progress, as follows:

- 1) 50.0 to 72.0 units
- 2) 30.0 to 49.9 units
- 3) 15.0 to 29.9 units
- 4) 00.0 to 14.9 units

5) 72.1 to 89.9 units

6) 90+ units

Reference: Title 5 Sections 51006, 58106, and 58108
Education Code: 66025.8

Approved by
| the Chancellor: November 28, 2016

| Supersedes: 3/22/13, 8/8/13, 11/28/16



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Administrative Procedure

Chapter 5 – Student Services

AP 3100.2 – STUDENT DISCIPLINARY PROCEDURES

1. PURPOSE

These procedures are designed to provide uniform standards to assure due process when a student is charged with a violation of San Diego Community College District Student Code of Conduct as defined in Board of Trustees *Policy BP 3100, Student Rights, Responsibilities, Campus Safety and Administrative Due Process*. All proceedings held in accordance with these procedures shall relate only to an alleged violation of the established standards.

2. DISCIPLINARY OFFICER

- a. Each President will designate an administrator to process student disciplinary charges and serve as the Disciplinary Officer.
 - 1) The Disciplinary Officer shall be responsible for processing the alleged violation of the Student Code of Conduct in accordance with these procedures.
 - 2) In cases involving sex or gender-based misconduct, the Title IX Coordinator shall coordinate the District's response to the alleged misconduct and, for the purposes of the responsibilities allocated in Sections 3 and 4 of this Procedure, serve as the Disciplinary Officer. Such cases will be handled according to the process provided in Section 8 of this Procedure, which shall prevail and govern in the event of any conflict with Sections 11, 12 and 13. Sections 3, 4, 5, 6, 7, and 10 of this Procedure shall not apply in cases involving sex or gender-based misconduct.
 - 3) If the student has an actual or perceived disability and the behavior is not a violation of the Student Code of Conduct, the Disciplinary Officer will consult with a DSPS counselor to determine: if the student is receiving services through the DSPS office; if there is an accommodation that could mitigate the behavior; or if a referral for professional services is appropriate.
 - 4) The Disciplinary Officer will not be an individual who has a conflict of interest or bias for or against the accuser or the accused.

3. FACT FINDING INVESTIGATION

- a. Within twenty-five (25) instructional days from the time the Disciplinary Officer is informed of allegations which may constitute a violation of the Student Code of Conduct, the Officer shall conduct a fact finding investigation to determine whether to pursue an administrative conference or disciplinary hearing. The investigation shall be documented as follows:
 - a) Interview with the student accused of the violation to gather facts, assuming the student is willing and available to participate. The interview shall be carefully documented as follows:

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

4. ADMINISTRATIVE CONFERENCE

- a. At a scheduled meeting, the Disciplinary Officer shall:
 - 1) Advise the student of the alleged offense, including the specific section(s) of the Student Code of Conduct and the facts constituting the alleged offense.
 - 2) Make reasonable effort to resolve the matter informally. The student is told what he or she is accused of doing and the basis of the accusation.
 - 3) Advise the student that he/she shall not have the right to a hearing before a Disciplinary Committee in connection with disciplinary sanctions including reprimand, disciplinary probation, and removal or suspension not exceeding 10 instructional days.
 - 4) Ensure the Administrative Conference includes a third party if the recommended disciplinary action is suspension of less than 10 days.
 - 5) Advise the student of his/her right to a formal hearing for sanctions exceeding 10 days.
 - 6) Advise the student that he/she may elect to waive the right to a formal hearing and accept the decision of the Disciplinary Officer at any time.

- b. If the student elects to waive the right to a hearing before the Disciplinary Committee and to accept the imposition of a sanction mutually agreed upon by the student and the Disciplinary Officer, any such waiver shall be in writing using the Student Waiver of Right of Disciplinary Hearing form and signed by both parties and a witness.

5. DISCIPLINARY HEARING PREPARATION

- a. The matter shall proceed to a formal hearing if the Disciplinary Officer has determined that the alleged offense is too serious to warrant an informal resolution or if an informal resolution cannot be reached. The Disciplinary Officer shall prepare the case as follows:
 - 1) Notify the student of the charges, including the specific section(s) of the Student Code of Conduct and the facts constituting the alleged offense.
 - 2) Identify and interview witnesses necessary for the presentation of the case.
 - 3) If a witness is unavailable during the investigation or it is anticipated that the witness may not be available at the time of the disciplinary hearing, the Disciplinary Officer may attempt to obtain written statements. Witness statements may be used at the hearing, provided, however, that access to the witness statements is made available to the accused student at least three (3) instructional days prior to the hearing. The Disciplinary Officer may conduct additional questioning of the witness in person, telephonically or via additional written questions. The accused student may provide suggested written questions to the Disciplinary Officer at least two (2) days prior to the hearing. The Disciplinary Officer shall obtain a response at least one (1) day prior to the hearing. Written questions of an abusive nature shall not be allowed.
 - 4) Document interviews as identified in this procedure.
 - 5) Obtain relevant written documentation.
 - 6) Access to any tangible evidence, other than the written statement of a witness, anticipated to be presented at the disciplinary hearing shall be made available for review by the student at least two (2) instructional days prior to the hearing.
 - 7) The Disciplinary Officer may, at the Disciplinary Officer's sole discretion, delay the hearing at any time for good cause.
- b. Other Responsibilities of the Disciplinary Officer:
 - 1) To advise the student of his/her right to representation. The student has the right of self-representation or representation by another party, except that the student shall not be represented by an attorney. If the student decides to have a representative, the Disciplinary Officer shall be notified, in writing, by the student who the representative will be no later than two (2) instructional days prior to the hearing. Representatives may not participate in the hearing, nor use any electronic devices during the hearing.
 - 2) Advise the student of his/her right to be present at the hearing, and that the hearing shall proceed in the absence of the student unless a satisfactory explanation has been provided.
 - 3) Assume responsibility for making the necessary arrangements for the hearing. Arrangements shall include scheduling a room, providing for a tape recorder, notifying

members of the Disciplinary Committee and witnesses, and providing committee members with copies of these procedures.

- 4) Prepare and personally deliver or mail written notice to the student not less than five (5) instructional days prior to the hearing.
 - a) Notice shall specify the time and place of the hearing, a statement of charges against the student, recommended sanction, a list of members of the Disciplinary Committee, the date, time and location that the tangible evidence will be made available for inspection and (when applicable) a statement of possible financial aid suspension or termination. A copy of these procedures shall also be enclosed.
 - b) Notice shall also specify if there is to be an interim suspension from the college pursuant to Education Code Section 66017. In the event of an immediate suspension, the student shall remain suspended until the final disposition of the hearing.
 - c) The notice shall be presumed to have been received and read when sent to the last address available in the records of the college and deposited in the United States mail, postage prepaid and return receipt requested.

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

- a. Each academic year, the Academic Senate shall nominate a minimum of eight (8) faculty members and the Associated Students organization shall nominate eight (8) students to form a pool for a one-year term, from which a Disciplinary Committee may be convened. In the event the pool needs to be augmented, appointments may be made by the Academic Senate and/or Associated Students.
- b. The Disciplinary Committee shall be constituted by the Chairperson in accordance with the following criteria:
 - 1) The Disciplinary Committee shall include at least one (1) student selected from the pool submitted by the Associated Students Organization governing body. In the event students identified in the pool are unavailable to serve, the President or designee will select other students as appropriate. Hearings, where the recommended sanction is expulsion, shall include at least two (2) students.
 - 2) The Disciplinary Committee shall include at least one (1) instructor selected from the pool submitted by the Academic Senate. In the event faculty identified in the pool are unable to serve, the faculty Senate President or designee will select other faculty as appropriate. Hearings, where the recommended sanction is expulsion, shall include at least two (2) instructors.
 - 3) There shall be an equal number of students and faculty represented.

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

- a. Students shall have the right to a hearing before the Disciplinary Committee as provided in these procedures in connection with restitution, suspension or expulsion exceeding 10 instructional days. The hearing shall take place prior to the imposition of the disciplinary sanction. An immediate interim suspension, pending a hearing may be imposed in order

to protect lives or property and ensure the maintenance of order. In the case of an immediate interim suspension, the suspended student shall be afforded the opportunity for a hearing before the Disciplinary Committee within 10 instructional days of the suspension. In addition, the student's instructors and college police will be notified.

- b. The Chairperson of the Disciplinary Committee shall preside over the hearing and make rulings as to its conduct and shall ensure that the committee's representation is valid. All rulings of the Chairperson shall be final unless there is a two-thirds vote of the members of the Disciplinary Committee to the contrary.

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

- c. Proceedings – Formal rules of process, procedure and/or technical rules of evidence as applied in a civil or criminal court, are not used in student discipline proceedings.
- d. Disciplinary Committee – To be a valid hearing, at least two (2) members of the Disciplinary Committee, plus the Chairperson must be present. At least four (4) members of the Disciplinary Committee plus the Chairperson must be present for expulsion hearings.
- e. Absence of the Student – The hearing shall proceed in the absence of the student unless a satisfactory explanation for the absence has been provided. The Chairperson shall decide whether to proceed in the absence of the student after considering the explanation for the absence. If the student leaves the hearing before its conclusion, the hearing shall proceed.
- f. Opening – The Chairperson shall preside and call the hearing to order, introduce the participants, and announce the purpose of the hearing, as follows: "this committee meets pursuant to *AP 3100.2* to hear charges against (student's name) and to make findings of fact and recommendations for action to the President."
- g. Notice of Charges – The Chairperson shall distribute copies of the written notice to the members of the Disciplinary Committee. The Chairperson shall read aloud and affirm that the student has received a copy of the charges in accordance with this procedure. In the event that the student did not receive proper written notice of the charges, the Disciplinary Committee shall decide whether or not to proceed with the hearing. If the hearing must be rescheduled, it shall be within five (5) instructional days.
- h. Plea – The student shall admit or deny each charge. If the student admits each charge, and wishes to present no evidence of mitigating circumstances or other defense, the Disciplinary Committee shall retire to make its decision. If the student denies any or all of the charges, or wishes to present evidence of mitigating circumstances, the hearing shall proceed.
- i. Opening Statement – First, the Disciplinary Officer, and then the student, shall have the opportunity to present an opening statement.
- j. Burden of Proof – The Disciplinary Officer has the burden of proving that each charge is true. A preponderance of evidence (more likely than not) must be established by the Disciplinary Officer. The Disciplinary Officer will present relevant evidence and may call a witness in support of the charges first. Then, the student may present evidence to refute the Disciplinary Officer's evidence.

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

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

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

- m. Closing Arguments – First the Disciplinary Officer, and then the student, shall be afforded the opportunity to make a closing argument.
 - n. Committee Deliberation – The Disciplinary Committee shall deliberate in closed session, with only the members of the Disciplinary Committee present. The deliberations shall not be tape recorded. The Disciplinary Committee shall reach its decision based only upon the evidence presented and shall not consider matters outside of the record. The standard of evidence that shall be used is preponderance of evidence (more likely than not). The Committee shall determine the validity of each charge by majority vote. The Committee shall recommend disciplinary sanctions based upon its findings.
8. INVESTIGATION AND DISCIPLINARY HEARING IN CASES INVOLVING SEX OR GENDER-BASED MISCONDUCT
- a. In cases where disciplinary action could be required based on the nature of the allegations, if they are found to be true, and where informal resolution is inappropriate or unsuccessful, a thorough, reliable, and impartial investigation will be conducted by the Title IX Investigator.
 - b. The Title IX Coordinator may at any time, but is not required to attempt informal resolution of the complaint in a manner similar to an Administrative Conference as described in Section 4 of this Procedure.
 - c. The Title IX Investigator will provide the responding party with a Notice of Investigation identifying the manner in which the responding party is alleged to have violated District Policy, including the alleged underlying facts constituting the violation(s).
 - d. Both parties will be given an opportunity to provide what they believe is relevant information and identify persons they believe to be relevant, substantive witnesses. The Title IX Investigator will attempt to speak with such witnesses whose information in the Investigator's determination may be relevant and substantive.

- e. Each party is permitted to bring an advisor or supportive individual of their choice to any meeting with the Coordinator or Investigator. The advisor or supportive individual should not be a witness to the matter and may not speak on the party's behalf.
 - f. Each party will be permitted to identify lines of questioning for the Title IX Investigator to pursue when gathering information from the other party. The Investigator retains the ultimate authority to determine whether a line of questioning will be pursued, and will not pursue a line of questioning that is duplicative, irrelevant, or abusive.
 - g. In order to provide the parties with an opportunity to place all relevant information in context, confront the information provided by witnesses, and/or challenge the information uncovered by the Title IX Investigator, both parties shall be provided with an opportunity to review a factual summary of the information gathered by the Title IX investigator in the investigation and provide comment upon it or provide additional responsive information.
 - h. Based upon the information gathered in the investigation, and considering the responsive comments and/or information provided by both parties, the Title IX Investigator shall render a finding regarding whether, by a preponderance of the evidence, the respondent violated District Policy.
 - i. The Title IX Investigator's finding shall be given in an Investigation Report. The Investigation Report will be provided immediately to the Title IX Coordinator.
 - 1) In the event that the Title IX Investigator finds the respondent not responsible, both parties will be so notified in writing and the Investigation Report will be made available to both parties in redacted form.
 - 2) In the event that the Title IX Investigator finds the respondent responsible for a violation of District Policy or Procedure, the Coordinator shall refer the matter to the Vice Chancellor, Student Services for a determination of the appropriate disciplinary action, if any. Written notification to the parties of the Investigator's determination regarding responsibility and the Vice Chancellor's determination regarding any disciplinary action shall be provided simultaneously to both parties, and the Investigation Report shall be made available to both parties with personal information not relevant to the final determination redacted from the report.
 - j. The Vice Chancellor, Student Services may impose any sanction identified in Section 14; for the sanction of expulsion, the Vice Chancellor, Student Services will follow the procedures identified in Section 12.c., fulfilling the responsibilities allocated to the President.
 - k. The Vice Chancellor, Student Services, may, for good cause, impose an interim disciplinary action, which may include an immediate suspension for up to 10 days, pending resolution of the investigation and hearing process.
9. APPEAL HEARING IN CASES INVOLVING SEX OR GENDER-BASED MISCONDUCT
- a. After the Title IX Investigator renders a decision of no responsibility or the Vice Chancellor, Student Services, makes a determination as to discipline to be imposed, either party may appeal the Title IX Investigator's determination of responsibility and/or the Vice Chancellor's decision as to discipline, by requesting a hearing before the Title IX Coordinator. The party not requesting the Appeal Hearing shall be permitted to participate in the appeal to the same extent as the requesting party.

- b. If the student has been criminally convicted in connection with the act or acts that are the subject of discipline imposed, and the decision of the criminal court has become final, no appeal shall be available.
- c. Within five (5) business days of the date the Title IX Coordinator provides written notification of the Title IX Investigator's determination, any party wishing to initiate an Appeal Hearing shall do so in writing, stating the reason(s) for the appeal, including the nature and basis of the claimed error as to the decision of the Title IX Investigator as to responsibility, the decision of the Vice Chancellor, Student Services, as to discipline, or both.
 - 1) The Statement of Appeal shall be submitted directly to the Title IX Coordinator who shall provide all other parties a copy of the Statement along with notification of their right to participate in the appeal. Each party so notified shall have five (5) business days from receipt of the opposing party's appeal statement to notify the Title IX Coordinator if that party also desires to participate in the appeal and, if desired, provide a written response.
- c. New information and witness(es) shall not be considered during the appeal unless the Title IX Coordinator determines that the new information or witness was not reasonably available to the presenting party at the time of the investigation conducted by the Title IX Investigator. Any identified witness or information that the Title IX Coordinator determines would be irrelevant or duplicative shall be excluded.
 - 1) Witnesses previously identified in the investigation conducted by the Title IX Investigator shall not be permitted to appear or otherwise submit information unless it is anticipated they will offer information meeting these same criteria.
- d. After consulting with each party wishing to take part in the Appeal Hearing, the Title IX Coordinator shall set a date and time for the hearing for the soonest practicable time taking into account any further action necessary based upon the grounds stated for the appeal and any other material considerations.
- e. Each party wishing to take part in the Appeal Hearing shall be entitled to have a representative of that party's choice attend the hearing, provided that the party gives notice to the Title IX Coordinator identifying its representative at least one (1) business day prior to the hearing. The representative may attend with and advise that party, but shall not participate directly. Neither any party nor its representative may use any electronic or other recording device during the hearing.
- f. The Title IX Coordinator shall have sole discretion to determine the reasonable procedure to be followed during the hearing, however such procedure shall, at a minimum, provide each party participating in the Appeal Hearing an opportunity to present in-person to the Title IX Coordinator its argument(s) for or against the prior determination of responsibility, discipline to be imposed, or both. If any witness is permitted to appear at the hearing, the Title IX Coordinator shall have sole discretion to structure that appearance in accordance with the requirements of Title IX and required Due Process.
- g. Within three (3) business days of the Appeal Hearing, the Title IX Coordinator shall render a written decision, a copy of which shall be provided to each party, which shall set forth any deviation from the previous determinations as to responsibility and disciplinary sanction and the reason(s) therefore. In this regard, the Coordinator's decision may provide a finding of responsibility or no responsibility; may increase, decrease, modify or eliminate the previously imposed discipline; and may state that the decision is final or

may remand the matter for further investigation or other processing as provided in this Procedure; for the sanction of expulsion, the Vice Chancellor, Student Services will follow the procedures identified in Section 12.c., fulfilling the responsibilities allocated to the President.

- h. As appropriate, the Title IX Coordinator has discretion to remand the matter to the Title IX Investigator for further investigation at any point in the process set forth in Section 9 of this Procedure, as may be appropriate under the circumstances.

10. DISCIPLINARY COMMITTEE FINDINGS AND RECOMMENDED SANCTIONS

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

11. DISCIPLINARY CASES INVOLVING PROTECTIVE ORDERS

In cases where the severity of the student's action warrants that the District obtain a protective order from the court that prevents the student from attending classes, the student must apply for readmission under the provision of AP 3000.2, *Student Admission Status*.

12. PRESIDENT'S DECISION

- a. The President shall review the findings and recommended sanctions based upon the record of the hearing. Matters outside of that record shall not be considered. If the President does not accept the sanctions recommended by the Disciplinary Committee, the reason shall be stated in writing. If the President decides to impose a sanction not recommended by the Disciplinary Committee, the reasons shall be stated in writing.
- b. The President shall prepare the final written report of findings and sanctions within five (5) working days following receipt of the Disciplinary Committee's report. A copy shall be sent to the Disciplinary Officer, the Chairperson and to the student by registered mail. If the student is a minor, the report shall be sent to the parent or guardian.
- c. When the decision is to expel a student, the President shall recommend expulsion to the Governing Board. Only the Board of Trustees shall be authorized to expel a student (Education Code Section 76030). The President may suspend the student pending expulsion action by the Board. The final decision of the Governing Board shall be disseminated to the Presidents and a hold placed on the student's record by the Vice Chancellor, Student Services.
- d. When the decision is to suspend a student, the student shall be suspended from all colleges, campuses, sites, programs and activities of the District. The President shall notify the Chancellor, Vice Chancellor, Student Services, and college Presidents of any decision to suspend a student.

The Vice President, Student Services at the colleges and Continuing Education shall place an administrative hold on the student's record as follows: Policy 3100 Violation
Contact the Vice President, Student Services, college name.

- e. When the final decision is to suspend or terminate financial aid, the Disciplinary Officer will notify the College Financial Aid Appeals Committee. The College Financial Aid Appeals Committee will make all decisions regarding suspension or termination of financial aid.

- f. Once the President makes a decision, the disciplinary process has been completed. There is no appeal. Expulsion proceedings will be completed upon action by the Board of Trustees.
- g. Findings of the discipline hearing are confidential.

13. RECORDS MAINTENANCE

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

14. DISCIPLINARY SANCTIONS

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

- 1) Admonition – An oral statement to a student that he/she is violating or has violated the Student Code of Conduct.
- 2) Reprimand – A written notice by the Disciplinary Officer of violation of the Student Code of Conduct. A reprimand may include the possibility of more severe disciplinary sanctions in the event of future infractions of the Student Code of Conduct.
- 3) Community service or other educational sanctions.
- 4) Disciplinary Probation – Formal written notice by the Disciplinary Officer of violation of the Student Code of Conduct which may include exclusion from participation in specified privileges for a period of time not exceeding one (1) calendar year, including conditions that must be met while on probation. Further violation of the Student Code of Conduct will result in more severe sanctions.
- 5) Restitution – Formal action by the Disciplinary Officer to require reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.
- 6) Removal from Class – Exclusion of a student by an instructor from a class for the day of an offense and/or the next class meeting. An instructor removing a student from class shall make a written report using the *Faculty Removal of Disruptive Student from Class* form. After-the-fact review by the President/designee shall be effective if the student alleges in writing that an instructor has abused his/her administrative discretion.

In accordance with *AP 3110.1, College Class Attendance*, absences pursuant to this definition shall be counted as excused and make-up assignments shall be at the discretion of the instructor.

- 7) Suspension – Action by the President to exclude from all colleges, campuses, sites, programs and activities in the District for a definite period of time. This action shall be

posted on the permanent record, but shall not be reflected on the academic transcript. This does not prohibit, where an immediate suspension is required in order to protect lives or property and to insure the maintenance of order, interim suspension pending a hearing, provided that a reasonable opportunity be afforded the suspended person for a hearing within 10 days.

- 8) Expulsion – Action by the Board of Trustees to terminate student status in the District indefinitely. The Board may expel a student for good cause when other means of correction fail to bring about proper conduct or when the presence of the student causes a continuing danger to the physical safety of the student or others.

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

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

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

15. DISCIPLINE OF FORMER STUDENTS AND APPLICANTS

- 1) Any person who is a student at the time of a violation that is subject to discipline in accordance with this Administrative Procedure may be disciplined notwithstanding that the person de-enrolls from some or all of the classes in which the person was enrolled at the time of the violation. A person who has been registered as a student may be disciplined in accordance with this Administrative Procedure whether or not the person has registered for any classes at the time of the violation.
- 2) Any non-student who would have been subject to discipline pursuant to the above provisions of this Administrative Procedure if they were a student at the time of the violation may be disciplined in accordance with this Administrative Procedure. Where the District is either (a) unaware of a past violation at the time of admission or enrollment, or (b) is aware of the conduct constituting the violation but unaware that the violator has applied for admission or enrollment, such discipline may be imposed subsequent to admission or enrollment and at any time while the person is a student.

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

Supersedes: 4/26/84, 6/16/86, 5/3/00, 10/14/10
Policy 3100.3 - 5/10/79, 4/29/84 (Policy 3100.3 merged with Procedure 3100.2), 11/15/13, 12/12/14, 12/7/15, 11/9/16



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Administrative Procedure

Chapter 5 – Student Services

AP 3100.4 - VOLUNTEER/VISITOR CONDUCT EXPECTATIONS

In accordance with Policy 3100, Student Rights, Responsibilities, Campus Safety and Administrative Due Process, all students shall have the right to a campus learning environment free from interference or disruption.

1. All visitors and volunteers are expected to adhere to the policies and procedures of the San Diego Community College District, as well as all federal, state and local laws. Visitors and volunteers will be subject to removal from classrooms, service areas, and activities of the campus for any of the acts listed below. Any violation may be subject to permanent removal from all colleges, campuses, sites, programs and activities of the District in accordance with *Section 2, Implementation*.
 - a. Act or threat of damage to or theft of property belonging to or located on District-controlled property or facilities.
 - b. The physical or verbal disruption of instructional or student services activities, administrative procedures, public service functions, authorized curricular or co-curricular activities, the orderly operation of the campus, or prevention of authorized visitors from carrying out the purpose for which they are on campus.
 - c. Physical, verbal, or written intimidation or harassment of such severity or pervasiveness as to have the purpose or effect of unreasonably interfering with a student's academic performance, or a District employee's work performance, or of creating an intimidating, hostile, or offensive educational or work environment.
 - d. Any expression which is obscene, libelous or slanderous according to current legal standards, which so incites others as to create a clear and present danger of the commission of unlawful acts, or the substantial disruption of the orderly operation of the college/campus/District.
 - e. Physical altercation or threats of violence including assault or battery upon a student or District personnel on District premises or at any time or place while under the authority of District personnel.
 - f. Unlawful conduct of a sexual nature including but not limited to indecent exposure, prostitution, voyeurism, or loitering for the purpose of soliciting or engaging in any lewd act or conduct.
 - g. Sexual assault or physical abuse including but not limited to rape, sexual assault, domestic violence, dating violence, or stalking as defined by California law below:

Consent – Affirmative consent to sexual activity by both parties. "Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other party. Lack of protest or resistance does not mean consent, nor does silence mean consent. Consent must be ongoing and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

Sexual Assault – Includes but is not limited to rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

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

Domestic Violence – Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse; by a person similarly situated to a spouse of the victim under California law; or by any other person against an adult or youth victim who is protected from that person's acts under California law.

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

- h. Any conduct that threatens the health or safety of any person, including oneself.
- i. Participation in hazing (California Education Code Sections 32050 through 32052).
- j. Possession of weapons, explosives, unlicensed dangerous chemicals or objects which may be used as weapons or to threaten bodily harm as specified in District Policy, the California Penal Code or other applicable laws.
- k. Conduct which is in violation of federal, state, or local laws or ordinances while on District premises or at District-sponsored or supervised activities. (Ref. 76020, 76120)
- l. Failure to comply with directions of staff members of the District who are acting within the scope of their employment. Continued and willful disobedience or open and persistent defiance of the authority of District personnel providing such conduct is related to District policies, activities or college/campus attendance.
- m. Smoking on District premises, or in vehicles provided by the District used for transporting students except as permitted by applicable ordinances, laws, college and District guidelines and procedures.
- n. Use, possession, distribution, or sale of alcoholic beverages on campus except as permitted by law.

- o. Use, possession, distribution, manufacture or sale of narcotics or other hallucinogenic drugs or substances or inhaling or breathing the fumes of, or ingesting, any poison classified as such by the California Business and Professions Code Section 4160, Schedule "D," except as provided by law, is prohibited when on District premises.

Violations of state, federal, or local laws or ordinances, while on District premises, will be addressed by college police in accordance with the California Penal Code.

2. Implementation:

- a. In the event of disruption, visitors will be asked to leave the classroom or office/service area by faculty or staff.
- b. If the visitor does not comply, an appropriate administrator or, in the event of serious disruption, college police, the Vice-President, Student Services, or other appropriate administrator should be contacted immediately.
- ~~c. The Vice-President will respond and assess the incident.~~
- ~~d. In the event of serious disruption, college police should be contacted immediately.~~
- e.c. In the event the visitor does not cooperate, or if apparent conflict arises between the visitor and any member of District faculty or staff, the college police will be contacted to assist. College police will assist with removing the disruptive person from campus as appropriate.
- d. In the event of a serious violation or where a violation is continuing or has been repeated, the violator may be permanently barred from District facilities and programs by action of the Board of Trustees as specified in AP 3100.2(14)(8).

Approved by
the Chancellor: March 2, 2015

Supersedes: Procedure 3100.4 – 4/24/07, 6/1/11, 3/2/15