

(No AP on Website, last updated on 3/21/12, in Student Leadership Handbook, Posted on Campus Safety

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 5530 Student Rights and Grievances

CCLC template language, if incorporated into the current procedure, represents a major change to the current procedure. Global change "Complaint" to "Grievance"

References:

Education Code Section 76224(a);
Title IX, Education Amendments of 1972;
ACCJC Accreditation Eligibility Requirement 20;
ACCJC Accreditation Standard IV.D
~~————(Old BP 6.4.3)~~

The purpose of this procedure is to provide a prompt and equitable means of resolving student complaints ~~grievances~~. ~~A complaint grievance is defined as an actual or supposed circumstance that adversely affects the grades, status, or rights of a student. Complaint Grievances concerning course grades are permitted to the extent that such complaint grievance alleges mistake, fraud, bad faith or incompetence as set out in Education Code Section 76224(a).~~ These procedures shall be available to any student who reasonably believes a college decision or action has adversely affected his or her status, rights ~~of~~ or privileges as a student. The procedure shall include, but not be limited to, grievances regarding:

~~A student who contends that he/she has been treated unfairly has the right without fear of reprisal to right an alleged wrong. This complaint policy applies to unfairness as it relates to areas such as but not limited to:~~

- ~~• Assignment of grades;~~
- Access to classes;
- Deviation from course content;
- Refusal of instructor to confer with a student;
- Sex discrimination as prohibited by Title IX of the Higher Education Amendments of 1972;
- Financial aid [unless the District's financial aid policy contains an appeal procedure];
- Course grades, to the extent permitted by Education Code Section 76224(a), which provides: "When grades are given for any course of instruction taught in a community college District, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final." "Mistake" may include, but is not limited to errors made by an instructor in calculating a student's grade and clerical errors;
- The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.

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This policy does not apply to:

1. Student Code of Conduct issues.
2. Allegations of discrimination based on race, color, national origin, sex (including sexual harassment), disability, or age in any of its policies, procedures, or practices, in compliance with Title VI of the Civil Rights Act of 1964 (pertaining to race, color or national origin), Title IX of the education Amendments of 1972 (pertaining to sex), Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (pertaining to disability) and the Age Discrimination Act of 1975 (pertaining to age). For complaints of this nature, please refer to the Discrimination Complaint Form.
3. Student disciplinary actions, which are covered under separate Board policies and Administrative Procedures.
4. Police citations (i.e. "tickets"); complaints about citations must be directed to the County Courthouse in the same way as any traffic violation.

For a clarification regarding student conduct issues ~~of or~~ discrimination issues, the student may contact the Director of Admissions & Records, Director of Disabled Student Programs and Services or Title IX Officer.

INFORMAL RESOLUTION

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

The ~~CEO~~ shall appoint an employees who shall assist students in seeking resolution by informal means. This person shall be called the Grievance Officer. The Grievance Officer and the student may also seek the assistance of the Associated Student Organization in attempting to resolve a grievance informally. (Does not apply)

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

Any student who believes he/she has a grievance shall file a Statement of Grievance with the Grievance Officer within [number] days of the incident on which the grievance is based, or [number] days after the student learns of the basis for the grievance, whichever is later. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official (Keep local practice)

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

A grievance complaint must be initiated within twenty (20) instructional days of the alleged act or decision. If the alleged circumstance or act occurs during the last twenty (20) instructional days of the Spring semester, the complaint grievance must be made prior to the end of the third Friday of the Fall semester.

Step 1 The student may discuss the problem with the individual or the individual's supervisor involved or his/her counselor.

Step 2 If a mutually satisfactory understanding has not been reached with the other person, the student may, within five (5) instructional days, present the complaint student grievance to the immediate supervisor.

If Complaint Grievance is About:

Contact:

Classified Staff/ Managers/
Confidentials
Teaching & Non-Teaching Faculty

Immediate Supervisor/Dean for
Human Resources
Instructional Dean or Student
Services Dean
Instructional Dean
Vice President Academic Services
Dean/ Vice President or President
Dean of Student Affairs and
Enrollment Services

Department Chair
Instructional Dean
Administrator
Another Student

Within two days following receipt of a grievance, the Statement of Grievance Form, the immediate supervisor Grievance Officer shall advise the student of his or her rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form. The supervisor must respond via verbal communication or email orally within ten (10) instructional days of the initiation of the grievance complaint.

FORMAL RESOLUTION

Step 3 If, within ten(10) days, the grievance is not resolved informally, or the student is not satisfied with the resolution recommended by the supervisor, or if the supervisor does not respond timely, ~~If an informal resolution does not occur within ten (10) instructional days of the supervisor's response,~~ a student may submit a complaint student grievance form to the Vice President for Academic Services regarding academic matters or Dean of Student Affairs & Enrollment Services regarding non-academic matters.

The Vice President for Academic Services or the Dean of Student Affairs & Enrollment Services will respond in writing to the grievance complaint within ten (10) instructional days of receipt of the grievance form. complaint.

Students' Complaint grievance forms are available from:

Dean of Student Affairs	Student Affairs	(760) 355-6456
Director of Disabled Student Programs & Services	DSP&S Office	(760) 355-6312
Title IX Officer	Counseling	(760) 355-6264

Or at: <http://www.imperial.edu/students/admissions-and-records/>

REQUEST FOR HEARING

Step 4 If a student is not satisfied with the decision made by the Vice President for Academic Services, Vice President of Student Services, or the Dean of Student Affairs & Enrollment Services, a student may request a hearing within five (5) instructional days of that decision (forms are available ~~may be found~~ in the Student Affairs Office and on the back of the handbook Handbook for Student Leaders).

Academic matters will be heard by the Admissions, Petitions and Registration Committee. Non-Academic Matters will be heard by the Student Affairs Committee.

A request for a hearing shall be filed no later than thirty (30) instructional days following the initiation of the grievance complaint (step 2). If a

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grievance complaint is filed within the last thirty (30) instructional days of the semester the president of the college may delay any further action on the **grievance complaint** until the next semester.

Any committee member who has a direct involvement with the **grievance complaint** shall be excluded from reviewing that **grievance complaint** or participating in any manner in the determination of the ultimate outcome of that **grievance-complaint**.

Grievance Hearing Committee: The **[CEO]** shall at the beginning of each semester, including any summer session, establish a standing panel of **[number]** members of the college community, including **[number]** students, **[number]** faculty members and **[number]** administrators, from which one or more Grievance Hearing Committees may be appointed. The panel will be established with the advice and assistance of the Associated Students Organization and the Academic Senate, who shall each submit **[number]** names to the **[CEO]** for inclusion on the panel. A Grievance Hearing Committee shall be constituted in accordance with the following:

- It shall include **[number]** students, **[number]** instructors, and **[number]** college administrator selected from the panel described above.
- No person shall serve as a member of a Grievance Hearing Committee if that person has been personally involved in any matter giving rise to the grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner. Any party to the grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the **[CEO]** who shall determine whether cause for disqualification has been shown. If the **[CEO]** feels that sufficient ground for removal of a member of the committee has been presented, the **[CEO]** shall remove the challenged member or members and substitute a member or members from the panel described above. This determination is subject to appeal as defined below.
- The Grievance Officer shall sit with the Grievance Hearing Committee but shall not serve as a member nor vote. The Grievance Officer shall coordinate all scheduling of hearings, shall serve to assist all parties and the Hearing Committee to facilitate a full, fair and efficient resolution of the grievance, and shall avoid an adversary role. (Kept Local practice)

Request for Grievance Hearing— Any request for a grievance hearing shall be filed on a Request for a Grievance Hearing within **[number]** days after filing the Statement of Grievance as described above. (Kept Local practice)

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Within **[number]** days following receipt of the request for grievance hearing, the **[CEO]** shall appoint a Grievance Hearing Committee as described above, and **† (Kept Local practice)**

CCLC template procedure - Optional

If this process is adopted, this represents a major change to the current policy. (The Committee decides whether the Grievance presents sufficient grounds (criteria referenced below) to continue to a hearing). Need to decide whether to delete or adopt

The appropriate **Grievance Hearing** Committee shall meet in private and without the parties present to select a chair and to determine on the basis of the **Statement of** Grievance whether it presents sufficient grounds for a hearing.

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

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

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

If the Request for **Grievance** Hearing satisfies each of the requirements, the **College Grievance Officer** Committee Chair shall schedule a grievance hearing. The hearing will begin within **[twenty]** days following the decision to grant a **Grievance** Hearing. All parties to the grievance shall be given not less than **[five]** days' notice of the date, time and place of the hearing.

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Step 5 Hearing Procedures

Current Policy - Lacking Due Process Language, recommend CCLC language below

- a. The appropriate committee will meet within ten (10) instruction days of the request for a hearing.
- b. The student shall bear the burden of proving the allegations of his/her complaint.
- c. Hearings and the investigation and gathering of evidence conducted pursuant thereto shall be considered confidential unless all parties and the committee agree to a public hearing. The proceeding shall be recorded either by use of tape recorder, or by stenographic reporter.
- d. This is not a legal court proceeding, however all parties may have counsel or other representative present.
- e. At the conclusion of the hearing, the Committee shall meet privately to reach its decision by majority vote and prepare a written statement containing findings of fact, conclusions and its recommendation to the **CEO President/Superintendent** for his/her approval, rejection or modification. The student will be instructed to contact the Director **Dean** of Admissions & Records the day following the hearing to be informed verbally of the Committee's recommendation. The Committee's recommendation will also be sent to the student by certified mail within two (2) instructional days after the hearing.
- f. No reprisal of any kind will be taken by the **CEO President/Superintendent**, any member of the Committee, faculty, staff of the administration, or the Board of Trustees against any aggrieved person, or any witness in the complaint procedure by reason of the required participation.

Recommended CCLC Language

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

The members of the **Grievance** Hearing Committee shall be provided with a copy of the grievance and any written response provided by the

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respondent before the hearing begins.

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

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

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

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

Hearings shall be closed and confidential unless all parties request that it be open to the public. Any such request must be made no less than **[five]** days prior to the date of the hearing.

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

The hearing shall be recorded by the Hearing Committee ~~Grievance Officer either~~ by ~~tape~~ **electronic** recording ~~device or stenographic~~ recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by ~~an electronic recording device~~ **tape recording**, the ~~Grievance~~-Hearing Committee Chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. The ~~tape~~ **electronic**

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recording shall remain in the custody of the District, either at the college or the District office, at all times, unless released to a professional transcribing service. Any party may request a copy of the tape recording.

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

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

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

Step 6

Appeals

(Current Policy)

If the student desires to appeal the Hearing Committee's recommendation, this appeal must be made in writing directly to the ~~President/Superintendent~~ **CEO** within five (5) instructional days of the hearing.

The ~~President/Superintendent~~ **CEO** may approve, reject or modify the Hearing Committee's recommendation within five (5) instructional days after the appeal is received.

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If the student is not satisfied with the decision of the President/Superintendent, he/she may make a final appeal to the Board of Trustees.

In order for this appeal to be placed on the Board agenda, a request must be submitted at least ten (10) instructional days prior to the next Board meeting. The Board shall then notify the student(s) of its decision within five (5) instructional days of the meeting.

(Recommended CCLC Language, if adopted represents a big change in current process, the difference is CEO decision is final, student does not have the option to appeal to Board of Trustees)

Any appeal relating to a **Grievance** Hearing Committee decision that the ~~Statement of Grievance~~ form does not present a grievance as defined in these procedures shall be made in writing to the **CEO** within **[five]** days of that decision. The **CEO** shall review the ~~Statement of Grievance~~ and Request for **Grievance** Hearing in accordance with the requirements for a grievance provided in these procedures, but shall not consider any other matters. The **CEO's** decision whether or not to grant a **grievance** hearing shall be final and not subject to further appeal.

Definitions:

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

CEO – The **CEO** or a designated representative of the **CEO**.

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

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

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

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References:

Education Code Section 76224(a);
Title IX, Education Amendments of 1972;
ACCJC Accreditation Eligibility Requirement 20;
ACCJC Accreditation Standard IV.D

NOTE: *This procedure is **legally required**. Local practice may be inserted. The following is an illustrative example that meets legal requirements, especially for Title IX requirements.*

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

- Sex discrimination as prohibited by Title IX of the Higher Education Amendments of 1972;
- ~~Sexual harassment~~
- Financial aid [unless the District's financial aid policy contains an appeal procedure];
- ~~Illegal discrimination~~
- ~~_____~~
- Course grades, to the extent permitted by Education Code Section 76224(a), which provides: "When grades are given for any course of instruction taught in a community college District, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final." "Mistake" may include, but is not limited to errors made by an instructor in calculating a student's grade and clerical errors.;
- ~~_____~~
- The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.
- ~~_____~~

This procedure does not apply to:

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

Definitions:

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

[**CEO**] – The [**CEO**] or a designated representative of the [**CEO**].

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

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

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

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

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

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

Any student who believes he/she has a grievance shall file a Statement of Grievance with the Grievance Officer within [**number**] days of the incident on which the grievance is based, or [**number**] days after the student learns of the basis for the grievance, whichever is later. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Within two days following receipt of the Statement of Grievance Form, the Grievance Officer shall advise the student of his or her rights and responsibilities

under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form.

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

NOTE: *The following is optional.*

Grievance Hearing Committee: The **[CEO]** shall at the beginning of each semester, including any summer session, establish a standing panel of **[number]** members of the college community, including **[number]** students, **[number]** faculty members and **[number]** administrators, from which one or more Grievance Hearing Committees may be appointed. The panel will be established with the advice and assistance of the Associated Students Organization and the Academic Senate, who shall each submit **[number]** names to the **[CEO]** for inclusion on the panel. A Grievance Hearing Committee shall be constituted in accordance with the following:

- It shall include **[number]** students, **[number]** instructors, and **[number]** college administrator selected from the panel described above.
- No person shall serve as a member of a Grievance Hearing Committee if that person has been personally involved in any matter giving rise to the grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner. Any party to the grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the **[CEO]** who shall determine whether cause for disqualification has been shown. If the **[CEO]** feels that sufficient ground for removal of a member of the committee has been presented, the **[CEO]** shall remove the challenged member or members and substitute a member or members from the panel described above. This determination is subject to appeal as defined below.
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- The Grievance Officer shall sit with the Grievance Hearing Committee but shall not serve as a member nor vote. The Grievance Officer shall coordinate all scheduling of hearings, shall serve to assist all parties and the Hearing Committee to facilitate a full, fair and efficient resolution of the grievance, and shall avoid an adversary role.
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Request for Grievance Hearing – Any request for a grievance hearing shall be filed on a Request for a Grievance Hearing within **[number]** days after filing the Statement of Grievance as described above.

Within **[number]** days following receipt of the request for grievance hearing, the **[CEO]** shall appoint a Grievance Hearing Committee as described above, and the Grievance Hearing Committee shall meet in private and without the parties present to select a

chair and to determine on the basis of the Statement of Grievance whether it presents sufficient grounds for a hearing.

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

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

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

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

NOTE: *A hearing must comply with principles of due process, including the right to confront and cross examine witnesses. The following procedure is **legally advised**.*

Hearing Procedure

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

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

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

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

Unless the Grievance Hearing Committee determines to proceed otherwise, each party to the grievance shall be permitted to make an opening statement. Thereafter, the

grievant or grievants shall make the first presentation, followed by the respondent or respondents. The grievant(s) may present rebuttal evidence after the respondent(s)' evidence. The burden shall be on the grievant or grievants to prove by substantial evidence that the facts alleged are true and that a grievance has been established as specified above.

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

Hearings shall be closed and confidential unless all parties request that it be open to the public. Any such request must be made no less than **[number]** days prior to the date of the hearing.

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

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

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

Within **[number]** days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the **[CEO]** a written decision. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall also include a specific recommendation regarding the relief to be afforded the grievant, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original

grievance, any written response, and the oral and written evidence produced at the hearing.

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

Appeal: Any appeal relating to a Grievance Hearing Committee decision that the Statement of Grievance does not present a grievance as defined in these procedures shall be made in writing to the **[CEO]** within **[number]** days of that decision. The **[CEO]** shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a grievance provided in these procedures, but shall not consider any other matters. The **[CEO]**'s decision whether or not to grant a grievance hearing shall be final and not subject to further appeal.

NOTE: *The following section applies only to multi-college Districts.*

Any party to the grievance may appeal the decision of the **[CEO]** after a hearing before a Grievance Hearing Committee by filing an appeal with the Chancellor. The Chancellor may designate a District administrator to review the appeal and make a recommendation.

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

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

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

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

The decision on appeal shall be reached within five days after receipt of the appeal documents. Copies of the **[CEO]**s appeal decision shall be sent to all parties.

Time Limits:

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

Revised 8/07, 4/15

(No AP posted on Website, in Student Leadership Handbook, also Posted on Campus Safety Website)

IMPERIAL COMMUNITY COLLEGE DISTRICT

AP 5520 Student Discipline Procedures

Reference:

Education Code Sections 66017, 66300, 72122, 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 Standards of Student Conduct, which guarantees the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

These Administrative Procedures are specifically not intended to infringe in any way on the rights of student 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.

Students and campus organizations must comply with the Standards of Student Conduct established by the board of Trustees of the Imperial Community College District in collaboration with the College faculty, administration and students. Violations of such rules are subject to the following appropriate disciplinary action which shall be administered by appropriate College authorities in accordance with the Due Process Disciplinary Procedures. Penalties are listed in degree of severity, but not necessarily in chronological order of administration.

Warning- Notice to the student or organization that continuation or repetition of specified conduct may be cause for further disciplinary action.

Reprimand- Written reprimand for violation of specified rules. A student or organization receiving a reprimand is notified that continued conduct of the type described in the reprimand may result in formal disciplinary action.

Disciplinary Action- Expulsion from participation in privileges or extracurricular College activities set forth in the notice of disciplinary probation for a specified period of time. The imposition of disciplinary probation shall include notification in writing of the reason for disciplinary probation to the student and parent or guardian where the student is a minor, or to a designated officer where a student organization is involved.

Restitution, Reimbursement for damage or Misappropriation of Property- Reimbursement may take the form of appropriate service to repair or otherwise compensate for damage.

(No AP posted on Website, in Student Leadership Handbook, also Posted on Campus Safety Website)

Suspension- A student may be suspended by the Governing Board, the CEO Superintendent/President or his designee, or by an instructor for good cause as related to College activity or attendance. The CEO Superintendent/President or his designee may suspend a student: (a) from one or more classes for up to 10 (ten) days of instruction; (b) from one or more classes for the remainder of the school term; or (c) from all College classes and activities for one or more terms.

Removal by Instructor- An instructor may remove a student for the day of removal and the next class meeting. Such action must be immediately reported to the CEO superintendent/President. During the period of removal the student may not be returned without the consent of the instructor.

Expulsion- An expulsion is a long term or permanent denial of all campus privileges, including class attendance. When applied to a campus organization, expulsion refers to denial of all charter privileges for a like period of time. Students and campus organizations may be suspended from all campus privileges, including class attendance, while appeals and hearings are in progress. The Governing Board may expel when: (a) other means of conviction fails to bring about proper conduct, or (b) presence of the student causes a continuing danger to the physical safety of the student or others.

Definitions:

District – The *[insert name of district]*.

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

Instructor – Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

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

Long-term Suspension – Exclusion of the student by the *[CEO]* for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

(No AP posted on Website, in Student Leadership Handbook, also Posted on Campus Safety Website)

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

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

Written or verbal reprimand — An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

Withdrawal of Consent to Remain on Campus — Withdrawal of consent by the **[designate authority]** for any person to remain on campus in accordance with California Penal Code Section 626.4 where the **[designate authority]** has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus. (Kept Local definitions)

Conduct of Non-Students

Persons who are not students or employees of the College, while on College property, shall be required to adhere to the Standards of Conduct applicable to student and to abide by campus policies and regulations. Non-College persons shall address meetings on campus only pursuant to an invitation from the Governing Board, members of the teaching staff, administration, or chartered student organization (See Campus Speakers Policy).

All persons on College property shall be responsible for reasonable cause to identify themselves upon request by a College official and to state the purpose for which they have entered the campus.

Due Process Disciplinary Procedures

1. Purpose and Scope- The following policies regulating student disciplinary actions are adopted for the purpose of creating a uniform method of disciplining students and organizations, thus according them fair and objective treatment. ~~These policies shall not apply to suspensions from classes or the College imposed by members of the certificated staff of the District pursuant to Section 76031 of the Education Code, not to sanctions imposed for the failure of students to satisfy the academic standards of the College or State law. (Wrong Ed Code cited)~~

2. Disciplinary Authority- The CEO Superintendent/President has designated the ~~Associate~~ Dean of Student Affairs & Enrollment Services as the Disciplinary Authority.

(No AP posted on Website, in Student Leadership Handbook, also Posted on Campus Safety Website)

In his/her absence, the Vice President for Academic Services, the Dean of **Business Administrative Services**, or Vice President for Student Services may act as the Disciplinary Authority. It is the responsibility of these persons acting individually, or in concert, to recommend disciplinary action against students and organizations in the manners prescribed herein.

3. Disciplinary Appeals Board- the College shall establish Disciplinary Appeals Board which shall be made up of members of the Student Affairs Committee. The Disciplinary Appeals Board shall select one faculty member to act as chairperson. In no event shall the **Associate Dean of Student Affairs & Enrollment Services** sit or act as a member of the Disciplinary Appeals Board.

4. Procedures Preliminary to Disciplinary Action- Disciplinary action may be recommended by the Disciplinary Authority for violation of one or more of the Standards of Conduct. In advance of the imposition of disciplinary action, the Disciplinary Authority shall interview the concerned student or organization officers for the purpose of discussing the misconduct of which the student or organization is accused and the disciplinary action, if any, which will be recommended.

5. Initiation of Discipline- At, or after the conclusion of the interview referred to in section 4 **above** (or after the student or organization representatives fail to attend the interview, proper notice having been given) disciplinary action may be recommended by the Disciplinary Authority by serving upon the student charged, and if he/she is a minor, by also sending by registered mail to a parent, guardian, or adult responsible for the student identified in the student's file to the last known address therein, or to the originally scheduled interview, which shall include the following:

- a. A copy of these policies;
- b. A detailed statement of the specific acts and omission upon which the charges are based;
- c. Grounds for disciplinary action as contained in these policies;
- d. The specific disciplinary action to be recommended;
- e. If any form of probation or expulsion is to be imposed, notice **of the decision thereof** and the reason therefore **shall be given to the student. The student shall fill out and** a card **or a paper**, the filling out and filing of which constitutes a sufficient Notice of Appeal. The card shall specify the last date on which an Appeal may be filed.

~~**Short-term Suspensions, Long-term Suspensions, and Expulsions:** Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:~~

(No AP posted on Website, in Student Leadership Handbook, also Posted on Campus Safety Website)

- **Notice** — The **[designated position]** will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - the specific section of the Standards of Student Conduct that the student is accused of violating;
 - a short statement of the facts supporting the accusation;
 - the right of the student to meet with the **[designated position]** or designee to discuss the accusation, or to respond in writing;
 - the nature of the discipline that is being considered;
- **Time limits** — The notice must be provided to the student within **[number of days]** of the date on which the conduct took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within **[number of days]** of the date on which conduct occurred which led to the decision to take disciplinary action.
- **Meeting** — If the student chooses to meet with the **[designated position]**, the meeting must occur no sooner than **[number of days]** after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

Short-term Suspension — Within **[number of days]** after the meeting described above, the **[CEO]** shall, pursuant to a recommendation from the **[number of days]**, decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the **[CEO]** decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The **[CEO's]** decision on a short-term suspension shall be final.

Long-term Suspension — Within **[number of days]** after the meeting described above, the **[CEO]** shall, pursuant to a recommendation from the **[designated position]**, decide whether to impose a long-term suspension. Written notice of the **[CEO]** decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.

Expulsion — Within **[number of days]** days after the meeting described above, the **[CEO]** shall, pursuant to a recommendation from the **[designated position]**, decide whether to recommend expulsion to the Board of Trustees. Written notice of the **[CEO's]** decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.

(No AP posted on Website, in Student Leadership Handbook, also Posted on Campus Safety Website)

Hearing Procedures – Request for Hearing.

NOTE: *Timelines may be locally determined. Five days is usually the minimum notice time accepted by courts.*

Within **[number]** days after receipt of the **[CEO's]** decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the **[CEO]** or designee.

Schedule of Hearing – The formal hearing shall be held within **[number]** days after a formal request for hearing is received.

6. Right of Appeal- Not later than (10) school days after the service of the notice of recommendation for any form of probation or expulsion upon a student or organization president, or the mailing of said notice to the responsible parent or guardian, whichever is later, the student or his/her parent or guardian, or the organization president, may appeal the disciplinary action to the Disciplinary Appeal Board by filling-out and filing notice of appeal with the **Associate** Dean of Student Affairs & Enrollment Services.

If the student, parent, guardian, or organization's president fails to appeal the disciplinary action in the manner prescribed above, the matter of discipline shall be referred to the **Superintendent/President CEO** for approval. If the **Superintendent/President CEO** decides to recommend expulsion, his decision shall be referred to the Governing board for approval, rejection, or modification.

Hearing By Disciplinary Appeals Board- If the student, or his/her parent, guardian, or the campus organization appeals the notice of disciplinary action recommendation described in Section 5, in the manner prescribed in Section 6 above, the Disciplinary Appeals Board shall conduct a hearing upon the charges contained in the Notice of Disciplinary Action. The appellant shall be give not less than forty-eight (48) hours advance notice of the time, date and place of said hearing. The Disciplinary Authority recommending the discipline shall be present at the hearing and the appellant and his/her parent or guardian shall have a right to be present.

Both the appellant and the Disciplinary Authority may be presented by counsel.

The hearing will concern itself with the question of whether the alleged act and/or omission contained in the notice of disciplinary action and giving rise to the recommended disciplinary action, did the factor occur, and whether the act and/or omission constituted a violation of the standards cited in the notice, and, if so, what Disciplinary action should be recommended. During the hearing the Disciplinary

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Authority shall be allowed to present evidence in support of the charges contained in the notice of disciplinary action and concerning the propriety of the discipline recommended. The appellant shall have the right to present evidence refuting such charges and explaining the impropriety of the discipline recommended. Either party or their counsel may cross-examine witnesses at the hearing.

Hearings shall be conducted in a closed meeting, unless the appellant has expressly requested an open hearing. The disciplinary committee shall record the proceedings either by use of a tape recorder, or by a stenographic reporter. At the conclusion of the hearing, the Committee shall render a written decision, based up on a majority vote, which shall contain finding of fact and conclusion regarding the issue of whether the act and omission charged occurred, whether it constituted a violation of the Standards of Student Conduct, and the type of disciplinary action, if any, which it recommends.

NOTE: *The hearing must comply with principles of due process, including the right to confront and cross examine witnesses. The following procedure is **legally advised**.*

Conduct of the Hearing

The members of the hearing panel shall be provided with a copy of the grounds for disciplinary action ~~accusation~~ against the student and any written response provided by the student before the hearing begins.

The facts supporting the disciplinary action ~~accusation~~ shall be presented by a college representative who shall be the [Disciplinary Authority].

The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

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

Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.

The student may represent himself/herself, and may also have the right to be represented by a person of his/her choice. **[Suggested language: except that the** The student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an

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advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.]

Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than **[five]** prior to the date of the hearing.

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

The hearing shall be recorded by the District **either by tape by electronic recording device or stenographic recording**, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by **tape electronic** recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. **Tape Electronic** recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the **tape electronic** recording.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded is not unavailable.

Within [number] days Following the close of the hearing, the hearing panel shall prepare and send to the **[CEO]** a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

Decision by CEO College President- The disciplinary action recommended by the Disciplinary Appeals Board shall be transmitted to the **CEO Superintendent/President** for his approval, rejection, or modification. Neither the student nor his/her parent or guardian, or the organization where applicable, shall have a right to a hearing by the **CEO superintendent/President**. If the **CEO Superintendent/President** decides to recommend expulsion, his decision shall be referred to the Governing Board of the District for approval, rejections, or modification.

(No AP posted on Website, in Student Leadership Handbook, also Posted on Campus Safety Website)

[CEO's] Decision:

Long-term suspension — Within *[number of days]* following receipt of the hearing panel's recommended decision, the *[CEO]* shall render a final written decision. The *[CEO]* may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the *[CEO]* modifies or rejects the hearing panel's decision, the *[CEO]* shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the *[CEO]* shall be final.

Expulsion — Within *[number of days]* following receipt of the hearing panel's recommended decision, the *[CEO]* shall render a written recommended decision to the Board of Trustees. The *[CEO]* may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the *[CEO]* modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The *[CEO]* decision shall be forwarded to the Board of Trustees.

Board of Trustees Decision: The Board of Trustees shall consider any recommendation from the *[CEO]* for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

The Board 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 (Education Code Section 72122).

The student shall be notified in writing, by registered or certified mail or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within forty-eight 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 Board may accept, modify or reject the findings, decisions and recommendations of the *[CEO]* or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final.

The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.

(No AP posted on Website, in Student Leadership Handbook, also Posted on Campus Safety Website)

Immediate Interim Suspension (Education Code Section 66017): The **[CEO]** 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 **[CEO]** and the **[Disciplinary Authority]**. The **[Disciplinary Authority]** shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the **[Disciplinary Authority]** shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the **[Disciplinary Authority]** from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

Withdrawal of Consent to Remain on Campus: The **[Disciplinary Authority]** may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she must promptly leave or be escorted off campus. If consent is withdrawn by the **[Disciplinary Authority]** a written report must be promptly made to the **[CEO]**.

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

In no case shall consent be withdrawn for longer than **[number of days, no more than 14 days]** from the date upon which consent was initially withdrawn.

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

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

AP 5520 Student Discipline Procedures

References:

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

NOTE: *This procedure is **legally required, except as specifically noted**. Local practice may be inserted, but must comply with the standards of due process reflected in this example.*

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

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

Definitions:

District – The [*insert name of district*].

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

Instructor – Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

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

Long-term Suspension – Exclusion of the student by the [*CEO*] for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

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

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

Written or verbal reprimand – An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

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

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

Short-term Suspensions, Long-term Suspensions, and Expulsions: Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

- **Notice** – The **[designated position]** will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - the specific section of the Standards of Student Conduct that the student is accused of violating.
 - a short statement of the facts supporting the accusation.
 - the right of the student to meet with the **[designated position]** or designee to discuss the accusation, or to respond in writing.
 - the nature of the discipline that is being considered.
- **Time limits** – The notice must be provided to the student within **[number of days]** of the date on which the conduct took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within **[number of days]** of the date on which conduct occurred which led to the decision to take disciplinary action.
- **Meeting** – If the student chooses to meet with the **[designated position]**, the meeting must occur no sooner than **[number of days]** after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

Short-term Suspension – Within **[number of days]** after the meeting described above, the **[CEO]** shall, pursuant to a recommendation from the **[number of days]**, decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the **[CEO]** decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The **[CEO's]** decision on a short-term suspension shall be final.

Long-term Suspension – Within **[number of days]** after the meeting described above, the **[CEO]** shall, pursuant to a recommendation from the **[designated position]**, decide whether to impose a long-term suspension. Written notice of the **[CEO]** decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.

Expulsion – Within **[number of days]** days after the meeting described above, the **[CEO]** shall, pursuant to a recommendation from the **[designated position]**, decide whether to recommend expulsion to the Board of Trustees. Written notice of the **[CEO's]** decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.

Hearing Procedures – Request for Hearing.

NOTE: *Timelines may be locally determined. Five days is usually the minimum notice time accepted by courts.*

Within **[number]** days after receipt of the **[CEO's]** decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the **[CEO]** or designee.

Schedule of Hearing – The formal hearing shall be held within **[number]** days after a formal request for hearing is received.

NOTE: *The Board of Trustees may hear these matters itself, or may use the services of a hearing officer or a panel. If the hearing panel format is adopted, the following is suggested.*

Hearing Panel – The hearing panel for any disciplinary action shall be composed of **[insert composition, such as one administrator, one faculty member and one student.]**

The **[CEO]**, the president of the Academic Senate, and the AS president shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearing panels. The **[CEO]** shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

Hearing Panel Chair – The **[CEO]** shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

Conduct of the Hearing

NOTE: *The hearing must comply with principles of due process, including the right to confront and cross examine witnesses. The following procedure is **legally advised**.*

The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.

The facts supporting the accusation shall be presented by a college representative who shall be the **[designate position]**.

The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

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

Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.

The student may represent himself/herself, and may also have the right to be represented by a person of his/her choice. **[Suggested language: except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.]**

Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than **[number of days]** prior to the date of the hearing.

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

The hearing shall be recorded by the District either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to

identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded is not unavailable.

Within **[number]** days following the close of the hearing, the hearing panel shall prepare and send to the **[CEO]** a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

[CEO's] Decision:

Long-term suspension – Within **[number of days]** following receipt of the hearing panel's recommended decision, the **[CEO]** shall render a final written decision. The **[CEO]** may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the **[CEO]** modifies or rejects the hearing panel's decision, the **[CEO]** shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the **[CEO]** shall be final.

Expulsion – Within **[number of days]** following receipt of the hearing panel's recommended decision, the **[CEO]** shall render a written recommended decision to the Board of Trustees. The **[CEO]** may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the **[CEO]** modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The **[CEO]** decision shall be forwarded to the Board of Trustees.

Board of Trustees Decision: The Board of Trustees shall consider any recommendation from the **[CEO]** for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

The Board 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 (Education Code Section 72122).

The student shall be notified in writing, by registered or certified mail or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within forty-eight 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 Board may accept, modify or reject the findings, decisions and recommendations of the **[CEO]** or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final.

The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.

Immediate Interim Suspension (Education Code Section 66017): The **[CEO]** 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 **[CEO]** and the **[designated position]**. The **[designate position]** shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the **[designated position]** shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the **[designated position]** from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

Withdrawal of Consent to Remain on Campus: The **[designate position]** may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she must promptly leave or be escorted off campus. If consent is withdrawn by the **[designate position]** a written report must be promptly made to the **[CEO]**.

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

In no case shall consent be withdrawn for longer than ***[number of days, no more than 14 days]*** from the date upon which consent was initially withdrawn.

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

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

Revised 6/13, 4/14, 4/15

**IMPERIAL COMMUNITY COLLEGE DISTRICT
AP 5570 Student Credit Card Solicitation**

References:

Education Code Section 99030; Title 5 Section 54400; Civil Code Section 1747.02(m)

Note: A procedure is **legally advised**. Insert local practice. The list reflects criteria in Education Code Section 99030. The procedures may include:

Credit card solicitation will be regulated by the District to include the following:

- Sites at which student credit cards are marketed should be registered with the Student Affairs Office ~~campus administration~~.
- The number of sites allowed on campus may be limited.
- Marketers of student credit cards are prohibited from offering gifts to students for filling out credit card applications.
- Credit card and debt education and counseling sessions are offered to students during campus events.
- The District uses existing debt education resources prepared by nonprofit entities and does not incur the expense of preparing new material.

Office of Primary Responsibility: Student Affairs

Note: If the District offers education and counseling sessions to students, Education Code Section 99030 states that the District shall use existing debt education materials prepared by nonprofit entities and thus not incur the expense of preparing new materials.

AP 5570 Student Credit Card Solicitation

References:

Education Code Section 99030;
Title 5 Section 54400;
Civil Code Section 1747.02(m)

Note: *A procedure is **legally advised**. Insert local practice. The list reflects criteria in Education Code Section 99030. The procedures may include:*

Sites at which student credit cards are marketed should be registered with the campus administration.

The number of sites allowed on campus may be limited.

Marketers of student credit cards are prohibited from offering gifts to students for filling out credit card applications.

Credit card and debt education and counseling sessions are offered to students [**indicate strategies, such as during orientation of new students, etc.**].

Note: *If the District offers education and counseling sessions to students, Education Code Section 99030 states that the District shall use existing debt education materials prepared by nonprofit entities and thus not incur the expense of preparing new materials.*

New 8/03

IMPERIAL COMMUNITY COLLEGE DISTRICT
AP 5040 Student Records, Directory Information, and Privacy Challenging
Content, Access Log

Reference: *Education Code Sections 71091 and 76200 et seq.;*
Title 5, 54600 et seq.;
20 U.S. Code Section 1232 g(j)(U.S. Patriot Act);
Civil Code Section 1798.85;
ACCJC Accreditation Standard II.C.8

NOTE: *This procedure is **legally required**. Local practice may be inserted. Definitions of “student records” are contained in Education Code Section 76210. The following is an illustrative example that meets legal requirements.*

A cumulative record of enrollment, scholarship, and educational progress shall be kept 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.
[Insert local procedure on obtaining consent or student request].
- In completing the admission application, students are provided the opportunity to request that their directory information be maintained as confidential. Students who wish to change their request, may do so in writing to the Admissions and Records Office at any time to become effective within five to ten working days.”
- “Directory information” may be released in accordance with the definitions in Board Policy [***BP 5040***].
- Directory information shall include:
 - Student participation in officially recognized activities and sports including weight, height and high school of graduation of athletic team members.
 - Degrees and awards received by students, including honors, scholarship awards, athletic awards and Dean’s List recognition.

- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. ***[Insert local procedure on receiving orders or subpoenas, including definitions of lawfully issued subpoena]***
- Student records shall be released pursuant to a federal judicial order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism.
- Student records may be released to officials and employees of the District only when they have a legitimate educational interest to inspect the record.
- ***[Insert local procedure on release of records to District officials and employees.]***

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. ***[Insert local procedures or who is responsible for providing such information and defining procedure.]***

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 Section 76225. ***[Insert local procedures or who is responsible for providing such information and defining procedure.]***

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. ***[Insert local procedures or who is responsible for providing such information and defining procedures.]***

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. ***[Insert local procedures or who is responsible for providing such information and defining procedure]***

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. ***[Insert local procedures or who is responsible for providing such information and defining procedure.]***

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, major(s), 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 made available to the student, or to an addressee designated by him/her, at the rate of [***\$\$2.00***] per copy. ~~Students may request special processing of a transcript.~~

Electronic Transcripts

The District ~~has~~ ~~may elect to~~ **implemented** a process for the receipt and transmission of electronic student transcripts. ~~contingent upon receipt of sufficient funding.~~

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 devise; 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;
 - To establish, amend, or terminate an account, contract, or policy; or
 - To confirm the accuracy of the social security number.

If the District has, prior to January 1, 2004, used an individual's social security number in a manner inconsistent with the above restrictions, it may continue using that individual's social security number in that same manner only if:

- The use of the social security number is continuous;
- The individual is provided an annual disclosure that informs the individual that he/she has the right to stop the use of his/her social security number in a manner otherwise prohibited;
- The District agrees to stop the use of an individual's social security number in a manner otherwise prohibited upon a written request by that individual;
- No fee shall be charged for implementing this request; and the District shall not deny services to an individual for making such a request.

~~FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)~~

~~Release of Information~~

~~The Imperial Community College District (ICCD) releases directory information regarding current or former students unless students have specifically requested that directory information be kept confidential.~~

~~ICCD designates the following as directory information: name, address, phone number, class schedule, dates of attendance, major field of study, awards and degrees received, most recent institution attended, participation in official college activities and sports, weight and height of members of athletic teams, part-time or full-time enrollment status, and photographs.~~

~~In completing the admission application, students are provided the opportunity to request that their directory information be maintained as confidential. Students who wish to change their request, may do so in writing to the Admissions and Records Office at any time to become effective within five to ten working days.~~

~~Right to Inspect and Review Records~~

~~All currently enrolled or former students have a right to inspect and review all student records relating to them. Student record is defined according to the Family Educational Rights and Privacy Act (FERPA). Students must submit written requests identifying the record(s) they wish to inspect to the Admissions and Records Office.~~

~~Access shall be granted no later than 15 school days following the date the written request is received. Within the same 15 school days, the student will be notified of the location of all official student records if not centrally located and qualified personnel will be made available to interpret records where appropriate.~~

Right to Request Amendment of Student Records

~~Students may file a written request with the Superintendent/President to correct or remove information recorded in their student records which they allege 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 calendar days of receipt of such request, the Superintendent/President, or his designee, shall meet with the student and the employee who recorded the information in question, if such employee is presently employed by the District. The Superintendent/President, or his designee, shall then sustain or deny the allegations.~~

~~If any or all allegations are sustained, the Superintendent/President, or his designee, shall order the correction or removal and destruction of the information. If any or all of the allegations are denied, the student may appeal the decision in writing to the Board of Trustees within 30 calendar days of the denial.~~

~~Within 30 days of the receipt of an appeal, the Board of Trustees shall, in closed session with the student and employee who recorded the information in question, if presently employed by the District, determine whether to sustain or deny the allegation(s). If the Board sustains any or all of the allegations, it shall order the immediate correction or removal and destruction of the information. The decision of the Board shall be final.~~

~~Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the Board, unless the student initiates legal proceedings relative to the disputed information within the prescribed period.~~

~~If the decision of the Board is unfavorable to students, or students accept an unfavorable decision by the Superintendent/President, they shall have the right to submit a written statement of their objections which shall become part of their student record until such time as the information to which the objection is made is corrected or removed.~~

Disclosure of Education Records

~~The District may permit access to student records to any person for whom the student has executed written consent specifying the records to be released and identifying the party or class of parties to whom the records may be released.~~

~~The District may not permit access to student records to any person without the written consent of the student or under judicial order except:~~

~~1. To officials and employees of the District who have a legitimate educational interest to inspect a record.~~

~~A school official is:~~

~~— A person employed by the District in an administrative, supervisory, academic, research, support staff, or security position.~~

~~— A person elected to the Board of Trustees.~~

~~— A student government officer conducting student elections.~~

~~— A person employed by or under contract to the District to perform a special task, such as the attorney or auditor.~~

~~School officials have a legitimate educational interest if they are:~~

~~— Performing a task that is specified in their position description or by a contract agreement.~~

~~— Performing a task related to a student's education.~~

~~— Performing a task related to the discipline of a student.~~

~~— Providing a service or benefit relating to the student such as health care, counseling, job placement or financial aid.~~

~~2. To officials of another school or school system, upon request, in which a student seeks, intends, or is directed to enroll, including local, county or state correctional facilities where educational programs are provided.~~

~~3. To certain officials of the U. S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.~~

~~4. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.~~

5. ~~To other state and local officials or authorities to the extent that information is specifically required to be reported pursuant to state law adopted prior to November 19, 1974.~~
6. ~~To organizations conducting certain studies for or on behalf of the College.~~
7. ~~To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, student aid programs, and improving instruction.~~
8. ~~To accrediting organizations in order to carry out their accrediting functions.~~
9. ~~To comply with a judicial order or a lawfully issued subpoena.~~
10. ~~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.~~
11. ~~To an alleged victim of any crime of violence of the results of an institutional disciplinary proceeding against the alleged perpetrator of that crime with respect to that crime.~~

~~Right to File Complaints with the Department of Education~~

~~Imperial Valley College students have the right to file complaints with the U. S. Department of Education concerning alleged failures by the College to comply with the Family Educational Rights and Privacy Act. Written complaints should be directed to The Family Policy Compliance Office, U.S. Department of Education, 600 Independence Avenue SW, Washington, DC 20202-4605; (202) 260-3887; FAX (202) 260-9001.~~

~~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 Chief Admissions and Records Officer or his/her designee, 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.~~

See BP 5040

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 20 U.S. Code Section 1232g(j) (U.S. Patriot Act);
Civil Code Section 1798.85;
ACCJC Accreditation Standard II.C.8

NOTE: This procedure is **legally required**. Local practice may be inserted. Definitions of “student records” are contained in Education Code Section 76210. The following is an illustrative example that meets legal requirements.

A cumulative record of enrollment, scholarship, and educational progress shall be kept 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. **[Insert local procedure on obtaining consent or student request].**
- “Directory information” may be released in accordance with the definitions in Board Policy **[insert local board policy number].** BP 5040
- **[Insert local procedure for releasing “directory information.”]**
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. **[Insert local procedure on receiving orders or subpoenas, including definitions of lawfully issued subpoena]**
- Student records shall be released pursuant to a federal judicial order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism.
- Student records may be released to officials and employees of the District only when they have a legitimate educational interest to inspect the record. **[Insert local procedure on release of records to District officials and employees.]**

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. ***[Insert local procedures or who is responsible for providing such information and defining procedure.]***

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 Section 76225. ***[Insert local procedures or who is responsible for providing such information and defining procedure.]***

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. ***[Insert local procedures or who is responsible for providing such information and defining procedures.]***

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. ***[Insert local procedures or who is responsible for providing such information and defining procedure]***

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. ***[Insert local procedures or who is responsible for providing such information and defining procedure.]***

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, major(s), 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 made available to the student, or to an addressee designated by him/her, at the rate of [\$_____] per copy. Students may request special processing of a transcript.

Electronic Transcripts

The District may elect to implement a process for the receipt and transmission of electronic student transcripts contingent upon receipt of sufficient funding.

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;
 - To establish, amend, or terminate an account, contract, or policy; or
 - To confirm the accuracy of the social security number.

If the District has, prior to January 1, 2004, used an individual's social security number in a manner inconsistent with the above restrictions, it may continue using that individual's social security number in that same manner only if:

- The use of the social security number is continuous;
- The individual is provided an annual disclosure that informs the individual that he/she has the right to stop the use of his/her social security number in a manner otherwise prohibited;
- The District agrees to stop the use of an individual's social security number in a manner otherwise prohibited upon a written request by that individual;
- No fee shall be charged for implementing this request; and the District shall not deny services to an individual for making such a request.

Revised 2/04, 2/08, 3/12, 4/14, 4/15

IMPERIAL COMMUNITY COLLEGE DISTRICT
AP 5050 ~~Matriculation~~ Student Success and Support Program

Reference:

Education Code Sections 78210 et seq.;

Title 5, Section 55500 et seq.;

ACCJC Accreditation Standard II.C.2

~~Matriculation~~ ~~The Student Success and Support Program~~ brings the student and the District into agreement regarding the student's educational goal through the District's established programs, policies, and requirements. The agreement is implemented by means of the student educational plan.

Each student, in entering into an educational plan, will do all of the following:

- ~~Express at least~~ ~~Identify an education and career goal~~;
- Identify a ~~broad~~ course of study;
- Be assessed to determine appropriate course placement;
- Complete orientation;
- ~~Participate in the development of the student~~ ~~educational intent upon admission~~ plan;
- ~~Declare a specific goal~~ ~~Complete a student educational~~ plan no later than the term after which the student completes 15 semester units of degree applicable credit coursework;
- Diligently attend class and complete assigned coursework; and
- Complete courses and maintain progress toward an educational goal
~~Cooperate in the development of the student educational plan~~

~~Matriculation~~ ~~Student Success and Support Program~~ services include, but are not limited to, all of the following:

- ~~Processing of the application for admission~~
- ~~Orientation and pre-orientation services designed to provide to students,~~ on a timely basis, information concerning campus procedures, academic expectations, financial assistance, and any other appropriate matters
- Assessment and counseling upon enrollment, which shall include, but not be limited to, all of the following:
 - Administration of assessment instruments to determine student competency in computational and language skills
 - Assistance to students in the identification of aptitudes, interests and educational objectives, including, but not limited to, associate of arts degrees, transfer for baccalaureate degrees, and vocational certificates and licenses

- Evaluation of student study and learning skills
- Referral to specialized support services as needed, including, but not limited to, federal, state, and local financial assistance; health services; mental health services; campus employment placement services; extended opportunity programs and services; campus child care services programs that teach English as a second language; and disabled student services
- Advisement concerning course selection
- ~~Post-enrollment evaluation of each student's progress~~ Follow-up services, and required advisement or counseling for students who are enrolled in remedial courses, who have not declared an educational objective as required, or who are on academic probation.

The District shall not use any assessment instrument except one specifically authorized by the Board of Governors of the California Community Colleges.

See BP 5050

AP 5050 Student Success and Support Program

References:

Education Code Sections 78210 et seq.;

Title 5 Sections 55500 et seq.;

[ACCJC Accreditation Standard II.C.2](#)

NOTE: *This procedure is **legally required**. Local practice may be inserted here. The following is provided as an illustrative model.*

The Student Success and Support Program brings the student and the District into agreement regarding the student's educational goal through the District's established programs, policies, and requirements. The agreement is implemented by means of the student educational plan.

Each student, in entering into an educational plan, will do all of the following:

- identify an education and career goal;
- identify a course of study;
- be assessed to determine appropriate course placement;
- complete orientation;
- participate in the development of the student educational plan;
- complete a student educational plan no later than the term after which the student completes 15 semester units of degree applicable credit coursework;
- diligently attend class and complete assigned coursework; and
- complete courses and maintain progress toward an educational goal

Student Success and Support Program services include, but are not limited to, all of the following:

- Orientation on a timely basis, information concerning campus procedures, academic expectations, financial assistance, and any other appropriate matters
- Assessment and counseling upon enrollment, which shall include, but not be limited to, all of the following:
- Administration of assessment instruments to determine student competency in computational and language skills
- Assistance to students in the identification of aptitudes, interests and educational objectives, including, but not limited to, associate of arts degrees, transfer for baccalaureate degrees, and vocational certificates and licenses
- Evaluation of student study and learning skills
- Referral to specialized support services as needed, including, but not limited to, federal, state, and local financial assistance; health services; mental health services; campus employment placement services; extended opportunity programs and services; campus child care services programs that teach English as a second language; and disabled student services
- Advisement concerning course selection

- Follow-up services, and required advisement or counseling for students who are enrolled in remedial courses, who have not declared an educational objective as required, or who are on academic probation.

The District shall not use any assessment instrument except one specifically authorized by the Board of Governors of the California Community Colleges.

Revised 2/08, 10/13, 4/15

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 5052 Open Enrollment

Reference: Title 5, Sections 51006, 58106, 58108

All courses of the District shall be open to enrollment in accordance with a priority system consistent with Administrative Procedure 5055. Enrollment may be limited to students meeting properly validated prerequisites and co-requisites, or due to other non-evaluative, practical considerations as ~~determined by the Vice President for Academic Services and President of Academic Senate~~ defined in Administrative Procedure 5055.

No student is required to confer or consult with or required to receive permission to enroll in any class offered by the District, except as provided for in Administrative Procedure 5055 and for enrollment in programs requiring a separate application process. in RN/LVN, EMT, Paramedic.

Students are not required to participate in any pre-registration activities not uniformly required, and no registration procedures are used that result in restricting enrollment to a specialized clientele, except as provided for in Administrative Procedure 5055 and for enrollment in programs requiring a separate application process.

A student may challenge an enrollment limitation on any of the following grounds:*

- A. The limitation is unlawfully discriminatory or is being applied in an unlawfully discriminatory manner.
- B. The District is not following its enrollment procedures.
- C. The basis for the limitation does not in fact exist.

Students may challenge an enrollment limitation based upon the above grounds by obtaining and submitting a Student Petition to the Admissions, Registration, and Petitions (ARP) Committee at the time of registration. The ARP Committee will review the challenge and notify the student of its decision within five (5) business days.

*See Administrative Procedure 4260, Prerequisites and Corequisites, for the prerequisite/corequisite challenge process.

~~Any student who does not meet the prerequisite or co-requisite or who is not permitted to enroll in a class due to a limitation on enrollment, may file a student petition to challenge the requirements. The grounds for challenge as specified in Section 55210(f) of Title 5 include the following:~~

- ~~— Prerequisite or co-requisite has not been established in accordance with the district policy.~~

Adopted: 07/20/04

E-Submission Task Force 05/22/13; Academic Senate _____; Administrative Council _____; College Council _____ President's Cabinet _____

- ~~—The prerequisite or co-requisite is in violation of Title 5.~~
- ~~—The prerequisite or co-requisite is either unlawfully discriminatory or is being applied in an unlawfully discriminatory manner.~~
- ~~—The student has the knowledge or ability to succeed in the course or program despite not meeting the prerequisite or co-requisite.~~
- ~~—The student will be subject to undue delay in attaining the goal of his or her educational plan because the prerequisite or co-requisite has not been made reasonably available.~~

~~Students who wish to challenge a prerequisite or co-requisite or any limitations on enrollment should:~~

~~Submit a student petition which spells out the grounds for challenge along with any evidence in support of the challenge, to the Matriculation Director. The student shall be allowed to remain in class or, if the student is not enrolled in the class but space is available at the time the challenge is filed, the College shall reserve a seat for the student until the challenge is resolved.~~

~~The Matriculation Director will submit the petition to the Division Chairperson who will review it and resolve the challenge in no more than five working days. If the challenge is upheld, or the College fails to resolve the challenge within the five-day period, the student will be allowed to remain in the course. If no space was available in the course when the challenge was filed, the student shall be permitted to enroll for the subsequent term.~~

~~If the challenge is denied by the Division Chairperson, the student may appeal that decision to the Admission, Registration, and Petitions Committee.~~

~~Upon resolution of the challenge, the Division Chairperson shall forward the student petition and all attachments to the Chief Admissions and Records Officer for institutional approval and filing in the student's permanent record.~~

~~Unless specifically exempted by statute, every course, course section or class, the average daily attendance of which is to be reported for state aid, whatever offered and maintained by Imperial Community College District, shall be fully open to enrollment and participation by any person who has been admitted to the College and who meets such prerequisites as may be established pursuant to Chapter II, Division 2, Part VI, Title 5 of the California Administrative Code commencing with Section 51820 (Board of Trustees Resolution No. 10665).~~

~~Any student who does not meet the prerequisite or co-requisite or who is not permitted to enroll in a class due to a limitation on enrollment, may file a student petition to challenge the requirements. The grounds for challenge as specified in Section 55210(f) of Title 5 include the following:~~

~~The prerequisite or co-requisite has not been established in accordance with the district policy.~~

~~The prerequisite or co-requisite is in violation of Title 5.~~

Adopted: 07/20/04

E-Submission Task Force 05/22/13; Academic Senate _____; Administrative Council _____; College Council _____ President's Cabinet _____

~~The prerequisite or co-requisite is either unlawfully discriminatory or is being applied in an unlawfully discriminatory manner.~~

~~The student has the knowledge or ability to succeed in the course or program despite not meeting the prerequisite or co-requisite.~~

~~The student will be subject to undue delay in attaining the goal of his or her educational plan because the prerequisite or co-requisite has not been made reasonably available.~~

See BP 5052

Adopted: 07/20/04

E-Submission Task Force 05/22/13; Academic Senate _____; Administrative Council _____; College Council _____ President's Cabinet _____

AP 5052 Open Enrollment

References:

Title 5 Sections 51006, 58106, and 58108

Note: *This procedure is **legally advised**. Local practice may be inserted, but should reflect the following.*

All courses of the District shall be open to enrollment in accordance with **[insert reference to specific board policy or resolution]** and a priority system consistent with AP 5055 titled Enrollment Priorities. Enrollment may be limited to students meeting properly validated prerequisites and co-requisites, or due to other non-evaluative, practical considerations as determined by the **[designate]**.

No student is required to confer or consult with or required to receive permission to enroll in any class offered by the District, except as provided for in AP 5055 titled Enrollment Priorities and **[list District programs that permit restricted enrollment, e.g. vocational or allied health programs.]**

Students are not required to participate in any pre-registration activities not uniformly required, and no registration procedures are used that result in restricting enrollment to a specialized clientele, except as provided for in AP 5055 titled Enrollment Priorities and **[list District programs that permit restricted enrollment, e.g. vocational or allied health programs.]**

A student may challenge an enrollment limitation on any of the following grounds:

- The limitation is unlawfully discriminatory or is being applied in an unlawfully discriminatory manner;
- The District is not following its enrollment procedures;
- The basis for the limitation does not in fact exist.

Note: *Insert local procedures on how students may challenge an enrollment limitation.*

Revised 8/03

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 5070 Attendance

Reference: Title 5, Sections 58000 et seq.

Procedures for Attendance Accounting

The Imperial College District utilizes an enterprise data system which reflects the requirements of both Title 5 Education Code and the CCCC Budget and Student Account Manuals.

The attendance method of courses, their length and the way they are scheduled is determined by Academic Services in accordance with the California Community College Student Attendance Accounting Manual.

The length of the primary term is determined by Academic Services.

Scheduling and verification of 175 days of instruction is the responsibility of Academic Services.

All courses included for attendance accounting must meet the immediate supervision and control of an academic employee requirements as stated in the California Community College Student Attendance Accounting Manual. Compliance is the responsibility of Academic Services.

~~Instructors are required to submit signed census rosters to the Admissions and Records Office for all courses.~~ No-shows who were not previously dropped on opening-day rosters are identified by instructors and drop procedures followed to ensure no-shows are excluded from apportionment accounting. ~~Documentation of drops is retained on the census rosters with names of students to be dropped highlighted or by instructor drop cards.~~

~~Census rosters are retained by the Admissions and Records Office in accordance with the District records retention policy.~~

Actual hours of attendance for all positive attendance courses are input in the computer by the instructors in accordance with final grade submission procedures.

Attendance accounting reports designed for completing the 320 report are included in the SCT Banner integrated administrative computer system used by the District. The Chief Admissions and Records Officer is responsible for setting the parameters, running the reports, verifying accuracy, transferring the data to the 320 report, and retaining all support documentation.

The Chief Admissions and Records Officer prepares and submits the first period, second period and annual 320 apportionment reports in accordance with all regulations and guidelines in the California Community College Student Attendance Accounting Manual.

No BP

AP 5070 Attendance

References:

Title 5 Sections 58000 et seq.

Note: *This procedure is **legally required**. Local practice may be inserted, but must reflect the requirements of Title 5 and the Budget and Accounting Manual regarding attendance accounting. Requirements include the following broad areas:*

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

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 5075 Course Adds and Drops

Reference: Title 5, Sections 55758, 58004

Specific procedures for adding and dropping classes are established by the Admissions and Records Office under the guidance of the ad hoc Admissions Operating Committee. They are consistently adapted to accommodate new technology, student and faculty needs and are published each semester in the Class Schedule.

Adding Classes

Students may add classes through the registration period which will end before census. After the deadline to register, requests for exceptions must be made by the student and include the approval of the instructor. Approval or denial of the request is the responsibility of the Chief Admissions and Records Officer or his/her designee. Procedures and decision-making will be coordinated with the Vice President of Academic Services and may require his/her signature.

Dropping Classes

No notation will be made on students' records for courses dropped prior to census for the course.

Students may drop (withdraw) full-term courses up to 75% of the term, or short-term courses up to 75% of the length of the course. Symbols of W shall be recorded for courses dropped on census day through the 75% date.

To drop students throughout the session, instructors will utilize the faculty access system to drop electronically.

Instructors are required to clear their rosters of inactive enrollment as of census. Inactive enrollment in a course is defined as the following:

As of each census day, any student who has

- (1) Been identified as a no show, defined as a student who fails to attend the first class meeting. For online classes, it is a student who fails to complete the initial required activity.

OR

- (2) Been dropped for excessive absences, defined as a student who's continuous, unexcused absences after the close of registration exceeds

the number of hours the class is scheduled to meet per week. Online courses will substitute required activities for absences/class meetings.

An instructor may drop a student after census and up until the drop deadline (75% of the course) if the student has excessive absences and is no longer participating in the class. However there is no responsibility on the part of the instructor to do so.

Administrative withdrawals/drops after the last day to drop may be requested by students for events out of their control which prevented them from dropping on time using the petitioning process available in the Admissions and Records Office.

Short-Term Classes

Enrollment procedures for short-term classes are the same as for regular classes. Deadlines are set in accordance with the California Education Code. Registration will end the day before census. Drop deadlines are as follows:

- Deadline to drop without owing fees and/or be eligible for refund – 10% of the length of the course.
- Deadline to drop without receiving a mark of W – day before census
- Deadline to drop with a W – 75% of the length of the course.

AP 5075 Course Adds and Drops

References:

Title 5 Sections 55024 and 58004

NOTE: *This procedure is **legally required**. Local practice may be inserted. The following illustrative example meets legal minimum requirements.*

Adding Courses

Students may add classes through the registration period. ***[Insert local procedures for adding.]***

After the registration period concludes, classes may only be added by formal request from the student to ***[insert designated college officer]***.

Withdrawals

Withdrawals, or drops, are authorized through the last day of the fourteenth week of instruction or 75% of the term, whichever is less. ***[Insert local withdrawal procedures.]*** Students who withdraw or drop classes during the first four weeks or 30% of the term, whichever is less, will receive no notation on their academic record.

Instructors shall clear their rolls of inactive students not later than the end of the last business day before the census day for all students. ***[Insert local procedures for doing so.]***

"Inactive students" include:

- Students identified as no-shows,
- Students who officially withdraw,
- Students who are no longer participating in the courses and are therefore dropped by the instructor.

The District must establish the number of times that a student may withdraw from a class and receive a "W." Students will not be permitted to withdraw and received a "W" in a class more than three times. In the case of multiple withdrawals, the District offers the following intervention program:

[Insert local procedures for intervention program]

Students may be permitted to enroll in a class after having received the maximum authorized number of "W" symbols as long as the students will receive a grade or a non-evaluative symbol other than a "W" upon completion of the course, if the District policy permits additional withdrawals for which it does not receive apportionment and the official designated in the District's policy approves such withdrawal after a review of a petition submitted by the student.

Revised 2/08, 4/09, 7/11, 3/12

**IMPERIAL COMMUNITY COLLEGE DISTRICT
AP 5110 Counseling**

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

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

Academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals

Career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

Personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education;

Coordination with the counseling aspects of other services to students which exist on campus, including but not limited to those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

Confidentiality of Counseling Information:

Information of a personal nature disclosed by a student 12 years of age or older in the process of receiving counseling from a counselor is confidential, and shall not become part of the student record without the written consent of the person who disclosed the confidential information. However, the information shall be disclosed when permitted by applicable law, including but not limited to disclosure as necessary to report child abuse or neglect; reporting to the CEO Superintendent/President or other persons when the counselor has reason to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or other persons living in the college community; reporting information to the CEO Superintendent/President or other persons as necessary when the student indicates that a crime involving the likelihood of personal injury or significant or substantial property losses will or has been committed; reporting information to one or more persons specified in a written waiver by the student.

See BP 5110

AP 5110 Counseling

References:

Education Code Sections 72620 and 72621;
Title 5 Section 51018;
[ACCJC Accreditation Standard II.C.5](#)

NOTE: *This procedure is **legally advised**, since all counseling programs must meet the following legal minimums. Local practice may be inserted, but **must meet the following requirements**.*

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

- Academic counseling, in which the student is assisted in assessing, planning, and implementing his/her immediate and long-range academic goals;
- Career counseling, in which the student is assisted in assessing his/her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;
- Personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education;
- Coordination with the counseling aspects of other services to students which exist on campus, including but not limited to those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

Confidentiality of Counseling Information: Information of a personal nature disclosed by a student 12 years of age or older in the process of receiving counseling from a counselor is confidential, and shall not become part of the student record without the written consent of the person who disclosed the confidential information. However, the information shall be disclosed when permitted by applicable law, including but not limited to disclosure as necessary to report child abuse or neglect; reporting to the CEO or other persons when the counselor has reason to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or other persons living in the college community; reporting information to the CEO or other persons as necessary when the student indicates that a crime involving the likelihood of personal injury or significant or substantial property losses will or has been committed; reporting information to one or more persons specified in a written waiver by the student.

NOTE: *Insert other local procedures here related to counseling, such as who is required to seek assistance from a counselor.*

Revised: 4/15

**IMPERIAL COMMUNITY COLLEGE DISTRICT
AP 5130 Financial Aid**

Reference:

*Education Code Section 66022.6, 66025.9 and 76300;
Title 5, Sections 55031, 58600 et seq.
20 U.S.C. Sections 1070 et seq.;
34 CFR Section 668 (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended);
ACCJC Accreditation Standard III.D.15*

Aid programs offered include:

Board of Governors Fee Waiver **BOG**
CaWORKS
Full-Time Student Success Grant
Cal Grants
Federal Pell Grants
Federal Supplemental Educational Opportunity Grant
Federal Work-Study

For complete information regarding the following, see the Financial Aid Policy Manual:

Application procedures, including deadlines
Student eligibility
Payment procedures
Overpayment recovery
Accounting requirements
Satisfactory progress

Further information can be obtained at: <http://www.ifap.ed.gov>, the California Community College Student Financial Assistance Unit.

NOTE: *The procedure provision below is legally required in an effort to show good faith compliance with the applicable federal regulations.*

Misrepresentation

Misrepresentation is defined as any false, erroneous, or misleading statement that the District, a representative of the District, or a service provider with which the District has contracted to provide educational programs, marketing, advertising, recruiting, or admissions services, makes directly or indirectly to a student, prospective student, a

member of the public, an accrediting agency, a state agency, or the United States Department of Education.

A misleading statement includes any statement that has the likelihood or tendency to deceive or confuse. If a person to whom the misrepresentation was made could reasonably be expected to rely, or has reasonably relied, on the misrepresentation, the misrepresentation would be substantial.

This procedure does not apply to statements by students through social media outlets or by vendors that are not providing covered services, as reflected herein.

NOTE: The procedure provision below is legally required under California Regulations and applies to students who receive a BOG Fee Waiver.

Loss of Eligibility for BOG Fee Waiver

A student shall become ineligible for a Board of Governors (BOG) Fee Waiver if the student is placed on academic or progress probation, or any combination thereof, for two consecutive primary terms. Loss of eligibility shall become effective at the first registration opportunity after such determination is made.

The District shall notify students of their placement on academic or progress probation no later than thirty days following the end of the term that resulted in the student's placement on probation. The notification must clearly state that two consecutive primary terms of probation will lead to a loss of the BOG Fee Waiver until the student is no longer on probation. The notification must also advise students about the available student support services to assist them in maintaining eligibility.

The District shall adopt, prominently display, and disseminate policies ensuring that students are advised about the student support services available to assist them in maintaining and reestablishing eligibility BOG Fee Waiver eligibility. Dissemination includes, but is not limited to, information provided in college catalogs and class schedules.

The District shall establish written procedures by which a student may appeal the loss of a BOG Fee Waiver due to extenuating circumstances, or when a student with a disability applied for, but did not receive, a reasonable accommodation in a timely manner. Extenuating circumstances are verified cases of accidents, illnesses, or other circumstances that might include documented changes in the student's economic situation or evidence that the student was unable to obtain essential student support services. Extenuating circumstances also includes special consideration of the specific factors associated with Veterans, CalWORKs, EOPS, and DSPS student status.

Foster Youth shall not be subject to loss of BOG Fee Waiver due to placement on academic or progress probation. This exemption for Foster Youth is effective until the date specified in Education Code Section 66025.9(c).

AP 5130 Financial Aid

References:

Education Code Sections 66021.6, 66025.9 and 76300;
Title 5 Sections 55031, 58600 et seq.;
20 U.S. Code Sections 1070 et seq.;
34 Code of Federal Regulations Section 668 (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended);
~~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;~~
ACCJC Accreditation Standard III.D.15

NOTE: *This procedure is **legally required**. Local practice may be inserted here. Many Districts have published extensive handbooks for financial aid. They may, if desired, be incorporated by reference rather than reproduced. Further information can be obtained at: <http://www.ifap.ed.gov>, the California Community College Student Financial Assistance Unit.*

Financial Aid programs offered usually include:

- BOG
- CalWORKS
- Cal Grants
- Federal Pell Grants
- Federal Direct Student Loan Program
- Federal Family Education Loan Program

Regulations must address at minimum:

- Application procedures, including deadlines
- Student eligibility
- Payment procedures
- Overpayment recovery
- Accounting requirements
- Satisfactory progress

NOTE: *This procedure provisions below **are-is legally required** in an effort to show good faith compliance with the applicable federal regulations.*

Misrepresentation

Misrepresentation is defined as any false, erroneous, or misleading statement that the District, a representative of the District, or a service provider with which the District has contracted to provide educational programs, marketing, advertising, recruiting, or admissions services, makes directly or indirectly to a student, prospective student, a

member of the public, an accrediting agency, a state agency, or the United States Department of Education.

A misleading statement includes any statement that has the likelihood or tendency to deceive or confuse. If a person to whom the misrepresentation was made could reasonably be expected to rely, or has reasonably relied, on the misrepresentation, the misrepresentation would be substantial.

This procedure does not apply to statements by students through social media outlets or by vendors that are not providing covered services, as reflected herein.

NOTE: This procedure provision below is *legally required* under California Regulations and applies to students who receive a BOG Fee Waiver.

Loss of Eligibility for BOG Fee Waiver

A student shall become ineligible for a Board of Governors (BOG) Fee Waiver if the student is placed on academic or progress probation, or any combination thereof, for two consecutive primary terms. Loss of eligibility shall become effective at the first registration opportunity after such determination is made.

The District shall notify students of their placement on academic or progress probation no later than thirty days following the end of the term that resulted in the student's placement on probation. The notification must clearly state that two consecutive primary terms of probation will lead to a loss of the BOG Fee Waiver until the student is no longer on probation. The notification must also advise students about the available student support services to assist them in maintaining eligibility.

The District shall adopt, prominently display, and disseminate policies ensuring that students are advised about the student support services available to assist them in maintaining and reestablishing eligibility BOG Fee Waiver eligibility. Dissemination includes, but is not limited to, information provided in college catalogs and class schedules.

The District shall establish written procedures by which a student may appeal the loss of a BOG Fee Waiver due to extenuating circumstances, or when a student with a disability applied for, but did not receive, a reasonable accommodation in a timely manner. Extenuating circumstances are verified cases of accidents, illnesses, or other circumstances that might include documented changes in the student's economic situation or evidence that the student was unable to obtain essential student support services. Extenuating circumstances also includes special consideration of the specific factors associated with Veterans, CalWORKs, EOPS, and DSPS student status.

Foster Youth shall not be subject to loss of BOG Fee Waiver due to placement on academic or progress probation. This exemption for Foster Youth is effective until the date specified in Education Code section 66025.9(c).

Revised: 7/11, 10/13, 4/15

**IMPERIAL COMMUNITY COLLEGE DISTRICT
AP 5140 Disabled Student Services and Programs**

Reference: *Title 5, Sections 56000 et seq. [and 56027](#)*

The District maintains a plan for the provision of programs and services to disabled students designed to assure that they have equality of access to District classes and programs.

For complete and detailed information regarding the following, please consult the Disabled Student Programs and Services Operations Manual located in the DSP&S Director's Office:

long-range goals and short term objectives for the program

definitions of disabilities and students eligible for the program

support services and instruction that is provided

[technology accessibility](#)

verification of disability

student rights and responsibilities

student educational contract or plan that is developed by a designated person in consultation with the student

academic accommodations

provisions for course substitution and waivers

staffing

advisory committee

AP 5140 Disabled Student Programs and Services

References:

Title 5 Sections 56000 et seq. and 56027

NOTE: *This procedure is **legally required**. Local practice may be inserted, but must include the following legal minimums. Insert local procedures here and/or reference the DSPP Plan.*

The District maintains a plan for the provision of programs and services to disabled students designed to assure that they have equality of access to District classes and programs.

NOTE: *At a minimum, the procedures, plan, or description of the program and services **must address**:*

- procedure for timely response to accommodation requests involving academic adjustments which, at a minimum, provides for an individualized review of each such request, and permits interim decisions on such requests pending final resolution by the appropriate administrator or designee;
- long-range goals and short term objectives for the program;
- definitions of disabilities and students eligible for the program;
- support services and instruction that is provided;
- technology accessibility;
- verification of disability;
- student rights and responsibilities;
- student educational contract or plan that is developed by a designated person in consultation with the student;
- academic accommodations;
- provisions for course substitution and waivers;
- staffing; and
- advisory committee.
-

Revised 3/12, 10/13

**IMPERIAL COMMUNITY COLLEGE DISTRICT
AP 5400 Associated Students Organization**

Reference:

Education Code Section 76060

Imperial Valley College shall have one Associated Students Organization.

Both day and evening student representatives shall be encouraged.

A governing body shall be elected that shall keep an account of its meetings, expenditures, authorizations and policies established.

A simple majority of the elected voting members of the Associated Students Organization governing body shall constitute a quorum.

For complete and detailed information regarding the Associated Students Government refer to the "Handbook for Student Leaders" located in the Student Affairs Director's Office or on the website: <http://www.imperial.edu/students/student-affairs/handbook-for-student-leaders/>

AP 5400 Associated Students

Reference:

Education Code Section 76060

Note: *This procedure is legally advised if the Board has established a student body organization under Education Code Section 76060. Local practice may be inserted here. The following are the minimum standards required.*

[The District/Each college in the District] shall have one Associated Students Organization.

Both day and evening student representatives shall be encouraged.

A governing body shall be elected that shall keep an account of its meetings, expenditures, authorizations and policies established.

A simple majority of the elected voting members of the Associated Students Organization governing body shall constitute a quorum.

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 5410 Associated Students Elections

Reference: *Education Code Section 76061*

The Associated Students shall conduct annual elections to elect officers.

Any student elected as an officer in the Associated Students shall meet the requirements in [~~*Board Policy BP5410*~~].

General Provisions

~~Publicity regulations must be followed and candidates may begin their campaign at any time during the academic year.~~

~~All properly certified candidates must be present at a meeting at which the rules governing the election shall be explained by the Elections Officer. This meeting shall take place at the Elections Officer's pleasure.~~

~~Polls shall be open from 8:45 a.m. to 4:00 p.m. and from 6:30 p.m. to 9:00 p.m. on the first day of voting and from 8:45 a.m. to 2:00 p.m. on the second day.~~

~~No campaigning may take place within 50 feet of the polls.~~

~~An ad hoc Elections Committee may be appointed by the President with approval of the Senate, and shall consist of three members, with the Elections Officer serving as chairperson. No member of the committee may be a candidate in the election.~~

~~In the event of Elections Code violations, the Elections Committee may recommend that the Senate invalidate the election results and/or disqualify the candidate (s).~~

~~The returns of the election shall be posted outside of the Student Affairs Office as soon as they have been tabulated. All campaign material must be removed from the campus the following day.~~

~~Defeated candidates shall have ten (10) school days from the announcement of the winner(s) to contest the election results. Ballots may not be destroyed within this ten school day period.~~

~~The Oath of Office for elected and appointed officials will be administered by the incumbent Associated Students Government President.~~

Rules Pertaining to the Presidential Election

~~The election of the President of the Association shall be held on Monday and Tuesday of the last full class week in April unless Spring recess intervenes. In this event the election shall be held in the last full class week before Spring recess.~~

~~Candidates for the office of President must file a written petition with the Student Affairs office no later than 4:00 p.m. on Friday, 17 days before the election.~~

~~The names of properly certified candidates will be posted outside of the Student Affairs office no later than 12:00 noon on Monday, 14 days before the election.~~

~~In accordance with Article II and Article IV, Para. 2 of the Constitution of the Associated Students Government of Imperial Valley College, no student may hold the office of President who has not completed at least twelve units of course work at Imperial Valley College at the time of the presidential election and who has not been in residence at Imperial Valley College for two semesters as a full-time student (including the semester in which the presidential election is held). No student shall hold the office of President who does not comply with Article 2 of the Constitution, or has completed the necessary units for the equivalent of the Associate in Arts Degree (64 degree applicable units).~~

~~The candidate receiving the greatest number of votes cast will be declared the elected candidate, provided that the candidate receives at least forty (40) percent of the votes cast. If no candidate receives at least forty percent of the votes cast, a run-off election will be held. The two candidates who receive the greatest number of votes in the first election will be the candidates in the second election. The candidate receiving the greatest number of votes in the run-off election will be declared the winner. The run-off election, if required, will be held on the Thursday and Friday of election week.~~

~~The duly elected President of the Associated Students Government will take office during the first regularly scheduled senate meeting of May.~~

Rules Pertaining to the Election of the Senate

~~The election of the thirteen (13) Senate Members of the Associated Students Government of Imperial Valley College will be held twenty-one days from the start of the fall semester.~~

~~Candidates for the office of Senate Members must file a petition with the Student Affairs office no later than 4:00 p.m., ten (10) calendar days before the election.~~

~~The names of all properly certified candidates will be posted outside of the Student Affairs office no later than 12:00 noon on Monday, seven (7) days prior to the election.~~

~~There will be seven (7) senior and six (6) junior Members of the Senate. Any candidate who has completed two semesters of credit at Imperial Valley College, or any other college, will be deemed a senior. Likewise, any candidate who has completed less than two semesters of credit will be deemed a junior. No student shall hold the office of Senate Member who does not comply with Article II of the Constitution, or who has completed the necessary units for the equivalent of the Associate in Arts Degree (64 degree applicable units).~~

~~The seven (7) senior and six (6) junior candidates receiving the highest number of votes will be declared elected. If two candidates for senior or junior tie for the 7th or 6th seat, respectfully, a run-off election between those candidates will be held on Thursday and Friday of election week.~~

~~All members of the Association may vote for both senior and junior candidates. The thirteen (13) duly elected Members of the Senate shall take the oath of office during the first regularly scheduled Senate meeting of October.~~

Rules Pertaining to Ballot Counting

~~The Elections Officer will submit a report to the Senate one week prior to the election outlining the method and procedures for ballot counting.~~

~~Immediately following the closing of polls in the Presidential, Senate and other major elections a ballot count will take place in a predetermined room on campus. The Elections Committee, with the Elections Officer presiding, and not less than ten (10) counters must be present for the count.~~

~~Once the count has started, no counter may leave the room until the count has been completed. Each candidate may have one representative present during the count as an observer. They may not take an active part in the ballot counting and shall abide by all rules concerning ballot counting.~~

~~The validity of all ballots will be determined by the Election Officer.~~

PLEBISCITE CODE OF 1974

General Provisions

~~Publicity regulations must be followed and publicity may begin at any time during the academic year.~~

~~Polls shall be open from 8:45 a.m. to 4:00 p.m. and from 6:30 p.m. to 9:00 p.m. on the first day of voting and from 8:45 a.m. to 2:00 p.m. on the second day.~~

~~No campaigning may take place within 50 feet of the polls. An ad hoc Elections Committee may be appointed by the President, with approval of the Senate, and shall consist of three members, with the Elections Officer serving as chairperson.~~

~~In the event of Elections Code violations, the Elections Committee may recommend that the Senate invalidate the election results, and/or disqualify the candidate(s) involved in the violation.~~

~~The results of the election shall be posted outside the Student Affairs Office as soon as they have been tabulated. All campaign materials must be removed from the campus the following day.~~

~~Candidates shall have ten school days from the announcement of returns to contest the election results. Ballots may not be destroyed within this ten school day period.~~

~~The California Elections Code will be the reference for all questions concerning elections.~~

~~All students will be eligible to vote in any and all elections of the Association.~~

~~The Rules Committee shall draft all ballots for plebiscites for Senate approval.~~

~~Plebiscites shall be held no sooner than two (2) weeks following Senate approval.~~

Rules Pertaining To Ballot Counting

~~The Elections Officer will submit a report to the Senate one week prior to the plebiscite outlining the method and procedures for ballot counting.~~

~~Immediately following the closing of the polls, a ballot count will take place in a predetermined room on campus. The Elections Committee, with the Elections Officer presiding, and not less than ten (10) counters must be present for the count.~~

~~Once the count has started, no counter may leave the room until the count has been completed.~~

~~The validity of all ballots will be determined by the Elections Committee and/or Elections Officer.~~

For complete and detailed information regarding the Associated Students Government Elections can be found in the "Handbook for Student Leaders ~~and Faculty Advisors~~", located in the Student Affairs Director's Office or on the website:
<http://www.imperial.edu/students/student-affairs/handbook-for-student-leaders/>.

See BP 5410

AP 5410 Associated Students Elections

Reference:

Education Code Section 76061

Note: *This procedure is **legally required** if the District has an Associated Students Organization created by the Board pursuant to Education Code Section 76060.*

The Associated Students shall conduct annual elections to elect officers.

Any student elected as an officer in the Associated Students shall meet the requirements in [**Board Policy**].

Note: *Insert local election procedures.*

IMPERIAL COMMUNITY COLLEGE DISTRICT
AP 5500 Standards of Student Conduct

References:

Education Code Sections 66300 and 66301;

ACCJC Accreditation Standards I.C.8 and 10 (formerly II.A.7.b)

NOTE: *The standards of conduct for students may be included in Board Policy (see BP 5500) or delegated to the CEO for inclusion in these Administrative Procedures. **If delegated, this procedure is legally required, and the following standards or similar ones are legally advised:***

Imperial Valley College is maintained for the purpose of providing students in the community with programs of instruction in higher education. The College is concerned with the fostering of knowledge, the search for truth and the dissemination of ideas. Free inquiry and free expression are indispensable to the achievement of these goals. As members of the College community, students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Students at Imperial Valley College may rightfully expect that the faculty and administration will maintain an environment where there is freedom to learn. This requires that there be appropriate conditions and opportunities in the classroom and on campus. As members of the College community, students shall be encouraged to develop the capacity for critical judgment and to exercise their rights to free inquiry and free speech in a responsible non-violent manner. Students shall assume an obligation to conduct themselves in a manner compatible with the college's function as an educational institution. Students shall observe the rules and regulations of the College and shall refrain from conduct which interferes with the College's teaching and administration, or which unreasonably interferes with the rights of others. Misconduct while on the college campus, or at a College-sponsored function for which students and student organizations are subject to disciplinary action, ~~includes, but is not limited to, the following:~~

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

- Causing, attempting to cause, or threatening to cause physical injury to another person.
- Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a District employee, which is concurred in by the [designate position college president].
- Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code

- Sections 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
- Committing or attempting to commit robbery or extortion.
- Causing or attempting to cause damage to District property or to private property on campus.
- Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
- Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
- Committing sexual harassment as defined by law or by District policies and procedures.
- Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.
- Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.
- Willful misconduct that results in injury or death to a student or to District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
- Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
- Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty as defined by insert local practice].
- Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.
- Unauthorized entry upon or use of District facilities.
- Lewd, indecent or obscene conduct or expression on District-owned or controlled property, or at District sponsored or supervised functions.
- Engaging in expression which is obscene, libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises, or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District.
- Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any District policy or administrative procedure.

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

- ~~Willful disobedience to lawful directions of College officials acting in the performance of their duties.~~
- ~~Violation of College rules and regulations, including those concerning student organizations, the use of College facilities, or the time, place and manner of public expression or distribution of material.~~
- ~~Dishonesty, such as cheating, or for knowingly furnishing false information to the College.~~
- ~~Willful persistent smoking where smoking has been prohibited.~~
- ~~Unauthorized entry to, or use of College facilities.~~
- ~~Forgery, alteration, or misuse of College documents, records, or identification.~~
- ~~Disruption of classes, administration, disciplinary procedures, or authorized College activities.~~
- ~~Theft of, or damage to property belonging to the College, a member of the College community, or a campus visitor.~~
- ~~Disorderly, lewd, indecent, or obscene conduct or expression.~~
- ~~Assault, battery, or the threat of force or violence directed toward any member of the College community or campus visitor.~~
- ~~Unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance and possession, use, or distribution of alcohol.~~
- ~~Possession, while on the College campus or at a College sponsored function, of any instrument or weapon of a kind commonly known as a blackjack, fire bomb, billy club, brass knuckles, dagger, or firearm (loaded or unloaded) such as a pistol, revolver, or rifle, or any knife having a blade longer than five (5) inches, any switch-blade longer than two (2) inches, or any metal pipe, bar, or instrument used, or intended to be used as a club, or to be used to threaten bodily harm.~~
- ~~Commission of any crime on campus, or commission of a crime off-campus, when such off-campus crime is of such a nature that the College needs to impose sanctions in addition to those imposed by the criminal authorities for the protection of other students, or to safeguard the academic process.~~

AP 5500 Standards of Student Conduct

References:

Education Code Sections 66300 and 66301;

[ACCJC Accreditation Standards I.C.8 and 10 \(formerly II.A.7.b\)](#)

Note: *The standards of conduct for students may be included in Board Policy (see BP 5500) or delegated to the [CEO] for inclusion in these Administrative Procedures. **If delegated, this procedure is legally required**, and the following standards or similar ones are legally advised:*

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

- Causing, attempting to cause, or threatening to cause physical injury to another person.
- Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a District employee, which is concurred in by the [**designate position**].
- Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code Sections 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
- Committing or attempting to commit robbery or extortion.
- Causing or attempting to cause damage to District property or to private property on campus.
- Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
- Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
- Committing sexual harassment as defined by law or by District policies and procedures.
- Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.
- Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.
- Willful misconduct that results in injury or death to a student or to District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.

- Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
- Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty as defined by [*insert local practice*].
- Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.
- Unauthorized entry upon or use of District facilities.
- Lewd, indecent or obscene conduct or expression on District-owned or controlled property, or at District sponsored or supervised functions.
- Engaging in expression which is obscene, libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises, or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District.
- Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any District policy or administrative procedure.

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

Revised 9/01, 2/07, 3 /12, 11/14

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 5610 Voter Registration

References:

- 20 U.S. Code Section 1094(a)(23)(A);
- 34 Code of Federal Regulations Section 668.14(d)(1)

Note: *This procedure is **legally advised**. Insert local practice, which should address the following:*

A good faith effort is made to distribute ~~a mail~~ voter registration form to each student enrolled in a degree or certificate program and physically in attendance at the institution.

Voter registration cards are provided to all graduates at the time of diploma distribution.

Forms are widely available to students at the institution through a link on the college's website and at the Student Affairs Office.

The Associated Student Government distributes registration forms on Constitution Day.

Districts will ~~must~~ designate a contact person to be contacted by the Secretary of State for distribution of voter registration cards.

AP 5610 Voter Registration

References:

- 20 U.S. Code Section 1094(a)(23)(A);
- 34 Code of Federal Regulations Section 668.14(d)(1)

Note: *This procedure is **legally advised**. Insert local practice, which should address the following:*

- A good faith effort to distribute a mail voter registration form to each student enrolled in a degree or certificate program and physically in attendance at the institution.
- Forms are widely available to students at the institution

Districts that operate an automated class registration system, on or before January 1, 2008, must allow students to coordinate with the Secretary of State during the class registration process to receive voter information.

Districts that do not operate an automated class registration system, on or before January 1, 2008, may implement an automated voter registration system within two years of when they begin operation of an automated class registration system.

Districts must designate contact person to be contacted by the Secretary of State for distribution of voter registration cards.

New 2/05; Revised 2/08

IMPERIAL COMMUNITY COLLEGE DISTRICT AP 5800 Prevention of Identity Theft in Student Financial Transactions

Reference:

Education Code Section:

15 U.S. Code Section 1681m(e) (Fair and Accurate Credit Transactions Act (FACT ACT or FACTA))

Note: *This procedure is legally required.*

I. The Purpose of the Identity Theft Prevention Program

The purpose of this Identity Theft Prevention Program (ITPP) is to control reasonably foreseeable risks to students from identity theft, by providing for the identification, detection, and response to patterns, practices, or specific activities (“Red Flags”) that could indicate identity theft.

II. Definitions

“Identity theft” is a fraud attempted or committed using identifying information of another person without authority.

A “creditor” includes government entities who defer payment for goods (for example, payment plans for bookstore accounts or parking tickets), issued loans or issued student debit cards. Government entities that defer payment for services provided are not considered creditors for purposes of this ITPP.

“Deferring payments” refers to postponing payments to a future date and/or installment payments on fines or costs.

A “covered account” includes one that involves multiple payments or transactions.

“Person” means any individual who is receiving goods, receives a loan, and/or is issued a debit card from the District and is making payments on a deferred basis for said goods, loan, and/or debit card.

Detection or discovery of a “Red Flag” implicates the need to take action under this ITPP to help prevent, detect, and correct identity theft.

III. Detecting “Red Flags” For Potential Identity Theft

A. Risk Factors for Identifying “Red Flags”

The District will consider the following factors in identifying relevant “Red Flags:”

- 1) the types of covered accounts the District offers or maintains;
- 2) the methods the District provides to open the District’s covered accounts;

- 3) the methods the District provides to access the District's covered accounts; and
- 4) the District's previous experience(s) with identity theft.

B. Sources of "Red Flags"

The District will continue to incorporate relevant "Red Flags" into this ITPP from the following sources:

- 1) incidents of identity theft that the District has experienced;
- 2) methods of identity theft that the District identifies that reflects changes in identity theft risks; and
- 3) guidance from the District's supervisors who identify changes in identity theft risks.

C. Categories of "Red Flags"

The following Red Flags have been identified for the District's covered accounts:

Alerts, Notifications, or Warnings from a Consumer Reporting Agency:

- 1) A fraud or active duty alert is included with a consumer report the District receives as part of a background check.
- 2) A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report.
- 3) A consumer reporting agency provides a notice of address discrepancy. An address discrepancy occurs when an address provided by a student substantially differs from the one the credit reporting agency has on file. See Section (V)(9) for specific steps that must be taken to address this situation.
- 4) A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant, such as:
 - a) A recent and significant increase in the volume of inquiries;
 - b) An unusual number of recently established credit relationships;
 - c) A material change in the use of credit, especially with respect to recently established credit relationships; or
 - d) An account that was closed for cause or identified for abuse of account privileges by a creditor or financial institution.

Suspicious Documents:

- 5) Documents provided for identification appear to have been forged or altered.
- 6) The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.

- 7) Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
- 8) Other information on the identification is not consistent with readily accessible information that is on file with the District, such as a signature card or a recent check.
- 9) An application appears to have been altered or forged, or gives the appearance of having been destroyed or reassembled.

Suspicious Personally Identifying Information:

- 10) Personal identifying information provided is inconsistent when compared against external information sources used by the District. For example:
 - a) The address does not match any address in the consumer report; or
 - b) The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
- 11) Personal identifying information provided by a person is not consistent with other personal identifying information provided by the person. For example, there is a lack of correlation between the SSN range and date of birth.
- 12) Personal identifying information is associated with known fraudulent activity as indicated by internal or third-party sources used by the District. For example:
 - a) The address on an application is the same as the address provided on a fraudulent application;
 - b) The phone number on an application is the same as the phone number provided on a fraudulent application.
- 13) Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the District. For example:
 - a) The address on an application is fictitious, a mail drop, or a prison; or
 - b) The phone number is invalid, or is associated with a pager or answering service.
- 14) The SSN provided is the same as that submitted by other persons currently being served by the District.
- 15) The address or telephone number provided is the same or similar to the account number or telephone number submitted by an unusually large number of other persons being served by the District.
- 16) The person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
- 17) Personal identifying information provided is not consistent with personal identifying information that is on file with the District.

- 18) The person opening the covered account cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

Unusual Use Of – Or Suspicious Activity Relating To – A Covered Account:

- 19) A new covered account is used in a manner that is commonly associated with known patterns of fraud patterns. For Example, a person makes a first payment, but there are no subsequent payments made.
- 20) A covered account is used in a manner that is not consistent with established patterns of activity on the account. For example, there is:
 - a) Nonpayment when there is no history of late or missed payments; or
 - b) A material change in electronic fund transfer patterns in connection with a payment.
- 21) A covered account that has been inactive for a reasonably lengthy period of time is suddenly used or active.
- 22) Mail sent to the person holding the covered account is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the person's covered account.
- 23) The District is notified that the person is not receiving paper account statements.
- 24) The District is notified of unauthorized transactions in connection with a person's covered account.

Notices From Customers/Persons, Victims of Identity Theft, Law Enforcement Authorities, or Other Businesses About Possible Identity Theft in Connection with Covered Accounts:

- 25) The District is notified by a person with a covered account, a victim of identity theft, a law enforcement authority, or any other person, that it has opened a fraudulent account for a person engaged in identity theft.

IV. Measures to Detect "Red Flags"

The District shall do the following to aid in the detection of "Red Flags:"

- 1) When a new covered account is open, the District shall obtain identifying information about, and information verifying the identity of, the student or other person seeking to open a covered account. Two forms of identification shall be obtained (at least one of which must be a photo identification).

The following are examples of the types of valid identification that a person may provide to verify the identity of the person seeking to open the covered account: valid state-issued driver's license, valid state-

issued identification card, current passport, a Social Security Card, current residential lease, or copy of a deed to the person's home or invoice/statement for property taxes.

- 2) Persons with covered accounts who request a change in their personal information on file, such as a change of address, will have the requested changes verified by the District.

The person shall provide at least one written form of verification reflecting the requested changes to the personal information. For example, if an address change is requested, then documentation evidencing the new address shall be obtained. If a phone number change is requested, then documentation evidencing the new phone number, such as a phone bill, shall be obtained.

V. Preventing and Mitigating Identity Theft

One or more of the following measures, as deemed appropriate under the particular circumstances, shall be implemented to respond to "Red Flags" that are detected:

- 1) Monitor the covered account for evidence of identity theft;
- 2) Contact the person who holds the covered account;
- 3) Change any passwords, security codes, or other security devices that permit access to a covered account;
- 4) Reopen the covered account with a new account number;
- 5) Not open a new covered account for the person;
- 6) Close an existing covered account;
- 7) Not attempt to collect on a covered account or not sell a covered account to a debt collector;
- 8) Notifying law enforcement;
- 9) Where a consumer reporting agency provides an address for a consumer that substantially differs from the address that the consumer provided, the District shall take the necessary steps to for a reasonable belief that the District knows the identity of the person for whom the District obtained a credit report, and reconcile the address of the consumer with the credit reporting agency, if the District establishes a continuing relationship with the consumer , and regularly, and in the course of business, provides information to the credit reporting agency; or
- 10) Determine that no response is warranted under the particular circumstances.

VI. Updating the ITPP

The District shall update this ITPP on an annual basis to reflect changes in risks to persons with covered accounts, and/or to reflect changes in risks to the safety and soundness of the District from identity theft, based on the following factors:

- 1) The experiences of the District with identity theft;
- 2) Changes in methods of identity theft;
- 3) Changes in methods to detect, prevent and mitigate identity theft;
- 4) Changes in the types of covered accounts that the District maintains;
- 5) Changes in the business arrangements of the District, including service provider arrangements.

VII. Methods for Administering the ITPP

A. Oversight of the ITPP

Oversight by the District's [**designate position**] shall include:

- 1) Assigning specific responsibility for the ITPP's implementation;
- 2) Reviewing reports prepared by the staff regarding compliance of the ITPP; and
- 3) Approving material changes to the ITPP as necessary to address changing identity theft risks.

B. Reports

- 1) *In General.* Staff responsible for the development, implementation, and administration of this ITPP shall report to the Governing Board on an annual basis.
- 2) *Contents of Report.* The report shall address material matters to the ITPP and evaluate the following issues: the effectiveness of the policies and procedures in addressing the risk of identity theft in connection with opening new covered accounts and with respect to existing covered accounts; service provider arrangements; significant incidents involving identity theft and management's response; and recommendations for material changes to the ITPP.
- 3) *Oversight of Service Provider Arrangements.* Whenever the District engages a service provider to perform an activity in connection with one or more covered accounts the District shall take steps to ensure that the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft. To that end, the District shall require our service contractors, by contract, to have policies and procedures to detect relevant "Red Flags" that may arise in the performance of the service provider's activities, and either report the "Red Flags" to the District, or to take appropriate steps to prevent or mitigate identity theft.



BP 5800 Prevention of Identity Theft in Student Financial Transactions

Reference:

15 U.S. Code Section 1681m(e);

Fair and Accurate Credit Transactions Act (FACT Act or FACTA)

The District is required to provide for the identification, detection, and response to patterns, practices, or specific activities (“Red Flags”) that could indicate identity theft of students when the District serves as a creditor in relation to its students. When applicable, the CEO is directed to develop procedures to implement an Identity Theft Prevention Program (ITPP) to control reasonably foreseeable risks to students from identity theft.

See AP 5800