



Chancellor's Advisory Council

Meeting Agenda – February 23, 2024, 9:00-10:30 a.m.

Zoom: <https://fhda-edu.zoom.us/j/87482624663?pwd=8dTSEObdtElaaxOpy7MqIy8IDFJ36I.1>

AGENDA TOPIC	PURPOSE/DESIRED OUTCOME	DISCUSSION LEADER
1. Welcome and introductions	I – Allow council members and guests to identify each other by name and constituent group represented and/or role at the colleges/district.	Lee Lambert
2. Approval of December 1, 2023 meeting summary	A – Provide accurate record of previous meetings.	Lee Lambert
3. Please review the draft of the following Board Policies and Administrative Procedures: <ul style="list-style-type: none"> • AP 4105 Distance Education and Correspondence Education (FYI, No Action) • AP 5510 Student Code of Conduct (FYI, No Action) • AP 5520 Student Discipline Procedures (FYI, No Action) • AP 5530 Student Rights and Grievances (FYI, No Action) • Draft AP 2410 Board Policies and Administrative Procedures (First Reading) 	I – Review of policy and procedures approved by the Chancellor’s Cabinet for dissemination to constituents. <i>(Note: Pursuant to administrative procedure 2410, administrative procedures that do not involve academic and professional matters are effective upon approval of the Chancellor’s Advisory Council. Board polices are not effective until approved by the Board of Trustees.)</i> <i>(Note: Pursuant to administrative procedure 2410, administrative procedures that do not involve academic and professional matters are effective upon approval of the Chancellor’s Advisory Council. Board polices are not effective until approved by the Board of Trustees.)</i>	Lee Lambert
4. Campus Enrollment Updates (standing item)	I/D – Gain understanding of enrollment initiatives, provide feedback/advice, and share information with constituencies.	Kris Whalen Lloyd Holmes
5. Institutional Effectiveness Partnership Initiative (IEPI)	I – Anu Khanna will provide an update to the Chancellor’s Advisory Council regarding districtwide professional development planning through the IEPI State Grant.	Lee Lambert
6. District Governance Committee/Constituent Group Reports <ul style="list-style-type: none"> • Affordable Housing Task Force • District Budget Advisory Committee https://www.fhda.edu/about-us/participatorygovernance/district-budget-advisory-committee-@dbac~/ • Energy and Sustainability Advisory Committee https://www.fhda.edu/about-us/participatorygovernance/energy-and-sustainability-advisory-committee-@esac~/ • Police Chief’s Advisory Committee https://www.fhda.edu/about-us/participatorygovernance/police-chiefs-advisory-committee-@pcac~/ • Human Resources Advisory Committee/District Diversity and Equity Advisory Committee https://www.fhda.edu/about-us/participatorygovernance/human-resources-advisory-committee-@hrac~/ • Educational Technology Advisory Committee 	I – Broaden awareness. Provide information for council members to disseminate to constituents about work/actions of districtwide governance groups and constituent groups.	All

https://www.fhda.edu/about-us/participatorygovernance/educational-technology-advisory-committee-etac~/		
7. Dates to remember/other information and updates	I – Share information for council members to disseminate to constituents.	All

I – Information, D – Discussion, A – Action

2023-24 Chancellor's Advisory Council meeting dates:

March 15, 2024

April 26, 2024

May 24, 2024

June 14, 2024

Topic: Chancellor's Advisory Council | 02/23/2024

Time: Feb 23, 2024 09:00 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://fhda-edu.zoom.us/j/87482624663?pwd=8dTseObdtElaaxOpy7MqIy8IDFJ36i.1>

Meeting ID: 874 8262 4663

Passcode: 365443

One tap mobile

+16694449171,,87482624663# US

+16699006833,,87482624663# US (San Jose)

Dial by your location

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 408 638 0968 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 719 359 4580 US

+1 253 205 0468 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 876 9923 US (New York)

+1 646 931 3860 US

+1 689 278 1000 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

Meeting ID: 874 8262 4663

Find your local number: <https://fhda-edu.zoom.us/j/kco0gdQvDD>



FOOTHILL-DE ANZA
Community College District
Office of the Chancellor

CHANCELLOR'S ADVISORY COUNCIL
Meeting Summary
December 1, 2023

Present: Joshua Agupugo, Deborah Armstrong, Patty Guitron, Jory Hadsell, Lloyd Holmes, Kurt Hueg, Pat Hyland, Elaine Kuo, Lee Lambert, Kathryn Maurer, Kevin Metcalf, Scott Olsen, Stanley Saraos, Adiel Velasquez, Kristina Whalen

Guests: Danny Acosta, Rick Andrews, Joel Cadiz, Stacy Gleixner, Anu Khanna, Paula Norsell, Raquel Puentes, Eric Reed

1. **Welcome and introductions**

Chancellor Lee Lambert welcomed council members and guests.

2. **Approval of October 27, 2023, meeting summary**

The October 27, 2023, Chancellor's Advisory Council (CAC) meeting summary was approved by consensus.

3. **Draft administrative procedure (AP) 7400 Travel (revision)**

The proposed revision to the district's administrative procedure related to travel (AP 7400) was approved by consensus. The change to remove reference to prohibited travel to states that have enacted discriminatory laws was prompted by California's replacement of the travel ban enacted in 2016 under Assembly Bill 1887 with an educational outreach program.

4. **Campus enrollment updates**

De Anza College President Lloyd Holmes and Foothill College Vice President of Instruction and Institutional Research Stacy Gleixner reported that enrollment appears to be up from last year at both colleges, but no official numbers are available. Council members were advised that because of an issue last year, there is a two week time period this winter in which enrollment comparisons cannot be generated. Vice Chancellor of Technology Jory Hadsell advised that the reports are anticipated to be available again starting on December 5. Teamsters President (and college researcher) Elaine Kuo suggested that anyone who has questions in the meantime should reach out to the college institutional research and planning offices.

5. **Institutional Effectiveness Partnership Initiative**

Senior Advisor to the Chancellor on Reimagining Foothill-De Anza Anu Khanna spoke about a successful proposal submitted to the statewide Institutional Effectiveness Partnership Initiative for Partnership Resource Team (PRT) assistance. PRTs provide technical assistance and peer consultation around certain focus areas to advance institutional effectiveness in the California Community Colleges.

Anu noted that the need for leadership development, succession planning, talent retention and recruitment were recurring themes in the reimagining discussions, and PRT assistance provides an opportunity to start addressing these concerns. The proposal submitted by Foothill-De Anza focuses on leadership development across the institution.

Following are the DRAFT (as of November 2023) areas of focus (to be finalized by January 2024):

- Designing a professional leadership development program to grow leadership internally to support the District's goals and plans, including those that promote equity, develop talent and retention, and improve the employee and student experience.
- Creating a needs assessment instrument to identify various types of leadership skills and abilities to be cultivated and attractive to a broad cross-section of employee constituent groups so as to attract and retain talent.
- Incorporating at every stage (including from design/development stage), program assessments and evaluation tools that emphasize continuous quality improvement in a leadership development program.
- Using contemporary, interactive, adaptable, scalable, and effective presentation and delivery methods that encourage both participation in and completion of the leadership programs.

The process for the PRT assistance includes:

- Visit 1 (late February): Group Meetings with constituencies after which PRT provides an assessment around areas of focus and set of options.
- Visit 2 (early April): Working Group Meetings - A small working group will meet with the PRT and draft a plan based on assessments and options that emerge from the first visit.
- A leadership development plan is drafted with some immediate priorities identified. Resources will be requested (up to \$200,000 in seed money) to implement priorities in the plan.
- Priorities in plan are implemented using the seed money.
- Visit 3 (fall 2024): PRT visit to follow-up and provide consultation on implementation progress and advise as to next steps.

Anu asked that council members provide recommendations to her of individuals who should be invited to be part of the initial focus group meetings and individuals who should be invited to be on the working group that develops the plan. She noted that Acting Vice Chancellor of Human Resources & Equal Opportunity Pat Hyland and the college professional development coordinators will be included.

De Anza College Classified Senate representative Deborah Armstrong asked that supervisors receive more management training as many are placed in management roles without prior supervisory experience. Elaine echoed Deborah's request, stating that training specific to supervising direct reports has been a regular ask of her bargaining unit.

Lee commented that he wants to have a comprehensive professional development program available for all employees and sees it as a key component to becoming an employer of choice.

6. District Governance Committee/Constituent Group Reports

Affordable Housing Task Force <https://www.fhda.edu/about-us/participatorygovernance/affordablehousingtaskforce.html>

Affordable Housing Task Force facilitator Eric Reed reported that Foothill College was approved as a priority site for housing development by the Association of Bay Area Governments. He stated that the task force has a meeting scheduled to discuss examples of possible sites, which will then be shared with shared governance committees.

District Budget Advisory Committee <https://www.fhda.edu/about-us/participatorygovernance/district-budget-advisory-committee-@dbac~/>

Executive Director of Fiscal Services Raquel Puentes advised that the committee met November 28, 2023. Among the items discussed was a Fiscal Forward Report produced by the California Community Colleges Chancellor's Office (CCCCO) for Chancellor Lambert that compared Foothill-De Anza to other districts in the state. She noted that Vice Chancellor of Business Services Susan Cheu is following up on some of the data inputs in the report that were questioned.

Raquel advised that a position vacancy report requested by a committee member will be presented in January, and a subgroup will be discussing possible changes to the district's board policy on reserves to better align with the CCCCCO's recommendations.

Energy and Sustainability Advisory Committee <https://www.fhda.edu/about-us/participatorygovernance/energy-and-sustainability-advisory-committee-@esac~/>

Executive Director of Facilities and Operations Joel Cadiz reported that the committee has completed its goals and will need to refocus and refine its purpose. He reported that a subgroup of the committee is working toward creating a roadmap to move forward

with realistic goals for the Sustainability Action Plan, adding that infrastructure issues need to be resolved in order to address sustainability. Joel also advised that the district is in the process of hiring an energy and sustainability manager, reviewing options for a new recycling system and greener energy purchases, and received initial findings from an energy efficiency consultant.

Police Chief's Advisory Committee <https://www.fhda.edu/about-us/participatorygovernance/police-chiefs-advisory-committee-@pcac~/>

<https://police.fhda.edu/about-us/police-chiefs-advisory-committee/index.html>

Police Chief Danny Acosta reported that the committee reviewed recent outreach events conducted by the police department, including Boba with a Cop, Run Hide Defend training, and community forums. He noted that the virtual Run Hide Defend trainings have been receiving good participation, but the in-person trainings, held at each campus at least once a quarter, have had low attendance. Danny advised that the most recent community forum covered Middle East tensions and the roles of the police department and administrators in addressing hate crimes, hate incidents, and hate speech.

Human Resources Advisory Committee/District Diversity and Equity Advisory Committee <https://www.fhda.edu/about-us/participatorygovernance/human-resources-advisory-committee-@hrac~/>

<https://www.fhda.edu/about-us/participatorygovernance/district-diversity-and-equity-advisory-committee-@ddeac~/>

Hearing that the Human Resources Advisory Committee (HRAC) and District Diversity and Equity Advisory Committee (DDEAC) have not met since her retirement, Pat promised to get the committees back on track. Elaine noted that constituent groups were recently asked to confirm representatives for DDEAC, and a meeting has been scheduled for December 8 at 9:00 a.m.

Educational Technology Advisory Committee <https://www.fhda.edu/about-us/participatorygovernance/educational-technology-advisory-committee-@etac~/>

Vice Chancellor of Technology Jory Hadsell reported that the committee has been discussing deployment of accessibility support tools inside Canvas, student printing options, the need for student technical support, implementation of multifactor authentication for students, and review of the electronic information security board policy and administrative procedure. He advised that a workgroup has been formed to focus on artificial intelligence, noting that good work is happening in a lot of areas, but there are a lot of legal and policy issues to sort through.

Dates to remember/other information and updates

The next Chancellor's Advisory Council meeting will be held on January 12, 2024. Lee

asked committee members to inform Carla Maitland if they will be sending a representative in their place.

Meeting adjourned at 9:52 a.m.

Draft



FOOTHILL-DE ANZA
Community College District

Book	Administrative Procedures
Section	Chapter 4 - Academic Affairs (including former Article 6 - Instruction and Curriculum)
Title	Distance Education and Correspondence Education
Code	AP 4105
Status	New
Legal	California Code of Regulations, Title 5, Sections 55200 et seq. California Code of Regulations, Title 5, Sections 55260 et seq. Education Code Sections 66700 et seq. Education Code Sections 70901 et seq. 34 Code of Federal Regulations Part 602.17 (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 II.A.1
Cross References	AP 4020 Program and Curriculum Development
Origin	CCLC template - legally required (CCLC template updated 10/23)

CCLC NOTE: This procedural language is legally required in an effort to show good faith compliance with the applicable Federal Regulations if the District offers distance education or correspondence education. The Federal Regulations require districts to have processes in place to ensure that the student who registers in a distance education or correspondence education course or program is the same student who participates in and completes the program and receives academic credit. A district will meet this requirement if it follows the language below. Note that the Federal Regulations do not require districts to charge students fees associated with the verification of the student's identify. However, any district that does charge a fee, must notify the student in writing of the estimated amount of those fees in addition to a statement of the processes used to protect the student's privacy.

Consistent with federal regulations pertaining to federal financial aid eligibility, the District must authenticate or verify that the student who registers in a distance education or correspondence education courses is the same student who participates in and completes the course or program and receives the academic credit. The District will provide to each student at the time of registration, a statement of the process in place to protect student privacy and estimated additional student charges associated with verification of student identity, if any.

The District provides a secure web-based student verification process by way of a single sign-on to the student portal, registration, and the Course Management System (CMS). Students are assigned a unique Campuswide Identification Number (CWID), and receive access to online courses via routine synchronization between the student registration system and the CMS.

Students are responsible for adhering to [District Administrative Procedure 5510](#), the Student Code of Conduct, and in Distance Education courses particularly to the the following components of AP 5510. Following the principles of respect, honesty, integrity, and compliance with rules and regulations essential to the District mission, students shall:

- **Act in accordance with Academic Integrity, avoiding dishonesty, cheating, plagiarism, or knowingly furnishing false information;**

- Refrain from unauthorized preparation, giving, selling, transfer, distribution or publication of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, except as permitted by any district policy or administrative procedure;
- Refraining from disorderly conduct or lewd, indecent or obscene behavior, conduct or expression on District-owned or controlled property, or at District sponsored or supervised functions, including synchronous or asynchronous web-based activities;
- Theft or abuse of computer time, including but not limited to:
 - a. Unauthorized entry into a file, to use, read or change the contents;
 - b. Unauthorized transfer of a file;
 - c. Unauthorized use of another person's identification or password;
 - d. Use of computing resources to interfere with the work of another student, faculty, or college official;
 - e. Use of computing resources to send obscene or abusive messages;
 - f. Use of computing resources to interfere with normal operations of the college computing system;
 - g. Use of computing resources for a student's personal benefit.

Instructors are encouraged to use a variety of interaction and assessment techniques to authenticate students, including but not limited to use of varied assessments in lieu of high stakes exams, randomized test banks, project-based learning, group projects, and multimedia projects.

Definition

Per Title 5 Section 55200, distance education means instruction in which the instructor and student are separated by time and/or distance and interact through the assistance of technology. All distance education is subject to the requirements of Title 5 and to the requirements of the Americans with Disabilities Act (42 U.S.C. § 12100 et seq.) and section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794d).

Course Approval

Title 5 §55206 requires that every proposed or existing course offered via distance education shall be reviewed and approved separately. An addendum to the official course outline of record shall be made if any portion of the instruction of a new or existing course is provided through distance education. The addendum must address:

- How the course student learning outcomes will be achieved in the distance education mode;
- How the portion of instruction delivered via distance education provides regular substantive interaction between instructor and students;
- How the portion of the course delivered via distance education meets accessibility requirements;
- Course quality standards uphold and adhere to institutional equity visions and goals.

The review and approval of new and existing distance education courses shall follow the curriculum approval procedures outlined in Administrative Procedures 4020, Program and Curriculum Development. Distance education courses shall be approved under the same conditions and criteria as all other courses, subject to the certification standards described in the following section.

All distance education courses approved under this procedure will continue to be in effect unless substantive changes are made to their official course outlines of record and will be reevaluated as part of the regular course review and revision process.

Certification

The college curriculum committees at Foothill and De Anza each provide approval for the course outline of record with addendum forms that address course quality, instructor-student contact, and accessibility. Each course outline of record is approved by the college curriculum committee for offering in specific modalities (asynchronous online, synchronous online, hybrid).

In addition, when approving distance education courses, the campus Curriculum Committee will certify the following:

- Course quality standards for distance education courses are the same standards as applied to traditional in-person courses;
- Course quality determinations are made in accordance with all Curriculum Committee course approval criteria and procedures.

[See Administrative Procedure 4020 Program and Curriculum Development](#)

Publication of Course Standards

Per Title 5 Section 55005, for each distance education course offered, the colleges will make available to students through college publications the following information:

- Whether the course is a degree-applicable credit course, a nondegree-applicable credit course, a noncredit course, or a community services offering;
- Whether the course is transferrable to baccalaureate institutions;

- Whether the course fulfills a major/area of emphasis or general education requirement;
- Whether the course is offered on a pass-no-pass basis;
- All online and in-person synchronous meeting days/dates and times;
- Any required asynchronous in-person activities;
- Any required technology platforms, devices, and applications;
- Any test or assessment proctoring requirements.

Regular and Substantive Interaction

An institution ensures regular interaction between a student and an instructor or instructor by, prior to the student's completion of a course or competency—

a) Providing the opportunity for substantive interactions with the student on a predictable and regular basis commensurate with the length of time and and the amount of content in the course or competency; and

b) Monitoring the student's academic engagement and success and ensuring that an instructor is responsible for promptly and proactively engaging in substantive interaction with the student when needed on the basis of such monitoring, or upon request by the student Regular Substantive Interaction between the instructor and the students (and among students, if described in the course outline of record or distance education addendum) is included in each section of a course taught via distance education.

For purposes of this definition, substantive interaction is engaging students in teaching, learning, and assessment, consistent with the content under discussion, and also includes at least two of the following—

a) Providing direct instruction;

b) Assessing or providing feedback on a student's coursework;

c) Providing information or responding to questions about the content of a course or competency;

d) Facilitating a group discussion regarding the content of a course or competency; or

e) Other instructional activities approved by the institution's or program's accrediting agency.

The district shall provide training and ensure that faculty teaching distance education courses shall be adequately prepared. By proposing a distance education course, the faculty author, department chair, and dean agree that instructors assigned to teach a distance education course section should be prepared to teach online in accordance with college procedures for obtaining agreed upon training. Prior to assigning a distance education course, the division dean shall verify the faculty have received current and sufficient training.

Accessibility

Accessibility is a shared responsibility between faculty, the college, and the district. Each section of a course in which the instructional time is conducted in part or in whole through distance education will comply with all applicable accessibility requirements outlined in state and federal regulations (Americans with Disabilities Act of 1990 (ADA), section 508 of the Rehabilitation Act of 1973, California Government Code section 1135, and Title 5 section 55205). "Accessible" means a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. The person with a disability must be able to obtain the information as fully, equally and independently as a person without a disability. Although this might not result in identical ease of use compared to that of persons without disabilities, it still must ensure equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology.

See Administrative Procedure 4020 Program and Curriculum Development



Book	Administrative Procedures
Section	Chapter 5 - Student Services (including former Article 5 - Students)
Title	Student Code of Conduct
Code	AP 5510
Status	Up For Revision
Legal	Education Code Section 66300 Education Code Section 66303 ACCJC Accreditation Standards I.C.8 and 10 Health and Safety Code Section 11014.5 Health and Safety Code Sections 11053 et seq.
Adopted	January 20, 2006
Office	College Presidents
Upload	February 24, 2015

Foothill and De Anza Colleges consider the following principles essential to their educational mission and community life:

1. Mutual respect between students, faculty, staff **and administration;**
2. **Equity and inclusion for all members of our campus community.**
3. Pursuit of studies with honesty and integrity;
4. Respect for College and personal property; and
5. Compliance with all **college, district, state and federal** rules and regulations.

These standards are intended to promote responsible student conduct and fair play. Students shall be subject to College discipline (as outlined in [Administrative Procedure 5520: Student Due Process and Discipline](#)) for any of the following misconduct that occurs at any time on campus or at any off campus facility, including internet-based courses held on the ~~world-~~**worldwide** web, or college-approved or sponsored functions:

1. Academic dishonesty, such as cheating, plagiarism (including plagiarism included in student publications), or knowingly furnishing false information to the Colleges, or District; **Academic dishonesty is the act of obtaining or attempting to obtain credit for academic work through the use of dishonest, deceptive, or fraudulent means;**
2. 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;
3. Dishonesty, forgery, alteration, or misuse of College or District documents, records or identification;

4. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other College or District activities, including its public service functions, or of other authorized activities;
5. Physical or verbal abuse of any person or conduct which threatens or endangers the health or safety of any such person; **Causing, attempting to cause or threatening to cause physical injury to another person;**
6. ~~Committing or attempting to commit robbery or extortion;~~ **Bribery; Offering to pay an employee or offering favors in exchange for preferential treatment including inflated grades, exam copies or other confidential information.**
7. Causing or attempting to cause damage to College or District property or to private property on campus;
8. Stealing or attempting to steal College or District property or private property on Campus, or knowingly receiving stolen College or District property or private property on campus; **Committing or attempting to commit robbery, theft, larceny, or extortion;**
9. Willful misconduct that results in injury or death to a student or to College or District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the College or District or on the campus;
10. Unauthorized entry to or use of College or District facilities;
11. Violation of College or District policies or of campus regulations including those concerning registration of student organizations, use of College or District facilities, or the time, place and manner of public expression;
12. Unlawful possession, use, sale, offer to sell, or furnishing or being under the influence of, any controlled substance as listed in California Health and Safety Code Section 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;
13. Use, possession, or sale of any firearm, knife, explosive, or other object that could be classified as a weapon (unless the student has specific authorization from a College or District official);
14. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of authority, or persistent abuse of College or District personnel; **which includes failure to comply with a directive given by college or district personnel, in accordance with established policies;**
15. Gambling on College or District property;
16. Hazing or any act that injures, degrades, or disgraces or tends to injure, degrade, or disgrace any fellow student or other persons;
17. Disorderly conduct or lewd, indecent or obscene behavior, conduct or expression on District-owned or controlled property, or at District sponsored or supervised functions;
18. Willful or persistent smoking **or vaping** in any area where smoking has been prohibited by law or by regulation of the College or District;
19. Theft or abuse of computer time, **campus technology resources**, including but not limited to:
 - a. unauthorized entry into a file, to use, read or change the contents or for any other purpose;
 - b. unauthorized transfer of a file;
 - c. unauthorized use of another persons identification, **network credentials** and/or password;
 - d. use of ~~computing facilities~~ **campus technology resources** to interfere with the work of another student, faculty member or college official;

- e. use of ~~computing facilities~~ **campus technology resources** to send obscene or abusive messages, or to defame or intentionally harm other persons;
- f. use of ~~computing facilities~~ **campus technology resources** to interfere with normal operation of the college computing system;
- g. **abuse** use of ~~computing facilities~~ **campus technology resources** for student's personal benefit;
- h. use of campus technology resources to violate academic integrity standards.**
- i. use of campus technology resources to violate any campus, district, State, Federal, policy, law, or regulation;**
- j. The use of technology in a manner that violates the Foothill-De Anza Community College District standards of student conduct.**

20. Committing sexual harassment as defined by law or as set forth in [Board Policy 4640](#);

21. Engaging in harassing or discriminatory behavior based on race, sex, religion, age, national origin, **gender expression, sexual orientation**, disability, or any other status protected by law-, **policy, or statute; Violating any state or federal law prohibiting harassment, stalking, intimate partner violence, domestic violence, sexual misconduct or any other form of violence or harassment, including Title IX, Campus SaVE and/or Violence Against Women Act (VAWA).**

22. Engaging in expression which is obscene, libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on College or District premises, or the violation of lawful College or District regulations, or the substantial disruption of the orderly operation of the College or District.

22.a. Engaging in harassing and/or intimidating conduct or bullying against another student or a college employee through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying;

23. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

[See Board Policy 5500 Student Rights and Responsibilities](#)

[See Administrative Policy 5520 Student Due Process and Discipline](#)

Approved 1/20/06



FOOTHILL-DE ANZA
Community College District

Book	Administrative Procedures
Section	Chapter 5 - Student Services (including former Article 5 - Students)
Title	Student Due Process and Discipline
Code	AP 5520
Status	Up For Revision
Legal	Education Code Section 66017 Education Code Section 66300 Education Code Section 72122 Education Code Section 76030 et seq. Penal Code Section 626.4
Adopted	January 20, 2006
Last Revised	November 3, 2006
Prior Revised Dates	Legally required
Office	College Presidents
Upload	February 24, 2015

(Note: CCLC's suggested template language for the procedure is included below as underlined, bold-faced text.)

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.

This administrative procedure is 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 designate 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 designate 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 designate 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 [designate position], 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's] decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The [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 designate 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 AP 5520 Student Discipline Procedures 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 designate 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 AP 5520 Student Discipline Procedures 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 language 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/ 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. The official recording 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/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 to the address last on file with the District, 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 designated 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.

(Note: Foothill-De Anza's current procedure language included below.)

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance, and admonition. At the same time, educational institutions have a duty and the corollary disciplinary powers to protect their educational purpose through the settings of standards of scholarship and conduct for the students who attend them and through the regulation of the use of institutional facilities.

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Student Code of Conduct (as set forth in [Administrative Procedure AP 5510](#)), which guarantees to the student or students involved the due process rights entitled to them by state and federal constitution 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 proceeds that may be initiated by other agencies.

I. DEFINITIONS

College. Foothill College, De Anza College and their respective programs **and campuses**.

District. The Foothill-De Anza Community College District.

President. The college president or a designated representative of the college president.

Student. **A currently enrolled student, a person who has filed an application for admission to the college, or a former student...who was also enrolled at the time of the alleged violation of the Standards of Student Conduct.** ~~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.

Student Discipline Officer. The **student judicial affairs** official designated by the College to be responsible for reviewing and processing student discipline matters.

Admonition. An administrative, verbal warning to the student to cease and desist from conduct determined to violate the Standards of Student Conduct.

Written Warning. Written notice to the student that continuation or repetition of specific conduct found wrongful within a period of time stated in the warning, may be cause for more severe disciplinary action. Written reprimands may become part of a student's permanent record at the college.

Disciplinary Probation. Exclusion from participation in privileges or extracurricular activities **in any format or location as** set forth in the notice of disciplinary probation for a specified period of time.

Restitution. Financial liability for damage to or misappropriation of **district or personal** property **or funds**. Restitution may take the form of **repayment of funds or** appropriate service to repair or otherwise compensate for damages.

Suspension. Exclusion of the student for good cause from one or more classes for a period of up to ten (10) days of instruction, or the remainder of the school term, or from all classes and activities for one or more terms. The suspended student is prohibited from being enrolled in any other College in the District for the period of suspension. **No student shall be subject to suspension without the opportunity to participate in a due process hearing or meeting within a reasonable amount of time.**

Summary Suspension. Any student who has willfully disrupted the orderly operation of the campus may be promptly suspended pending a hearing, where such immediate suspension is required in order to protect lives or property and to insure the maintenance of order, provided, however, that a reasonable opportunity must be afforded the suspended person for hearing within ten (10) days. In all other cases, where disciplinary action is to be taken in response to willful disruption of the orderly operation of the campus, discipline shall be imposed only after a prompt hearing by a campus body resulting in a finding that the student willfully disrupted the orderly operation of the campus.

Expulsion. Exclusion of the student by action of the Board of Trustees from all Colleges in the District ~~for one or more terms, or~~ permanently.

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

Withdrawal of Consent to Remain on Campus. Withdrawal of consent by **district police or** the Student Discipline Officer for any person to remain on campus in accordance with *California Penal Code Section 626.4* where the Student Discipline Officer 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, and holidays.

II. DISCIPLINARY PROCEDURES

Except in cases where immediate discipline pending a hearing is authorized, the following procedures will apply before disciplinary action is taken to suspend or expel a student:

Notice: The Student Discipline Officer will determine if there are sufficient grounds to warrant discipline. If the Student Discipline Officer determines sufficient grounds exist to warrant discipline, the student will be provided with written notice of that determination. The written notice will include the following:

- 1) The specific section of the Code of Student Conduct that the student is charged with violating.
- 2) A short statement of the facts supporting the ~~accusation~~ allegations against the student.
- 3) The right of the student to meet with the Student Discipline Officer or designee to discuss the accusation, or to respond in writing.
- 4) The nature of the discipline that is being considered.

Time Limits. The notice must be provided to the student within ten (10) days of the date on which the conduct took place or became know to the Student Discipline Officer. In the case of continuous, repeated or ongoing conduct, the notice must be provided within ten (10) days of the date on which conduct occurred or became known to the Student Discipline Officer which led to the decision to take disciplinary action. Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

Pre-Hearing Meeting. If the student chooses to meet with the Student Discipline Officer, the meeting must occur no sooner than ~~ten (10)~~ five (5) days after the notice is provided. The request must be made in writing to the Student Discipline Officer or designee. 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, and be provided with their options for doing so. In addition, the Student Discipline Officer shall explain the hearing procedures to the student and provide the opportunity to ask questions and receive clarification about the conduct of the hearing.

Schedule of Hearing. The formal hearing shall be scheduled within ten (10) days after the prehearing meeting with the Student Discipline Officer.

Campus Disciplinary Hearing Board. The Campus Disciplinary Hearing Board shall be comprised of members of the faculty, classified staff and ~~administration members~~ administrators. The Student Discipline Officer and the president of the Academic Senate and Classified Senates shall each, at the beginning of the academic year, establish a list of persons who will serve on student disciplinary hearing panels. The Student Discipline Officer shall appoint the hearing panel from the names on these lists. The ~~Administrator~~ administrator on the hearing panel shall serve as ~~chair~~ Chair of the hearing board. However, no administrator or faculty member 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 Board Chair. The administrator appointed to serve as chair shall make the final decision on all matters relating to the conduct of the hearing unless there is a vote by other members of the board to the contrary.

Conduct Of The Hearing: 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 Student Discipline Officer shall present the facts supporting the accusation.

The Student Discipline Officer and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter. In compliance with principles of due process, the student shall have the right to present cross-examination questions for the witnesses to the hearing board chair. The hearing board chair will determine the relevancy and appropriateness of the questions before asking them. The hearing board chair will pose the questions to the witnesses, who will be compelled to provide a response to each question presented. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted. Unless the hearing panel determines to proceed otherwise, the Student Discipline Officer and the student shall each be permitted to make an opening statement. Thereafter, the Student Discipline Officer shall make the first presentation, followed by the student. The Student Discipline Officer may present rebuttal evidence after the student completes ~~his or her evidence~~ their evidence. The burden shall be on the Student Discipline Officer to prove by the substantial evidence that the facts alleged preponderance of the evidence that the allegations against the student are true.

The student may represent ~~him or herself~~ **themselves**, and may also have the right to be represented by a person of ~~his or her~~ **their** choice. An attorney shall not represent the student 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 (5) days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the Student Discipline Officer 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 five (5) 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 District shall record the hearing either by ~~tape~~ **electronic** recording or ~~stenographic~~ **video** 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 people present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. **In the event the hearing is held via teleconferencing, all parties must be visible throughout the hearing unless there are technical difficulties preventing them from doing so. The** ~~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 hearing panel chair shall administer the oath. 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~~ **video or electronically recorded** is not considered "unavailable." Within ten (10) days following the close of the hearing, the hearing panel shall prepare and forward to the Student Discipline Officer a written recommendation. The recommendation shall include specific factual findings regarding the ~~accusation~~ **allegations**, and shall include specific conclusions regarding whether any specific ~~section~~ **sections** 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. The Student Discipline Officer will forward the recommendation to the President.

Students facing disciplinary action are subject to any of the following actions:

A. Written or verbal reprimand. An admonition to the student to cease and desist from conduct determined to violate the Code 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.

B. Probation. A period of time specified for observing and evaluating a student's conduct, with or without special conditions. Probation will be imposed for a specific period of time; the student is considered removed from probation when the period expires. Violation of any conditions during the period of probation may be cause for further disciplinary action.

C. Loss of Privileges and Exclusion from Activities. Exclusion from participation in designated privileges and extracurricular activities for a specified period of time. Violation of any conditions or Code of Student Conduct during the period of sanction may be cause for further disciplinary action.

D. Educational Sanction. Work, research projects, educational assignments, counseling, or community service projects may be assigned. Violation of any requirements of assignment or Code of Student Conduct during the period of sanction may be cause for further disciplinary action.

E. Treatment Requirement. Require enrollment in anger management, drug and alcohol rehabilitation treatment.

F. Group Sanction. Sanctions for the misconduct of groups or organizations may include temporary or permanent revocation or denial of group registration as well as other appropriate sanctions.

G. Removal from Class. Exclusion of the student by an instructor for the day of the removal and the next class meeting. Instructor must immediately report the removal to the appropriate Dean and/or Vice President (or designee).

H. Exclusion from areas of the College. Exclusion of a student from specified areas of the campus. Violation of the conditions of exclusion or Code of Student Conduct during the period of exclusion may be cause for further disciplinary action.

I. Withdrawal of Consent to Remain on Campus. Withdrawal of consent by the Campus Police or the Student Discipline Officer for any person to remain on campus in accordance with California Penal Code Section 626.4/626.6 where the Campus Police has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus. 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.

J. Individualized Assessment. This assessment will be conducted by an appropriately trained professional to determine whether there is a high probability that a student poses a direct threat to the health and safety of the campus community and/or specific individual(s) affiliated with the campus.

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

L. Long-term Suspension. Exclusion of the student by the President (or designee) for good cause from one or more classes for the remainder of the school term or school year, or from all classes and activities of the college and District for one or more terms.

M. Expulsion. Permanent exclusion of the student by the Board of Trustees from attending all colleges in the District.

President's Decision.

Suspension. Within ten (10) days following receipt of the hearing panel's recommended decision, the President shall render a written decision. The President may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the President modifies or rejects the hearing panel's decision, the President shall review the record of the hearing, and shall prepare a new written decision that contains specific factual findings and conclusions. Written notice of the President's decision shall be provided to the student **include the right of the student to request an appeal of the decision within thirty (30) days of the date of the decision letter.** The notice will include the right of the student to request an appeal of the decision within thirty (30) days of receipt of the decision. The President (**or designee**) will review the **appeal record of the hearing, the appeal** and any additional information provided by the student, and render a decision on the appeal **within ten (10) days.** The decision of the President shall be final. The President shall notify the Chancellor of the District of the decision to suspend a student.

1) Student must submit their appeal 30 days of the date of the decision letter.

2) Student can send their appeal by email, mail, or drop off to the President's Office (appeal must be received within the 30 days).

3) Student must provide a Rational statement and relevant information.

Expulsion. Within ten (10) days following receipt of the hearing panel's recommended decision, the President shall render a written recommended decision to the Board of Trustees. The President may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the President modifies or rejects the hearing panel's decision, ~~he or she~~ **they** shall review the record of the hearing, and shall prepare a new written decision that contains specific factual findings and conclusions. The President's recommendation shall be forwarded to the Board of Trustees. **Written notice of the final 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 AP 5520 Student Discipline Procedures describing the procedures for a hearing.**

Board of Trustees' Trustee's Decision. Once received, the President's recommendation will be placed on the agenda of the next regularly scheduled Board meeting. The Board of Trustees shall determine whether to expel a student for cause following hearing before the Board. 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 (3) days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within forty-eight (48) hours after receipt of the notice, request that the hearing be held as a public meeting.

Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session. The Board may accept, modify or reject the findings, decisions and recommendations of the President and/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 that 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 Summary Suspension (Education Code Section 66017). The President may order immediate interim suspension pending a hearing of a student where ~~he or she~~ he/she/they concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order, provided that a reasonable opportunity be afforded the suspended person for a hearing within 10 days. **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 or her~~ his/her/their class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the **Division Dean/Vice President and the** Student Discipline Officer. The **division dean shall** ~~Student Discipline Officer~~ shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the **division dean** ~~Student Discipline Officer~~ 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 Student Discipline Officer from recommending further disciplinary procedures in accordance with these procedures based on the facts that led to the removal.

Withdrawal of Consent to Remain on Campus. The Student Discipline Officer may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If the Student Discipline Officer withdraws consent, a written report must be promptly made to the President and the Campus Police.

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 ~~ten (10)~~ **seven (7)** days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than ten (10) 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)

[See Board Policy 5500 Student Rights and Responsibilities](#)

[See Administrative Procedure 5510 Student Code of Conduct](#)

Approved 1/20/06

Revised and reviewed by Chancellor's Advisory Council 11/3/06



FOOTHILL-DE ANZA
Community College District

Book	Administrative Procedures
Section	Chapter 5 - Student Services (including former Article 5 - Students)
Title	Student Rights and Grievances
Code	AP 5530
Status	Up For Revision
Legal	ACCJC Accreditation Eligibility Requirement 20 ACCJC Accreditation Standard IV.D 34 Code of Federal Regulations Parts 106.1 et seq. Education Code Section 76120 Education Code Section 76224(a)
Adopted	January 20, 2006
Last Revised	November 3, 2006
Origin	Legally required - 10/16/19 APM discussion - request to change language to accommodate schedules of 10-month employees
Office	College Presidents
Upload	February 24, 2015

(Note: Language changes to Section IV, part B, last paragraph suggested by Tim Shively at 10/16/19 APM meeting are shown below. APM was concerned about the effect a delay might have on a student's ability to continue and transfer. It was suggested that more generic language, such as "extenuating circumstances may require an extension of the timeline" be incorporated instead.)

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 thirty (30) calendar days following the decision to grant a Grievance Hearing, **provided this date falls within the regular academic school year (i.e. by the last day of final exams). Otherwise, the hearing may be delayed until the first quarter of the following academic year.** All parties to the grievance shall be given not less than ten (10) work days notice of the date, time and place of the hearing.

(Note: CCLC's suggested template language for the procedure is included below as underlined, bold-faced text.)

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/her status, rights or privileges as a student. The procedures shall include, but not be limited to, grievances regarding:

- Sex discrimination in education programs and activities as prohibited by Title IX of the Higher Education Amendments of 1972 (see AP 3435 Discrimination and Harassments Complaints and Investigations [or insert appropriate local procedure number] for sexual misconduct complaints under Title IX);
- Financial aid [unless the District's financial aid policy contains an appeal procedure];
- Course grades, to the extent permitted by Education Code Section 76224 subdivision (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 subdivision (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/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.

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

Request for Grievance Hearing – Any request for a grievance hearing shall be filed on a Request for a Grievance Hearing within [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 Grievance 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]. 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 of the California Community Colleges. The Chancellor of the California Community Colleges 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.

(Note: Foothill-De Anza's current procedure language below)

I. PURPOSE:

The purpose of this procedure is to provide a prompt and equitable means of resolving student **complaints and** grievances **for students who reasonably believe a college decision or action has negatively affected their status, rights or privileges as a student.** This procedure is for student **complaints and** grievances only. Faculty and staff with complaints regarding students should refer to [Administrative Procedure 5510 \(Student Code of Conduct\)](#) and [5520 \(Student Due Process and Discipline\)](#). This procedure 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 grievances regarding: **should be used for the following complaints:**

1. *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 incompetence, shall be final.”
2. *Act or threat of intimidation or harassment*. These procedures do not apply to sexual harassment or illegal discrimination. Sexual harassment or complaints on the basis of race, color, national or ethnic origin, age, gender, sexual orientation, marital status, or physical or mental disability should be directed to the following contacts:
 - **Foothill College:** Dean of Student Affairs and Activities ~~at Foothill College~~, or the **Dean of Enrollment Services**
 - **De Anza College:** Dean of Student Development and EOPS/CARE ~~at De Anza College~~ (**illegal discrimination only**.)
 - **Dean of Counseling and Disability Support Programs and Services (sexual harassment only)** ~~or the~~
 - **District Office:** Foothill-De Anza Community College District **Vice Chancellor, Human Resources & Equal Opportunity** ~~office.~~
3. *Act or threat of physical aggression:* **Imposition of punishment without allowing students to exercise their right to a fair conduct hearing.**
4. *Arbitrary action or imposition of sanctions* without proper regard to academic due process specified in the College procedures, unrelated to disciplinary actions.
The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.
5. *The exercise of rights of free expression* protected by state and federal constitutions and Education Code Section 76120.

This procedure does not apply to:

1. *Student disciplinary actions*, which are covered under separate Board policies and Administrative Procedures ([See Administrative Procedure 5520, Student Due Process & Discipline](#)).
2. **Parking citations; to contest a parking citation, a Foothill-De Anza Community College District Parking Citation Administrative Review request form must be submitted with the Foothill-De Anza Police Department in person or online at police.fhda.edu.**
- 2-3. *Police citations* **Traffic citations (i.e. "tickets")**; (i.e. “tickets”); complaints about citations must be directed to the Santa Clara County Courthouse, ~~in the same way as any traffic violation.~~
- 3-4. *Sexual harassment*. Complaints of sexual harassment should be directed to the **following contacts**:
 - **Foothill College:** Dean of Student Affairs and Activities ~~at Foothill College~~ or the **Dean of Enrollment Services**
 - **De Anza College:** Dean of Student Development and EOPS/CARE ~~at De Anza College~~.
 - **District Office: Foothill-De Anza Vice Chancellor, Human Resources & Equal Opportunity**.
- 4-5. *Illegal discrimination*. Complaints of discrimination on the basis of race, color, national or ethnic origin, age, gender, sexual orientation, marital status, or physical or mental disability filed against an employee of the District should be directed to the **following contacts**:
 - **Foothill College:** Dean of Student Affairs and Activities ~~at Foothill College~~ or the **Dean of Enrollment Services**
 - **De Anza College:** Dean of Student Development and EOPS/CARE ~~at De Anza College~~.
 - **District Office: Foothill-De Anza Vice Chancellor, Human Resources & Equal Opportunity**.
- 5-6. *Residence Determination*. Student should contact the ~~Director of Admissions and Records~~ **Dean of Enrollment Services** ~~at De Anza College or Foothill College~~, or the Associate Registrar at Foothill College.
- 6-7. *Dismissal from College for Academic Reasons*. Student should consult a **student services academic** counselor. ~~If there are extenuating circumstances, the student may appeal the dismissal to the Academic Council after consulting a counselor.~~
8. **Prerequisite clearance or challenges for meeting course enrollment requirements.**
9. **Resolution of issues previously addressed by another grievance and/or appeal process.**

II. DEFINITIONS:

Grievant. A student alleging that a college decision or action has adversely affected ~~his or her~~ **their** status, rights or privileges as a student, or alleges that another student has violated the student's rights.

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

President. The college president or a designated representative of the college president.

Student. A currently enrolled student, a person who has filed an application for admission to the college, or a former student. A **complaint or grievance** by an applicant shall be limited to a complaint regarding denial of admission.

Respondent. Any person claimed by a **student submitting the complaint** grievant to be responsible for the ~~alleged grievance~~ **for the reported actions**.

Work Day Workday. A ~~work day~~ **workday** shall mean days during which the District is in session and regular classes are held, excluding Saturdays, ~~and~~ Sundays, **and holidays**. All time deadlines shall be measured by ~~work day~~, **workday**, unless otherwise specified as calendar days.

Sanction. A penalty or punishment for disobeying a law or rule.

California Education Code. A collection of all the laws directly related to California public schools. Local school boards and county offices of education are responsible for complying with these provisions.

Administrative Procedure. Administrative procedures implement policies and are approved through the district's participatory governance process. The Chancellor is charged with recommending changes to policy as well as developing and implementing administrative procedures.

Due Process. The right to due process is grounded in the Fifth Amendment to the U.S. Constitution and ensures that, during disciplinary proceedings, individuals or parties at public colleges and universities are presented with a notice of the charges and evidence against them and an opportunity to respond to the charges through a fair hearing where the individual or party being charged with alleged misconduct may also present their evidence in the case.

Harassment. Offensive, belittling, threatening, or otherwise unwelcomed behavior directed at another person.

Intimidation. The act or process of attempting to force or deter an action by inducing fear.

Unlawful Discrimination. Unlawful Discrimination is harassment or discrimination based on ethnic group identification, race, religion, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex or gender, age, sexual orientation, or any other legally protected status, or harassment based on the perception that a person has one or more of these statuses or associates with a person or persons perceived as having one or more of these statuses.

Rebuttal Evidence. Evidence presented by either party of the grievance that disproves or calls into question the statements, evidence or arguments of the opposing party.

Preponderance of the Evidence. Under the preponderance standard, the burden of proof is met when the party with the grievance or complaint provides enough evidence to convince the Hearing Board that there is a greater than 50% chance that their allegations against the responding party are true.

Witness. Any individual who has first-hand knowledge and/or is an eyewitness to the incident(s), circumstances or situation(s) which lead to the grievance and can provide specific and factual information during a grievance hearing.

III. INFORMAL RESOLUTION OF GRIEVANCES:

Each ~~Any~~ student who has **with a complaint or a grievance on the grounds listed above, must attempt** to resolve the matter on an informal **informally before** basis prior to requesting a **formal** grievance hearing; ~~(see time limits below).~~ **The college president has appointed a Grievance Officer to assist students in this process, which should begin with informal meetings and discussion between the student and the employee(s) with whom the student has a dispute. The responding party and their direct supervisor shall receive notification from the Grievance Officer within three (3) work days after the student submits the Informal Grievance or Complaint Form. This may require the involvement of the and shall attempt to solve the problem with the person with whom the student has the grievance, that person's employee's immediate supervisor; and ultimately or the vice president overseeing that division campus area.**

The President has appointed an employee who shall assist students in seeking resolution by informal means. This person shall be called the Grievance Officer.

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 **attempted** sought before persons **those** directly involved in the case ~~make have stated official or public statements or take~~ public positions that might tend to polarize **exacerbate** the dispute and ~~render~~ **make** 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 **should only be used** for the purpose of **settling** strengthening the case for or against persons directly involved in the dispute ~~or for any purpose other than the settlement of the grievance~~ **and not to build a case for or against any of the parties directly or indirectly involved.**

Any **If the student wishes the complaint** who believes he or she has a ~~or~~ grievance **to become official, they must submit a "Formal Grievance Hearing Request Form." It must be filed within thirty (30) work days from the date the Informal Grievance or Complaint Form was submitted to the Grievance Officer,** shall file a Statement of Grievance with the Grievance Officer within thirty (30) calendar days of the incident on which the grievance is based, or thirty (30) calendar days after the student could have reasonably discovered the basis for the grievance, whichever is later. The Statement of Grievance must be filed within the above time frame whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Within two (2) **five (5)** work days following receipt of the Statement of Grievance Form **"Informal Grievance or Complaint Form"**, the Grievance Officer shall advise the student of his or her **their** rights and responsibilities under these procedures, and assist the student, **as needed**, if necessary, in the final preparation of the Statement of Grievance **Formal Grievance Hearing Request Form, if necessary.**

If at the end of ten (10) work 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.

Steps in the Informal Process Involving College Employees:

Step 1: The student shall confer with the faculty member, administrator or classified staff person directly involved in the facts giving rise to the grievance: **will submit an Informal Grievance or Complaint Form to notify the college's Grievance Officer of the actions or incident involving a college employee that negatively affected the student on the grounds listed above. The student must submit the Informal Grievance or Complaint Form to the college Grievance Officer no later than the last day of finals week of the following quarter from the initial date the grievable action took place or from the initial date the student became aware of the grievable action. If the incident happens during the summer quarter, the student would have until the last day of finals week of the following fall quarter to submit their Informal Grievance or Complaint Form.**

Step 2: If unresolved after Step 1, the student shall confer with the faculty member's division dean, or the supervisor of the administrator or classified person: **The student shall communicate with the faculty member, administrator or classified staff person that allegedly took actions that negatively affected the student in order to resolve the dispute informally.**

Step 3: If unresolved after Step 2, the student shall confer with the vice president of that dean's or supervisor's division: **If the dispute is unresolved after Step 2, the student shall communicate with the faculty member's division dean, or the supervisor of the administrator or classified person.**

Step 4: Within the thirty (30) calendar day time limit as outlined above, if the student does not feel that the matter can be resolved after completing Steps 1-2 and 3, an official Statement of Grievance may be filed with the Grievance Officer. The Grievance Officer will advise the student of his/her rights and assist the student, if necessary, in the final preparation of the Statement of Grievance form: **If the dispute is unresolved after Step 3, the student shall communicate with the vice president of that dean's or supervisor's division.**

Step 5: If after ten (10) work days from the first meeting with the Grievance Officer there is no informal resolution, student may request a grievance hearing: **Within the thirty (30) workday limit as outlined above, if the student does not feel that the matter can be resolved after completing Steps 2-4 an official Formal Grievance Hearing Request Form may be filed with the Grievance Officer. The Grievance Officer will advise the student of their rights and assist the student, if necessary, in the final preparation of the Formal Grievance Hearing Request form.**

If the complaint involves a grievance against another student, the grievant shall confer directly with the Grievance Officer, who will advise the grievant of his/her **their** rights and assist the grievant in preparing a Statement of Grievance form.

IV. FORMAL GRIEVANCE PROCESS:

A. **Grievance Hearing Committee.**

The President or ~~his/her~~ **their** Designee shall at the beginning of each ~~semester~~ **quarter**, including any summer session, establish a standing panel of members of the college community, including faculty members, **classified staff, students** and administrators, from which one or more Grievance Hearing Committees may be appointed. The panel will be established with the advice and assistance of the Academic Senate, **Classified Senate and Student Senate** who shall submit names to the ~~President or his/her~~ **appropriate administrator or their** designee for inclusion on the panel. A Grievance Hearing Committee shall include three (3) members from the panel described above. The Administrator on the hearing panel shall serve as **Chair**.

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.

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.

B. **Formal** Request for Grievance Hearing.

~~Any request for a grievance hearing shall be filed on a Request for a Grievance Hearing form in writing within thirty (30) calendar days after discovery of the grievable action and after following steps 1-3 of the informal process above. **As stated in the timeline outlined above, if a student does not reach a resolution during the informal process, a student can submit the Formal Grievance Hearing Request Form within thirty (30) work days after submitting the Informal Grievance or Complaint Form.**~~

Within ten (10) work days following receipt of the Request for Grievance Hearing, the Grievance Officer shall convene a Grievance Hearing Committee as described above, and the Grievance Hearing Committee shall meet in private and without the parties present to determine on the basis of the **Statement of Formal Grievance Hearing Request Form** whether it presents sufficient grounds for a hearing.

The determination that the ~~Statement~~ **Formal** of Grievance **Hearing Request Form** presents sufficient grounds for a hearing shall be made if the following are found to be true:

1. The ~~statement contains facts~~ **hearing request contains allegations** which, if true, would constitute a grievance under these procedures;
2. The grievant is a student as defined in these procedures, which include applicants and former students;
3. The grievant is personally and directly affected by the alleged grievance;
4. The grievance was filed in a timely manner;
5. The grievance is ~~not~~ clearly **not** frivolous, clearly **not** without foundation, or clearly **not** filed for purposes of harassment **harassing the responding party**.

6. The grievant is filing a grievance about an issue that is under the purview of the Grievance Hearing Board and is not governed by another resolution process.

If the grievance **hearing request** 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 seven (7) work 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 thirty (30) calendar days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given not less than ~~ten (10)~~ **seven (7)** work days' notice of the date, time and place of the hearing. **If either party is unable to attend the hearing in person, alternative means for attending may be available, including videoconferencing, telephone, or by submitting written documentation. If the respondent is unable or unwilling to attend the scheduled hearing date, and it is not possible to reschedule the hearing due to time sensitive matters, the hearing will be held in absentia.**

If it is not possible to postpone the hearing until the following quarter due to time sensitive issues, and the respondent is still unable to attend/participate, or is unwilling to be scheduled for a hearing date within a reasonable amount of time, the hearing will be held in absentia.

C. Hearing Procedure.

The Grievance Hearing Committee Chair is responsible for making sure that Administrative Procedures are followed and for maintaining decorum at the hearing.

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 or herself~~, **themselves** and may also have the right to be represented by a person of ~~his or her~~ **their** 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 ten (10) work 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; 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 (5) ~~work days~~ **workdays** 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~~ **electronic** recording or ~~stenographic~~ **video** 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 or video** 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~~ **hearing** 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.

The Grievance Hearing Committee shall prepare and send a decision to the Grievance Officer. The decision will be forwarded by the Grievance Officer to the Grievant within fourteen (14) work days. 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.

D. Appeal and President's Decision.

A student prejudiced by a decision of the Grievance Hearing Committee shall be entitled to appeal that decision to the President of the college.

The appeal shall be made in writing to the President within thirty (30) calendar days of receipt of the Grievance Hearing Committee's decision. The President shall review the appeal and the Grievance Hearing Committee's findings and conclusions and render a decision. Within seven (7) ~~work days~~ **workdays** following the receipt of the request for appeal,

the President shall prepare and send a decision to the Grievant. The decision of the President shall be final.

E. Time Limits.

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

[See Board Policy 5500 Student Rights and Responsibilities](#)

Approved 1/20/06

Revised and reviewed by Chancellor's Advisory Council 11/3/06



Book	Administrative Procedures
Section	Chapter 2 - Board of Trustees (including former Article 2 - Administration and Article 9 - Bylaws)
Title	DRAFT Board Policies and Administrative Procedures
Code	AP 2410
Status	Up For Revision
Legal	ACCJC Accreditation Standards I.B.7; I.C.5; IV.C.7; and IV.D.4 (formerly IV.B.1.b & e) Education Code Section 70902
Adopted	October 18, 2013
Last Revised	January 27, 2017
Origin	???
Upload	February 3, 2017

List of Abbreviations:

AP – Administrative Procedure
APM – Academic and Professional Matters Committee
ASCCC – Academic Senate of California Community Colleges
BP – Board Policy
CAC – Chancellor’s Advisory Council
CCLC – Community College League of California
DBAC – District Budget Advisory Committee
DDEAC – District Diversity and Equity Advisory Committee
ESAC – Energy & Sustainability Advisory Committee
ETAC – Educational Technology Advisory Committee
HRAC – Human Resources Advisory Committee
PCAC – Police Chief’s Advisory Committee

Rationale for Updates to BP’s & AP’s:

BP’s and AP’s are often proposed, revised, updated, or edited for a variety of reasons including changes to Title 5 language, updates from the CCLC, ASCCC resolutions, or recommendations from councils, committees or units across the District. A regular review of policies and procedures is required to:

- Ensure the district is operating under the most current laws, regulations or accreditation mandates
- Articulate a new or updated policy or procedure that has institution-wide application

In determining the need for a new policy or procedure, or an update to an existing one, the following questions are considered:

1. Must this issue be addressed to ensure compliance with applicable laws, regulations, or accreditation mandates?

2. Would the inclusion or update of the BP or AP contribute to greater effectiveness in fulfilling the mission of the District?
3. Does the policy or procedure have institution-wide application, with an anticipated longevity as to not require frequent updates?

If the proposed new or updated policy or procedure does not meet the above criteria, it may be best addressed in operational manuals, division or departmental guidelines, or other local, campus or district communications.

Process for Updates to BP's & AP's:

It is important to follow a systematic shared governance review process for policy and procedure revisions to ensure accuracy and broad institutional dialogue as the basis for inclusion of stakeholder input and efforts at building consensus. The revision process assumes appropriate review and discussion by designated groups across the District whose work is affected by changes to policies and procedures. These groups may include the academic senates, the classified senates, the associated students, the employee bargaining units, and the appropriate councils and committees whose purpose and function determine their participation given the particular issues under discussion.

It is equally important to follow a succinct and time-sensitive review process to meet legal, regulatory and accreditation mandates, ensure consistent and appropriate operations across the District, and reduce workload inefficiencies. All involved stakeholders in the policy and procedure review process are asked to prioritize requested BP and AP reviews, and communicate right away any anticipated barriers that may hinder timely review.

Technical revisions (e.g. changes to legal references, website links, and titles) to BP's and AP's are not subject to the review process and shall be sent directly to the chancellor for implementation. Technical revisions will be shared with the Chancellor's Advisory Council for information.

1) Initiation of request to create a new BP/AP or update an existing one

a) External request coming from "CCLC Updates"

The District participates in the Community College League of California's (CCLC) Policy and Procedure Subscription Service. Upon receipt of the generally biannual update from the CCLC, the Chancellor will bring the list of impacted BP's and AP's to the Chancellor's Executive Team for review. The Executive Team will consider which updates require action, and task the chair(s) of the appropriate shared governance body (see #2 below) to initiate a review. The Chancellor will share the list of assigned BP's and AP's and their designated committee/body for review with the members of CAC.

b) Internal request

Members of CAC may submit a request to the Chancellor to create or update a BP or AP. Rationale and justification for the change meeting the criteria for inclusion (see above under the section on "Rationale") needs to be specified with the request, along with proposed draft language for the policy or procedure. The Chancellor's Office will bring the requested update to the Chancellor's Executive Team for initial review and assignment to the appropriate shared governance body (see #2 below).

2) Preparing and tasking the review of the draft BP/AP's

The Chancellor's Office will prepare drafts of all of the BP's or AP's designated for review/action by the Chancellor's Executive Team based on CCLC guidance and/or language proposed in the internal request. New BP's and AP's will be assigned an appropriate number. Revisions will underline all newly proposed language, clearly indicating in the draft what is legally required vs. recommended. The drafts will be distributed to the designated council/committee chairs.

The Executive Team shall task the appropriate shared governance body with the initial review of the new or revised BP/AP as follows:

- a) If any part of the BP/AP involves an academic and professional matter, commonly referred to as "the 10+1" (see BP 2223) then the Academic and Professional Matters committee (APM) will be tasked with the initial review.
- b) If the BP/AP does not explicitly reference an academic and professional matter, then the BP/AP will be tasked to the

Chancellor's Advisory Council (CAC) or directly to one of the established CAC Subcommittees: DBAC, DDEAC, ESAC, ETAC, HRAC or PCAC.

c) If any part of the proposed change involves a collective bargaining issue, the recommendation will be referred to the appropriate employee bargaining unit(s), with a notification to the collective bargaining representative(s) and the designated governance council/committee chair to reach an agreement as to the process and timeline for review and/or negotiation, if requested by the bargaining unit(s).

d) If the new/revised BP/AP is in response to an emergency or crisis-situation, the Executive Team may task a one-time, temporary advisory council or task force to address the most immediate needs of the situation.

3) The draft review

a) APM Review – only applicable for BP's and AP's designated as "10+1"

First reading: The district academic senate president (co-chair of APM) will present the proposed new or revised BP/AP to the committee for an initial discussion. If deemed necessary, and agreed upon at APM, a temporary workgroup shall be convened to work on perfecting the draft. APM will agree on the desired membership, leadership and appointment process of the temporary workgroup, and establish target deadlines for returning to APM with a completed draft. Upon completion of the draft by the workgroup, or if APM does not deem a workgroup necessary, APM will task the college academic senate presidents and relevant administrative leads at the colleges with review of the draft BP/AP. Any comments received from the senates or admin teams will be provided to the district academic senate president by an agreed-upon deadline.

Second reading: The district academic senate president will incorporate any requested edits into a revised draft for a second reading at APM. Should recommendations and feedback received be substantial, the policy or procedure may be returned for an additional reading. Approval will be sought by the committee based on guidelines established in BP 2223 for primary reliance on academic senates vs. mutual agreement on academic and professional matters. Once approved, the Chancellor will share the BP/AP with CAC.

b) CAC Subcommittee Review – for non 10+1 BP's and AP's that fall within subcommittee purview

First reading: The designated committee chair will bring the proposed new or revised BP or AP to the subcommittee for review, discussion and perfecting of the draft BP or AP. Subcommittee members are responsible for seeking out the input and guidance of their respective constituent groups as they work on perfecting the draft language, and prior to consenting to approval of the draft BP/AP. Feedback should be shared timely with the committee chair.

Second reading: The committee chair will incorporate recommendations into the draft BP/AP for a second (or final) read, and then present the committee's recommendation to the Chancellor for review at CAC.

c) CAC Review – for non 10+1 BP's and AP's

First reading: The chancellor will present the proposed new or revised BP/AP to the CAC for an initial discussion. If the draft BP/AP has been forwarded to CAC from a subcommittee, the committee chair will present the recommendation. If the draft BP/AP has come directly to CAC and the group deems it necessary, a temporary workgroup shall be convened to work on perfecting the draft. The members will agree on the desired membership, leadership and appointment process of the temporary workgroup, and establish target deadlines for returning to CAC with a completed draft. The chancellor shall consult with the academic and classified senate presidents and the associated student leadership at the colleges, and the collective bargaining units, if applicable, if additional constituent representatives are requested to be appointed to the temporary workgroup. Upon completion of the draft by the workgroup, or if CAC does not deem a workgroup necessary, or if the draft BP/AP has already been approved at a CAC subcommittee, the council members will be tasked with distributing the BP/AP to their constituent groups for review and comment. Any comments received by council members will be provided to the chancellor prior to the next scheduled council meeting.

Second reading: The chancellor will incorporate constituent group recommendations into the proposal for a second reading. After constituency consultation and collegial review at this meeting, the Chancellor's Advisory Council will make a recommendation to the chancellor. Should recommendations and feedback received be substantial, the policy or procedure may be returned for an additional reading.

4) Implementation

New and revised AP's involving academic and professional matters (see process for APM Review above) shall be effective after approval by APM. All other new and revised AP's shall be effective upon approval by CAC (see process for CAC Review above).

New and revised board policies shall not be operable until approved by the Board of Trustees.

Once effective, the Chancellor shall be responsible for ensuring the newly approved BP's and AP's are made public, changes are communicated to everyone in the District, affected offices are tasked with operationalizing any new procedures, and resources are aligned appropriately.

[See Board Policy 2410 Policy and Administrative Procedure](#)

Approved by the Chancellor's Advisory Council 10/18/13