

## Leagues Updates 39, 40

Dated October 2021 and April 2022

AR 4010	<b>Academic Calendar</b>		
AR 4100	<b>Graduation Requirements for Degrees (Certificates)</b>		
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## Withdrawals and the Return of Title IV Funds

Covid 19 Guidance and Waivers

Community College League of California  
Liebert Cassidy Whitmore

### **Legal Updates #39 and #40** October 2021 and April 2022

## **OVERVIEW**

### Revisions to the Administrative Procedure Templates Oct 2021

**AP 4010 Academic Calendar** – The Service updated this procedure to add optional language regarding designating Juneteenth as a district holiday. The Service also clarified optional language in this procedure.

**AP 4105 Distance and Correspondence Education** – The Service updated this procedure to add “Correspondence” Education to the title to reflect new provisions added to Title 5 regarding correspondence education. The Service also added legally required language regarding correspondence education, including the definition from Title 5 regarding “correspondence education” and provisions addressing delivery of correspondence education instruction, addendums to course outlines, and eligibility of full-time status for students who participate in correspondence education. Finally, the Service added legal citations to Education Code Sections 66700 and 70901 et seq. and Title 5 Sections 55260 et seq.

**AP 4230 Grading and Academic Record Symbols** – The Service updated this procedure to reflect additions to Title 5 Regulations requiring districts to grant students credit for satisfactory completion of International Baccalaureate or College Level Examination Program examinations and requiring districts to ensure that students’ academic records clearly annotate credit earned through such examinations. (Title 5 Section 55052.5) To the extent that districts grant students prior credit for successful completion of other prior learning experiences or examinations, such as Advanced Placement examinations, the Service recommends that districts use the same academic record symbol for such purposes.

**AP 4235 Credit for Prior Learning** – The Service updated this procedure to reflect additions to Title 5 Regulations requiring districts to grant students credit for satisfactory completion of International Baccalaureate or College Level Examination Program examinations and requiring districts to ensure that students’ academic records clearly annotate credit earned by such examinations. (Title 5 Section 55052.5)

**AP 4236 Advanced Placement Credit** – The Service updated this procedure to add a legal citation to Title 5 Section 55052 and clarify that if a district grants credit for satisfactory completion of Advanced Placement examination, a student’s academic record will reflect such credit.

**AP 5013 Students in the Military** – The Service updated this procedure to reflect amendments to Title 38 of the U.S. Code regarding residencies determinations for a student with military or veteran status, for determining eligibility for in-state tuition. (38 U.S. Code Section 3679, as amended by Public Law 116-315)

**AP 5015 Residence Determination** – The Service updated this procedure to reflect amendments to Title 38 of the U.S. Code regarding residencies determinations for a student with military or veteran status, for determining eligibility for in-state tuition. (38 U.S. Code Section 3679, as amended by Public Law 116-315)

**AP 5040 Student Records, Directory Information, and Privacy** – The Service updated this procedure to add a legal citation to reflect an amendment to Title 10 of the U.S. Code regarding the disclosure of student information to the military for recruitment purposes.

**AP 5530 Student Rights and Grievances** -- The Service updated this procedure to address a typo.

**AP 5700 Intercollegiate Athletics** – This Service updated this procedure to add legally required language regarding student athletes’ rights to earn compensation for their name, image, likeness, or athletic reputation. (Education Code Section 67456, as amended by Senate Bill 26) The Service also added a citation to California Community College Athletic Association Constitution and Bylaws.

### **Additional Notes**

**Amendments to Title 5, adding Sections 55270 et seq. regarding Direct Assessment Competency-Based Education Programs:** The Board of Governors recently approved amendments to Title 5 that add provisions regarding a district’s implementation of direct assessment competency-based education programs. The amendments became effective October 3, 2021. The regulations were promulgated to support implementation of programs that “better serve the diversity of California community college students, ensure access to educational pathways and opportunities for academic and career success, and to achieve more equitable

student outcomes.” The Regulations require the California Community Colleges Chancellor’s Office to provide guidance regarding the process and timeline for approval of these programs. As of the date of publication of this Fall 2021 Legal Update #39, the California Community Colleges Chancellor’s Office has not published this guidance.

As implementation of direct assessment competency-based education programs are in the pilot stage and the California Community Colleges Chancellor’s Office must provide additional guidance regarding the process for approval of these programs, it is premature to update any applicable Policy & Procedure Service templates. The Service will continue to monitor these amendments and review the need for updates.

**Amendments to Title 5 regarding Associate Degree Graduation Requirements and EEO Requirements:** The Service is aware that the Board of Governors recently approved amendments to Title 5, which will mandate that, (1) students who plan to earn an associate degree will be required to take a course in ethnic studies and (2) districts adopt a policy statement setting forth the district’s commitment to an equal employment opportunity (EEO) plan that is grounded in principles of diversity, equity, and inclusion. At the time of the Service’s publication of this Fall 2021 Legal Update #39, these amendments are not effective law and therefore, updates to the Policy & Procedure Service templates are premature. The Service will continue to monitor these amendments and will review the need for updates.

## **Revisions to the Administrative Procedure Templates April 2022**

**AP 4100 Graduation Requirements for Degrees and Certificates** – The Service updated this procedure to reflect new Title 5 Regulations regarding direct assessment competency-based education.

**AP 5040 Student Records, Directory Information, and Privacy** – The Service updated this procedure to add legal citations and language concerning a student’s ability to request name and gender changes in the student’s records.

**AP 5420 Associated Students Finance** – The Service updated this procedure to clarify that an academic employee who is the designated advisor of a student body organization must approve the expenditure of funds for that organization.

**AP 5520 Student Discipline Procedures** – The Service updated this procedure to reflect recent legislation that complainants or witnesses in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for violations of the student conduct policy unless the violation was egregious.

## **AP 4100 Graduation Requirements for Degrees and Certificates**

### **References:**

Title 5 Sections 55060 et seq. and 55270 et seq.

**NOTE:** *This procedure is legally required. Local practice may be inserted. Procedures must address at least the following:*

For the Associate in Arts or Associate in Science degree, a student must demonstrate competence in reading, in written expression, and in mathematics.

The student must satisfactorily complete at least 60 semester units or 90 quarter units of college work.

A definition of “college work” that provides that courses acceptable toward the associate degree include those that have been properly approved pursuant to Title 5 Section 55002(a), or, if completed at other than a California community college, would reasonably be expected to meet the standards of that section.

The work must include at least 18 semester units or 27 quarter units in general education and at least 18 semester units or 27 quarter units in a major listed in the Community Colleges “Taxonomy of Programs.”

The work must include at least 12 semester units or 18 quarter units of study in residence; exceptions to the residence requirement can be made by the Board when an injustice or undue hardship would result.

The general education requirements must include a minimum of work in the natural sciences, the social and behavioral sciences, humanities, and language and rationality.

Students may petition to have noncredit courses counted toward the satisfaction of requirements for an associate degree.

Ethnic studies must be offered.

District policies and procedures regarding general education and degree requirements must be published in the college catalog and must be filed with the California Community Colleges Chancellor’s Office.

For a certificate of achievement, a student must successfully complete a course of study or curriculum that consists of [ **16 or more semester units or 24 or more quarter units** ] of degree-applicable credit coursework. The certificate of achievement shall be designed to demonstrate that the student has completed coursework and developed capabilities relating to career or general education.

Shorter credit programs that lead to a certificate may be established by the District.

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

Certificates for which California Community Colleges Chancellor's Office approval is not sought may be given any name or designation deemed appropriate except for certificate of achievement, certificate of completion, or certificate of competency.

The District may obtain approval of a direct assessment competency-based program from the California Community College Chancellor's Office.

Revised 8/06, 8/07, 2/08, 10/18, 4/22

## **AP 5040 Student Records, Directory Information, and Privacy**

### **References:**

Education Code Sections 66093.3, 66271.4, and 76200 et seq.;

Title 5 Sections 54600 et seq. and 59410;

Civil Code Sections 1788.90 et seq. and 1798.85;

10 U.S. Code Section 503;

20 U.S. Code Section 1232g subdivision (j) (U.S. Patriot Act);

ACCJC Accreditation Standard II.C.8

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

A cumulative record of enrollment, scholarship, and educational progress shall be kept for each student.

**NOTE:** *The following section on "Collection and Retention of Student Information" is the model language provided by the Office of the California Attorney General. Districts must adopt this language or locally created equivalent language to comply with Education Code Section 66093.3 subdivision (h).*

### **Collection and Retention of Student Information**

The District shall treat all students equitably in the receipt of all school services, including, but not limited to, the gathering of student and family information for the institution's benefit programs.

The [ **department** ] shall maintain in writing District policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.

The District will provide students and families with annual notice, at the beginning of each school year, of institutional policies for student privacy and the abilities of parents or eligible students to inspect student information.

The District will provide students an opportunity to opt out of disclosure of directory information. Notices must describe the following:

- The kind of information that the school has identified as directory information;
- The eligible student's ability to refuse to let the school designate the information as directory information, which could be disclosed to outside entities;
- The period of time in which the eligible student has to notify the school in writing that he/she/they does not want the information designated as directory information; and
- That opting out by the noted deadline is the students' only way to prevent the release of directory information.

Any sensitive information, such as a student's, parent's, or guardian's SSN, any AB 540 determinations, or citizenship status information collected by the District or disclosed by the student, should be maintained only for as long as necessary.

If the District possesses information that could indicate immigration status or citizenship status, the District shall not consider the acquired information in admissions decisions or access to educational courses or degree programs.

Students may elect not to provide immigration or citizenship status information to the institution, and this election shall not impede admissions or enrollment in educational programs.

The District shall not create a list of student names linked with immigration status.

District police or security departments shall not inquire into an individual's immigration status for immigration enforcement purposes.

District police or security departments shall not aid any effort to create a registry containing individuals' country of birth or based on any other protected characteristics of victims, witnesses, or suspects of crimes unless required by law for specified purposes.

**Release of Student Records:** No instructor, official, employee, or Board of Trustees member shall authorize access to student records to any person except under the following circumstances:

- Student records shall be released pursuant to a student's written consent. [ **Insert local procedure on obtaining consent or student request** ].
- "Directory information" may be released in accordance with the definitions in Board Policy [ **insert local board policy number** ].
- [ **Insert local procedure for releasing "directory information."** ]

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

Student records may be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials, or their respective designees or the United States Office of Civil Rights, where that information is necessary to audit or evaluate a state or federally supported educational program or pursuant to federal or state law. Exceptions are that when the collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal requirements. [ **Insert local procedures or who is responsible for providing such information and defining procedure.** ]

Student records may be released to officials of other public or private schools or school systems, including local, county, or state correctional facilities where education programs are provided, where the student seeks or intends to enroll or is directed to enroll. The release is subject to the conditions in Education Code Section 76225. [ **Insert local procedures or who is responsible for providing such information and defining procedure.** ]

Student records may be released to agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of those students may be disclosed only as may be necessary for those purposes as to financial aid, to determine the amount of the financial aid, or conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid. [ **Insert local procedures or who is responsible for providing such information and defining procedures.** ]

Student records may be released to organizations conducting studies for, or on behalf of, accrediting organizations, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering financial aid programs, and improving instruction, if those studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of those organizations and the information will be destroyed when



no longer needed for the purpose for which it is conducted. [ **Insert local procedures or who is responsible for providing such information and defining procedure.** ]

Student records may be released to appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health or safety of a student or other persons, subject to applicable federal or state law. [ **Insert local procedures or who is responsible for providing such information and defining procedure.** ]

The following information shall be released to the federal military for the purposes of federal military recruitment: student names, addresses, electronic mail addresses, telephone listings, dates, and places of birth, levels of education, major, degrees received, prior military experience, or the most recent previous educational institutions enrolled in by the students.

**NOTE:** *The following section on “Access to Student Records for Immigration Enforcement Purposes” is the model language provided by the Office of the California Attorney General. Districts must adopt this language or locally created equivalent language to comply with Education Code Section 66093.3 subdivision (h).*

### **Access to Student Records for Immigration Enforcement Purposes**

The District must obtain a student’s written consent before disclosing educational records, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information for immigration enforcement purposes; no student information shall be disclosed for immigration enforcement purposes without a court order or judicial warrant. Without a court order or a judicial warrant, written consent must be signed and dated by the student, or (if the student is a minor) by the student’s parent or guardian, before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made.

If desired by the student, the District must provide a copy of the records to be released. The party to whom the information is disclosed may not re-disclose the information to any other party without the prior consent of the student or subsequent court order.

District personnel shall develop a written policy for interactions with immigration authorities seeking to review student records. At minimum, such policies shall include the following information:

- Contact information [ **name, title, e-mail addresses, and phone numbers** ] for the correct person to review and respond to a request for student records.
- Access to sample warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.



- District personnel shall provide a set of responses for [ **building personnel or residence hall staff** ] to use in response to officers seeking access to records for immigration enforcement purposes.

In addition to notifying the [ **designated campus official** ], District personnel shall take the following action steps in response to an officer other than campus police requesting access to student records:

1. Ask for the officer's name, identification number, and agency affiliation;
2. Record or copy this information;
3. Ask for a copy of any warrants;
4. Inform the officer that you are not obstructing his/her/their efforts but that you need to contact a campus administrator or campus counsel for assistance.

Campus [ **police or security** ] shall not provide personal information about an individual for immigration enforcement purposes, unless that information is publicly available, or required by a court order or judicial warrant. "Personal information" is defined as any information that identifies or describes an individual, and includes but is not limited to, a student's physical description, home or work address, telephone number, education, financial matters, medical or employment history, and statements made by, or attributed to, the individual. This restriction does not apply to information regarding the immigration or citizenship status of an individual.

Unless the District is served with a judicial subpoena or court order that by its terms prohibits disclosure to the student, the student must be notified of any judicial order or subpoena before the institution complies with the order in accordance with FERPA.

**Charge for Transcripts or Verifications of Student Records:** A student/former student shall be entitled to two free copies of the transcript of his/her/their record or to two free verifications of various student records. Additional copies shall be made available to the student, or to an addressee designated by him/her/them, at the rate of [ **\$ insert amount** ] per copy. Students may request special processing of a transcript. The District will not refuse to provide a transcript for a current or former student on the grounds that the student owes a debt; condition the provision of a transcript on the payment of a debt, other than a fee charged to provide the transcript; charge a higher fee for obtaining a transcript, or provide less favorable treatment of a transcript request because a student owes a debt; or use transcript issuance as a tool for debt collection.

### **Electronic Transcripts**

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

### **Use of Social Security Numbers**

The District shall not do any of the following:

- Publicly post or publicly display an individual's social security number;
- Print an individual's social security number on a card required to access products or services;
- Require an individual to transmit his/her/their social security number over the internet using a connection that is not secured or encrypted;
- Require an individual to use his/her/their social security number to access an Internet Web site without also requiring a password or unique personal identification number or other authentication device; or
- Print, in whole or in part, an individual's social security number that is visible on any materials that are mailed to the individual, except those materials used for:
  - Application or enrollment purposes;
  - To establish, amend, or terminate an account, contract, or policy; or
  - To confirm the accuracy of the social security number.
- If the District has, prior to January 1, 2004, used an individual's social security number in a manner inconsistent with the above restrictions, it may continue using that individual's social security number in that same manner only if: The use of the social security number is continuous;
- The individual is provided an annual disclosure that informs the individual that he/she/they has the right to stop the use of his/her/their social security number in a manner otherwise prohibited;
- The District agrees to stop the use of an individual's social security number in a manner otherwise prohibited upon a written request by that individual;
- No fee shall be charged for implementing this request; and the District shall not deny services to an individual for making such a request.

### **Name and Gender Changes to Former Student Records**

If the District receives government-issued documentation, as described below, from a former student demonstrating that the former student's legal name or gender has been changed, the District shall update the former student's records to include the updated legal name or gender. If requested by the former student, the District shall reissue any documents conferred upon the former student with the former student's updated legal name or gender. Documents that shall be reissued by the District upon request include, but are not necessarily limited to, a transcript or a diploma conferred by the institution.

The District shall not charge a higher fee for correcting, updating, or reissuing a document based on a legal name or gender change than the fee it charges for correcting, updating, or reissuing that document generally.

The documentation of a former student sufficient to demonstrate a legal name or gender change includes, but is not necessarily limited to, any of the following:

- State-issued driver's license or identification card;

- Birth certificate;
- Passport;
- Social security card;
- Court order indicating a name change or a gender change, or both.

The District is not required to modify records that the former student has not requested for modification or reissuance.

Commencing with the 2023–24 graduating class, a graduating student may request that the District confer the diploma in the student’s chosen name. The District cannot require a graduating student to provide legal documentation to demonstrate a legal name or gender change in order to have the student’s chosen name listed on the student’s diploma.

Revised 2/04, 2/08, 3/12, 4/14, 4/15, 10/17, 3/19, 4/20, 10/20, 10/21, 4/22

## AP 5420 Associated Students Finance

### References:

Education Code Sections 76063-76065

**NOTE:** *This procedure is legally required if the Board has established an associated students organization in accordance with Education Code Section 76060. Local practice may be inserted. The following is an example:*

Associated Student Funds are maintained in accordance with the following procedures:

- Associated Student Organization Fund books, financial records and procedures are subject to annual audit.
- Reports of the annual audit of A. S. funds are submitted to the **[designate authority]**.
- Audit information, except that containing personnel or other confidential information, shall be released to the Associated Students by the **[designate authority]**.
- Associated Student funds shall be deposited with and disbursed by the District’s **[designate authority]**.

The funds shall be deposited, loaned or invested in **[insert depository and/or investments, which must be one or more of the following ways authorized by law]:**

- Deposits in trust accounts of the centralized State Treasury System pursuant to Government Code Sections 16305-16305.7 or in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.
- Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations, if the associations are doing business in this state and have their accounts insured by

the Federal Savings and Loan Insurance Corporation and if any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by the insurance.

- Purchase of any of the securities authorized for investment by Government Code Section 16430 or investment by the Treasurer in those securities.
- Participation in funds that are exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code and that are open exclusively to nonprofit colleges, universities, and independent schools.
- Investment certificates or withdrawable shares in federal or state credit unions, if the credit unions are doing business in this state and have their accounts insured by the National Credit Union Administration and if any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by the insurance.
- Loans, with or without interest, to any student body organization established in another community college of the District for a period not to exceed three years.
- Investment of money in permanent improvements to any community college District property including, but not limited to, buildings, automobile parking facilities, gymnasiums, swimming pools, stadia and playing fields, where those facilities, or portions thereof, are used for conducting student extracurricular activities or student spectator sports, or when those improvements are for the benefit of the student body.

All funds shall be expended subject to such procedures as may be established by the Associated Students subject to the approval of each of the following three persons. Approval shall be obtained each time before any funds may be expended:

- the CEO or designee;
- the academic employee of the District who is the designated advisor of the particular student body organization; and
- a representative of the student body organization.

**Revised 4/22**

## **AP 5520 Student Discipline Procedures**

### **References:**

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

Penal Code Section 626.4

**NOTE:** *This procedure is **legally required**, except as specifically noted. Local practice may be inserted, but it 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.

For discipline resulting from a sexual harassment complaint under Title IX, the procedure in AP 3434 Responding to Harassment Based on Sex under Title IX, must be used.

## **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 who was also enrolled at the time of the alleged violation of the Standards of Student Conduct.

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

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

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

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

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

**Written or verbal reprimand** – An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands

may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

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

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

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

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

**Short-term Suspension** – Within [ **number of days** ] after the meeting described above, the [ **CEO** ] shall, pursuant to a recommendation from the [ **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 [ **designated position** ], decide whether to impose a long-term suspension. Written notice of the [ **CEO** ] decision shall

be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of 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 [ **designated position** ], decide whether to recommend expulsion to the Board of Trustees. Written notice of the [ **CEO's** ] decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of 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 it 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 Associated Students 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/their 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/themself, and may also have the right to be represented by a person of his/her/their 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/they shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The [ **CEO's** ] 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 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 [ **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/they 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/their class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the [ **CEO** ] and the [ **designated position** ]. The [ **designate position** ] shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the [ **designated position** ] shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the [ **designated position** ] from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

**Withdrawal of Consent to Remain on Campus:** The [ **designate position** ] may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she/they 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.

### **No Disciplinary Action against Complainants or Witnesses in Sexual Assault Investigations**

An individual who participates as a Complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

**NOTE:** *The following paragraph is optional.*

### **Student Discipline Data Reporting**

The [ **CEO** ] shall develop and provide to the Board for review [ **specify annual or other interval** ] report of the number of students who were disciplined pursuant to this procedure. This report must disaggregate the students by race, age, gender, or any other characteristic identified by the Board.

**Revised 6/13, 4/14, 4/15, 10/15, 10/20, 4/21, 4/22**

## **AP 4010 Academic Calendar**

### **References:**

Education Code Section 79020;  
Title 5 Sections 55700 et seq. and 58142

**NOTE:** *This procedure is **legally required**. Local procedures related to the establishment of the academic calendar may be inserted here, including:*

The number of days that define an academic year is [ **(traditionally, 175 days of instruction and evaluation)** ]

[ **Flexible calendar options, if any** ]

[ **Processes for determining the academic calendar** ]

The District's college[s] and offices of the District shall be closed on the following holidays:

- New Year's Day (January 1)
- Dr. Martin Luther King, Jr. Day (Third Monday in January)
- Lincoln Day (February 12 *or see Note below*)
- Washington Day (Third Monday in February)
- Memorial Day (Last Monday in May)
- Independence Day (July 4)
- Labor Day (First Monday in September)
- Veterans Day (November 11 *or see Note below*)
- Thanksgiving Day (Fourth Thursday in November)
- Christmas Day (December 25)

**NOTE:** *The following **optional language** may be added based on local practice or collectively bargained rights. (Education Code Sections 79020 subdivision (k) and 79020 subdivision (l)).*

- Cesar Chavez Day
- Native American Day
- Juneteenth (June 19)
- Day after Thanksgiving Day
- Christmas Eve Day
- New Year's Eve Day

**Other Holidays** – The Board of Trustees may declare other days to be holidays and close the colleges and offices when good reason exists.

**NOTE:** *Please refer to Education Code Section 79020 for laws regulating the scheduling of Lincoln Day, Veterans Day, and holidays that fall on the weekends.*

**Revised 10/21**

# AP 4105 Distance and Correspondence Education

## References:

Education Code Sections 66700 and 70901 et seq.;

Title 5 Sections 55200 et seq.;

Title 5 Sections 55260 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

**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 identity. 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 [ **Chief Instructional Officer** ] shall utilize one or more of these methods to authenticate or verify the student's identity:

**NOTE:** *Insert local practice here: the following approaches are specifically referenced in the federal regulation as appropriate. The key is to utilize an accepted procedure for verifying a student's identity.*

- secure credentialing/login and password;
- proctored examinations; or

- new or other technologies and practices that are effective in verifying student identification.

The [ **Chief Instructional Officer** ] shall establish procedures for providing a statement of the process in place to protect student privacy and estimated additional student charges associated with verification of student identity, if any, to each student at the time of registration.

**NOTE:** *The following procedure is **legally required** if the District has implemented distance education courses. Local practice may be inserted, but it must include the f*

#### **Definitions:**

**District Education:** Distance education means instruction in which the instructor and student are separated by time or distance and interact through the assistance of technology.

**Correspondence Education:** Correspondence Education means education provided through one or more courses by a community college or district under which the college or district provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructor. Interaction between the instructor and student is limited due to separation, is not regular and substantive, and is primarily initiated by the student. Correspondence courses are typically self-paced, although a regular cycle of assignment submissions and delivery of feedback should be established for facilitated learning. If a course is part correspondence and part residential training, it is considered a correspondence course. Correspondence education is not distance education.

**Course Approval:** Each proposed or existing course offered by distance education shall be reviewed and approved separately. Separate approval is mandatory if any portion of the instruction in a course or a course section is designed to be provided through distance education.

The review and approval of new and existing distance education courses shall follow the curriculum approval procedures outlined in AP 4020 Program and Curriculum Development. Distance education courses shall be approved under the same conditions and criteria as all other courses.

**Certification:** When approving distance education courses, the [ **designate authority** ] will certify the following:

**Course Quality Standards:** The same standards of course quality are applied to the distance and correspondence education courses as are applied to in-person classes.



**Course Quality Determinations:** Determinations and judgments about the quality of the distance and correspondence education course were made with the full involvement of the [ **designate authority, e.g. faculty, curriculum committee**] approval procedures.

### **Instructor Contact:**

**Distance Education:** Each section of the course that is delivered through distance education will include regular effective contact between instructor and students, as well as among students, either synchronously or asynchronously, through group or individual meetings, orientation and review sessions, supplemental seminar or study sessions, field trips, library workshops, telephone contact, voice mail, e-email, or other activities.

**Correspondence Education:** Each section of a course conducted through correspondence education will be established through a cycle of assignment submissions and comprehensive, responsive feedback, as determined by [ **local practice - designate authority, e.g. faculty, curriculum committee** ]. Instructors will be responsible for ensuring that each student will receive ongoing support toward making meaningful academic progress.

Students who participate in correspondence education will have access to student support services, including counseling, library searches, research assistance, and tutoring or other learning support through mail, email, telephone or in-person contact, as determined by [ **local practice - designate authority, e.g. faculty, curriculum committee** ].

**Addendum to Course Outline:** 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 or correspondence education. The addendum must be approved according to the District's curriculum approval procedures. The addendum **must** address the following:

- How course outcomes will be achieved in a distance or correspondence education mode;
- For distance education, how the portion of instruction delivered via distance education provides regular and effective contact between instructors and students;
- For correspondence education, how the portion of instruction delivered via correspondence education documents and facilitates learning progression through a cycle of assignment submissions and feedback; and,
- How the portion of instruction delivered via distance education meets the requirements of the Americans with Disabilities Act (ADA) and Section 508 of the Rehabilitation Act of 1973.

**Duration of Approval:** All distance and correspondence education courses approved under this procedure will continue to be in effect unless there are substantive changes of the course outline.

**Faculty Selection and Workload:** Instructors of course sections delivered through distance or correspondence education will be selected using the District or college's same procedures for determining other instructional assignments.

**Correspondence Education Students:** A student is considered to be "enrolled in correspondence courses" if correspondence courses constitute 50 percent or more of the courses in which the student is enrolled during a financial aid award year.

In order for a correspondence education student to be considered a full-time student at the District, at least one-half of the student's coursework must be made up of non-correspondence coursework that meets one-half of the District's requirement for full-time students.

**NOTE:** *Insert local practice here; provisions may include:*

- For a program that measures progress in credit hours and uses standard terms (semesters, trimesters, or quarters), 12 semester hours or 12 quarter hours per academic term.
- For a program that measures progress in credit hours and does not use terms, 24 semester hours or 36 quarter hours over the weeks of instructional time in the academic year, or the prorated equivalent if the program is less than one academic year.
- For a program that measures progress in credit hours and uses nonstandard-terms (terms other than semesters, trimesters, or quarters) the number of credits determined by,
  - (1) Dividing the number of weeks of instructional time in the term by the number of weeks of instructional time in the program's academic year; and
  - (2) Multiplying the fraction determined under paragraph (3)(A) of this definition by the number of credit hours in the program's academic year.
- For a program that measures progress in clock hours, 24 clock hours per week. A "clock hour" for correspondence education purposes is defined as sixty (60) minutes of preparation in a correspondence course.
- A series of courses or seminars that equals 12 semester hours or 12 quarter hours in a maximum of 18 weeks.
- The work portion of a cooperative education program in which the amount of work performed is equivalent to the academic workload of a full-time student.

**Revised 7/02, 8/03, 8/06, 8/07, 2/08, 7/11, 4/15, 4/17, 10/19, 10/21**

# AP 4230 Grading and Academic Record Symbols

## References:

Title 5 Sections 55023, 55024, 55051, 55052, and 55052.5

**NOTE:** *This procedure is **legally required**. Local practice may be inserted, but it must comply with Title 5.*

Grades from a grading system shall be averaged on the basis of the point equivalencies to determine a student's grade point average using only the following evaluative symbols:

## Evaluative Symbols:

A – Excellent (Grade Point = 4)

B – Good (Grade Point = 3)

C – Satisfactory (Grade Point = 2)

D – Less than satisfactory (Grade Point = 1)

F – Failing (Grade Point = 0)

P – Passing (At least satisfactory – units awarded not counted in GPA)

NP – No Pass (Less than satisfactory, or failing – units not counted in GPA)

SP – Satisfactory Progress toward completion of the course (Used for noncredit courses only and is not supplanted by any other symbol)

**NOTE:** *Districts that have adopted “plus-minus” grades would insert those grades. If pluses and minuses are used, the grade point value of a plus shall be computed by adding 0.3 to the value assigned to the letter grade with which it is combined, and the grade point value of a minus shall be computed by subtracting 0.3 from the value assigned to the letter grade with which it is combined, except that no grade point value shall be less than 0 or greater than 4.0.*

**NOTE:** *Districts that have adopted the “FW” grade symbol (unofficial withdrawal) would insert that symbol under the list of evaluative symbols. The “FW” symbol may not be used if a student has qualified for and been granted a military withdrawal. If “FW” is used, its grade point value is 0.*

## Non-Evaluative Symbols:

**I – Incomplete:** Incomplete academic work for unforeseeable, emergency and justifiable reasons. The condition for the removal of the “I” shall be stated by the instructor in a written record. The record shall contain the conditions for the removal of the “I” and the grade assigned in lieu of its removal. The record must be given to the student with a copy on file with the registrar until the “I” is made up or the time limit has passed. A final grade shall be assigned when the work stipulated has been completed and evaluated, or when

the time limit for completing the work has passed. The “I” may be made up no later than one year following the end of the term in which it was assigned. The “I” symbol shall not be used in calculating units attempted nor for grade points.

**IP – In Progress:** The “IP” symbol shall be used only in courses which extend beyond the normal end of an academic term. It indicates that work is “in progress,” but that assignment of an evaluative symbol (grade) must await its completion. The “IP” symbol shall remain on the student’s permanent record in order to satisfy enrollment documentation. The appropriate evaluative symbol (grade) and unit credit shall be assigned and appear on the student’s permanent record for the term in which the course is completed. The “IP” symbol shall not be used in calculating grade point averages. If a student enrolled in an “open-entry, open-exit” course is assigned an “IP” and does not re-enroll in that course during the subsequent term, the appropriate faculty will assign an evaluation symbol (grade) to be recorded on the student’s permanent record for the course.

**RD – Report Delayed:** The “RD” symbol may be assigned by the registrar only. It is to be used when there is a delay in reporting the grade of a student due to circumstances beyond the control of the student. It is a temporary notation to be replaced by a permanent symbol as soon as possible. “RD” shall not be used in calculating grade point averages.

**W – Withdrawal:** The “W” symbol may be used to denote withdrawal in accordance with the requirements of Title 5 Section 55024.

**MW – Military Withdrawal:** The “MW” symbol may be used to denote military withdrawal in accordance with Title 5 Section 55024.

**EW – Excused Withdrawal:** The “EW” symbol may be used to denote withdrawal in accordance with Title 5 Section 55024.

**[ *Symbol* ] – Credit for Prior Learning:** The “[ *Symbol* ]” symbol may be used to denote credit earned through successful completion of an International Baccalaureate examination, College Level Examination Program examination, Advanced Placement examination, or another experience, examination or assessment of prior learning, if the District determines that such prior learning satisfies the District’s standards for measuring competencies comparable to those achieved in baccalaureate or general education level courses. Standards for satisfactory completion of a prior learning experience, examination or assessment will be approved by the faculty in the appropriate discipline for which prior learning credit is earned.

**Revised 9/01, 8/07, 4/17, 4/18, 10/18, 10/21**

## AP 4235 Credit for Prior Learning

### References:

Education Code Section 79500;

Title 5 Sections 55050, 55051, 55052, and 55052.5

**NOTE:** *This procedure is suggested as good practice/optional, but it is legally advised if the Board adopts a policy to allow credit for prior learning. A District must publish its policies pertaining to credit for prior learning in its college catalog. A District must also review its credit for prior learning policy every three years and report particular findings specified in Title 5 Section 55050 subdivision (l) to the California Community Colleges Chancellor's Office. Additionally, a District must certify to the California Community Colleges Chancellor's Office by December 31, 2020 that it has complied with the requirements of Title 5 Section 55050.*

Credit for Prior Learning may be obtained by one of the following methods: *(Colleges must determine appropriate methods. Colleges must award prior credit for satisfactory completion of International Baccalaureate and College Level Examination Program examinations. Colleges may award credit for other forms of prior learning, with some common practices listed below.)*

- Achievement of a score of [ **3 or higher** ] on an Advanced Placement Examination administered by the College Entrance Examination Board.
- Achievement of a score that qualifies for credit by College Level Examination Program examination.
- Achievement of a score that qualifies for credit by International Baccalaureate examination.
- Credit by satisfactory completion of an examination administered by the college in lieu of completion of a course listed in the college catalog.
- Achievement of an examination administered by other agencies approved by the college.
- Assessment approved or conducted by proper authorities of the college.

Credit may be awarded for prior experience or prior learning only for individually identified courses with subject matter similar to that of the individual's prior learning, and only for a course listed in the catalog of the community college. Award of credit may be made to electives for students who do not require additional general education or program credits to meet their goals.

### Determination of Eligibility to Receive Credit by Examination:

- The student must be currently registered in the college and in good standing,
- The course is listed in the college catalog,

- Credits acquired by examination are not applicable to meeting of such unit load requirements as Selective Service deferment, Veteran's or Social Security benefits.

Credits acquired by assessment shall not be counted in determining the 12 semester hours of credit in residence required for an Associate degree.

**NOTE:** *Additional local procedures may be inserted, which **must** include:*

- Procedures for students to attain credit for prior learning that includes credit by examination, evaluation of Joint Services Transcripts, evaluation of student-created portfolios, evaluation of industry-recognized documentation, and standardized exams.
- The student's academic record clearly indicates that the credit was earned by assessment of prior learning.
- Limits on the number of units that may be applied to the Associate degree.
- Other limits on student and course eligibility for credit by examination.
- Procedures that require that a student, upon completion of his/her/their educational plan pursuant to Education Code Section 78212, shall be referred to the college's appropriate authority for assessment of prior learning if the student is a veteran or an active-duty member of the armed forces, holds industry-recognized credentials, or requests credit for a course based on their prior learning.
- An opportunity for students to accept, decline or appeal decisions related to the award of credit, and in the cases of credit by exam, pursuant to Title 5 Sections 55021 and 55025.

**Revised 2/08, 10/17, 4/20, 10/21**

## **AP 4236 Advanced Placement Credit**

### **References:**

Education Code Section 79500;

Title 5 Section 55052

**NOTE:** *This procedure is **legally required**.*

Any student who passes a College Board Advanced Placement (AP) examination with a minimum score of three in a subject matter will be awarded credit in a general education area with a subject matter similar to that of the AP examination.

**NOTE:** *Insert locally developed course-to-course awarding of AP credit made by the appropriate discipline faculty.*

For any AP examination that the District does not offer a course similar in content, the District will award credit in the General Education area shown on the California Community College General Education AP List. If there is no General Education area that fits the AP Examination, the District may award elective credit.

A student's academic record will be annotated to reflect credit earned through an AP examination.

The District shall post its Advanced Placement Credit procedure on its Internet Web site.

**New 10/17, Revised 10/21**

## **AP 5013 Students in the Military**

### **References:**

Education Code Sections 68074, 68075, 68075.5, and 68075.7;

Title 5 Sections 55023, 55024, 54041, 54042, 54050, and 58620;

Military and Veterans Code Section 824;

38 U.S. Code Section 3679

**NOTE:** *This procedure is **suggested as good practice/optional**. The following procedures may also be placed in other administrative procedures as appropriate, e.g., residence determination and grading and drop/add procedures.*

### **Residence Determinations for Military Personnel and Dependents**

A student who is a member of the armed forces of the United States stationed in California, except a member of the armed forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification. Such student shall retain resident classification in the event that the member of the armed forces is thereafter transferred on military orders to a place outside of California or thereafter retires from active duty, so long as the student remains continuously enrolled in the District.

An undergraduate student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty and is in attendance at, or has been admitted to, the District shall be entitled to resident classification. Such student shall retain resident classification if he/she/they is thereafter transferred on military orders to a place outside of California, so long as the student remains continuously enrolled in the District.

A veteran who was discharged or released from at least 90 days of active service, commencing on or after July 1, 2015, and his/her/their dependents, regardless of the veteran's state of residence is entitled to resident classification.



A veteran who was discharged or released from at least 90 days of active service, commencing on or after July 1, 2015, and his/her/their dependents, regardless of the veteran's state of residence is entitled to resident classification.

An individual who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California is entitled to resident classification.

An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty is entitled to resident classification.

A parent who is a federal civil service employee and his/her/their natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.

A student claiming the residence classifications provided for in this procedure must provide a statement from the student's commanding officer or personnel officer providing evidence of the date of the assignment to California, and that the assignment to active duty in California is not for educational purposes. A student claiming the residence classifications provided for here for the dependent of military personnel shall provide a statement from the military person's commanding officer or personnel officer that the military person's duty station is in California on active duty as of the residence determination date, or has been transferred outside of California on active duty after the residence determination date, or that the military person has retired from active duty after the residence determination date. (Title 5 Sections 54041 and 54042)

### **Withdrawal Processes for Members of the Military**

A student who is a member of an active or reserve United States military service and who receives orders compelling a withdrawal from courses shall be permitted to withdraw upon verification of such orders. A withdrawal symbol may be assigned which may be a "W" or a "MW." Military withdrawal shall not be counted in progress probation, dismissal calculations, or in calculating the permitted number of withdrawals. In no case may a military withdrawal result in a student being assigned an "FW" grade. In no case may a college require a student who is required to report for military duty to withdraw from a course by a specified date in order to receive a full refund of the tuition and fees the student paid to the college for the academic term in which the student was required to report for military service.

**NOTE:** *Districts may reference or include local administrative procedures regarding how such a student would withdraw.*

**Revised 8/06, 8/07, 7/11, 3/12, 11/14, 10/15, 10/17, 4/18, 3/19, 10/2**

# AP 5015 Residence Determination

## References:

Education Code Sections 68000 et seq., 68130.5, 68074-68075.7, and 68086;

Title 5 Sections 54000 et seq.;

38 U.S. Code Section 3679

**NOTE:** *This procedure is **legally required**. Districts may insert their local practices. The following is provided as an illustrative example.*

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

- A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.
- Residence classification is the responsibility of the [ **designate, such as Admissions Office** ].

Students must be notified of residence determination within 14 calendar days of submission of application.

A student seeking to enroll exclusively in career development and college preparation courses, and other courses for which no credit is given, shall not be subject to this residency classification requirement.

The District shall publish the residence determination date and summary of the rules and regulations governing residence determination and classification in the District catalog or addenda thereto.

## Rules Determining Residence

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

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

- Every person who is married or 18 years of age, or older, and under no legal disability to do so, may establish residence.
- A person may have only one residence.

- Every person who is married or 18 years of age, or older, and under no legal disability to do so, may establish residence.
- A person may have only one residence.
- A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which one returns in seasons of repose.
- A residence cannot be lost until another is gained.
- The residence can be changed only by the union of act and intent.
- A man or a woman may establish his/her/their residence. A woman's residence shall not be derivative from that of her husband.
- The residence of the parent with whom an unmarried minor child maintains his/her/their place of abode is the residence of the unmarried minor child. When the minor lives with neither parent, the minor's residence is that of the parent with whom the last place of abode was maintained, provided the minor may establish his/her/their residence when both parents are deceased and a legal guardian has not been appointed.
- The residence of an unmarried minor who has a parent living cannot be changed by the minor's own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.

### **Determination of Resident Status**

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

- A student who is a minor and remains in this state after the parent, who was previously domiciled in California and has established residence elsewhere, shall be entitled to retain resident classification until attaining the age of majority and has resided in the state the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.
- A student who is a minor and who provides evidence of being entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date with the intention of acquiring a residence therein, shall be entitled resident classification until he/she/they has resided in the state the minimum time necessary to become a resident.
- A student who has not been an adult for one year immediately preceding the residence determination date for the semester for which the student proposes to attend an institution shall have the immediate pre-majority-derived California residence, if any, added to the post-majority residence to obtain the one year of California residence.
- A student holding a valid credential authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the college year in which the student enrolls in an institution, shall be entitled to resident classification if each student meets any of the following requirements:

- He/she/they holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
  - He/she/they holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
  - He/she/they is enrolled in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Education Code Section 44259.
  - A student holding a valid emergency permit authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the academic year in which the student enrolls at an institution in courses necessary to fulfill teacher credential requirements, is entitled to resident classification only for the purpose of determining the amount of tuition and fees for no more than one year. Thereafter, the student's residency status will be determined under the other provisions of this procedure.
- A student who is a full-time employee of the California State University, the University of California or a community college, or of any state agency or a student who is a child or spouse of a full-time employee of the California State University, the University of California or a community college, or of any state agency may be entitled to resident classification, until the student has resided in the state the minimum time necessary to become a resident.
  - A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty and is attendance at, or has been admitted to the District shall be entitled to resident classification. If the member of the armed forces of the United States later transfers on military orders to a place outside this state, or retires as an active member of the armed forces of the United States, the student dependent shall not lose his/her/their resident classification, so long as he/she/they remains continuously enrolled in the District.
  - A student who is a member of the armed forces of the United States stationed in this state, except a member of the Armed Forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification only for the purpose of determining the amount of tuition and fees. If the student later transfers on military orders to a place outside this state, the student shall not lose his/her/their resident classification, so long as he/she/they remains continuously enrolled in the District.
  - A veteran who was discharged or released from at least 90 days of active service, commencing on or after July 1, 2015, and his/her/their dependents, regardless of the veteran's state of residence is entitled to resident classification.
  - An individual who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California.

- An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty.
- A student who is a minor and resides with his/her/their parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more than one year prior to the residence determination date for the semester, quarter or term for which the student proposes to attend.
- A student who is a Native American is entitled to resident classification for attendance at a community college if the student is also attending a school administered by the Bureau of Indian Affairs located within the community college district.
- A student who is a federal civil service employee and his/her/their natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.
- A student who resides in California and is 19 years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until he/she/they has resided in the state the minimum time necessary to become a resident.
- A student who lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, and the parent has performed such labor in this state for at least two months per year in each of the two preceding years, and the parent resides in this District and the parent of the student has claimed the student as a dependent on his/her/their state or federal personal income tax return if he/she/they has sufficient income to have personal income tax liability shall be entitled to resident classification.
- A student who demonstrates financial need, has a parent who has been deported or was permitted to depart voluntarily, moved abroad as a result of that deportation or voluntary departure, lived in California immediately before moving abroad, attended a public or private secondary school in the state for three or more years, and upon enrollment, will be in his/her/their first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District stating that he/she/they intends to establish residency in California as soon as possible.
- A student who has a special immigrant visa that has been granted status under Section 1244 of Public Law 110-181 or under Public Law 109-163, or is a refugee admitted to the United States under Section 1157 of Title 8 of the United States Code, and who, upon entering the United States, settled in California, shall be exempt from paying the nonresident tuition fee required by Education Code Section 76140 for the length of time he/she/they lives in this state up to the minimum time necessary to become a resident.

**Right to Appeal** – Students who have been classified as non-residents have the right to a review of their classification (Title 5 Section 54010 subdivision (a)). Any student, following a final decision of residence classification by the [ **designate, such as Admission Office** ], may make written appeal to the [ **designate, such as Chief Student Services Officer** ] within 30 calendar days of notification of final decision by the college regarding classification.

**Appeal Procedure** – The appeal is to be submitted to [ **designate, such as Admissions Office** ] which must forward it to the [ **designate, such as Chief Student Services Officer** ] within five working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

The [ **designate** ] shall review all the records and have the right to request additional information from either the student or the Admissions Office.

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

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

Petitions are to be submitted to the Admissions Office.

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

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

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

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

- Has not and will not be claimed as an exemption for state and federal tax purposes by his/her/their parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the year the reclassification application is made;
- Has not and will not receive more than seven-hundred fifty dollars (\$750) per year in financial assistance from his/her/their parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification; and
- Has not lived and will not live for more than six weeks in the home of his/her/their parent during the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification application.

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

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

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

The [ **designate** ] will make a determination, based on the evidence and notify the student not later than [ **insert number of days here – recommend 14 days** ] days of receipt of the petition for reclassification.

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

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

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

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

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



- Total attendance of, or attainment of credits earned while in California equivalent to three or more years of full-time attendance or attainment of credits at any of the following: (a) California high schools; (b) California high schools established by the State Board of Education; (c) California adult schools established by either a county office of education, unified or high school district, or The Department of Corrections and Rehabilitation; (d) campuses of the California community colleges; or (e) a combination thereof; or
- Three or more years of full-time high school coursework in California, and a total of three or more years of attendance in California elementary schools, or a combination of California elementary and secondary schools.

Additionally, the following requirements must be met:

- Graduation from a California high school or attainment of the equivalent thereof; or completed an associate degree from a California Community College; or completed the minimum requirements at a California Community College, or fulfill the minimum transfer requirements established for the University of California or the California State University for students transferring from a campus of the California Community Colleges;
- Registration or enrollment in a course offered by any college in the District for any term commencing on or after January 1, 2002,
- Completion of a questionnaire form prescribed by the Chancellor of the California Community Colleges and furnished by the District of enrollment, verifying eligibility for this nonresident tuition exemption; and
- In the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her/their immigration status or will file an application as soon as he/she/they is eligible to do so.

Documents and information obtained in implementing this exemption are confidential.

The initial residency classification will be made at the time the student applies for admission. Students may file residency questionnaire forms through the third week of the semester to request a review of their residency status. Final residency determination is made by the [ **designate** ]. Students may appeal the decision.

**Revised 2/02, 2/11, 3/12, 11/14, 4/15, 10/15, 10/17, 4/18, 3/19, 10/19, 4/21, 10/21**

# AP 5040 Student Records, Directory Information, and Privacy

## References:

Education Code Sections 66093.3 and 76200 et seq.;

Title 5 Sections 54600 et seq. and 59410;

Civil Code Sections 1788.90 et seq. and 1798.85;

10 U.S. Code Section 503;

20 U.S. Code Section 1232g subdivision (j) (U.S. Patriot Act);

ACCJC Accreditation Standard II.C.8

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

A cumulative record of enrollment, scholarship, and educational progress shall be kept for each student.

**NOTE:** *The following section on “Collection and Retention of Student Information” is the model language provided by the Office of the California Attorney General. Districts must adopt this language or locally created equivalent language to comply with Education Code Section 66093.3 subdivision (h).*

## Collection and Retention of Student Information

The District shall treat all students equitably in the receipt of all school services, including, but not limited to, the gathering of student and family information for the institution’s benefit programs.

The [ **department** ] shall maintain in writing District policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.

The District will provide students and families with annual notice, at the beginning of each school year, of institutional policies for student privacy and the abilities of parents or eligible students to inspect student information.

The District will provide students an opportunity to opt out of disclosure of directory information. Notices must describe the following:

- The kind of information that the school has identified as directory information;

- The eligible student's ability to refuse to let the school designate the information as directory information, which could be disclosed to outside entities;
- The period of time in which the eligible student has to notify the school in writing that he/she/they does not want the information designated as directory information; and
- That opting out by the noted deadline is the students' only way to prevent the release of directory information.

Any sensitive information, such as a student's, parent's, or guardian's SSN, any AB 540 determinations, or citizenship status information collected by the District or disclosed by the student, should be maintained only for as long as necessary.

If the District possesses information that could indicate immigration status or citizenship status, the District shall not consider the acquired information in admissions decisions or access to educational courses or degree programs.

Students may elect not to provide immigration or citizenship status information to the institution, and this election shall not impede admissions or enrollment in educational programs.

The District shall not create a list of student names linked with immigration status.

District police or security departments shall not inquire into an individual's immigration status for immigration enforcement purposes.

District police or security departments shall not aid any effort to create a registry containing individuals' country of birth or based on any other protected characteristics of victims, witnesses, or suspects of crimes unless required by law for specified purposes.

**Release of Student Records:** No instructor, official, employee, or Board of Trustees member shall authorize access to student records to any person except under the following circumstances:

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

**[ Insert local procedure on release of records to District officials and employees. ]**

Student records may be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials, or their respective designees or the United States Office of Civil Rights, where that information is necessary to audit or evaluate a state or federally supported educational program or pursuant to federal or state law. Exceptions are that when the collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal requirements.

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

Student records may be released to officials of other public or private schools or school systems, including local, county, or state correctional facilities where education programs are provided, where the student seeks or intends to enroll or is directed to enroll. The release is subject to the conditions in Education Code Section 76225. **[ Insert local procedures or who is responsible for providing such information and defining procedure. ]**

Student records may be released to agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of those students may be disclosed only as may be necessary for those purposes as to financial aid, to determine the amount of the financial aid, or conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid. **[ Insert local procedures or who is responsible for providing such information and defining procedures. ]**

Student records may be released to organizations conducting studies for, or on behalf of, accrediting organizations, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering financial aid programs, and improving instruction, if those studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of those organizations and the information will be destroyed when no longer needed for the purpose for which it is conducted. **[ Insert local procedures or who is responsible for providing such information and defining procedure. ]**

Student records may be released to appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health or safety of a student or other persons, subject to applicable federal or state law. **[ Insert local procedures or who is responsible for providing such information and defining procedure. ]**

The following information shall be released to the federal military for the purposes of federal military recruitment: student names, addresses, electronic mail addresses, telephone listings, dates, and places of birth, levels of education, major(s), degrees received, prior military experience, or the most recent previous educational institutions enrolled in by the students.

**NOTE:** *The following section on “Access to Student Records for Immigration Enforcement Purposes” is the model language provided by the Office of the California Attorney General. Districts must adopt this language or locally created equivalent language to comply with Education Code Section 66093.3 subdivision (h).*

### **Access to Student Records for Immigration Enforcement Purposes**

The District must obtain a student’s written consent before disclosing educational records, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information for immigration enforcement purposes; no student information shall be disclosed for immigration enforcement purposes without a court order or judicial warrant. Without a court order or a judicial warrant, written consent must be signed and dated by the student, or (if the student is a minor) by the student’s parent(s) or guardian(s), before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made.

If desired by the student, the District must provide a copy of the records to be released. The party to whom the information is disclosed may not re-disclose the information to any other party without the prior consent of the student or subsequent court order.

District personnel shall develop a written policy for interactions with immigration authorities seeking to review student records. At minimum, such policies shall include the following information:

- Contact information [ **name, title, e-mail addresses, and phone numbers** ] for the correct person to review and respond to a request for student records.
- Access to sample warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.
- District personnel shall provide a set of responses for [ **building personnel or residence hall staff** ] to use in response to officers seeking access to records for immigration enforcement purposes.

In addition to notifying the [ **designated campus official** ], District personnel shall take the following action steps in response to an officer other than campus police requesting access to student records:

5. Ask for the officer’s name, identification number, and agency affiliation;
6. Record or copy this information;

7. Ask for a copy of any warrants;
8. Inform the officer that you are not obstructing his/her/their efforts but that you need to contact a campus administrator or campus counsel for assistance.

Campus [ **police or security** ] shall not provide personal information about an individual for immigration enforcement purposes, unless that information is publicly available, or required by a court order or judicial warrant. "Personal information" is defined as any information that identifies or describes an individual, and includes but is not limited to, a student's physical description, home or work address, telephone number, education, financial matters, medical or employment history, and statements made by, or attributed to, the individual. This restriction does not apply to information regarding the immigration or citizenship status of an individual.

Unless the District is served with a judicial subpoena or court order that by its terms prohibits disclosure to the student, the student must be notified of any judicial order or subpoena before the institution complies with the order in accordance with FERPA.

**Charge for Transcripts or Verifications of Student Records:** A student/former student shall be entitled to two free copies of the transcript of his/her/their record or to two free verifications of various student records. Additional copies shall be made available to the student, or to an addressee designated by him/her/them, at the rate of [ **\$ insert amount** ] per copy. Students may request special processing of a transcript. The District will not refuse to provide a transcript for a current or former student on the grounds that the student owes a debt; condition the provision of a transcript on the payment of a debt, other than a fee charged to provide the transcript; charge a higher fee for obtaining a transcript, or provide less favorable treatment of a transcript request because a student owes a debt; or use transcript issuance as a tool for debt collection.

### **Electronic Transcripts**

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

### **Use of Social Security Numbers**

The District shall not do any of the following:

- Publicly post or publicly display an individual's social security number;
- Print an individual's social security number on a card required to access products or services;
- Require an individual to transmit his/her/their social security number over the internet using a connection that is not secured or encrypted;
- Require an individual to use his/her/their social security number to access an Internet Web site without also requiring a password or unique personal identification number or other authentication device; or

- Print, in whole or in part, an individual's social security number that is visible on any materials that are mailed to the individual, except those materials used for:
- Application or enrollment purposes;
- To establish, amend, or terminate an account, contract, or policy; or
- To confirm the accuracy of the social security number.

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

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

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## AP 5530 Student Rights and Grievances

### References:

Education Code Section 76224 subdivision (a);

ACCJC Accreditation Eligibility Requirement 20;

ACCJC Accreditation Standard IV.D

**NOTE:** *This procedure is **legally advised**. Local practice may be inserted. The following is an illustrative example.*

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances.

**Grievance:** A claim by any student who reasonably believes a college decision or action has adversely affected his/her/their status, rights, or privileges as a student. A Grievance includes, but is not limited to, claims regarding:

- 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.

A Grievance is **not**:

- 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.

**Grievant** – A student who has filed a Grievance.

**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 the Grievant claims 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

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/they 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/their 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 language is optional.*

**Grievance Hearing Committee:** The [ **CEO** ] shall at the beginning of each semester or 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** ] faculty members, 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 Form 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 Grievance Hearing Committee makes its decision.

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 procedural language 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 Grievance Officer will provide members of the Grievance Hearing Committee 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 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/themself, and may also have the right to be represented by a person of his/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 [ **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 Grievance Officer will record the hearing by tape recording or stenographic recording, and this will 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 witnesses must testify under oath; the Grievance Hearing Committee Chair will administer the oath. The Grievance Hearing Committee will only admit written statements of witnesses under penalty of perjury if 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 the hearing established a Grievance as defined above. The decision shall also include a specific recommendation regarding the relief for the Grievant, if any. The Grievance Hearing Committee will base its decision 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.

**Appeal:** Any appeal relating of 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.

#### [ **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/their 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.

#### Time Limits

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

**Revised 8/07, 4/15, 10/17, 4/20, 7/20, 4/21, 10/21**

## AP 5700 Intercollegiate Athletics

### References:

Education Code Sections 66271.6, 66271.8, 67360 et seq., 67456, and 78223;

20 U.S. Code Sections 1681 et seq.;

ACCJC Accreditation Standard II.C.4;

Community College Athletic Association (CCCAA) Constitution and CCCAA Bylaws

**NOTE:** *This procedure is **legally advised**. Local practice may be inserted here. Rules for participation in intercollegiate athletics should be developed in accordance with Education Code Sections 67360 et seq. and 67456 and BP 5700, which states that the District shall comply with rules and regulations adopted by voluntary associations, one of whose purposes is to govern intercollegiate athletics (e.g. the California Community College Athletic Association (CCCAA)).*

*The authority for developing, implementing and monitoring these procedures should be stated, and should reference appropriate assistance required from the Academic Senate.*

### Athletic Drug Testing

**NOTE:** *Athletic Drug Testing is not mandated. If the District wishes to consider such a procedure, it may contact the League for sample language.*

### Name, Image, Likeness, and Athletic Reputation

**Prospective Student Athlete:** The District will not provide a prospective student athlete with compensation in relation to the athlete's name, image, likeness, or athletic reputation.

**Student Athletes:** The District will not prevent a student participating in intercollegiate athletics from either earning compensation as a result of the use of the student athlete's name, image, likeness, or athletic reputation, or from obtaining professional representation by duly licensed athletic agents or attorneys. However, a student athlete may not enter into a contract that provides compensation to the student athlete for their name, image, likeness, or athletic reputation if the contract conflicts with a provision of the student athlete's team contract.

A student who enters into a contract providing compensation for use of the student's name, image, likeness, or athletic reputation must disclose the contract to [ **Official to be designated by District, e.g. athletic director/dean** ]. If the District determines that a conflict between the student athlete's contract and the student athlete's team contract, the [ **Official to be designated by District, e.g. athletic director/dean** ] will disclose the conflict to the student or student's legal representative, if any, and identify the contractual provisions that conflict.

Any team contract entered into, modified or renewed on or after September 1, 2021 will not prevent a student athlete from using their name, image, likeness, or athletic reputation for a commercial purpose when the athlete is not engaged in official team activities.

A student athlete's scholarship eligibility will not be impacted as a result of the student earning compensation for their name, image, likeness, or athletic reputation.

The District will not revoke a student-athlete's scholarship that provides the student-athlete with the cost of attendance as a result of the student athlete earning compensation or obtaining legal representation in accordance with state law.

**Revised 2/04, 2/07, 6/13, 4/15, 10/20, 10/21**