

# **WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT**

## **Administrative Procedures**

### **Chapter 5– Student Services**

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**Student Services****AP 5010 ADMISSIONS****References:**

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

The District has an open access policy. Students who are 18 years of age or older or those with a high school diploma, GED or High School Proficiency are able to complete an Application to the colleges. Students can complete a paper or an on-line Application using CCCApply which is linked to each college's website.

Admission to West Valley College or Mission College is under the administration of the Admissions and Records Offices. The Director of Admissions makes final admission determinations. If the Admissions and Records Offices, the District or the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education, an official high school transcript will be requested for confirmation of validity.

Admission of all students includes determination of residency in the State of California. Specific and current admission procedures are published in the most recent versions of the college schedule of classes, catalog, and web site. Persons eligible for admission may be high school graduates or equivalent; anyone 18 years of age or older, including those who have not graduated from high school; and transfer, out-of-state, or foreign students.

High school students who have completed the 10<sup>th</sup> grade are allowed to enroll in college level courses. High school students enrolled in college courses are called Concurrent Enrolled students. The college level courses are a part of their permanent college record and can also be used for high school credit as well as college credit. (See AP 5011 titled Admission and Concurrent Enrollment of High School and Other Young Students)

Colleges of the District shall admit transfers from other institutions of higher education; however, the following provisions shall apply:

- A transfer student whose academic record reflects either a grade point average below 2.0 or status on probation may apply for and be accepted for enrollment. However, the applicant shall be admitted on academic probation, which shall remain on the student's academic record until the cumulative grade point average reflects overall progress of 2.00 or more.
- A transfer student whose academic record reflects recent disqualification and/or dismissal as a result of attendance at another college/university may not be admitted to a College of the District in the semester immediately following dismissal without the prior approval of the designated academic appeals body. After fulfilling the mandatory one semester waiting period, a student may be readmitted on probationary status, which shall continue until the cumulative grade point average reflects progress of 2.00 or more.

The Chancellor shall establish procedures for evaluating the validity of a student's high school completion if the District or the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education.

See BP 4250 titled Probation, Disqualification, and Readmission, AP 4250 titled Probation, and AP 4255 titled Disqualification and Dismissal

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*(Replaces current WVMCCD Policy 5.2.3 and  
Procedure 5.2)*

**Student Services****AP 5011 ADMISSION AND CONCURRENT ENROLLMENT OF HIGH SCHOOL AND OTHER YOUNG STUDENTS****References:**

Education Code Sections 48800, 48800.5, 76001, and 76002

High school students who are sixteen years of age and who have completed the 10<sup>th</sup> grade are allowed to enroll in college level courses and are referred to as Concurrently Enrolled students. The college level courses are a part of their permanent college record and can also be used for high school credit as well as college credit. (See AP 5011 titled Admission and Concurrent Enrollment of High School and Other Young Students)

The Concurrent Enrollment Program has specific dates to submit completed Application packets to the colleges Admissions and Records Office. CE students are given a registration date and registration time once the Application is reviewed for completeness, prerequisites have been cleared. Concurrent Enrollment students are not able to register using phone or on-line systems to better monitor agreed upon units and specific courses.

To be considered for admittance as a special part-time student at either college, the student must meet the eligibility standards as established in Education Code Sections 48800 and 76001.

- Any student accepted into the Colleges' Middle College programs.
- Admission is subject to seat availability.
- The student must submit to Admissions & Records.
- Completed and signed application for admission.
- Written and signed parental or guardian consent, on the District's Special Admit Form.
- Written and signed approval of the applicant's school principal. (A parent or guardian of a pupil who is not enrolled in a public or private school may petition directly to the Director of Admissions and Records).

- Demonstration that the student is capable of profiting from instruction. The Chancellor or designee has the authority to make the final decision whether a student can benefit from instruction.
- Signed parental or guardian Permission to Treat a Minor Form.

Admission criteria and procedures for younger students enrolling in the community college include special programs approved by the Vice President of Student Services or designee.

- Special part-time students.
- Special full-time students.
- Summer school students.
- Agreements between school district(s) and community college District.
- Credit granted for courses.
- Limits on the number of units for which special part time students may enroll. [See Education Code Section 76001.d for specific language]
- Procedures for denial of request for full-time enrollment, including time constraints. [See Education Code Section 76001.f for specific language]
- Procedures for recording board findings and reasons for denial of a request for admission by a student identified as highly gifted.
- Procedures for assigning a low enrollment priority to special part-time or full-time students to ensure they do not displace regularly admitted students.
- Procedures for maintaining records of enrollment of these students for apportionment purposes.
- Procedures for ensuring that claims for state apportionment for K-12 students meet all of the following criteria:
  - The class is open to the general public
  - The class is advertised as open to the general public in one or more of the following:
    - ✓ The college catalog
    - ✓ The regular schedule of classes
    - ✓ An addenda to the catalog or schedule

If the decision to offer a class on a high school campus is made after publication of the District's regular schedule of classes, and the class is only advertised to the general public through electronic media, the class must be advertised for a minimum of 30 continuous days prior to the first meeting of the class.

If the class is offered on a high school campus, the class may not be held during the time the campus is closed to the general public, as defined by the school board.

If the class is a physical education class, no more than ten (10) percent of the enrollment of the class may consist of special part-time or full time students.

Procedures regarding ability to benefit and admission of high school and younger students are indicated below.

### **Denial of Requests for Admission**

1. Procedures regarding evaluation of requests for special full-time or part-time enrollment by a pupil who is identified as highly gifted are indicated below.
2. If the Board denies a request for special full-time or part-time enrollment by a pupil who is identified as highly gifted, the Board will record its findings and the reason for denying the request in writing within sixty (60) days.
3. The written recommendation and denial shall be issued at the next regularly scheduled Board meeting that occurs at least thirty (30) days after the pupil submits the request to the District.

### **Claims for State Apportionment for Concurrent Enrollment**

1. Claims for state apportionment submitted by the District based on enrollment of high school pupils shall satisfy the criteria established by statute and any applicable regulations of the Board of Governors.
2. Procedures regarding compliance with statutory and regulatory criteria for concurrent enrollment are indicated below.

To be considered for admittance as a special part-time student, the student must meet the eligibility standards as established in Education Code Sections 48800 and 76001.

Admission is subject to seat availability. The student must submit:

- An application for admission;
- A written and signed parental or guardian consent;

- A written and signed approval of his/her principal (Note: A parent or guardian of A pupil who is not enrolled in a public or private school may petition directly without the signature of a principal.); and
- Demonstration that the student is capable of profiting from instruction. The Vice President of Student Services or designee has the authority to make the final decision whether a student can benefit from instruction.

To be considered for admission as a special full-time student, the student must meet the eligibility standards as established in Education Code Section 48800.05.

Admission is subject to seat availability. The student must submit:

- An application for admission;
- A written and signed parental or guardian consent;
- A written and signed acknowledgment of his/her principal. (Note: A pupil who is not enrolled in a public or private school does not need to provide written acknowledgment from his/her school principal.);
- Demonstration that the student is capable of profiting from instruction; and
- A written approval of the governing board of the school district of attendance. The Vice President of Student Services or designee has the authority to make the final decision whether a student can benefit from instruction.

To be considered for admission as a special summer session student, the student must meet the eligibility standards as established in Education Code Section 76001.

The student must submit:

- A written and signed parental or guardian consent;
- A written and signed approval of his/her principal that the student has availed himself/herself of all opportunities to enroll in an equivalent course at his/her school of attendance; and
- Demonstration that the student has adequate preparation in the disciplines to be studied.

All required documents shall be sent to the **Admissions and Records Office**.

### **High School Students**

For students attending high school, the high school principal or designee will review the materials, and will determine if the student has the abilities and sufficient preparation to

benefit from instruction at a community college. The decision of the Vice President of Student Services or designee shall be final. This determination may be done by one or more of the following options:

- A review of the materials submitted by the student;
- Meeting with the student and his/her parent or guardian;
- Consultation with the appropriate department chair or designee.
- Consideration of the welfare and safety of the student and others; and/or
- Consideration of local, state, and/or federal laws.

### **Middle and Lower School Students**

For students attending middle and lower schools, the determination shall be made by principal or designee. The school must provide transcripts and a letter signed by the principal indicating how in his/her opinion the student can benefit from instruction. The Vice President of Student Services or designee will determine if the student has the abilities and sufficient preparation to benefit from instruction at a community college, and that the student's safety and that of others will not be affected. The decision of the Vice President of Student Services or designee shall be final. Once a decision has been made, the student, his/her parent or guardian and the school principal shall be informed of the decision. This determination may be done by applying one or more of the following options:

- A review of the materials submitted by the student;
- Meeting with the student and his/her parent or guardian;
- Consultation with appropriate department chair or designee.
- Consideration of the welfare and safety of the student and others;
- Consideration of local, state, and/or federal laws;
- Review of the content of the class in terms of sensitivity and possible effects on the minor;
- Requirements for supervision of the minor; and/or
- Times the class(es) meet and the effect on the safety of the minor.

Students will not be admitted unless they have availed themselves of all opportunities to enroll in equivalent courses at their schools of attendance. Courses in which high school and other young students are permitted to enroll will be open to the entire



college population, and will be taught with the rigor appropriate to college-level courses in accordance with the approved course outline.

If a request for special part-time or full-time enrollment is denied for a pupil who has been identified as highly gifted, the Board shall provide written findings and reasons for the denial within sixty (60) days. A recommendation regarding the request for admission, and the denial shall be submitted to the Board at a regularly scheduled meeting that falls at least thirty (30) days after the request for admission has been submitted.

**Student Services****AP 5012 INTERNATIONAL STUDENTS****References:**

Education Code Sections 76141 and 76142;  
Title 5 Section 54045;  
Title 8, U.S. Code Sections 1101 et seq.

An international student is defined as one who is in this country on a valid and current student visa.

The following are the general admission requirements for international students. International students must:

- a. Demonstrate proficiency in the use of the English language to a degree which will enable them to profit from instruction.
- b. Offer evidence of a standard degree of academic aptitude and achievement equivalent to an American high school education with recommending grades.
- c. Meet any standards of health specifically set forth by Federal, State, or local authorities.
- d. Provide verification of compliance with all applicable rules of the U.S. Department of Homeland Security and any other valid and applicable visas.
- e. Provide documentation/proof that the student can afford to attend college. Parameters of the dollar amount are set by the college in accordance with the Department of Homeland Security (DHS).

All international students will be required to pay non-resident tuition and any other applicable fees.

Both colleges adhere to federal requirements regarding immigration documentation and ensure the following:

- An application process that includes submission of appropriate visa information from the country of residence, including USCIS forms. (The forms are issued by the U.S. Citizenship and Immigration Service, not INS.)

- Students who will be attending pursuant to an F-1 visa, submission of paperwork to substantiate issuance by the District of form I-20.
- Required TOEFL (Test of English as a Foreign Language) scores, IELTS (International English Testing System), if applicable.
- Residence determination, including review of whether student holds a visa that requires the student have a residence outside of the U.S., or entered the U.S. under a visa that permits entry solely for a temporary purpose.

WVMCCD offers a comprehensive curriculum for International Students that includes:

- University transfer courses
- Occupational training programs (Refer to each college's standard operational procedures for International Students. For example, Mission College does not issue I-20 forms for certificate programs only. Students must be in intensive English, a degree program, or university transfer program).
- Personal or skill development opportunities (Refer to each college's standard operational procedures for International Students. For example, Mission College does not issue I-20 forms for certificate programs only. Students must be in intensive English, a degree program, or university transfer program).

### **ADMISSION INFORMATION and Standards for International Students**

The Committee on International Students will select for admissions those students with a successful academic record. The colleges have established specific admission guidelines and will usually not admit an international student on academic probation status at any other college, university, or one who is "out of status" per Immigration guidelines.

### **Procedures**

#### **Admission Requirements**

Application information and documents are due one month prior to published deadlines usually May 1 for Fall and Nov.1 for Spring. The following are **required and must be completed** before WVMCCD can issue a Certificate of Eligibility Form.

- The Application must be completely filled out and returned with the other required documents before the deadline date shown above along with an **application fee of \$100** (U.S. Dollars).
- Submit English translation of high school transcript and any college records.
- Submit a **notarized financial bank statement in U.S. Dollars. (minimum amount determined by each college)**

- Must take the TOEFL test administered by the American Embassy or consulate in your homeland. Students already in the United States may obtain information online at [www.toefl.org](http://www.toefl.org) or phone 1-800-GO-TOEFL (1-800-468-6335). Results must be submitted to the college of choice.
- **Minimum TOEFL** requirement: **500** (paper based), **173** (computer based), or **61** (internet based) TOEFL minimum.
- Eiken exams accepted in lieu of TOEFL at the Pre-1 level [www.eiken.or.jp](http://www.eiken.or.jp)
- IELTS exams accepted in lieu of TOEFL (refer to each college's required scores/levels).
- Students may also take the English or ESL placement exam in lieu of TOEFL.
- The international student must be able to use the English language with a degree of proficiency which will enable them to profit from instruction at WVMCCD. The international student must offer evidence of a standard degree of academic aptitude and achievement equal to an American high school education.
- All new international students accepted for the current semester must complete a Counseling 002 (at WVC) or Counseling 000A (at Mission), orientation class with the International Student Counselor before registering. This is a mandatory class and students will be enrolled automatically upon acceptance to the college.

### **Additional Requirements**

- International students must be enrolled in and maintain a minimum of twelve (12) units each semester excluding Summer and Winter Session.
- A student must be at least eighteen (18) years of age or a graduate from a high school with proof.
- All international students must become familiar with the regulations of the United States Citizenship and Immigration Service (USCIS) and assume responsibility for complying with those regulations by taking the required orientation class, Counseling 002.
- Students must keep programming appointments with the international student counselor. All subsequent program changes must be approved by the international student counselor.
- Departmental assessments are required for Math and English placement after acceptance to the college.

- Post office boxes are not acceptable per Immigration Law. All international students must have a physical street address. Immigration requires change of address notifications within ten (10) days of moving.

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*(Replaces current WVMCCD Policy 5.3 and  
Procedure 5.3)*

**Student Services****AP 5013 STUDENTS IN THE MILITARY****References:**

Education Code Sections 68074, 68075, and 68075.5;  
Title 5 Sections 55023, 55024 54041, 54042, 54050, and 58620

**Residence Determinations for Military Personnel and Dependents**

A student who is a member of the armed forces of the United States stationed in California on active duty, except a member of the armed forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification.

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 shall be entitled to resident classification.

A student who was a member of the armed forces of the United States stationed in California on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he or she lives in California after being discharged up to the minimum time necessary to become a resident.

A parent who is a federal civil service employee and his/her natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least one hundred (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 Policies 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.

Districts may reference or include local Administrative Procedures regarding how such a student would withdraw.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Student Services****AP 5015 RESIDENCE DETERMINATION****References:**

Education Code Sections 68000 et seq., and 68130.5;  
Title 5 Sections 54000 et seq.

Each College may admit students who are non-California residents, subject to the rules and regulations outlined above and in the Education Code and the California Code of Regulations, Title 5. These students shall be required to pay non-resident tuition.

**Determination of “Resident” Status**

1. Students shall be classified at the time of each application for admission or registration as a resident or nonresident student.
2. A student who is a full-time employee of the District, or who is a child or spouse of a full-time employee of the District, shall be classified as a resident until s/he has resided in the State the minimum time necessary to become a resident as defined in Code (Education Code §68079).

**Authority to Determine Residence**

1. The procedures below are enacted to assure that residence determinations are made in accordance with Education Code and Title 5 regulations.
2. The Director of Admissions and Records, or a designee of the responsible Vice President, shall evaluate information presented by an applicant for admission and make determinations of residency.
3. Residence classification shall be made for each student at the time applications for admission are accepted or registration occurs and whenever a student has not been in attendance for more than one semester. A student previously classified as a nonresident may be reclassified as of any residence determination date.
4. The student shall have the right to make a written appeal regarding residency determinations in accordance with AP 5530 titled Student Rights and Grievances.



## **Residency Defined**

1. Every person has, by law, a residence. Every person who is married or eighteen (18) years of age, or older, and under no legal disability to do so, may establish residence. A resident is a student who has continuous residence in California for at least one year immediately preceding the residence determination date for the semester or session and has manifested intent to become a California resident. The one-year residence period which a student must meet to be classified as a resident does not begin until the student both is present in California and has manifested clear intent to become a California resident. The burden is on the student to demonstrate both physical presence in California and intent to establish California residence. The residence determination date is the date preceding the first day of instruction for each semester or session.
2. The rules to be applied in determining California residence shall be published in the college catalogs and schedules of classes.

## **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 **Admissions and Records Office**.

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

## **Rules Determining Residence**

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

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

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

### **Determination of Resident Status**

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

- A student who is a minor and remains in this state after the parent, who was previously domiciled in California and has established residence elsewhere, shall be entitled to retain resident classification until attaining the age of majority and has resided in the state the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.
- A student who is a minor and who provides evidence of being entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date with the intention of acquiring a residence therein, shall be entitled resident classification until he/she has resided in the state the minimum time necessary to become a resident.
- A student who has not been an adult for one year immediately preceding the residence determination date for the semester for which the student proposes to

attend an institution shall have the immediate premajority-derived California residence, if any, added to the post-majority residence to obtain the one year of California residence.

- A student holding a valid credential authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the college year in which the student enrolls in an institution, shall be entitled to resident classification if each student meets any of the following requirements:
  - He/she holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
  - He/she holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
  - He/she is enrolled in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Education Code Section 44259.
  - A student holding a valid emergency permit authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the academic year in which the student enrolls at an institution in courses necessary to fulfill teacher credential requirements, is entitled to resident classification only for the purpose of determining the amount of tuition and fees for no more than one year. Thereafter, the student's residency status will be determined under the other provisions of this procedure.
- A student who is a full-time employee of the California State University, the University of California or a community college, or of any state agency or a student who is a child or spouse of a full-time employee of the California State University, the University of California or a community college, or of any state agency may be entitled to resident classification, until the student has resided in the state the minimum time necessary to become a resident.
- A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty shall be entitled to resident classification. If the member of the armed forces of the United States later transferred on military orders to a place outside this state, or retires as an active member of the armed forces of the United States, the student dependent shall not lose his/her resident classification until he/she has resided in the state the minimum time necessary to become a resident.

- A student who is a member of the armed forces of the United States stationed in this state on active duty, except a member of the Armed Forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification only for the purpose of determining the amount of tuition and fees.
- A student who was a member of the armed forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he/she lives in this state after being discharged up to the minimum time necessary to become a resident.
- A student who is a minor and resides with his/her parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more than one year prior to the residence determination date for the semester, quarter or term for which the student proposes to attend.
- A student who is a native American is entitled to resident classification for attendance at a community college if the student is also attending a school administered by the Bureau of Indian Affairs located within the community college district.
- A student who is a federal civil service employee and his/her natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least one hundred (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 nineteen (19) years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until he/she has resided in the state the minimum time necessary to become a resident.
- A student who lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, and the parent has performed such labor in this state for at least two months per year in each of the two preceding years, and the parent resides in this District and the parent of the student has claimed the student as a dependent on his state or federal personal income tax return if he/she has sufficient income to have personal income tax liability shall be entitled to resident classification.

**Right to Appeal**

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

**Appeal Procedure**

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

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

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

**Reclassification**

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

Petitions are to be submitted to the Admissions Office.

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

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

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

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

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

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

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

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

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

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

### **Non-Citizens**

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

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

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

A student who is without lawful immigration status may be classified as a resident if he/she meets the following requirements:

- High school attendance in California for three or more years;
- Graduation from a California high school or attainment of the equivalent thereof;
- Registration for classes not earlier than the fall semester or quarter of 2001-2002;
- The filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he/she is eligible to do so.

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 Admissions and Records Office. Students may appeal the decision.

**Student Services****AP 5020 NONRESIDENT TUITION****References:**

Education Code Sections 76140 et seq.

**Non-Resident Tuition**

Non-resident students served by the colleges are not supported with state apportionment funds. Districts are allowed and required to collect tuition fees from those students who do not meet the residency requirements for the State of California. Students who are not residents of California for one year prior to the first day of the term will be charged Non-resident Tuition at the Board-approved rate per semester unit. Non-resident students must pay Non-resident Tuition in addition to the California Community College Enrollment Fees.

Students who believe they should be reclassified as a resident student have the responsibility to change their classification in the Admissions and Records Office prior to registration.

**Non-Resident Tuition Rate**

Education Code requires the Board of Trustees to establish the non-resident tuition fee for the succeeding year by February 1. Pursuant to ECS 76141, a district may also charge to any non-resident student a capital outlay fee.

In establishing a non-resident tuition rate, the Board of Trustees has seven options available. The options are as follows:

1. The Statewide cost of education per unit.
2. District cost of education per unit.
3. District Average cost with 10% or more non-credit FTES.
4. No more than contiguous district.
5. No more than district cost and not less than statewide cost.
6. Highest Year's Statewide Average Tuition
7. No more than twelve (12) Comparable States' Average Tuition



In addition to the non-resident tuition rate required under Education Code, the District may charge a capital outlay fee to those students who are both citizens and residents of a foreign country. While the capital outlay fee increases the cost of tuition for foreign students, other non-resident students are not required to pay the capital outlay fee. Capital outlay fees are to be used only for the purchase of capital equipment, capital construction, or repair and maintenance of facilities. The amount of the fee is to be the lesser of the amount that was expended by the District for capital outlay in the preceding fiscal year divided by the total full-time equivalent students of the District in the preceding fiscal year or 50% of the current year non-resident tuition fee adopted pursuant to Education Code 76140.

### **Military Resident Exemption**

Nonresident U.S. military personnel on active duty in California (except those assigned for educational purposes to state-supported institutions of higher education) are granted a waiver of Nonresident Tuition until they are discharged from their military service. Their dependents are granted a waiver for a period of one year from the date they enter California. Upon expiration of the waiver, evidence must be provided as to the date the student surrendered his/her out-of-state residence to become a resident of California. The student will be classified as a nonresident and charged Nonresident Tuition until one year has elapsed since the out-of-state residence was surrendered.

### **Nonresident Minor High School Student Exemption**

High school/pre-high school students admitted on a part-time basis on the recommendation of their principal are exempt from paying Nonresident Tuition when taking a class for high school credit.

### **High School Graduate Exemption**

Students without lawful immigration status who attended high school in California for three or more years and graduated from a California high school or attained the equivalent are exempt from non-resident tuition. Students without lawful immigration status must file an affidavit stating that the student has filed an application to legalize their immigration status.

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*(Replaces current WVMCCD Procedure  
5.2.4.b.1)*

**Student Services****AP 5030 FEES****References:**

Education Code Sections 70902(b)(9), 76300, and 66025.3;  
Title 5 Section 51012;  
California Community College Chancellor's Office (CCCCO) Student Fee Handbook

To the extent possible, full costs shall be recovered for selected student-consumed materials, selected special instructional services, and for non-student use of District resources. The following are either required under State law or may be authorized by State law and the Board:

**Required Fees**

- State-mandated enrollment fees (Education Code Section 76300; Title 5 Sections 58500 and 58509)
- Nonresident student tuition fees with these permissive exemptions (Education Code Sections 76140 and 76140.5):
  - All nonresident students enrolling for 6 or fewer units; or\
  - A student who is a citizen and resident of a foreign country who demonstrates financial need

**Fees Authorized by Law**

- Auditing class fees (Education Code Section 76370);
- Parking fees (Education Code Section 76360);
- Fees for catalogs, special publications deemed necessary by College or District officials, based upon actual cost of printing and mailing;
- Fees for transcripts and copies of student records (Education Code Section 76223);

- Fees to reimburse for the direct costs of special services not a part of the District's regular curriculum (GED, College Level Examination Placement, etc.);
- Student liability insurance fee for students enrolled in allied health classes (actual cost of policy as determined by the Vice Chancellor);
- Fees for overdue and lost books, materials, and equipment;
- Health Service fee (Education Code Section 76355) – The Chancellor shall establish administrative procedures that exempt certain qualified students from this fee pursuant to Education Code 76355 and 76300;
- Fees for Health Insurance for non-resident students if assessed because a mandatory program exists;
- Student Body fee;
- Student Representation fee (Education Code Section 76060.5; Title 5 Sections 54801 and 54805);
- International Student Application Fee.
- Non-District physical education facilities (Education Code Section 76395)
- Noncredit courses (Education Code Section 76385)
- Community service courses (Education Code Section 78300)
- Instructional materials (Education Code Sections 73365, 81457, and 81458; Title 5 Sections 59400 and 59408)
- Athletic insurance (Education Code Section 70902(b)(9))
- Cross-Enrollment with the California State University (CSU) or University of California (UC) (Education Code Section 66753)
- Transportation (Education Code Sections 76361 and 82305.6)
- Student Center (Education Code Section 76375; Title 5 Section 58510)
- Child care (Education Code Sections 79121 et seq. and 66060)
- Nonresident capital outlay (Education Code Section 76141)
- Nonresident application processing (Education Code Section 76142)

- Credit by Examination (Education Code Section 76300; Title 5 Section 55050)
- Use of facilities financed by revenue bonds (Education Code Section 81901(b)(3))
- Refund processing (Title 5 Section 58508)
- Web Registration (Education Code Section 70902(a))
- Physical fitness test (Education Code Section 70902(b)(9))
- Instructional Tape Lease/Deposit (Education Code Section 70902(b)(9))
- Credit Card Use (Education Code Section 70902(b)(9))
- International Student Medical Insurance (Education Code Section 70902(b)(9))

#### **Prohibited Fees**

- Late application (CCCCO Student Fee Handbook)
- Add/drop (CCCCO Student Fee Handbook)
- Mandatory student activities (CCCCO Student Fee Handbook)
- Student Identification Cards (CCCCO Student Fee Handbook)
- Student Body Organization (CCCCO Student Fee Handbook)
- Nonresident application (CCCCO Student Fee Handbook)
- Field trip (Title 5 Sections 55450 and 55451)
- For dependents of certain veterans (Education Code Section 66025.3)
- For dependents of certain victims of the September 11, 2001, terrorist attacks (CCCCO Student Fee Handbook)
- For certain recipients of the Medal of Honor and certain children of the recipients of the Medal of Honor (Education Code Section 66025.3)
- Required or funded services (CCCCO Student Fee Handbook)
- Refundable deposits (CCCCO Student Fee Handbook)
- Distance education (other than the statutorily authorized enrollment fee) (CCCCO Student Fee Handbook)
- Mandatory mailings (CCCCO Student Fee Handbook)
- Rental of practice rooms (CCCCO Student Fee Handbook)
- Apprenticeship courses (Education Code Section 76350)
- Technology fee (CCCCO Student Fee Handbook)
- Late payment fee (Title 5 Sections 58502 and 59410)
- Nursing/healing arts student liability insurance (Title 5 Section 55234)
- Cleaning (CCCCO Student Fee Handbook)
- Breakage (CCCCO Student Fee Handbook)
- Test proctoring (CCCCO Student Fee Handbook)

## **Collection and Refund of Fees**

Fees and tuition may be waived as provided for by the California Code of Regulations, Title 5. The Chancellor has the authority to approve exemptions from the assessment of fees that are locally determined.

Deferral of payment of the State-mandated enrollment fee shall be allowed in accordance with procedures established by the Vice Presidents for Student Services.

All approved fees and charges shall be collected under procedures established by the District Finance Office and in accordance with audit requirements.

- Fees to be collected when enacted by the Legislature following registration by the student
- Fees collected in error
- Fees refundable because of a reduction in the educational program of the District
- Fees refundable because of the student's reduction in units or withdrawal from an education program
- Fees refundable because of changes in law or regulation authorizing and establishing enrollment fees
- Notice to students of availability of exemptions from certain mandatory and authorized fees

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*(Replaces current WVMCCD Policies 5.22.1, 5.22.2, 5.22.3, and 5.22.5)*

**Student Services****AP 5031 INSTRUCTIONAL MATERIALS FEES****References:**

Education Code Section 76365;  
Title 5 Sections 59400 et seq.

Students may be required to provide instructional and other materials required for a credit or non-credit course. Such materials shall be of continuing value to a student outside of the classroom setting and shall not be solely or exclusively available from the District.

**Definitions**

"Instructional and other materials" means any tangible personal property which is owned or primarily controlled by an individual student.

"Tangible personal property" includes electronic data that the student may access during the class and store for personal use after the class in a manner comparable to the use available during the class."

"Required instructional and other materials" means any instructional and other materials which a student must procure or possess as a condition of registration, enrollment or entry into a class; or any such material which is necessary to achieve those required objectives of a course which are to be accomplished under the supervision of an instructor during class hours.

"Solely or exclusively available from the District" means that the material is not available except through the District, or that the District requires that the material be purchased or procured from it. A material shall not be considered to be solely or exclusively available from the District if it is provided to the student at the District's actual cost; and 1) The material is otherwise generally available, but is provided solely or exclusively by the District for health and safety reasons; or 2) The material is provided in lieu of other generally available but more expensive material which would otherwise be required.

"Required instructional and other materials which are of continuing value outside of the classroom setting" are materials which can be taken from the classroom setting and which are not wholly consumed, used up, or rendered valueless as they are applied in achieving the required objectives of a course to be accomplished under the supervision of an instructor during class hours.

**Establishing Required Materials and Related Fees**

Each College complies with Fee Handbook and ensures adherence to the requirements. An instructor initiates a request by completing the appropriate material fees form and submitting it to department chair and division chair for review and approval. If approved, the form is submitted to the appropriate administrator for authorization and implementation. The appropriate administrators at each college maintain a record of all material fees request forms. Once approved, the information is included in the next publication of the class schedule. (*Refer also to each college standard operating procedures for forms and specific details*).

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*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Student Services****AP 5035 WITHHOLDING OF STUDENT RECORDS****Reference:**

Title 5 Section 59410

The chief Admissions and Records officer may withhold grades, transcripts, diplomas, and registration privileges from any student or former student who fails to pay a proper financial obligation to the District. The student shall be given written notification and the opportunity to explain if the financial obligation is in error.

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

District Finance notifies students of past due accounts. Within the notification, students are provided options and instructions to explain.

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*(This is a new procedure recommended by the  
Policy and Procedure Service)*



**Student Services****AP 5040 STUDENT RECORDS, DIRECTORY INFORMATION, AND PRIVACY****References:**

Education Code Sections 76200 et seq.;  
Title 5 Sections 54600 et seq.;  
U.S. Patriot Act;  
Civil Code Section 1798.85

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

As stated in BP 5040 titled Student Records, directory Information, and Privacy, any currently enrolled or former student of the District has a right of access to any and all student records relating to him/her maintained by the District and shall be provided an opportunity to challenge such records on the grounds that they are inaccurate in accordance with the requirements of the California Education Code (See AP 5045 titled Student Records – Challenging Content and Access Log). A College shall obtain the written consent of the student before releasing student records to any persons and these rights extend to present and former students of the District with certain exceptions specified in Education Code Section 76243.

Student records include any item of information related to an identifiable student which is maintained by a community college or required to be maintained by an employee in the performance of his/her duties. Such student records shall not include those records defined in Education Code Section 76210.

The District shall promulgate and maintain procedures to ensure that access to student records is restricted to only those individuals permitted access by law and requiring access for the operation of the District.

If a student wishes to challenge any information in his/her record, he/she shall file a written request with the appropriate College President for review. The College shall publish and communicate appropriate procedures for the timely review of requests.

**Release of Student Records**

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

- Student records shall be released pursuant to a student's written consent. The forms are submitted to Admissions and Records and verified before student records are released.
- "Directory information" may be released in accordance with the definitions in BP 5040 titled Student Records, Directory Information, and Privacy. At the time of application, students have the option to select for basic directory information to be shared.
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. Subpoenas are submitted to the Admissions and Records and verified before student records are released. A copy of the subpoena is always sent to students.
- 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.
- 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. The Director of Admissions and Records/Registrar is responsible for providing such information and for defining the procedures.
- 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. The Director of Admissions and Records/Registrar is responsible for providing such information and for defining the procedures.
- 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. The Director of Financial aid is responsible for providing such information and for defining the 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. The Vice President of Student Services is responsible for providing such information and for defining procedures.
- Student records may be released to appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health or safety of a student or other persons, subject to applicable federal or state law.

The Vice President of Student Services is responsible for providing such information and for defining procedures.

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

Charge for Transcripts or Verifications of Student Records. A student/former student shall be entitled to two free copies of the transcript of his/her record or to two free verifications of various student records. Additional copies shall be made available to the student, or to an addressee designated by him/her, at the rate of \$4.00 per copy. Students may request special processing of a transcript.

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

The District shall not do any of the following:

- Publicly post or publicly display an individual's social security number;
- Print an individual's social security number on a card required to access products or services;
- Require an individual to transmit his/her social security number over the internet using a connection that is not secured or encrypted;

- Require an individual to use his/her social security number to access an Internet Web site without also requiring a password or unique personal identification number or other authentication devise; or
- Print, in whole or in part, an individual's social security number that is visible on any materials that are mailed to the individual, except those materials used for:
  - Application or enrollment purposes;
  - To establish, amend, or terminate an account, contract, or policy; or
  - To confirm the accuracy of the social security number.

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

- The use of the social security number is continuous;
- The individual is provided an annual disclosure that informs the individual that he/she has the right to stop the use of his/her social security number in a manner otherwise prohibited;
- The District agrees to stop the use of an individual's social security number in a manner otherwise prohibited upon a written request by that individual;
- No fee shall be charged for implementing this request; and the District shall not deny services to an individual for making such a request;
- Students shall be notified of their legal rights regarding access to student records and release of directory information through publication of this information in the Schedule of Classes.

A copy of the related policy and procedures, the Family Educational Rights and Privacy Act, appropriate sections of the California Education Code, and other pertinent information and forms shall be available for inspection in the Admissions and Records Office.

Also see AP 5045 titled Student Records – Challenging Content and Access Log

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*(Replaces current WVMCCD Policies 5.5.1, 5.5.3, 5.5.5, and 5.5.6)*

**Student Services****AP 5045 STUDENT RECORDS – CHALLENGING CONTENT AND ACCESS LOG****References:**

Education Code Sections 76222 and 76232;  
Title 5 Section 54630

**Challenging Content**

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

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

Within thirty (30) days of receipt of the request, the chief Admissions and Records officer shall then sustain or deny the allegations.

If the Registrar sustains any or all of the allegations, he/she shall order the correction or removal and destruction of the information. If the chief Admissions and Records officer denies any or all of the allegations and refuses to order the correction or removal of the information, the student, within thirty (30) days of the refusal, may appeal the decision in writing to the Vice President of Student Services.

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

If the final decision is unfavorable to the student, the student shall have the right to submit a written statement of his/her objections to the information. This statement shall

become a part of the student's record until the information objected to is corrected or removed.

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

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

### **Access Log**

Each College shall maintain a log in the Admissions and Records Office for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record and legitimate interests thereof. The listing need not include any of the following:

- Students seeking access to their own records;
- Parties to whom directory information is released;
- Parties for whom written consent has been executed by the student;
- Officials or employees having a legitimate educational interest.

The log or record shall be open to inspection only by the student, Admissions and Records personnel and to the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, and state educational authorities as a means of auditing the operation of the system.

**Student Services****AP 5050 MATRICULATION****References:**

Education Code Sections 78210 et seq.;  
Title 5 Sections 55500 et seq.

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

Matriculation is a process which assists non-exempt college students in choosing, planning, and achieving their educational and career goals at the District. It begins when eligible first-time college students apply for admission and it ends when they complete their studies at the District, or another California Community College. Between the time they are admitted to the District and the time they leave, the District will provide services, resources, facilities, courses, programs, and contacts with skilled personnel to help them to understand their needs and to enable them to select and accomplish their educational and career goals. Matriculation is a partnership between the student and the District. There are mutual responsibilities for both partners.

The District agrees to:

- assess the student's basic skills and educational and career goals
- provide quality instruction and counseling
- offer support services
- monitor, assess, and evaluate student's progress towards their goal

The student agrees to:

- express a broad educational intent upon admission
- complete orientation and assessment
- declare a specific educational goal by the time they complete fifteen (15) units

- develop an educational plan
- participate in advisement/counseling and make use of other support services as necessary
- attend class, complete assignments, and maintain progress toward a goal

Assessment, orientation, and advisement exist because they improve chances for success.

However, the student has the right to:

- waive orientation, assessment, and advisement/counseling Please note that non-exempt students who waive orientation may be assigned a later registration date than students who complete orientation
- retake placement tests according to Assessment Office guidelines
- waive assessment recommendations
- challenge a prerequisite or co-requisite or other limitation on enrollment, under certain conditions
- file a complaint of unlawful discrimination if you believe assessment, orientation, counseling, or any other matriculation procedure is being applied in a discriminatory manner.

## **Orientation, Assessment, and Educational Planning**

### **Orientation**

Orientation is a process which provides information about the college's programs and services, academic expectations and procedures, advising, and registration. Students who complete orientation classes and workshops will:

- receive information about college requirements,
- learn about the requirements for the Associate and Bachelor's degrees, general education, and specific majors,
- receive information about assessment recommendations and basic skill levels,
- receive academic advising,
- develop an educational plan.



## Assessment

Assessment is the process the college uses to evaluate your skills in areas such as:

- Reading
- Writing
- Math
- English as a Second Language (ESL)

The District uses tests and other measures to assess basic skill levels. Counselors and instructors will provide assistance in evaluating skill levels, so the student will be able to:

- better match needs and abilities with course requirements,
- select courses appropriate to their skills,
- improve their chances for success.

Many other factors are considered in recommending courses such as:

- life and work experiences
- personal interests
- out-of-school obligations
- motivation
- support systems
- academic history

Assessment recommendations are **advisory** only. They are based on the best information available about the student's ability to do college level work. If students choose not to follow the recommendations, they must see a counselor for a waiver. The District shall not use any assessment instrument except one specifically authorized by the Board of Governors of the California Community Colleges.

## Educational Planning

Educational planning is the process of plotting the student's courses semester by semester. Counselors will initiate an educational plan during orientation. Counselors will assist students in choosing the appropriate course sequence that best fits their educational goal.

## When to Complete Orientation, Assessment and Educational Planning

New, transfer, and former students should complete orientation, assessment, and educational planning **before** registering for classes, or no later than the end of their first term. Students who do not meet this requirement before the registration period for the next semester will receive lower priority.

There are several options for completing orientation, assessment, and educational planning. These include:

- Counseling A for new students

- Counseling 1 for new and transfer students
- Counseling 2 for new and transfer students
- Counseling 5 for new and transfer students
- Workshops for returning and transfer students
- Special sessions for:
  - Student athletes
  - Career Program students
  - Court Reporting students
  - Disabled students
  - Re-Entry students
  - English as a Second Language students
  - EOPS students
  - International students

Students are exempt from both orientation and assessment if they have an AA/AS degree or higher. All exempt students are eligible and encouraged to take advantage of other matriculation services.

**Where to obtain forms:**

To Waive Assessment, Orientation or Assessment Recommendations:  
See a counselor for a waiver form.

Please note: Non-exempt students who waive orientation will be assigned a later registration date than students who complete orientation.

**To waive Advisement:**

No form is required. If a student has not declared an educational goal by the time he/she has completed fifteen (15) units, the student is encouraged to see a counselor and complete an educational plan within ninety (90) days. Failure to do so may result in the termination of the College's obligation to provide the student with further matriculation services.

**Challenges**

**PREREQUISITES, COREQUISITES OR OTHER LIMITATIONS ON ENROLLMENT**

Students have the right to challenge prerequisites or co-requisites or other limitations on enrollment for the following reasons:

1. Students believe the prerequisite or co-requisite has not been made reasonably available.

2. Students believe that the prerequisite or co-requisite was established in violation of regulation or in violation of the District-approved matriculation policies and processes. (Supporting documentation must be provided.)
3. Students believe that the pre or co-requisite or limitation on enrollment is unlawfully discriminatory or is being applied in an unlawfully discriminatory manner. (Supporting documentation must be provided.)
4. Students believe they have the knowledge or ability to succeed in the course despite not meeting the prerequisite. (Supporting documentation must be provided.)
5. Enrollment in the course has been limited to a special group of students, and there are no other courses which would fulfill the requirement. Students believe they would be delayed by a semester or more in attaining the degree or certificate specified in your educational plan. (Supporting documentation, including a copy of your educational plan, must be provided.)
6. The pre- or co-requisite was established to protect health and safety and despite the fact that the student does not meet the pre- or co-requisite, the student believes he/she is able to demonstrate that he/she does not pose a threat to himself/herself or others. (Evidence must be provided.)

**Where to obtain forms:**

To challenge a pre- or co-requisite or other limitation on enrollment, contact the Counseling or Admissions Offices for a challenge form and specific instructions. Submit the completed form and any required supporting documentation to the Counseling or Admissions Offices. The student's request will be evaluated by a challenge review committee within five (5) instructional days and a written response will be mailed to the student.

**Where to obtain forms:****Complaints**

If students feel that assessment, orientation, counseling or any other matriculation procedure is being applied in a discriminatory manner, the student may file a complaint with the Vice President of Student Services Office. Each nonexempt matriculating student has rights and responsibilities pursuant to Title 5. Students may be exempted from the assessment and/or orientation components of matriculation pursuant to Title 5.

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**Date Approved: January 18, 2012**

*(Replaces current WVMCCD Policies 5.1.1, 5.8.1, 5.8.2 and Procedure 5.8)*

**Student Services****AP 5052 OPEN ENROLLMENT****References:**

Title 5 Sections 51006, 58106, and 58108

No student is required to confer or consult with or required to receive permission to enroll in any class offered by the District, except as provided for in AP 5055 titled Enrollment Priorities and No program has special enrollment consideration.

Students are not required to participate in any pre-registration activities not uniformly required, and no registration procedures are used that result in restricting enrollment to a specialized clientele, except as provided for in AP 5055 titled Enrollment Priorities and

Through the Matriculation process, continuing students (those enrolled in the current semester) are assigned a registration date by the number of units completed. Anyone who is not registered for a semester or longer needs to update or submit a new Application for Admission. After continuing students register, the registration system is open to new students who have filed Applications.

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

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

In accordance with Title 5 Section 58108 of the California Code of Regulations, the following category of students will be provided priority enrollment:

- CalWORKs
- Disabled Students Programs and Services
- EOPS
- Veterans

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**Date Approved: January 18, 2012**

*(Replaces current WVMCCD Procedure 5.4)*

**Student Services****AP 5055 ENROLLMENT PRIORITIES****References:**

Education Code Section 66025.8;  
Title 5 Section 58106

Prior to the beginning of each semester, the Colleges shall jointly establish registration dates and procedures that shall appear in appropriate College publications.

The District shall document all course enrollment, attendance and disenrollment information pursuant to California Code of Regulations, Title 5. (Also see AP 5075 titled Course Adds and Drops)

Enrollment in courses and programs may be limited to students meeting properly established prerequisites and co-requisites. (See BP and AP 4260 titled Prerequisites and Co-requisites.)

Enrollment may be limited due to the following:

- health and safety considerations
- facility limitations
- faculty workload
- availability of qualified instructors
- funding limitations
- regional planning
- legal requirements
- contractual requirements

When enrollment must be limited, priorities for determining who may enroll are:

- limiting enrollment to first come, first served, or other non-evaluative selection techniques;
- in the case of intercollegiate completion, honors courses, or public performance courses, allocating available seats to those students judged most qualified;
- limiting enrollment to any selection procedure expressly authorized by statute;

- priority for registration for enrollment must be granted to any member or former member of the Armed Forces of the United States for any academic term within two years of leaving active duty;
- limiting enrollment in one or more sections to students enrolled in one or more other courses, provided that a reasonable percentage of all sections of the course do not have such restrictions.

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**Date Approved: January 18, 2012**  
*(Replaces current WVMCCD Policy 5.4.2)*

**Student Services****AP 5070 ATTENDANCE****References:**

Title 5 Sections 58000 et seq.

The West Valley Mission Community College District utilizes an enterprise data system that provides the following which reflects the requirements of both Title 5 Educational Code and the CCCCCO Budget and Student Account Manuals to:

- Compute units of full time equivalent student (FTES) based on the type of course, the way the course is scheduled, and the length of the course;
- Provide reporting of FTES during the “first period” (between July 1 and December 31) and “second period” (between July 1 and April 15);
- Identify the District definition and selection of a single primary term length for credit courses;
- Comply with census procedures prescribed by the California Community College Chancellor’s Office for all credit courses, including work experience, independent study, and credit courses being reported on an actual attendance basis;
- Prepare census day procedure tabulations;
- Prepare actual student contact hours of attendance procedure tabulations;
- Prepare (as applicable) actual apprentice hours of teaching procedure tabulations;
- Prepare support documentation regarding all course enrollment, attendance and disenrollment information;
- Compute FTES that includes only the attendance of students while they are engaged in educational activities required of students and while they are under the immediate supervision and control of an academic employee of the District authorized to render service in the capacity and during the period in which he or she served;

- Provide maintenance of the colleges in the District for at least 175 days during the fiscal year.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*



**Student Services****AP 5075 COURSE ADDS AND DROPS****References:**

Title 5 Sections 55024 and 58004

**Adding Courses**

Students may add classes through the registration period. Students must use the online registration process to add classes as detailed in the class schedule and website.

After the registration period concludes, classes may only be added prior to census day by first obtaining permission from the class instructor or by filing a petition request. Students may not be added to classes when the student's first date of class attendance is after the census\_date unless written authorization provided by the Vice President of Instruction or designee.

Students are expected to attend all sessions of each class. Instructors may drop students from class if they fail to attend the first class meeting; fail to attend at least one class session during the first three weeks of instruction, or when accumulated unexcused hours of absence exceed ten percent of the total number of hours the class meets during the semester.

**Withdrawals**

Withdrawals, or drops, are authorized through the last day of the fourteenth week of instruction or 75% of the term, whichever is less. While an instructor may drop a student for excessive absences, it is the student's responsibility to officially withdraw from a class. Instructor approval to withdraw is not required. Students who withdraw or drop classes during the first four weeks or 30% of the term, whichever is less, will receive no notation on their academic record.

Instructors shall clear their rolls of inactive students not later than the end of the last business day before the census day for the course section. Inactive students are those who were no-shows or those who have discontinued participation in instructional activities.

The District has established the number of times that a student may withdraw from a class and receive a "W." Students will not be permitted to withdraw and receive a "W" in a class more than four times but in any case, no more than allowed by Title 5 Ed Code,

as revised. In the case of multiple withdrawals, the District offers the following intervention program:

Students may be permitted to enroll in a class after having received the maximum authorized number of “W” symbols as long as the students will receive a grade or a non-evaluative symbol other than a “W” upon completion of the course, if:

- The District does not claim apportionment; and
- The District policy permits additional withdrawals for which it does not receive apportionment and the official designated in the District’s policy approves such withdrawal after a review of a petition submitted by the student.

**Student Services****AP 5110 COUNSELING****References:**

Education Code Sections 72620 and 72621;  
Title 5 Section 51018

Pursuant to the Education Code and Title 5 the counseling services available in the District's counseling program include at least the following:

- Academic counseling to assist the student in assessing, planning, and implementing his or her immediate and long-range academic goals.
- Career counseling to assist the student in assessing his or her aptitudes, abilities, and interests and to provide advice concerning current and future employment trends.
- Personal counseling to assist the student with personal, family, or other social concerns when such assistance is related to the student's education.
- Coordinating other student services that may exist on the campus, including, but not limited to, services provided to students with special needs, skills testing programs, financial aid programs, and job placement services.
- Other Student Services where counseling and advising services are provided may include:
  - approved student financial aid programs;
  - health and psychological services and/or referral;
  - support services for special student populations;
  - specialized assistance for international students;
  - employment assistance to current and former students; and
  - a program of student government and organizations to encourage student participation in College activities and in the District and College governance process.

Both colleges maintain Counseling Centers staffed by competent, highly-trained and diversely experienced counselors. Counselors are also located in other designated program areas including disability services, Extended Opportunity Program and Services (EOPS), Disabled Students Programs and Services, the and Career and Transfer Centers

The primary goal of the College's Counseling Department is to provide opportunities for students to clarify and identify their academic, personal and career goals, to make decisions and develop self-confidence, self-direction and self-esteem. Toward this goal, the following programs and services are offered:

Counselors provide opportunities for students to clarify their values and goals, to make decisions, and to develop self-confidence, self-direction and self-esteem. Academic, transfer, career and personal counseling are offered in addition to outreach/support for incoming high school students, international students, and students on probation and dismissal. Education plans are a crucial service provided to students as well as assisting students with Transfer Admissions Agreements (TAA's). Counseling courses assist students in making career and educational decisions, enhancing study skills, and staying motivated. Counselors provide individual and group sessions and are available by appointment, drop-in service, and evening hours. Several counselors are bi-lingual.

### **Confidentiality of Counseling Information**

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

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**Date Approved: January 18, 2012**

*(Replaces current WVMCCD Policy 5.9 and  
Procedure 5.9)*

**Student Services****AP 5120 TRANSFER CENTER****References:**

Education Code Sections 66720-66744;  
Title 5 Section 51027

The District has a transfer center plan for each college that complies with the requirements of Title 5. The plan identifies appropriate target student populations and is designed to increase the transfer applications of all students. The transfer center plan is located in the Transfer Center.

The colleges' Transfer Centers may include the following:

- Transfer advising, counseling and assistance via center staff as well as personal contact with representatives from four-year colleges and universities. Such assistance may include one-on-one appointments, group workshops, college fairs, email, Internet, and other venues.
- A resource library of college and university catalogs and guidebooks.
- Transfer workshops and university representatives on site.
- Computer stations with Internet access for college search and application.
- Financial aid and scholarship information.

Plan components include, but are not limited to:

- Transfer services to be provided to students
- Adequate Facilities for students to meet with counselors in a confidential setting
- Staffing including transfer center director, transfer advisor, and general counselors with expertise in transfer
- An advisory committee
- Evaluation and reporting

- Transfer path requirements for each articulated baccalaureate major

The Transfer Center plans are maintained and updated annually by the College Transfer Center staff

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**Date Approved: January 18, 2012**  
*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Student Services****AP 5130 FINANCIAL AID****References:**

Education Code Section 76300;  
Title 5 Sections 58600 et seq.;  
20 U.S. Code Sections 1070 et seq.;  
34 Code of Federal Regulations Section 668;  
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended

The District believes that no student should be denied an education solely because of financial reasons. The purpose of the student financial aid is to provide funds which will enable students to meet the direct and indirect educational costs of attaining an education.

These programs shall assist students who, without financial assistance, might be denied a college education. All financial aid programs will operate within Federal and State laws and regulations as well as District policy.

The District shall participate in Federal, State, and local financial aid programs approved by the Board.

The Vice Chancellor of Administrative Services or designee shall have the responsibility for insuring the overall coordination of the District and College financial aid programs with respect to accounting, record-keeping, and reporting functions.

Responsibility for the financial aid program at each College shall rest in the office of the Vice President of Student Services or designee. The Vice President will also ensure that funds are distributed in accordance with approved criteria and that required records relating to eligibility and disbursement are maintained to verify the equitable and effective utilization of available funds.

**Disclosures**

All mandated federal, state, and Institutional disclosures are available on the Colleges' web sites. The information below is also available and accessed by using the District's enterprise student system's Portal and, via the Portal, also provides more in-depth information that pertains to unique requirements of the individual student.

**Application Procedures**

- Each college provides step-by-step application procedures for federal, state, and institutional grants, scholarships, work study, and student loan programs on their respective web sites.

- Applications are submitted on a rolling basis throughout the academic year as allowed by federal, state, and Institutional regulations and policies.

### **Student Eligibility**

- Basic eligibility requirements for financial aid:
  - Demonstrate financial need (as determined by completing the FAFSA application and the "Basic Equation of Need"). Basic Equation of Need is the difference between the Cost of attendance and the Estimated Family Contribution (as determined by the FAFSA application).
  - Be a U.S. citizen or eligible noncitizen (for most programs) with a valid Social Security number (SSN).
  - Be working toward a degree or certificate in an eligible program of study
  - Show, by one of the following means that you're qualified to obtain a postsecondary education:
    - Have a high school diploma or a General Educational Development (GED) certificate.
    - Pass an approved ability-to-benefit \* (ATB) test
    - Complete a high school education in a homeschooled setting
  - Register (if you haven't already) with the Selective Service, if you're a male between the ages of 18 and 25.
  - Maintain Satisfactory Academic Progress (SAP) once you're in school.

### **Payments to Students**

- Pell Grants and Loans are divided into a minimum of four payments per year.
  - Two payments in the Fall semester.
  - Two payments in the Spring Semester.
  - Payments are issued to students once eligibility has been determined.
  - Payments are issued every two weeks until all students have been paid.
- Cal Grant, CHAFEE and Federal Supplemental Opportunities Grant (FSEOG) are divided into a minimum of two payments per year.



- One payment in the Fall semester and
- One payment in the Spring Semester.
- Federal Work Study
  - Timesheets are submitted on the 1st of each month.
  - Payroll checks are paid once a month on the last working day of the month.

### **Overpayment Recovery**

- Financial aid recipients, who withdraw completely or reduce units before or equal to 60% of the semester or session is over, may have to return a portion of the aid received which was not earned. Students who withdraw and do not repay funds will have an institutional hold placed on future West Valley or Mission College registration and transcripts and a national hold placed on future aid eligibility at any institution.
- Students, who were overpaid for any reason, including the above, will have an institutional hold placed on future West Valley or Mission College registration and transcripts and may have their account transferred to a collection agency.
- The Colleges shall withhold grades, transcripts, certificates and/or diplomas, or any combination thereof, from any student or former student who is in default on a loan or loans or failed to meet any other financial obligation to the District. The student must be notified in writing of the delinquency prior to taking such action. Restrictions will be removed when the financial obligation has been met.
- The District may pursue other forms of collection to satisfy student debts.
- Exceptions to the collection procedures adopted by the District may be authorized by the Vice President of Student Services in cases of unique or extraordinary circumstances beyond the control of the student.

### **Accounting Requirements**

- The Financial Aid Office staff at each college will depend on Admission and Records (A&R) staff to properly show units completed and calculated Grade Point Averages for our use in determining Satisfactory Academic Progress (SAP). Grades of "F" (Fail), "W"(Withdrew), "NC" (No Credit), "IP" (In Progress), "I" (Incomplete) and "RD" (Report Delayed) are not counted as completed units and thus will be assessed as not completed units when determining SAP. Courses taken as Credit/No Credit may have the GPA manually calculated, if not all classes were passed (Credit). We will follow A&R's rules on repeating courses for credit and may be able to pay for retaking a course. Because below college

level courses are often used to get up to college level courses, meaning there is the intention to be in an eligible academic program, those classes will be used in determining SAP.

- Student accounts reflect charges and payments occurring that are both term specific and non-term specific. The student enterprise system information concerning student account balances, both credits and debits, are available to for students viewing on-line through our Portal or in-person at the A&R Office. This balance reflects current activity.
- The Offices of Financial Aid reconcile all award programs with the appropriate federal, state, or institutional bodies throughout the calendar year. At minimum, a year-end reconciliation is performed on all awards and disbursements to students to ensure that the integrity of the individual programs are maintained.

### **Satisfactory Academic Progress**

The Federal Department of Education and Student Financial Assistance Programs require schools and colleges to develop and apply a consistent standard of academic progress in determining student eligibility. The Government requires that students who apply for financial aid at West Valley or Mission College adhere to this regulation by meeting Qualitative and Quantitative Standards.

- Qualitative Standard
  - Students attending West Valley College and/or Mission College must have a cumulative Grade Point Average (GPA) of 2.0.
- Quantitative Standard
  - Students must complete 67% of the units attempted each term. This is to ensure students are making progress towards their goal.
  - Students must complete their educational objective (graduation, transfer, certificate, etc.) by the time they have attempted 90 units.
- Repeated classes
  - Financial aid may be awarded to cover cost of courses previously taken to improve a grade of D, F, W, and NC. However, repeated semester units will count toward the ninety (90) unit maximum allowed.
- Attempted units will exclude all ESL courses and up to thirty (30) remedial courses.

### **Misrepresentation**

Misrepresentation is defined as any false, erroneous, or misleading statement that the District, a representative of the District, or a service provider with which the District has contracted to

provide educational programs, marketing, advertising, recruiting, or admissions services, makes directly or indirectly to a student, prospective student, a member of the public, an accrediting agency, a state agency, or the United States Department of Education.

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

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**Date Approved: January 18, 2012**  
*(Replaces current WVMCCD Policy 5.13)*

**Student Services****AP 5140 DISABLED STUDENTS PROGRAMS AND SERVICES****References:**

Title 5 Sections 56000 et seq.

Each College's Disabled Students Programs and Services (also known as the Disability Instructional Support Center at Mission College and the Disability and Educational Support Program at West Valley College) are the primary providers of support programs and services that facilitate equal educational opportunities for students with verified disabilities who can profit from instruction as required by Federal and State laws. The services to be provided include, but are not limited to reasonable academic accommodations, accessible facilities and equipment, specialized instructional programs, and academic, personal and vocational counseling. Academic accommodations include, but are not limited to, test taking and note-taking accommodations, alternate media, sign language interpreters and real time captioning. Each College's DSPS shall develop a Program Plan as described in Title 5 Regulations for DSPS, California Code of Regulations, which is submitted to the Chancellor's office upon request. In addition, each College's DSPS shall establish an advisory committee to meet at least once a year to give guidance and direction related to the needs of the local community.

A student with a disability is a person enrolled at a community college who has a verified disability which limits one or more major life activities and which imposes an educational limitation. Qualifying disabilities include, but are not limited to, learning disabilities, acquired brain impairment, psychological disability, and visual and hearing impairments.

Verification of the disability is made by:

1. Observation by DSPS professional staff, with review by the DSPS coordinator, through personal observation;
2. Assessment by an appropriate DSPS staff member; and
3. Review by DSPS professional staff of documentation provided by an appropriate agency or certified professional by DSPS professional staff, with review by the DSPS coordinator.

DSPS counselors and instructors must meet minimum qualifications as set forth in Title 5 Regulations for DSPS, California Code of Regulations. In addition, each College shall

designate a DSPS coordinator who meets the minimum qualifications of a DSPS counselor or instructor and an additional minimum qualification as set forth Title 5 Regulations for DSPS, California Code of Regulations.

Participation in each College's Disabled Students Programs and Services by students with disabilities is completely voluntary and does not preclude participation in any other course, program or activity. All records maintained by DSPS personnel pertaining to students with disabilities are protected from disclosure and subject to all other relevant statutes and regulations for handling of student records. Students receiving support services or instruction from DSPS must comply with the student code of conduct adopted by each College and be responsible in their use of DSPS services as described in each College's DSPS Student Handbook. In addition, students shall make measureable progress toward the goals established in the student's Student Educational Contract as set forth in Title 5 Regulations for DSPS, California Code of Regulations.

Also see AP 6365 titled Accessibility of Information Technology

The District is committed to providing equal access to all members of the District community and to supporting the open access policy of the California Community College system by providing barrier-free access to all students, including access to electronic and information technology in accordance with State and Federal mandates (Sections 504 and 508 of the Rehabilitation Act of 1973, as amended in 1998, the Americans with Disabilities Act of 1990, as amended in 2008 and California Senate Bill 105). The District is committed to expanding the boundaries of access beyond the physical setting for students with disabilities recognizing that students are entitled to equal access to electronic information and technology.

A disability may preclude a student from demonstrating required proficiencies or from completing course requirements necessary for an AA or AS degree in the same manner as non-disabled students. There may be the need to accommodate students with documented disabilities to the greatest extent possible without compromising the student's course of study, the student's confidentiality and dignity, and the integrity of the student's degree.

All graduates shall master the competencies required by The California Code of Regulations, Title 5 and to complete the courses required for graduation. Most disabilities that preclude a student from completing a course can be overcome by altering the method of course delivery and providing a combination of appropriate accommodations. Therefore, for most students with documented disabilities, the first level of accommodation will involve extra help: disability-related tutorial assistance, auxiliary aids, test accommodations, and/or special courses are examples of the kinds of assistance the District may extend to students. For some students with a disability, such accommodations and alterations of course delivery will not be enough to enable completion of the course. For these students, a course substitution will be individually considered under the conditions described in local procedures. Only in the most

extreme cases will a course waiver be considered. All policies and procedures that apply to approval of course substitutions or waivers also apply to proficiency requirements.

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**Date Approved: January 18, 2012**  
*(Replaces current WVMCCD Policies 5.11.1,  
5.11.2, 5.11.3, and 5.11.4*

**Student Services****AP 5150 EXTENDED OPPORTUNITY PROGRAMS AND SERVICES****References:**

Education Code Sections 69640-69656;  
Title 5 Sections 56200 et seq.

EOPS serves eligible economically and educationally disadvantaged students to allow them to achieve their academic goals.

The EOPS Program Plan establishes the program's goal and objectives and describes the provision of services. The Program Plan is available in the Extended Opportunity Programs and Services Office at each college. The plan is reviewed annually and updated accordingly. The EOPS Program at each college maintains the following:

- Adequate staffing to manage the daily operations, to provide services, and manage the budget, including a certificated director, counselor and support staff.
- A computerized record keeping system is used to manage data and all files are maintained at the EOPS Office.
- The EOPS Advisory Committee meets at least annually to provide consultation, advocacy, and advisement to the EOP&S Director, EOP&S staff, and to the college on program priorities, initiatives, and EOP&S student issues.
- The full-time director has responsibility for all records, for complying with Program requirements, providing services, monitoring the budget, and for supervising personnel.
- All EOPS students must be:
  - be a resident of California pursuant to the provisions of Part 41 commencing with Section 6800 of the Education Code.
  - be enrolled full-time when accepted into the EOPS Program. The EOPS director may authorize up to 10% of EOPS students accepted to be enrolled for 9 units.

- not have completed more than 70 units of degree applicable credit coursework in any combination of postsecondary higher education institutions.
- qualify to receive a Board of Governors Grant pursuant to Section 58620 (1) or (2).
- be educationally disadvantaged as determined by the EOPS director or designee. In making that determination, the EOPS director shall consider one or more of the following factors:
  1. not qualified at the college of attendance for enrollment into the minimum level English or mathematics course that is applicable to the associate degree;
  2. not have graduated from high school or obtained the General Education Diploma (GED);
  3. graduated from high school with a grade point average below 2.50 on a 4.0 scale;
  4. been previously enrolled in remedial education; and
  5. other factors set forth in the district's plan submitted to the Chancellor pursuant to Section 56270 of Title 5.
- To remain eligible to receive programs and services students shall:
  - Apply for state and/or federal financial aid.
  - Maintain academic progress towards a certificate, associate degree or transfer goals.
  - File an initial EOPS application and complete and adhere to a student educational plan and the EOPS mutual responsibility contract for programs and services.
  - Within two months of acceptance into the EOPS program, provide income documentation from state or federal income tax forms, or public assistance documentation pursuant to Section 58620, or other documentation as required for financial aid by the college of attendance.
- Support services may include but not be limited to outreach, recruitment, assessments, counseling, early registration, books, grants (pending available



funds), book services, transfer fee waivers, career and transfer services, and other related services.

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**Date Approved: January 18, 2012**  
*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Student Services****AP 5160 CHILD CARE SERVICES****References:**

Education Code Sections 79120 et seq.

The Colleges' Child Development Centers provide child care for the children of students in the District and offer training in the field for students. The Centers operate pursuant to all applicable regulations set forth in Titles 5 and 22. Eligibility is determined by income and availability of space. The District's child care services shall be prominently publicized to all students.

The Centers also provide child care for the children of employees and community members when space and accommodations allow.

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**Date Approved: January 18, 2012**  
*(Replaces current WVMCCD Policy 5.12)*

**Student Services****AP 5200 STUDENT HEALTH SERVICES****Reference:**

Education Code Section 76401

Education Code Section 76355 authorizes community colleges to offer health supervision and services and to charge students a fee for those services. (See BP/AP 5030 titled Fees) Students who enroll for credit classes at West Valley or Mission College(s) pay the student health fee during Fall, Spring and Summer Sessions.

Both colleges maintain a Student Health Service designed to facilitate emergency response to limited medical care and nursing assessment for the well-being of students in ways which increase their potential for educational success. Specific services may include personal counseling, limited medical treatment, contraceptive counseling, and screening procedures for blood pressure, vision, pregnancy, hearing, and tuberculosis. The Health Services offer optional Illness/Accident and Dental/Vision Insurance Plans at nominal cost to all registered students. Health education materials and referrals to community health resources are available daily.

Health Services may carry out special programs such as health education, blood drives, weight reduction, smoking cessation, and stress management workshops as well as various screenings and consultations.

Any currently enrolled student may use the colleges' Student Health Services. While students in non-credit programs, such as community education programs do not pay health fees, they may be charged the student health fee if they use the colleges' Student Health Services.

Non-students, such as employees, may receive services such as flu vaccine or tuberculin skin testing, and are charged a fee for these services.

The college general budget may augment the Student Health Services budgets for services and supplies that are used by non-students.

Operational hours maintained by each college's Student Health Services are designed to support student needs, as resources permit.

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**Date Approved: January 18, 2012**

*(Replaces current WVMCCD Policy 5.10 and Procedure 5.10)*

**Student Services**

**AP 5210 COMMUNICABLE DISEASE**

**Reference:**

Education Code Section 76403

The Health Services professional staff at both colleges maintains an effective communication and professional relationship with appropriate local public health authority when communicable disease issues involve any area of the college campus.

Health Services professionals will report communicable disease measures to appropriate District departments and local health authority.

Health Services complies with the immunization program required by the State Department of Health Services regulations.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Student Services****AP 5300 STUDENT EQUITY****References:**

Education Code Sections 66030, 66250 et seq., and 72010 et seq.;  
Title 5 Section 54220

Each College is committed to maintaining access with success for its students particularly those from underrepresented groups. Discussion by representative groups surrounding the review of data and development of goals and activities are collaborative in nature.

The Student Equity Plan is prepared by the college to address student success in five general indicator areas: Access, Basic Skills/ESL, Course Completion/Retention, Degree/Certificate Completion and Transfer. It is the goal of the college that all students regardless of age, gender, ethnic background, or disability experience success. Specific goals and activities are designed to assist students that appear to be having difficulty in any of the five success indicators. The Student Equity Plan includes an executive summary that describes the groups for whom goals have been set, the goals, and the initiatives that the College will undertake to achieve the goals, the resources budgeted for that purpose, and the College representative who can be contacted for further information.

The Plan is filed as required to the California Community Colleges Chancellor's Office, following approval by the Board. The plan is reviewed annually.

To actively involve and groups on campus, each college will solicit membership through its shared governance constituencies.

The development of the plan will include involvement by appropriate people from the college and community who can articulate the perspective and concerns of historically underrepresented groups.

The Student Equity Plan will include disaggregated data on student population within the district's service area, student success rate, retention rate, ESL and Basic Skills Completion, Degree and Certificate Completion, and Transfers.

Each college's plan will include identification of institutional barriers to equity and strategies/focused activities to address this.

Goals for Student Equity will focus on access, retention, degree and certificate completion, English as a Second Language (ESL) and basic skills completion, and transfer of each historically underrepresented group.

For each Student Success Indicator, activities most likely to be effective to attain the goals will be included, as well as the sources of funding for the activities, a schedule and process for evaluation of progress toward achieving the goals.

The plan will also include coordination of existing student equity related programs.

The Student Equity Plan shall be developed, maintained, and updated under the supervision of the Vice President of Student Services.

Also see BP/AP 3250 titled Institutional Planning

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**Date Approved: January 18, 2012**  
*(Replaces current WVMCCD Procedure 5.7)*

**Student Services****AP 5400 ASSOCIATED STUDENT ORGANIZATIONS****Reference:**

Education Code Section 76060

Each college in the District shall have an Associated Student Organization.

Both day and evening student representatives shall be encouraged to participate in the Associated Student Organizations.

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

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

The District believes that participation in student government activities enhances and enriches the student's education.

The Colleges shall maintain organized, integrated, and financially responsible programs of student government and activities which conform to the education and administrative codes of the State of California.

The Associated Student Organization (ASO) organization serves as the official governing organization of the associated students for each of its Colleges under Education Code 76060. Each such ASO shall have as its purpose to conduct activities and advocate on behalf of the students at the College. All such activities shall be approved and regulated by an employee of the College so designated by the College President.

- Each ASO organization is governed by its College's rules, policies and procedures as well as other appropriate laws and regulations. Especially significant is the Brown Act, which is applicable to the ASO organization and any of its standing committees. Each ASO organization shall utilize a Constitution and Bylaws ratified according to ASO policy. Constitutions and Bylaws must be in compliance with College policies and procedures. The ASO President should ensure that proposed changes are presented to the College President prior to formal action sponsored by the ASO. All constitutional changes must be ratified by the College President.

- Each ASO organization shall encourage students to participate in shared governance at the College and District levels. Inasmuch as the Board may establish minimum standards for governing procedures to ensure faculty, staff, and students the right to participate effectively in college governance and the opportunity to express their opinions at the campus level to ensure that these opinions are given every reasonable consideration, the ASO organization at each College is recognized as the only representative body of the students to offer opinions and make recommendations to the administration of the Colleges and the District as well as to the Board with regard to District and College policies and procedures that have or will have a significant effect on students. The selection of student representatives to serve on College and District committees, task forces, or other governance groups shall be made, after consultation with appropriate College representatives, by each ASO organization.

Also see BP/AP 2510 titled Participation in Local Decision Making

Students at each College in the District are encouraged to form and participate in the student body association and other recognized student organizations. Membership in student organizations is open to all students. Denial of membership in any organization or participation in any activity on the basis of age, gender, marital status, disability, race, color, sexual orientation, religion, national origin, or other similar factor is specifically prohibited. Membership in secret societies is prohibited.

The Vice President of Student Services for each College or designee shall certify that a student organization meets requirements for recognition set forth below and is entitled to the privileges accorded recognized student organizations. A list of all recognized student clubs and organizations shall be maintained in the Campus Center of each College.

A recognized student organization is one which:

- Has a purpose compatible with the policies and educational objectives of the Colleges and the District;
- Maintains an approved constitution and a current list of officers which is filed with the College;
- Operates under appropriate College staff advisorship;
- Holds meetings, all of which are announced to and open to the general student body; and
- Is composed of a membership of which the majority of members are students currently enrolled in the College.



All student organizations must comply with policies and procedures adopted by the student organization, the Colleges, and the District.

No student enrolled in the District may engage in hazing activities as defined in Sections 32050 and 32052 of the Education Code.

Also see BP/AP 5500 titled Standards of Conduct

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**Date Approved: January 18, 2012**  
*(Replaces current WVMCCD Policies 5.15.1, 5.15.2, 5.15.3, 5.15.4, 5.15.5, and 5.15.6)*

**Student Services**

**AP 5410 ASSOCIATED STUDENT ORGANIZATIONS' ELECTIONS**

**Reference:**

Education Code Section 76061

The Associated Student Organizations shall conduct annual elections held during the spring semester to elect officers.

Any student elected as an officer in the Associated Student Organization shall meet the requirements in BP 2015 titled Student Trustees, BP 2105 titled Election of Student Trustees, and BP 5410 titled Associated Student Organizations' Elections.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Student Services****AP 5420 ASSOCIATED STUDENT ORGANIZATIONS' FINANCE****References:**

Education Code Sections 76063-76065

Associated Student Organizations' funds are maintained in accordance with the following procedures:

- The books, financial records, and procedures of the Associated Student Organizations are subject to annual audit.
- Reports of the annual audit of Associated Student Organizations' funds are submitted to the staff advisor.
- Audit information, except that containing personnel or other confidential information, shall be released to the Associated Student Organizations by the District Finance Office.
- The Associated Student Organizations' funds shall be deposited with and disbursed by the staff advisor.

The funds shall be deposited, loaned or invested in 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.

The Chancellor and/or each College President will designate, subject to the approval of the Board, how and by whom checks will be signed on the student body funds.

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

- the Chancellor or designee;
- the officer or employee of the District who is the designated manager of the particular student body organization; and
- President or Treasurer of the student body organization.

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**Date Approved: January 18, 2012**  
*(Replaces current WVMCCD Policy 6.4.2)*

**Student Services****AP 5500 STANDARDS OF CONDUCT****References:**

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

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

- Causing, attempting to cause, or threatening to cause physical injury to another person.
- Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from the District Police, which is concurred in by the Vice President of Student Services.
- Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code Sections 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
- Committing or attempting to commit robbery or extortion.
- Causing or attempting to cause damage to District property or to private property on campus.
- Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
- Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
- Committing sexual harassment as defined by law or by District policies and procedures.

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

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

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**Date Approved: January 18, 2012**  
*(Replaces current WVMCCD Policy 5.19.2)*

**Student Services****AP 5505 BULLYING AND BULLYING INVESTIGATIONS****References:**

- Education Code Sections 66300, 66301 and 66302;
- Accreditation Standard II.A.7.b
- AB2053 Gonzalez. Employment discrimination or harassment: education and training: abusive conduct.
- WVMCCD AP4030 Academic Freedom
- WVMCCD AP5500, AP5520 "Student Conduct"
- WVMCCD AP5510, Workplace Violence Plan
- WVMCCD AP5515, Reporting of Crime

**OBJECTIVE:**

The West Valley-Mission Community College District (WVMCCD) is committed to providing a respectful and professional educational environment and workplace for students, faculty, staff and third parties. Respect for one another is fundamental to working together in a collegial, effective, and innovative manner. Disrespectful or unprofessional communications and behavior can disrupt the proper functioning of the academic environment. Therefore, it is the intent of the WVMCCD to:

- Establish a respectful educational environment and workplace free of disrespectful or unprofessional communications or behavior; and
- Provide effective and non-retaliatory problem-solving processes that address concerns regarding respectful or professional communications or behavior.

This Administrative Procedure establishes criteria under which conduct may be considered unprofessional or bullying, and describes the process by which unprofessional or bullying behavior may be reported and acted upon by District authorities.

**BULLYING**

Bullying is defined as unwelcome acts of an individual or group of individuals that are directed towards an individual or group of individuals and are intended to humiliate,

harass, mentally or physically injure, or intimidate others that is unrelated to the District's legitimate business and educational interests. Bullying is abusive conduct, with malice, that a reasonable person would find hostile and offensive. Also, the behavior is sufficiently severe or pervasive to have a material and negative impact on the ability of a member of the West Valley-Mission Community College District (WVMCCD) to participate in the learning or working environment of the College or District. A single act shall not constitute abusive conduct, unless especially severe and egregious.

These behaviors include, but are not limited to:

*Physical Bullying:* striking, pushing, shoving, kicking, poking, or tripping another; assaulting or threatening physical assault; damaging a person's work area or personal property; or damaging or destroying a person's work product.

*Verbal/Written Bullying:* ridiculing or name-calling, either verbally or in writing; addressing abusive or threatening remarks to a person; or attempting to exploit an individual's known intellectual or physical vulnerabilities or subordinate rank within a group, in ways that satisfy the definition of bullying described above.

*Nonverbal Bullying:* directing objectively threatening, humiliating, or intimidating gestures toward a person or invading personal space. Nonverbal bullying may also involve stalking, unconsented photography or recording of private acts, or the disclosure of private facts or images of a person as to which the person has a reasonable expectation of privacy.

*Cyber Bullying:* bullying an individual using any electronic modality including, but not limited to, the Internet, interactive and digital technologies, social media, messaging, blogs, or mobile phones and other personal electronic devices. Cyber bullying may include verbal, written, or non-written bullying.

Bullying fosters a climate of fear, disrespect, and low morale, which seriously impairs student and employee success. WVMCCD believes that all students and employees have a right to a safe and healthy learning and work environment. WVMCCD is committed to high standards of behavior where every District member demonstrates through their conduct proper regard for the rights and welfare of others and seeks to promote civility among the members of the District community.

## **ACADEMIC FREEDOM, FREE SPEECH, AND NORMAL SOCIAL INTERACTION**

Freedom of expression and thought are essential for a thriving academic community.

Differences of opinion are protected at WVMCCD, in and out of the classroom.



Discussion of an academic subject, even when the ideas are controversial, is protected. Disagreements and criticism, even when strongly asserted, are not bullying if they are aimed at ideas and actions, rather than at hurting or humiliating individuals. And while kindness and civility are virtues and aims of the WVMCCD, not every unkind or uncivil remark or act is punishable. Social interactions sometimes result in hurt feelings. This is always unfortunate, but a social slight, criticism, or rebuff is not bullying unless it satisfies the criteria above.

Bullying of any person, or of members of their family, is strictly prohibited on any District property, at any District function, event or activity on or off District property, or through the use of any electronic or digital technology connected with any District activity, whether such use occurs on or off District property.

This procedure shall apply to all WVMCCD Trustees, administration, faculty, staff, students, contractors, consultants, and vendors. In the event that a member of the district community is found to be in violation of this policy, he or she will be held accountable by District, local, and state authorities.

## **ADMINISTRATIVE REPORTING PROCEDURES**

WVMCCD expects both students and employees experiencing or witnessing bullying incidents to immediately report and initiate follow-up concerning such events. Students, when witnessing or facing incidents of bullying directed by or directed at students, should report through the college student disciplinary process. Employees should report through Human Resources.

If bullying is suspected to be of a criminal nature, the case shall be referred to the WVMCCD Police.

### ***Reporting Bullying by Student***

Complaints of students bullying other students, employees, contractors, consultants, or vendors should be reported immediately to the Office of Vice President of Student Services for follow-up investigation. In the event that the bullying case involves employees, contractors, consultants, or vendors, Human Resources will also be involved.

Any incident should be formally documented by completing an Incident Report Form which is then forwarded to the Vice President of Student Services and Director of Student Development for investigation and disciplinary follow-up in accordance with the procedures set forth in the District Student Code of Conduct.

### *Reporting Bullying by Employees*

Complaints of District employees bullying other employees, students, contractors, consultants, or vendors should be reported immediately to the Associate Vice Chancellor of Human Resources. The Office of Human Resources will review the complaint, conduct an investigation, and recommend appropriate disciplinary action per faculty and non-faculty employment contracts and handbooks.

In the course of any investigation into an alleged act of bullying, WVMCCD will strive at all times to be sensitive to the fact that behavior that may be perceived as bullying may, in fact, be due to differences in perception on the part of those who may suffer from physical or mental disability.

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**Date Approved:** June 4, 2018

**Student Services**

**AP 5510 OFF-CAMPUS STUDENT ORGANIZATIONS**

**Reference:**

34 Code of Federal Regulations Section 668.46(b)(7)

The West Valley-Mission Community College District police department does not provide law enforcement service to off-campus organizations nor are activities off-campus recognized by District authority.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the*

**Student Services**

**AP 5520 STUDENT DISCIPLINE PROCEDURES**

**References:**

Education Code Sections 66300, 72122, and 76030

The District shall maintain and enforce a fair, uniform, and confidential student discipline process, the purpose of which is to promote the orderly conduct of a responsible student body in a manner compatible with the District and College function as an educational institution (Education Code 66300).

The President or designee will ensure that administrative disciplinary procedures as well as a uniform system of student grievances and appeals are maintained and made known to all students by prominent inclusion in College publications and on Web sites. When a complaint is filed with the Vice President of Student Services he/she shall make a determination to refer the matter to the College Student Intervention Committee, meet with the student directly in a discipline hearing, or forwards the matter directly to the College Hearing Board. Any disciplinary action taken, including warnings, temporary exclusion, censure, and cancellation of registration will be consistent with Education Code provisions.

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

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

**Definitions:**

**District** – The West Valley-Mission Community College District.

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

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

**Short-term Suspension** – Exclusion of the student by the President 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 President 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 District Police for any person to remain on campus in accordance with California Penal Code Section 626.4 where the District Police 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.

**Notice** – The Vice President of Student Services or designee 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 Vice President of Student Services 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 ten (10) business 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 seven (7) business 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 Vice President of Designee, the meeting must occur no sooner than ten (10) business 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 five (5) business days after the meeting described above, the President shall, pursuant to a recommendation from the Vice President 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 Chancellor'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 Chancellor's decision on a short-term suspension shall be final.

**Long-term Suspension** – Within five (5) business after the meeting described above, the Chancellor shall, pursuant to a recommendation from the Vice President of Student Services or designee, decide whether to impose a long-term suspension. Written notice of the Chancellor's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.

**Expulsion** – Within ten (10) business days after the meeting described above, the Chancellor shall, pursuant to a recommendation from the President, decide whether to recommend expulsion to the Board of Trustees. Written notice of the Chancellor's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.

**Hearing Procedures** – Request for Hearing:

Within ten (10) days after receipt of the President'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 Chancellor or designee.

**Schedule of Hearing** – The formal hearing shall be held within ten (10) days after a formal request for hearing is received.

**Governing Board** — Governing Board' shall mean the Governing Board of the West Valley Mission Community College District.

**District** — the West Valley Mission Community College District, a public community college district of the State of California.

**College** — West Valley and/or Mission Community College, colleges operated and maintained by the West Valley Mission Community College District.

**College Hearing Board** — the West Valley Mission Community College Hearing Board, an administrative agency of the College; organized and existing primarily to hear and

decide on or recommend appropriate disciplinary action in cases brought before it under these Rules and Regulations.

**President** — the Presidents of the West Valley Mission Community College District who is the President of West Valley and/or Mission Community College, or in his/her absence, the acting President.

**Vice President or ‘Vice President of Student Services** — the Vice President of Student Services of the West Valley Mission Community College District or his/her designee.

**Member of the College community** — shall mean the District Trustees, the academic, support staff and administrative personnel of the District or College, the students of the College and any other person or persons while on District or College property or at a District or College function or activity.

**District property** — include real and personal property owned, controlled, or in the possession of the Governing Board of the West Valley Mission Community College District, and the real or personal property of all District food service, retail and resident facilities, whether operated directly by the District, a District or College auxiliary organization, or an independent contractor of the West Valley Mission Community College District, and whether located at West Valley or Mission College or elsewhere.

**Deadly weapon** — include human hands (when they are classified as lethal weapons), any instrument or weapon commonly known as a blackjack, slingshot, billy, nanchaku, sand club, sand bag, metal knuckles, any dirk, dagger, switchblade knife, pistol, revolver or any other firearm, any knife having a blade longer than five (5) inches, any razor with an unguarded blade, any metal or wooden pipe or bar, any chain, rock or stone, or any object or chemical used or intended to be used for the purpose of doing bodily injury to another person.

**Good Cause:**

1. As used in this article, ‘good cause’ includes, but is not limited to the following offenses:
  - a. Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
  - b. Assault, battery, or any threat of force or violence upon a student or college personnel.
  - c. Willful misconduct which results in injury or death of a student or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the district.

- d. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5
- e. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the Governing Board.
- f. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct (California Education Code, Section 76033).

### **Grounds for Disciplinary Action**

- 1. Failure to comply with the directions of District or College officers or employees acting in the performance of their duties; or violation of District or College policies or regulations.
- 2. Violating District regulations concerning the registration of student organizations, use of College facilities, and the time, place, or manner of public expression, distribution of leaflets, pamphlets or other materials.
- 3. Academic dishonesty, such as cheating or plagiarism.
- 4. Forgery, alteration, misuse, misappropriation or theft of College papers, documents, records or identification, or knowingly furnishing false information to the District or College or its officers or employees.
- 5. Disruption or obstruction of classes, meetings, disciplinary proceedings, or other authorized functions or activities of the District or College, whether conducted on the West Valley or Mission College campus or elsewhere including, but not limited to, the use of headsets, walkmans, cellular telephones or pagers in the classroom.
- 6. Abusive behavior directed toward, or hazing of, a member of the campus community on or off campus property, including verbal abuse, harassment, intimidation, or the threat of abuse, to the person or property of any member of the campus community, or of members of his or her family.
- 7. Engaging in disorderly conduct, habitual profanity or vulgarity, gambling, lewd, indecent, obscene or offensive behavior on District-owned or controlled property or at any District or College-sponsored or supervised function or activity.



8. The unlawful sale, possession, use or distribution of any drug or substance controlled by state or federal law on District or College-controlled property or at any District- or College-sponsored or supervised function. Such drugs or substances include but are not limited to legally controlled hallucinogenics, narcotics, depressants, stimulants, marijuana and its products, toluene, and alcoholic beverages. This regulation does not apply to lawful possession of prescription drugs by the person named on the prescription or possession of contraband drugs or substances by peace officers and College instructors for use as evidence or teaching aids.
9. Theft of, or intentional damage to, campus property, or property in the possession of, or owned by, a member of the campus community; theft of software by copying; unauthorized entry into, unauthorized use of, or misuse of campus property to include 'computer piracy,' which is unauthorized entry into information which is campus property.
10. Illegal operation of a motor vehicle on the West Valley or Mission College campus.
11. Knowing possession or use of explosives, dangerous chemicals or deadly weapons on campus property or at a college function.
12. Violation of any order of the President, notice of which had been given prior to such violation and during the academic term in which the violation occurs, either by publication in the campus newspaper, or by posting on an official bulletin board designated for this purpose, and which order is not inconsistent with any of the other provisions of this Section.
13. Soliciting or assisting another to do any act which would subject a student to expulsion, suspension or probation pursuant to this Section.
14. Littering on campus property including grounds, facilities and parking lots.
15. Unauthorized preparation, giving, selling, transfer, distribution, or publication for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction.

## **STUDENT DISCIPLINARY ACTIONS AND PROCEDURES**

Pursuant to California Education Code 76030 - 76037, the following types of discipline may be initiated at any time when a student is found to be in violation of the policies or rules and regulations of the West Valley-Mission Community College District or its colleges. College authorities will determine which type of action is appropriate. Any member of the college community (i.e., faculty, staff, and student) may file a written complaint with a college administrator against any student for misconduct.

Prior to initiation of these formal disciplinary actions, the parties involved are highly encouraged to seek resolution through informal efforts. Should either party wish to pursue an informal resolution, appropriate college personnel (counselor, department chair, division chair, dean, and/or the Vice President of Student Services) are available to meet with the parties to mediate and assist with these informal efforts.

**Types of Disciplinary Actions:**

1. Official Warning (Education Code Section 76031). An official warning is a written notice from the Vice President of Student Services or a designee of the President to the student that states if the misconduct is continued, it may result in further disciplinary action. Written official warnings shall not be made a part of the student's permanent record.
2. Removal from Class (Education Code Section 76032). An instructor may remove a student from his or her class when the student's conduct interferes with the instructional process. The duration will be for the day of removal and may extend through the next class meeting, or a total of two (2) consecutive class meetings. The instructor shall immediately report the removal to the Vice President of Student Services and to the appropriate Division Chair or administrator. A written report shall be provided to the Vice President of Student Services. The Division Chair or appropriate administrator shall arrange for a conference between the student and the instructor regarding the removal. Upon request of either the instructor or the student, the Division Chair or appropriate administrator shall attend the conference. During the period of removal, the student shall not return to the class without the concurrence of the instructor. The student has the right to return to class after two consecutive class meetings, pending further disciplinary action, if any. Nothing herein will prevent the Division Chair or the appropriate administrator from recommending further disciplinary actions in accordance with these procedures based on the facts which led to the removal.

Within five (5) days following the conference, if further action is required, the Division Chair or appropriate administrator will refer the student to the Vice President of Student Services for further disciplinary actions. The Vice President of Student Services shall decide whether to recommend suspension, whether to impose some lesser disciplinary action, or whether to end the matter. The Vice President of Student Services shall provide the student a written notification of the decision and the type of disciplinary action being imposed. A record of the disciplinary action will be entered in the student's discipline file and will be maintained in the Office of the Vice President of Student Services.

**Removal of student who is a minor (Education Code Section 76032):**

An instructor may remove a student who is a minor from his or her class when the student's conduct interferes with the instructional process. The duration will be for the day of removal and may extend through the next class meeting, or a total of two consecutive class meetings. If the student removed by an instructor is

a minor, the college President or the President's designee shall ask the parent or guardian of the student to attend a parent conference with the instructor regarding the removal as soon as possible. If the instructor or the parent or guardian so requests, a college administrator shall attend the conference. During the period of removal, a student shall not return to the class from which he or she was removed without the concurrence of the instructor of the class. The student has the right to return to class after two (2) class meetings, pending further disciplinary action, if any. Nothing herein will prevent the college administrator from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal. The Vice President of Student Services shall provide the student a written notification of the decision and the type of disciplinary action being imposed. A record of the disciplinary action will be entered in the student's discipline file and will be maintained in the Office of the Vice President of Student Services.

3. Withdrawal of Consent to Remain on Campus (Penal Code Section 626.4). The District Police, working in conjunction with the Vice President of Student Services or the College President, may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If the District Police issues a student a Withdrawal of Consent to Remain on Campus, the Vice President of Student Services is required to review and confirm this action within 24-hours of issuance of this notice.

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 no later than seven (7) days from the date of receipt of the request.

In no case shall consent be withdrawn for longer than fourteen (14) calendar days from the date consent was initially withdrawn.

Any person 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. A copy of the Withdrawal Consent form and any other information about the incident will be maintained in the student discipline files in the Office of the Vice President of Student Services.

4. Official Reprimand (Education Code Section 76031). A reprimand is a written notice of the violation of specific rules from the Vice President or a designee of the President. A student receiving a reprimand is formally notified in writing that continued conduct of the type described in the reprimand may result in more severe disciplinary actions. A copy of the official reprimand shall be placed in the student's discipline file and will be maintained in the Office of the Vice President of Student Services.

5. Social Probation (Education Code Section 76031). Social probation consists of the exclusion of the student from participation in specified or all extra-curricular College activities. Extra-curricular College activities are defined as College-related activities for which the student receives no academic credit. The written notification of social probation shall set forth the reason or reasons for the imposition of this disciplinary action, the activities to which the exclusion applies, and the length of time for which it is to be imposed. Social probation shall be imposed for a period not to exceed one (1) semester by the President or his/her designee. A copy of the written notice of social probation shall be served to the student and shall be placed in the student's discipline file maintained in the Office of the Vice President of Student Services, and shall also be placed on the student's permanent record.
6. Restitution (Education Code Section 76031). Restitution consists of the reimbursement for damages to or misappropriation of District property, the property of a member of the College community, or of a visitor on the West Valley or Mission College campuses. Reimbursement may take the form of appropriate personal services to repair, restore or otherwise compensate for the damage or injury done, and may be made a condition of continued attendance at the College. The President or his/her designee shall inform the student in writing of the amount to be reimbursed to the college and the length of time provided for reimbursement. A copy of the restitution requirement will be placed in the student's discipline file maintained in the Office of the Vice President of Student Services, and shall also be placed on the student's permanent record.
7. Disciplinary Probation (Education Code Section 76031). Disciplinary probation is a lesser sanction than suspension. Probation requires the student to adhere to specific written terms and conditions defined by the College Hearing Board, Vice President of Student Services, or the Vice President's designee. The terms of probation shall bear a reasonable relationship to the violation committed by the student. The sanction may include, **but need not be limited to**, ineligibility to participate in college or student-sponsored activities including public performances and may be imposed upon an individual student or group(s) of students. Disciplinary probation may be imposed for a period not to exceed one year.

Should the student violate one or more of the terms of the probation during the probationary period, the Vice President of Student Services will impose a more stringent disciplinary action such as suspension. The student will be notified in writing. The Vice President of Student Services shall also immediately notify the President. A record of the disciplinary action shall be placed in the student's discipline file maintained in Office of the Vice President of Student Services, and shall also be placed in the student's permanent record.

8. Interim/Emergency Suspension (76030). In those cases where an immediate suspension is required in order to protect lives or property, or to ensure the maintenance of order, the College President or the President's designee may summarily suspend a student for a period not to exceed ten (10) instructional days provided that, within the ten-day period, a reasonable opportunity for a disciplinary hearing is provided to that student (California Education Code, Section 66017). Interim suspension is outlined below in the ***Due Process Procedures*** section. Records of the interim suspension shall be retained in the Vice President of Student Services Office and in the student's permanent record. The President shall report an Interim/Emergency Suspension to the Board of Trustees at its next regular meeting.
9. Disciplinary Suspension (Education Code Sections 66017; 76030; and 76031). Disciplinary suspension is the exclusion from the campus and other privileges or activities for a definite period of time. Disciplinary suspension serves as a penalty against a student for repeated, continued, or serious violations of the District's and/or College's rules, policies, or regulations. A student may be suspended
  - a. for one (1) or more classes for up to ten (10) days of instruction;
  - b. from one (1) or more classes for the remainder of the school term; or
  - c. from all college classes and activities for one (1) or more terms.

A suspended student may be prohibited from occupying any portion of the campus and denied participation in any or all college activities. During the term of the suspension, the suspended student will not be permitted to enroll in classes at West Valley-Mission Community College District. Disciplinary suspensions shall be initiated by the Vice President of Student Services and are subject to the due process procedures outlined below in the following section. The President shall report a disciplinary suspension of any student to the Board of Trustees at its next regular meeting after the suspension has been imposed. A copy of the suspension notice, including the reason for the suspension, shall be placed in the student's discipline file maintained in the Office of the Vice President of Student Services, and shall also be placed in the student's permanent record.

10. Expulsion (Education Code Section 76030). An expulsion for good cause is a permanent termination of student status with readmission to the College upon the express approval of the Board of Trustees. A student may be expelled only by the Board of Trustees after notice has been given and a hearing conducted in accordance with the procedures set forth in the ***Due Process Procedures*** section. The Board of Trustees shall expel a student for misconduct whenever other means of correction have failed to bring about proper conduct or when the seriousness of the situation warrants such disciplinary action. A copy of the

expulsion notice, including the reasons for the expulsion, shall be placed in the student's discipline file maintained in the Office of the Vice President of Student Services, and shall also be placed in the student's permanent record.

Any suspension or expulsion shall preclude enrollment at any and all colleges within the District during the period of suspension or expulsion.

## **DUE PROCESS PROCEDURES**

Consistent with Education Code Sections 66017 and 76030, the student disciplinary actions of interim/emergency suspension, disciplinary suspension, and expulsion are subject to the due process and appeal procedures described herein.

In cases where lesser disciplinary actions have been ineffective in halting student misconduct or the magnitude of the misconduct warrants more severe disciplinary action, the College will initiate the process for a suspension or expulsion. When the decision is made to initiate such a process the representative of the College or other individuals who have knowledge of the violation of the student conduct standards will submit a written account to the Vice President of Student Services. The Vice President of Student Services or designee will deliver in person, or provide via certified mail (accompanied by a return receipt) to the student a copy of the charges against him/her. The charges will list the specific violation(s) of the District Student Discipline Policy, a factual summary of the alleged misconduct, other relevant information, and notice of the due process hearing and appeal procedures. If the student is a minor, the parent or guardian shall also be provided notice of the due process hearing and appeal procedures. The following outlines the procedures:

1. The Vice President of Student Services shall administer these procedures and take appropriate action, subject to the approval of the President and the Chancellor as required herein or as otherwise required by law.
2. Disciplinary action taken under these procedures may be taken regardless of anticipated, pending or completed civil or criminal proceedings arising out of the same act or event.
3. Alleged student misconduct of a serious nature to warrant consideration of suspension or expulsion shall be reported to the Vice President of Student Services and when reported to or discovered, the Vice President of Student Services shall initiate an investigation of the charges. Should the Vice President of Student Services deem it appropriate to pursue disciplinary actions against the student, he/she shall arrange a meeting with the student prior to issuance of formal charges, at which time the student shall be informed that an investigation is being conducted.
4. If the student is a minor, the student's parent or guardian shall also be provided notice of the due process procedures.

5. Following issuance of formal charges, the student has the right to request a hearing to present information and/or evidence supporting his/her case.

Should the student fail to request a hearing, the Vice President, after due investigation and deliberation, shall proceed to impose whatever disciplinary action he/she deems appropriate or recommend appropriate action to the President.

If the student requests a hearing, he/she shall be afforded one of the following options:

- a. A hearing before the Vice President of Student Services /designee, or
- b. A hearing before the College Hearing Board. (For a description of College Hearing Board see the **College Hearing Board** section).

The Vice President of Student Services shall set the time, date, and location for the hearing.

6. Proceeding under option 5a, where a student requests a hearing before the Vice President of Student Services:
  - a. The Vice President of Student Services, or the designee, shall discuss the accusation with the student. The Vice President of Student Services and the student or his/her representative shall have the right to call, examine and cross-examine witnesses. The Vice President of Student Services then may consider any relevant evidence or information presented in the matter, take or recommend disciplinary action if appropriate, and inform the student that if he/she disagrees with the disciplinary action, he/she may appeal to the President for review of the disciplinary action by so informing the Vice President in writing (see **Student Appeal Procedures**).
  - b. Following the hearing, in any case where disciplinary suspension is recommended by the Vice President of Student Services, the action shall be reported to the College President within ten (10) business days. The President shall either approve or disapprove the action within five (5) business days of receipt of the disciplinary suspension recommendation. If the President approves, he/she shall impose disciplinary suspension.
  - c. The President, at his/her discretion, may stay the disciplinary suspension, if he/she feels that the staying of such will not endanger any individual or the College.
  - d. If after notification, the student fails to appear at the hearing before the Vice President of Student Services, the Vice President may declare the

student in default, and proceed as if the student were present at the hearing.

7. Proceeding under Option 5b., where the student requests a hearing before the West Valley or Mission College Hearing Board:
  - a. The Vice President of Student Services or designee shall schedule a meeting of the College Hearing Board within ten (10) working days.
  - b. The Vice President of Student Services shall provide the student and the College Hearing Board with a written statement of the charges against the student, and any other relevant information.
  - c. The student may select a representative to assist him/her in his/her presentation before the College Hearing Board. If the student is to be represented by legal counsel, he/she must notify the President of the fact at least seven days prior to the date of the scheduled hearing. An attorney shall not represent the student unless, in the judgment of the College, complex legal issues are involved. The Vice President of Student Services or the College Hearing Board may request legal assistance; any legal advisor provided to the College Hearing Board may sit in an advisory capacity to provide legal counsel but shall not be a member of the panel or vote with it.
  - d. If the student fails to appear at the time and place designated for the hearing, the College Hearing Board may proceed in his/her absence, declaring him/her to be in default.
  - e. The Vice President shall have the proceedings of the College Hearing Board recorded at the meeting, either stenographically or electronically, and any such record shall be maintained at the Office of the Vice President of Student Services for a period of three (3) years.
  - f. The hearing before the College Hearing Board shall be conducted in a manner conducive to the determination of the truth. It is not contemplated or required that the hearing be conducted with the formality of a legal proceeding. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.
  - g. At the hearing, unless the College Hearing Board determines to proceed otherwise, the Vice President of Student Services or designee and the student shall be permitted to each make an opening statement. Thereafter, the Vice President of Student Services or designee shall first present any relevant evidence in his/her possession regarding the alleged misconduct; the student may then present any relevant evidence which he/she may have. The Vice President of Student Services or designee may present rebuttal evidence after the student completes his or her presentation. The Vice



President of Student Services or designee and the student or his/her representative shall have the right to call, examine, and cross-examine witnesses. Written statements, if any, shall be submitted under penalty of perjury.

- h. After submission of all relevant evidence, the College Hearing Board shall immediately meet in private, and based upon the evidence presented to it, determine the truth of the charges and the recommended disciplinary action, if any, to be imposed upon the student. Upon reaching its decision, the College Hearing Board shall reconvene and announce its decision and recommend the appropriate disciplinary action. Appropriate disciplinary action may include specific sanctions, terms and conditions.
- i. The Vice President of Student Services and the student shall be given written notice of the decision of the College Hearing Board and the discipline or sanctions recommended to be imposed within five (5) working days. The Vice President shall implement such disciplinary action, except as provided in the following paragraph of this section.
- j. If the recommended disciplinary action involves disciplinary suspension, the College Hearing Board shall forward the findings of fact to the President within ten (10) business days. If the President concurs in the recommendations, he/she shall impose disciplinary suspension. If the President disapproves, he/she shall advise the College Hearing Board within five (5) business days.

Any student who has held a recommendation of disciplinary suspension imposed against him/her has the right of appeal to the President. The President, at his/her discretion, may stay the disciplinary suspension, if he/she feels that the decision to stay will not endanger any individual or the College.

If the proposed disciplinary action recommended is expulsion, the President shall initiate proceedings before the Board of Trustees, as set forth in section titled ***Procedures Before the Board of Trustees.***

If, at the conclusion of the hearing before the College Hearing Board, the student wishes to appeal the discipline imposed or recommended, he/she shall immediately inform the Vice President of Student Services in writing (see ***Student Appeal Procedures*** section).

Appeals concerning expulsion shall be scheduled for a hearing before the Board of Trustees by the President. Appeals concerning other forms of disciplinary action shall be directed to the President for disposition.

## College Hearing Board

1. The membership of the College Hearing Board shall be as follows:
  - a. Students. Two (2) students each appointed to an annual term by the Student Senate of the Associated Students of West Valley or Mission College for a one (1) year term, and who shall be appointed not later than the third week of the fall semester.
  - b. Faculty. Two (2) faculty members each appointed by the Academic Senate for a one (1) year term, and who shall be appointed not later than the third week of the fall semester.
  - c. Classified. Two (2) classified employees appointed by the Classified Senate for a one (1) year term, and who shall be appointed not later than the third week of the fall semester.
  - d. Administration. A member of the administrative staff of the College shall be appointed by the President for a one (1) year term. The Vice President of Student Services cannot serve in this capacity.
2. As an administrative agency of the College, the College Hearing Board shall be responsible to the President for acting, reviewing, and making recommendations relative to matters brought before it in accordance with the procedures outlined in these procedures. The College Hearing Board shall appoint one member of the panel to serve as the chairperson.
3. No administrator, faculty member, classified staff, 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 the College Hearing Board.
4. The Chairperson of the College Hearing Board shall convene a meeting of the Board at the earliest possible opportunity after appointment of members in the fall semester of each school year for the purpose of orientating the members to the responsibilities and duties of the College Hearing Board and the procedures under which it shall function and operate.

## Procedures Before the Board of Trustees

1. If the President, his/her designee, the Vice President of Student Services or the College Hearing Board, recommends expulsion, then the **matter** must be brought before the Board of Trustees by the Chancellor for a hearing, in accordance with these procedures (Education Code Section 76030).

2. Prior to the Board of Trustees' hearing of an expulsion recommendation, the Chancellor shall deliver a written statement to the President of the Board of Trustees, and to the student and his/her parent or guardian, if the student is a minor or to the student alone, if he/she is an adult. This written statement shall be delivered either personally or by certified or registered mail, and contain the following information:
  - a. A recitation in sufficient detail to apprise the student of the charge or charges against him/her.
  - b. The date, time and place of the meeting of the Board of Trustees at which the matter shall be considered, and the date shall not be less than ten (10) days from personal delivery or mailing of the written statement to the student. The hearing shall be conducted in closed session of the Board of Trustees (Education Code Section 72122) unless the student submits a written request for an open hearing to the President at least seven (7) days in advance of the scheduled hearing. The student must also notify the President at least seven (7) business days in advance if he/she intends to attend the hearing.
  - c. A recitation that the student may be represented at the hearing by legal counsel, if so desired. If the student is to be represented by legal counsel, he/she must notify the President of the fact that at least seven (7) days prior to the date of the scheduled hearing. The Board of Trustees may request legal assistance; any legal advisor provided to the Board of Trustees may sit in an advisory capacity to provide legal counsel but shall not be a member of the panel or vote with it.
  - d. A recitation of the privilege of the student and/or the parent or guardian to employ the services of a shorthand reporter or stenographer at his/her or their own expense to record the hearing.
3. The Chancellor shall have written summary of the hearing transcribed into the minutes of the meeting of the Board of Trustees, and if the hearing is conducted in closed session, these minutes shall be transcribed and kept in a separate closed session minutes book not open for public inspection.
4. If after notification, the student fails to appear at the hearing before the Board of Trustees, the Board of Trustees may declare the student in default and proceed as if the student were present at the hearing.
5. After the hearing has been declared open, the Vice President of Student Services shall make a statement and present any relevant evidence and information, either oral or documentary, which he/she has in possession. The Vice President of Student Services shall, if the matter has been heard by the College Hearing Board, present a copy of the College proceedings on the findings of fact. Upon conclusion of the presentation by the Vice President of

Student Services, the student and/or parent or guardian, and/or their legal counsel, may make a statement and present any relevant evidence or information, either oral or documentary, which he/she or they may possess. Each side shall also have the opportunity to offer rebuttal evidence.

6. A prospective witness must either be sworn, or affirm to tell the truth. In the absence of both, the Board of Trustees may deny him/her the right to testify, or may proceed with the hearing, giving consideration to this fact when deliberating the testimony. Witnesses shall be subject to cross-examination by the other party, and inquiry of the members of the Board of Trustees. Written statements of absent witnesses shall be received only if submitted as affidavits or declarations under penalty of perjury.
7. Upon hearing all relevant evidence and information submitted, any final statements of the Vice President of Student Services, and/or the student, parent or guardian (if the student is a minor), and/or their counsel, the Board of Trustees shall confer in private and consider the evidence presented and reach its determination in the matter. When these deliberations are completed, the Board of Trustees shall reconvene in open, public session and announce its decision by recording a vote on the matter into the minutes of the meeting which shall be open to public inspection.
8. Within ten (10) days after the Board of Trustees takes its final action, the President shall deliver to the student and/or the student's parent or guardian, if the student is a minor or the student alone, if he/she an adult, either in person or by registered or certified mail, a letter setting forth the final action of the Board of Trustees, and a copy shall be filed in the student's permanent record and in the files of the Board of Trustees. If the Board of Trustees expels the student, the Vice President of Student Services shall proceed to implement the disciplinary action as soon as practicable, unless otherwise directed by the Board of Trustees.
9. In any case where the Board of Trustees imposes expulsion based upon the student having disrupted the orderly operation of the College, the Board of Trustees, as part of its final action, may deny the expelled student access to the College Campus. If such condition is imposed by the Board of Trustees, the letter of notification required to be given by Paragraph 8 of this Section shall contain a statement of such condition and its duration.
10. The College shall retain records of all disciplinary investigations, proceedings, and action.

## STUDENT APPEAL PROCEDURES

With the exception of recommendations of expulsions which are subject to appeal to the Board of Trustees, students may appeal the findings of the College Hearing Board to the College President. Such appeal may be based **only on the following grounds:**

1. Required procedures were not properly followed;
2. New evidence, not reasonably available at the time of the hearing is presented and is of sufficient importance to warrant reconsideration;
3. The findings were unsupported by evidence in record made before the hearing;  
or
4. The sanction imposed for the violation was unreasonably harsh or inappropriate when viewed within the context of the nature of violation.

### **Timelines for this appeal process are delineated below**

- The student has five (5) days from receipt of the findings of the hearing to file a written appeal with the Vice President of Student Services. The Vice President of Student Services will forward this appeal to the College President.
- Upon receipt of the written appeal, the President has ten (10) days to conduct an appeal hearing and five (5) days from that appeal to hand deliver or mail (by certified mail).
- The appeal hearing shall consist of a review of the record of the student's original and presentation of information pertinent to the grounds for the appeal.
- Upon mutual agreement between the student and the College President, time limits may be extended.

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**Date Approved: January 18, 2012**

*(Replaces current WVMCCD Policy 5.20 and  
Procedure 5.20)*

**Student Services****AP 5530 STUDENT RIGHTS AND GRIEVANCES****References:**

Education Code Section 76224(a);  
Title IX, Education Amendments of 1972

It shall be the policy of the District to maintain a uniform system of student grievances and appeals, which shall afford procedural due process to students in the review and appeal of College and District decisions or actions. The President or designee will ensure that the system for student grievances and appeals is made known to all students by prominent inclusion in College publications and on Web sites.

A student may file a grievance when he or she believes that a faculty or staff member, or an administrator has violated College rules, policies or procedures, or other local, State, or Federal laws.

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

- Sex discrimination as prohibited by Title IX of the Higher Education Amendments of 1972
- Sexual harassment
- Financial aid
- Illegal discrimination

Course grades, to the extent permitted by Education Code Section 76224(a), which provides: "When grades are given for any course of instruction taught in a community college District, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final." "Mistake" may include, but is not limited to errors made by an instructor in calculating a student's grade and clerical errors.

The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.

This procedure does not apply to:

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

## **Definitions**

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

**President** – The President or a designated representative of the President

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

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

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

## **Informal Resolution**

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

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

Informal meetings and discussion between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have

stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.

Any student who believes he/she has a grievance shall file a Statement of Grievance with the Grievance Officer within ten (**10**) days of the incident on which the grievance is based. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Within two days following receipt of the Statement of Grievance Form, the Grievance Officer shall advise the student of his or her rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form.

If at the end of five (5) 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.

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

**Request for Grievance Hearing** – Any request for a grievance hearing shall be filed on a Request for a Grievance Hearing within ten (10) days after filing the Statement of Grievance as described above.

Within ten (10) days following receipt of the request for grievance hearing, the President shall appoint a Grievance Hearing Committee as described above, and the Grievance Hearing Committee shall meet in private and without the parties present to select a chair and to determine on the basis of the Statement of Grievance whether it presents sufficient grounds for a hearing.

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

- The statement contains facts which, if true, would constitute a grievance under these procedures;
- The grievant is a student as defined in these procedures, which include applicants and former students;
- The grievant is personally and directly affected by the alleged grievance;



- The grievance was filed in a timely manner;
- The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.

If the grievance does not meet each of the requirements, the Hearing Committee chair shall notify the student in writing of the rejection of the Request for a Grievance Hearing, together with the specific reasons for the rejection and the procedures for appeal. This notice will be provided within five (5) days of the date the decision is made by the Grievance Hearing Committee.

If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer shall schedule a grievance hearing. The hearing will begin within ten (10) days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given not less than ten (10) days notice of the date, time and place of the hearing.

### **Hearing Procedure**

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

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

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

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

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

Each party to the grievance may represent himself/herself, and may also have the right to be represented by a person of his/her choice; except that a party shall not be represented by an attorney unless, in the judgment of the Grievance Hearing Committee, complex legal issues are involved. If a party wishes to be represented by an attorney, a request must be presented not less than seven (**7**) 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 President's Office. 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 seven (7) days prior to the date of the hearing.

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

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

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

Within five (5) days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the President a written decision. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall also include a specific recommendation regarding the relief to be afforded the grievant, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing.

President's Decision: Within five (5) days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the President shall send to all parties his/her written decision, together with the Hearing Committee's decision and recommendations. The President 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 President does not accept the decision or a finding or recommendation of the Hearing Committee, the President 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 President shall be final, subject only to appeal as provided below.

Appeal: Any appeal relating to a Grievance Hearing Committee decision that the Statement of Grievance does not present a grievance as defined in these procedures shall be made in writing to the President within five (5) days of that decision. The President 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 President's decision whether or not to grant a grievance hearing shall be final and not subject to further appeal.

Any party to the grievance may appeal the decision of the President after a hearing before a Grievance Hearing Committee by filing an appeal with the President. The President may designate a College administrator to review the appeal and make a recommendation.

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

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

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

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

The decision on appeal shall be reached within five days after receipt of the appeal documents. Copies of the President's appeal decision shall be sent to all parties.

### **Time Limits**

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

### **ACADEMIC GRIEVANCE**

An academic grievance may be filed when a student feels that a faculty member has violated State or Federal law, or College or District policies and procedures relative to grading or other academic areas. All grade appeals are first handled with the specific instructor, then in order with the Department Chair, the Division Chair, the Vice President of Instruction, the College President, the Chancellor, and the Board of Trustees.

The Education Code provides that all grades awarded by the instructor of record shall be final. The California Code of Regulations, Title 5 Section 55760, permits a grievance to be filed with respect to grading only in situations where a grade was assigned due to mistake, fraud, bad faith, or incompetence.

## **GENERAL STUDENT GRIEVANCE**

A general student grievance may be filed by a student who feels an action of a faculty or staff member, administrator, office, or group violates existing College or District rules, policies, or procedures; or other local, State, or Federal laws.

An explanation of the procedures for submitting student grievances and appeals shall be made available to students in the Student Handbook of each College and shall set forth the appropriate procedure at the respective College, District, and Board levels. A grievance may arise from a decision or action that has an adverse effect on a student with respect to his/her education rights. It may arise when a student believes he/she has been denied education rights provided by college, state and federal policies, rules, or laws. A student may seek redress through the following procedures:

### **Procedures**

Step 1. The complainant will first attempt to resolve his/her grievance by discussion with the person or group directly involved in the matter within five (5) working days after the occurrence of the alleged grievance.

Step 2. If the issue is not resolved to the satisfaction of the complainant, there shall be a conference within five (5) working days of Step 1. This conference shall include the principals involved i.e., the complainant, the accused, and the immediate supervisor. Prior to arranging the meeting, the supervisor shall check with the accused to ensure that the complainant has met with the accused.

The supervisor shall hear from both parties and seek to resolve the matter. The supervisor shall then provide a written summary of findings to the Vice President of Student Services, complainant and respondent.

Step 3. If the issue has not been resolved satisfactorily after the complainant has completed the procedures outlined in Step 1 and Step 2, the complainant shall declare that a grievance exists and shall submit a written statement to the Vice President of Student Services. The grievance must be submitted on the Grievance Report Form within five (5) working days of Step 2. The form may be obtained from the Office of the Vice President of Student Services.

Step 4. With the receipt of the complainant's written grievance and the supervisor's Summary of Findings, the Vice President of Student Services will ensure that the grievance issues contained on the complainant's Grievance Form are consistent with

those issues contained in the supervisor's Summary of Findings. The Vice President of Student Services may dismiss a grievance that has been determined to be inconsistent.

Step 5. If needed, the Vice President of Student Services shall set the time, date, and location for a formal grievance hearing. The hearing shall be held within ten (10) working days of the grievance being submitted.

### **Grievance Hearing**

1. The grievance hearing shall involve the complainant, the accused, the appropriate supervisor, and the Vice President of Student Services. The principals involved in the matter may have one representative present at the grievance hearing.
2. Individuals participating in the grievance hearing shall discuss the charge(s), hear testimony, receive all available evidence pertaining to the charge(s), and when appropriate, examine witnesses. Either party will be notified in advance of the hearing if witnesses will be present.
3. The complainant shall assume the burden of proof.
4. The Vice President of Student Services shall judge the testimony and evidence and limit the investigation strictly to the complainant's charge(s).
5. A record of the proceedings shall be maintained by the Vice President of Student Services. A transcript of the hearing will be provided to the complainant and to the accused.
6. Within ten (10) working days after the grievance hearing, the Vice President of Student Services shall submit his/her recommendation(s) to the President. If the President is involved in the dispute, the recommendation(s) shall be forwarded to the District Governing Board.
7. Within five (5) working days of the receipt of the Vice President of Student Service's recommendation, the President shall render a decision and shall forward it to the complainant and to the accused.

### **Appeal Procedure**

The complainant or accused may appeal the President's decision to the Chancellor. The appeal shall be considered by the Chancellor. All final appeals will be brought before the District Governing Board by the Chancellor.

## Records

All records of the grievance proceedings shall be retained in a grievance file by the Vice President of Student Services. Only the principals, who are directly involved in the grievance, the President, the Vice President of Academic Affairs, the Vice President of Student Services, and the appropriate campus supervisor, shall have access to the file.

## Grade Change Appeals

1. A student should submit his/her request in writing directly to the faculty member within one year after completing the course for which the grade change is being requested.
2. If the faculty member is not available, the student may submit his/her request through the Academic Council Petition process. However, only the faculty member that assigned the original grade may authorize a change of grade.
3. If there are verifiable extenuating circumstances that precluded the student from making a request within one year, the student may submit a request through the Academic Council; however, a request for change of grade may not be initiated beyond four years after completion of the course.
4. Requests that involve changing an evaluative grade (A, B, C, D, F, CR, NC) to a non-evaluative grade (W) can be done only if extenuating circumstances apply. (Extenuating circumstances are verified cases of accidents, illnesses, or other circumstances beyond the control of the student.)
5. The determination of the student's grade by the instructor shall be final in the absence of mistake, fraud, bad faith, or in competency.
6. Students will be notified when grade changes have been posted.

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**Date Approved: January 18, 2012**

*(Replaces current WVMCCD Policy 5.21 and  
Procedures 5.21 and 5.21.2)*

**Student Services**

**AP 5570 STUDENT CREDIT CARD SOLICITATION**

**References:**

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

- Sites at which student credit cards are marketed should be registered with the campus administration.
- The number of sites allowed on campus may be limited.
- Marketers of student credit cards are prohibited from offering gifts to students for filling out credit card applications.
- Credit card and debt education and counseling sessions are offered to students. The Financial Aid Office provides financial literacy workshops and loan counseling sessions. Financial literacy information is also available in the Financial Aid Office and online.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Student Services****AP 5610 VOTER REGISTRATION****References:**

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

- The District makes a good faith effort to provide voter registration materials and forms to each student enrolled in a degree or certificate program and physically in attendance at the institution.
- Forms are widely available to students throughout both institutions through links on each college's website and League of Women Voters-provided voter registration information on the campuses
- The WVMCCD District operates an automated class registration system that provides a link to allow students to coordinate with the Secretary of State during the class registration process to receive voter information.
- Each college has designated the chief Admissions and Records officer to be contacted by the Secretary of State for communication pertaining to the colleges' distribution of voter registration information.

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*(This is a new procedure recommended by the  
Policy and Procedure Service)*



**Student Services****AP 5700    ATHLETICS****References:**

Education Code 66271.6, 66271.8, 67360 et seq.;  
Title IX, Education Amendments of 1972

The college submits the Equity in Athletics Disclosure Act (EADA) report in October. All coeducational institutions of higher learning that participate in any Federal student financial aid program and have intercollegiate athletic programs must provide the information for the report. It tracks athletic revenues, expenses, salaries, gender of personnel in coaching positions (head and assistant), and the number of men and women student athletes. A copy of the report is submitted to the College Presidents.

Each College submits the California Community College Athletic Association (CCCCAA) Statement of Compliance Form R-1 to the Executive Director of the CCCCCAA and the Coast Conference Commissioner. The form certifies that the college athletic administrator has reviewed the contents, interpretations, and implications of the current CCCCCAA Constitution and By-Laws with college staff, employees, representatives and each person who works with the athletic program. There is a special emphasis on rules of recruitment, eligibility, decorum and sports seasons. The College President, Administrative Representative, and the Athletic Directors sign the form.

The College also submits the Statement of In-Service Training Form R-2. This form requires each college representative to certify that he/she has received in-service training on the current CCCCCAA Constitution and By-Laws and that a copy of the CCCCCAA Decorum and the Recruiting Policies has been received. The college representatives affirm that they will adhere to the CCCCCAA rules and regulations and violations of the CCCCCAA rules and regulations may subject him/her, the program and the colleges to penalties.

At the beginning of each sport season, the student athletes complete the Commission on Athletics and College forms. Students complete CCCCCAA, Student Eligibility Report' Form 1 that gives their personal information, the sport they are participating in, year of competition, date of birth, high school attended, date last attended and a timeline documenting jobs held and colleges attended since high school. Their coach signs the form and the Athletic Counselor verifies the student athlete's number of units, Individual Educational Plan, transcripts have been received, passed twenty-four (24) semester units between seasons, has maintained a 2.0 GPA since first season of competition and

satisfies the transfer rule. When the Athletic Counselor signs the form it is returned to the Athletic Director.

Student athletes also complete the Verification of Health Insurance form, Individual Emergency Information form, CCCAA Student Athlete Tracer Report Form 2 (if they attended another college) and pass a physical examination by a medical doctor. Once the student athlete has completed all forms and met all the requirements, the Athletics Director signs the Eligibility Form 1 and then submits the names of the student athletes competing for that sport on the CCCAA, Team Eligibility Form 3. This is submitted online to the Commission on Athletics and the Coast Conference Commissioner.

During the semester, the Athletic Eligibility Officer verifies each student's schedule to ensure the athletes are continuously enrolled in a minimum of twelve (12) semester units during the semester of sport, nine (9) of which must be working toward their educational plan.

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**Date Approved: January 18, 2012**

*(Replaces current WVMCCD Procedure  
5.14.1)*

**Student Services****AP 5800 PREVENTION OF IDENTITY THEFT IN STUDENT FINANCIAL TRANSACTIONS****Reference:**

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

**I. The Purpose of the Identity Theft Prevention Program**

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

**II. Definitions**

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

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

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

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

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

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

**III. Detecting “Red Flags” For Potential Identity Theft****A. Risk Factors for Identifying “Red Flags”**

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

- 1) the types of covered accounts the District offers or maintains;
- 2) the methods the District provides to open the District’s covered accounts;
- 3) the methods the District provides to access the District’s covered accounts;  
and
- 4) the District’s previous experience(s) with identity theft.

**B. Sources of “Red Flags”**

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

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

**C. Categories of “Red Flags”**

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

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

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

(c) A material change in the use of credit, especially with respect to recently established credit relationships; or

(d) An account that was closed for cause or identified for abuse of account privileges by a creditor or financial institution.

**Suspicious Documents:**

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

**Suspicious Personally Identifying Information:**

- 10) Personal identifying information provided is inconsistent when compared against external information sources used by the District.  
For example:

- (a) The address does not match any address in the consumer report; or

- (b) The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.

- 11) Personal identifying information provided by a person is not consistent with other personal identifying information provided by the person. For example, there is a lack of correlation between the SSN range and date of birth.

- 12) Personal identifying information is associated with known fraudulent activity as indicated by internal or third-party sources use by the District. For example:

- (a) The address on an application is the same as the address provided on a fraudulent application;

- (b) The phone number on an application is the same as the phone number provided on a fraudulent application;

- 13) Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the District. For example:
- (a) The address on an application is fictitious, a mail drop, or a prison; or
  - (b) The phone number is invalid, or is associated with a pager or answering service.
- 14) The SSN provided is the same as that submitted by other persons currently being served by the District.
- 15) The address or telephone number provided is the same or similar to the account number or telephone number submitted by an unusually large number of other persons being served by the District.
- 16) The person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
- 17) Personal identifying information provided is not consistent with personal identifying information that is on file with the District.
- 18) The person opening the covered account cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

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

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

23)The District is notified that the person is not receiving paper account statements.

24)The District is notified of unauthorized transactions in connection with a person's covered account.

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

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

#### **IV. Measures to Detect "Red Flags"**

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

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

The following are examples of the types of valid identification that a person may provide to verify the identity of the person seeking to open the covered account: valid state-issued driver's license, valid state-issued identification card, current passport, a Social Security Card, current residential lease, or copy of a deed to the person's home or invoice/statement for property taxes.

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

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

#### **V. Preventing and Mitigating Identity Theft**

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

- 1) Monitor the covered account for evidence of identity theft;
- 2) Contact the person who holds the covered account;

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

## **VI. Updating the ITPP**

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

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



## **VII. Methods for Administering the ITPP**

### **A. Oversight of the ITPP**

Oversight by the District's Vice Chancellor of Administrative Services shall include:

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

### **B. Reports**

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

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*(This is a new procedure recommended by the  
Policy and Procedure Service)*