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NONDISCRIMINATION

Equal opportunity policy and grievance procedures

DVC does not discriminate on the basis of ethnic group identification, race, color, ancestry, religion, marital status, sex, national origin, gender, gender identification, gender expression, or within the limits imposed by law or District regulations, because of age, sexual orientation, physical or mental disability, medical condition, genetic information, military or veteran status, parental status, citizenship, or because they are perceived to have one or more of these characteristics or based on association with a person or group with one or more of these actual or perceived characteristics. District programs and activities include but are not limited to any that are administered or funded directly by or that receive any financial assistance from the Chancellor or Board of Governors of the California Community Colleges.

DVC is committed to nondiscrimination in compliance with the Civil Rights Act; Title IX of the Education Amendments of 1972; the Rehabilitation Act of 1973 (Section 503 and 504); the Americans with Disabilities Act of 1990; the Executive Orders 11246 and 11375; the Vietnam Era Veterans Readjustment Act of 1974; the Age Discrimination in Employment Act of 1967; the nondiscrimination laws of the State of California; and equal employment opportunity guidelines of the California Community College Chancellor's Office (which incorporates compliance with Connerly v. State Personnel Board), and CCCCD Board Policy 2001.

This nondiscrimination policy covers admission and access to, as well as treatment and employment in the college’s programs and activities, including vocational education. Inquiries regarding the equal opportunity policies, the filing of grievances, or requests for a copy of the college’s grievance procedures may be directed to the following: disability support services coordinator for disability related issues; Title IX, Sexual Harassment Title VI Coordinator and EEOC Officer, 925-969-2005; vice president of student services, Administration Building.

This procedure affords students an opportunity to resolve a variety of complaints, including those alleging discrimination based on race, sexual orientation, color, national origin, sex, handicap, and age. Students who require assistance in the use of this procedure or any of the above-mentioned policies should contact the vice president of student services. For more information about the sexual harassment policy, please see: www.dvc.edu/harassment and for more information about equal opportunity policies and procedures, please see: www.dvc.edu/eeoc.

Inquiries regarding federal laws and regulations concerning nondiscrimination in education or the district’s compliance with those provisions may also be directed to the vice chancellor, human resources and organizational development, Contra Costa Community College District, 500 Court Street, Martinez, CA 94553, or U.S. Department of Education, Office of Civil Rights, 221 Main Street, Suite 1020, San Francisco, CA, 94105.

For more information or to initiate a grievance contact:
Vice president of student services (504, Title IX, Sexual Harassment; Title VI Coordinator and EEOC Officer) 925-969-2005
Vice president of finance and administration (ADA Coordinator) 925-969-2018

Open course policy

It is the policy of the Contra Costa Community College District that unless specifically exempted by statute or regulation, every course, course section, or class reported for state funding, wherever offered and maintained by the district, shall be fully open to enrollment and participation by any person who has been admitted to the college and who meets the prerequisites as may be established pursuant to regulations contained in Title 5 Section 55200.
ACADEMIC REQUIREMENTS 
AND POLICIES

Academic course requirements 
and credit

Full-time status
A student must carry a minimum of 12 units in the fall or spring term or four units in a summer session to be considered a full-time student. Fifteen units is the usual load for students who wish to complete the associate degree in two years.

Term unit limit
In fall or spring term, a full-time course load is considered to be at least 12 units. Students who wish to enroll in more than 19 units in the fall or spring term or 12 units in the summer term must have permission prior to the start of the class. Request to exceed unit limits may be made online at www.dvc.edu/unitlimit.

Veterans must carry a course load of at least 12 certifiable units in order to receive full veteran’s benefits.

International students must carry at least 12 certifiable units each term to maintain their F-1 status. Authorization to be below 12 units must be granted by a designated school official in the International Student Office.

Remedial unit limit
By state law, students are only allowed to enroll in a maximum of 30 units of remedial coursework. Remedial courses are non degree applicable credit, basic skills courses and are numbered less than 100. The 30 unit limit includes all remedial courses taken at the three community colleges within our district.

Exemptions
Students enrolled in ESL courses or officially identified as having a learning disability are exempt from the 30 unit limit.

Variable unit courses
Some courses give students varying amounts of credit; for example, from one to three units. The number of units varies, depending on the following factors: the contract between instructor and student; how many segments of the course the student completes (for example, the course may be divided into three four-week segments); the subject matter and/or number of meetings; and the number of classes the student attends.

Repeating courses with satisfactory grade
As a general rule, students may not enroll more than once in a credit course if the student received a satisfactory grade on the previous enrollment. An enrollment occurs when a student receives an evaluative or non-evaluative symbol in a credit course. Evaluative symbols include A, B, C, D, F, P, and NP. Non-evaluative symbols include I, IP, EW, and W. A satisfactory grade is an A, B, C, or P. Substandard work is course work for which the grading symbols D, F, NP, or NC have been recorded. A student receiving an A, B, C, or P typically cannot enroll in that course again, unless an exception to the general rule applies that allows the student an additional enrollment or enrollments in that course.

The following exceptions to the general rule permit a student receiving a satisfactory grade to enroll in the same credit course again:

• courses properly designated by a district as repeatable
• a subsequent enrollment due to significant lapse of time for:
  • legally mandated courses
  • courses necessary as a result of significant change in industry or licensure standards
  • courses needed due to recency requirements for a program
• variable-unit courses offered on an open-entry/open-exit basis
• documented extenuating circumstances
• occupational work experience courses
• students with disabilities repeating a special class

For an additional enrollment in the same course to be allowed, either the student must meet the circumstances specified for the exception or, in the case of repeatable courses, the course is properly designated as repeatable. Students must petition to be granted an exception that allows a subsequent enrollment. The petition is found online at: www.dvc.edu/petition-to-repeat. If permission to repeat is granted, both grades will appear on the transcript and will be used in the grade point average calculation. Only the first course completed will be applied towards a degree or certificate requirement. Units for both courses will apply towards the 60 units required for the degree.

Repeating courses with substandard grade
Students are limited to enrolling in non-repeatable, credit courses a maximum of three times. When a substandard grade (“D”, “F”, or “NP”) is earned or dropped with a “W”. Students who have received a substandard grade in a course should see the “improving a grade point average” on page 31 for more information. Students must petition for a third enrollment. The petition is found online at: www.dvc.edu/petition-to-repeat.
Repeatable courses:
There are three types that may be designated as repeatable by all students:
1. courses for which repetition is necessary to meet the major requirement of California State University (CSU) or University of California (UC) for completion of a bachelor’s degree,
2. intercollegiate athletics, and
3. intercollegiate academic or vocational competition.
See course descriptions to determine which courses may be repeated.

Limitations on enrollment
Enrollment limits have been placed on certain types of courses offered within the Contra Costa Community College District. Students are limited to a total of four enrollments in courses that are considered “active participatory courses that are related in content.” At DVC, these limitations apply to certain courses with the subject codes:
• ART
• DANCE
• DRAMA
• KNACT
• KNCMB
• KNDAN
• MUSIC
Within these subjects, courses that are “active participatory courses that are related in content” have been assigned to “families” and students are limited to four aggregate enrollments within the “family”. The “families” are district-wide and the limitation to four enrollments applies to courses taken at any college within the district. Refer to the discipline descriptions in this catalog for further information on “families” and enrollment limitations.

Independent study courses
These courses are only available to students who have exhausted the learning opportunities of our regular course offerings. They require the student to undertake a significant project or research with clearly established, measurable learning objectives.
To apply for an independent study course, students should get a tentative agreement on their research project from a supervising instructor. They must then complete an independent study form (available in the Instruction Office or division offices) and receive approval of the supervising instructor and division dean.

Deadlines
Independent study forms must be submitted for approval to the division dean before the sixth week of the term.

Auditing of classes
Diablo Valley College does not permit auditing of classes. All students must submit an application for admission to the college and officially register in all courses.

Course prerequisites and/or co-requisites
Students enrolling in a course with a prerequisite must complete that prerequisite with a “C” grade or higher before they are allowed to register. A course has a prerequisite to ensure that a student has the appropriate body of knowledge to be successful. Courses with a co-requisite require that a student has successfully completed the course in a prior term or is enrolled in the co-requisite course in the same term.
Please note: Dropping a class with a co-requisite will result in a drop from both classes.
If taken at an institution other than DVC, coursework used to meet a prerequisite must be completed at a regionally accredited institution (e.g., colleges, universities, or high schools) as recognized by the U.S. Department of Education. All coursework used from other institutions must be equated to a DVC course. Should it be determined that coursework is not equivalent to a DVC course, a student may opt to challenge the prerequisite by following the prerequisite challenge process.
To see which courses have prerequisites and/or co-requisites see the individual course offerings in the catalog.

Prerequisite and/or co-requisite challenge
Students who are denied enrollment in a class because they do not meet the prerequisite requirement may challenge the prerequisite. Challenge petitions are available in the Admissions and Records Office.

Challenging a prerequisite or co-requisite
Prerequisites and co-requisites may be challenged for the following conditions:
• The prerequisite is based on health or safety and is either not valid or does not apply to a particular student.
• The prerequisite is discriminatory on the basis of ethnicity, religious belief, political persuasion, age, gender, or sexual orientation.
• The prerequisite course has not been reasonably made available at DVC.
• The prerequisite was not established according to state law.
• The student has the knowledge or ability to succeed in the course or program despite not meeting the prerequisite or co-requisite. The student has gained the knowledge and skills in another fashion, for example, through work or life experience.
Contact the Admissions and Records Office regarding information and forms for challenging prerequisites.
Academic requirements and policies

Acceptance of transfer credits and alternative credit

Transfer of credit and coursework
In order to evaluate for equivalent coursework, DVC accepts transcripts from institutions (e.g., colleges, universities, and high schools) from regional accrediting organizations as recognized by the U.S Department of Education. DVC also follows the recommendations of the American Association of Collegiate Registrars and Admissions and Records Officers. The official transcript from the other institution is required. Students must submit sealed unopened transcripts in person or by mail to the Admissions and Records Office of Diablo Valley College. Students must make a counseling appointment to review the evaluation of their transcripts. The appointment initiates the evaluation of the transcript by admissions and records; therefore, transcripts must be on file with admissions and records a minimum of two weeks prior to the scheduling of the appointment. It is recommended that students complete this process prior to or during their first term of enrollment at DVC.

Students are advised that:

1. Only courses and credit from accredited institutions (e.g., colleges, universities, and high schools) will be considered for transfer to DVC.

2. Upper division courses may be applied to degree, certificate, and transfer requirements under the following conditions:
   a. Upper division coursework may be applied to satisfy DVC general education, major, and certificate requirements.
   b. Upper division coursework may be applied to Intersegmental General Education Transfer Curriculum (IGETC) requirements under the following conditions:
      I. When a University of California (UC) or California State University (CSU) campus has classified a course or series as upper-division but has requested that lower division transfer credit be allowed because an equivalent course is taught at a community college or because the preparation of the subject is desired prior to transfer. Current examples include economics, organic chemistry, and abnormal psychology.
      II. When a non-California Community College (CCC) course is determined comparable to one taught and approved for IGETC at a CCC, it may be applied to IGETC regardless of its upper-division status.
      III. When a CSU uses an upper-division course in its “lower division” General Educational pattern.
   c. Upper division coursework may be applied to California State University General Education (CSU GE) requirements under the following conditions:
      I. When an upper-division course is equivalent to a lower-division course used to satisfy a CSU GE requirement.
      II. When CSU uses an upper-division course in their CSU GE pattern.

3. Transfer credit and coursework may be applied towards the requirements of a degree or certificate program. Students are strongly encouraged to make a counseling appointment to determine applicability of courses taken elsewhere towards their program at DVC.

4. For Diablo Valley College general education requirements, DVC will accept any course approved as part of an IGETC agreement at any other accredited community college. Such coursework will be applied in the area or category for which it was approved at the college where the course was completed.

5. Courses completed at other community colleges as part of a Transfer Model Curriculum (TMC) aligned degree will be accepted for the requirements of the same TMC-aligned degree at Diablo Valley College. Courses with a Course Identification (C-ID) number are accepted to meet the area requirements of courses with the same C-ID number at DVC. Students are strongly encouraged to make a counseling appointment to determine whether there are specific course requirements at transfer institutions that will impact the courses they should select to meet their major requirements.

6. When courses completed at other institutions are determined to be equivalent to DVC courses but their unit value varies, students will not be required to “make up” missing units for DVC GE, major and/or certificate requirements. Students are always required to complete a minimum of 18 units for both major and general education requirements with three units in each GE area and 60 units for a degree.

7. Transfer coursework may be used to meet prerequisites at Diablo Valley College. See the information on prerequisites on page 17.

8. Transfer credit and DVC credit together determine the student’s overall GPA when applied to academic program requirements and financial aid and athletic eligibility. DVC will use plus/minus grades in GPA calculation.

9. Transfer credit from colleges and universities with different credit systems (quarter units) are converted to semester hours of credit.
10. DVC may accept Advanced Placement (AP), International Baccalaureate (IB), and College Level Examination Program (CLEP) scores to meet DVC general education and Transfer Studies certificate of achievement requirements as well as CSU GE and IGETC requirements. See the information beginning on page 22 regarding how of AP, IB, and CLEP examinations are accepted. In addition, such examinations may be accepted to meet the major requirements of local and transfer associate degrees and certificates, if approved through the course substitution process. Students are advised to meet with a counselor to determine how such substitutions fit into their educational plans for transfer. Students who wish to have AP, IB, or CLEP scores evaluated by DVC must submit official score reports for consideration.

11. Coursework and credits that may transfer will be determined based on an evaluation that may include but is not limited to: course content, objectives, student learning outcomes, units, grades, course level and applicability toward degree, certificate or prerequisite requirements as well as CSU GE and IGETC requirements. Should it be determined that coursework cannot be used for transfer, a student may explore other options (e.g., credit by exam, IGETC Certification in a Language Other than English). Students are encouraged to meet with a counselor to explore all possible options.

12. Foreign transfer credit may be applied toward the 60-unit requirement for the DVC associate degree only after an evaluation by an approved credential evaluation service (for a list see: www.naces.org). Students are advised to meet with a counselor and obtain guidelines from DVC admissions and records before requesting such an evaluation. Evaluations must include a course-by-course report with unit equivalencies, distinguishing between upper and lower division coursework and including letter grades. Students who wish foreign coursework to be used to meet specific course requirements for prerequisites, DVC majors, general education, or certificate requirements must provide detailed course descriptions. Foreign coursework cannot be used to certify California State University General Education (CSU GE) or IGETC requirements, except for the IGETC Language Other Than English requirement. Transfer of credit policy varies from institution to institution. Students who intend to transfer are advised to review the policy of the receiving institution.

**Course substitution**

Students may petition to substitute coursework completed within the Contra Costa Community College District and at a regionally accredited institution (e.g., colleges, universities, and high schools) as recognized by the U.S. Department of Education to meet DVC degree and certificate requirements. In order to initiate the process, students must submit the Petition for Course Substitution to the DVC Admissions and Records Office. The Admissions and Records Office will forward the Petition for Course Substitution to the appropriate faculty for approval. Course substitutions may be granted for courses that may be comparable but are not equivalent in content to a program requirement.

Students who wish to transfer credit for a course completed at another community college as part of an associate degree for transfer (ADT) that does not have a course identification (C-ID) number or is not equivalent to a DVC course should complete the course substitution process. Students are strongly encouraged to make a counseling appointment to determine whether there are specific course requirements at transfer institutions that will impact the courses they should substitute to meet their major requirements.

Students are advised to meet with a counselor or program advisor to discuss the course substitution option and to complete the petition process well before they plan to apply for a degree or certificate. Students may be approved to substitute a course prior to completing the course. Students petitioning to substitute coursework from outside the district must provide official transcripts from such institutions; it is not necessary to provide documentation to substitute coursework completed within the Contra Costa Community College District.

Only courses and credit from a regionally accredited institution (e.g., colleges, universities, and high schools) as recognized by the U.S. Department of Education will be considered for application to DVC degree and certificate requirements. When courses are substituted and their unit value varies, students will not be required to “make up” missing units for DVC GE, major, and/or certificate requirements. Students are always required to complete a minimum of 18 units for major and general education requirements, with three units in each area, and 60 units for a degree.

For certificate programs, at least twenty-five percent of the required courses must be completed at DVC.

**Course substitution policy for students with disabilities for DVC associate degrees or certificates**

Students, because of their disabilities, may be unable to complete a course required of DVC’s associate degree or certificate programs. Those wishing to apply for a course substitution should review the college’s complete course substitution policy. This policy is available in the Disability Support Services (DSS) Office. To initiate an application, please make a counseling appointment with a DSS counselor by calling 925-969-2140.

**ROTC**

All DVC students interested in becoming commissioned officers in the United States Air Force, Army, or Navy may register for lower-division military science courses at UC Berkeley and have these credits applied toward a DVC’s associate degree. Credit is granted initially through UC Extension, but will be applied toward an associate degree at DVC when a transcript is received. Interested students should call UC Berkeley for more information.
Attendance policy

Students are expected to attend all class meetings, regardless of whether the instructor takes attendance. The instructor may drop students who miss more than the equivalent of two weeks of a term-length course. Students must contact the instructor to inform him or her of an absence. The college does not relay such messages.

Attendance at the first class meeting

If a student wishes to secure a place in class, he or she must attend the first class meeting. The instructor may drop students who do not attend the first class meeting, thereby opening a space for students wishing to add the class. If students do not attend the first class meeting, it is still their responsibility to officially drop the class.

Field trips

If participating in a class field trip or other college-sponsored activity causes a student to miss other classes, the student will not be penalized for the absence. Students must be allowed to make up any class work or point earning opportunities that they have missed (including exams, quizzes, and participation points) provided they have notified their instructor a minimum of two weeks in advance of their impending absence (or as soon as possible if there are extenuating circumstances such as post-season intercollegiate competition, rain make-ups, or field trips within the first two weeks of the term).

CREDIT FOR PRIOR LEARNING

DVC recognizes that some students have already reached a portion of their educational objectives through prior learning and experiences. Credit for Prior Learning is college credit awarded for college-validated knowledge and skills gained outside the classroom. DVC is committed to providing students with equitable access to prior learning assessments that can help students to achieve program completion.

Criteria for Credit for Prior Learning

Students:

- The student must be currently registered in the college, in good standing, and have a current educational plan on file.
- A student who is a veteran or an active-duty member of the armed forces, holds industry-recognized credentials, or requests credit for a course based on their prior learning, will be referred to the college’s authority for assessment of prior learning upon completion of an educational plan.

Courses:

- Credit may be awarded for prior experience or prior learning only for individually identified courses with subject matter similar to that of the individual’s prior learning.
- The course must be listed in the current college catalog.
- The course must be designated as eligible for credit for prior learning by members of the division faculty and approved by the Curriculum Committee.
- The assessment must be approved by faculty in the course or program involved.

Restrictions:

- The determination to offer and award credit for prior learning rests solely on the discretion of the discipline faculty, including course-to-course award of credit for standardized exams such as AP, IB, and CLEP.
- The nature and content of assessments will be determined by faculty in the discipline who normally teach the course for which credit is to be granted.
- An assessment conducted at a location other than the college may be accepted.
- Credits acquired by assessment of prior learning will not be counted in determining the 12 semester hours of credit in residence required for an associate degree.
- Students must complete at least 25% of the required courses for a certificate program at DVC.
- Credits earned by prior learning assessment cannot be used to fulfill any requirements for federal financial aid.

Prior Learning may be obtained by one of the following:

- Achievement of a satisfactory score on an Advanced Placement (AP) examination administered by the College Entrance Examination Board
- Achievement of a satisfactory score on a high-level International Baccalaureate (IB) examination
- Achievement of a satisfactory score on the College-Level Examination Program (CLEP) examination
- Evaluation of Joint Services Transcripts
- Evaluation of a student-created portfolio
- Evaluation of industry-recognized credential documentation
- Satisfactory completion of an examination administered by the college in lieu of completion of a course listed in the current college catalog
- Achievement of an examination administered by other agencies approved by the college
- Assessment approved or conducted by proper authorities of the college

Upon a student’s demonstration of sufficient mastery through an examination or assessment, award of credit will be considered for:

- California Intersegmental General Education Transfer Curriculum (IGETC)
- California State University General Education (CSUGE) Breadth
- Local community college general education requirements or requirements for a student’s chosen program
- Electives for student who do not require additional general education or program credits to meet their goals
Academic requirements and policies

PRIOR LEARNING GRADING AND TRANSCRIPTION
• Grading will be according to the regular grading system, as specified in the College Catalog.
• Students may request a “pass-no pass” option if that option is available for the course. Credit limitations may apply at the UC/CSU.
• Students will be given the opportunity to accept, decline, or appeal the grade assigned by faculty.
• The student’s academic record will be clearly annotated to reflect that credit was earned through one of the assessments of prior learning options listed below.

PROCEDURES FOR STUDENTS TO ATTAIN CREDIT FOR PRIOR LEARNING

Students may request credit for prior learning by completing an education plan and submitting a Petition for Prior Learning form to the college Admissions and Records Office.

CREDIT FOR PRIOR LEARNING OPTIONS

Approved Standardized Examinations
Students requesting Credit for Prior Learning using Advanced Placement (AP), International Baccalaureate (IB), and/or College-Level Examination Program (CLEP) may receive credit for satisfactory score in the following circumstances:

• Official AP, IB, and/or CLEP transcripts are on file in the Admissions and Records Office.
• The student achieved a minimum acceptable score on the examination as specified in the college catalog.

Credit by Examination
Students requesting Credit by Examination may receive credit for satisfactory completion of an examination administered by a college department in lieu of completion of a course listed in the current catalog in the following circumstances:

• The student demonstrates that s/he is qualified, through previous training, experience or instruction, to successfully complete such examination.
• A student may challenge a course for credit by examination only one time.
• The determination to offer credit by examination rests solely on the discretion of discipline faculty.
• A separate examination will be conducted for each course for which credit is to be granted.
• The student will be charged a fee for the examination equivalent to the enrollment fee for the course, with exception granted to adult school students who are eligible to receive college credit per an active articulation agreement with DVC.
• The student may not be enrolled in, nor have received credit for, a more advanced course in the same course sequence (may be waived by department).

Industry-Recognized Credentials
Students requesting Credit for Prior Learning using industry recognized credential(s) will receive credit as recommended by the appropriate department chair or faculty designee. The knowledge and skills validated by the industry-recognized credential(s) must align with the content of the course for which credit is being requested. Credit will be awarded in the following circumstances:

• The student’s industry-recognized credential is on file in the Admissions and Records Office.
• The discipline faculty has evaluated the industry-recognized credential and verified that it effectively demonstrates sufficient mastery of course content as set forth in the course outline of record.

Military Service/Training
Students requesting Credit for Prior Learning using Joint Service Transcripts shall receive credit as recommended by the American Council on Education (ACE) Directory and approved by the appropriate discipline faculty of the college under the following circumstances:

• Official transcripts must be on file in the Admissions and Records Office. These may include Joint Services Transcript (JST), Sailor/Marine American Council on Education Registry Transcript (SMART), Army and American Council on Education Registry Transcript Service (AARTS), Community College of the Air Force (CCAF), Coast Guard Institute (CGI), DANTES/US-AF/AFI, Defense Language Institute Foreign Language Transcripts (DLIFLC), Defense Manpower Data Center (DMDC), DLPT Examinee Results, DA Form 330 Language Proficiency Questionnaire, or verified copies of DD214 or DD295 military records.
• Credit course equivalency shall be determined by the faculty of the appropriate discipline.
• Veterans may apply for evaluation of military service for credit through the Admissions and Records Office. Credit may be granted toward an associate degree for the following training:
  • Six units of elective credit for the completion of basic training and one year or more of active duty in the military service upon submission of DD214 (separation papers) with a discharge other than dishonorable, to the Admissions and Records Office.
  • Three of the six elective units may be applied towards the fulfillment of CSU General Education requirement “E. Lifelong Understanding and Self Development.”

Student-Created Portfolio Assessment
Students requesting Credit for Prior Learning using a student-created portfolio will receive credit as recommended by the appropriate department chair or faculty designee in the following circumstances:

• A department-approved portfolio assessment rubric for the course is on file.

The department chair or faculty designee determines that the student-created portfolio adequately measures sufficient mastery of the course content as set forth in the course outline of record.
Academic requirements and policies

Students may earn credit for College Entrance Examination Board Advanced Placement (AP) Exams with scores of 3, 4, or 5. AP credit can be used to meet IGETC, CSU GE, and AA/AS general education (GE). Students must have the College Board send AP exam results to the Admissions Office (hand-carried copies will not be accepted) for use on the AA/AS or GE patterns submitted through the Admissions Office to use AP credit to satisfy prerequisites and/or apply for course equivalencies. A student planning to transfer to a four-year college or university should consult that transfer institution’s catalog regarding its awarding of Advanced Placement credit. Credit awarded at Diablo Valley College for the completion of a CSU general education area and/or IGETC is as noted below. AP exams may not satisfy the requirements for specific majors at four-year colleges. Please consult with a counselor or university representative.

Information contained in this chart is subject to change at any time. Please consult with a counselor.

### Diablo Valley College Catalog 2022-2023

#### Credit for Advanced Placement (AP) Exams

Students may earn credit for College Entrance Examination Board Advanced Placement (AP) Exams with scores of 3, 4, or 5. AP credit can be used to meet IGETC, CSU GE, and AA/AS general education (GE). Students must have the College Board send AP exam results to the Admissions Office (hand-carried copies will not be accepted) for use on the AA/AS or GE patterns submitted through the Admissions Office to use AP credit to satisfy prerequisites and/or apply for course equivalencies. A student planning to transfer to a four-year college or university should consult that transfer institution’s catalog regarding its awarding of Advanced Placement credit. Credit awarded at Diablo Valley College for the completion of a CSU general education area and/or IGETC is as noted below. AP exams may not satisfy the requirements for specific majors at four-year colleges. Please consult with a counselor or university representative.

Information contained in this chart is subject to change at any time. Please consult with a counselor.

All Units Denote Semester.

<table>
<thead>
<tr>
<th>AP Exam</th>
<th>Minimum AP Score</th>
<th>AA/AS/DVC GE Area Units</th>
<th>Units for DVC Associate Degree</th>
<th>CSU Units Toward Transfer</th>
<th>IGETC GE Certification Area Units</th>
<th>UC Units Toward Transfer</th>
<th>UC Limitations Toward Transfer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art History</td>
<td>3</td>
<td>Area III – Arts and Humanities 3 units</td>
<td>6</td>
<td>C1 or C2 3 units</td>
<td>6</td>
<td>3A or 3B 3 units</td>
<td>5.3</td>
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<td>Art, Studio</td>
<td>2-D Design</td>
<td>No GE Area</td>
<td>3</td>
<td>No GE Area</td>
<td>3</td>
<td>No GE Area</td>
<td>5.3</td>
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<tr>
<td>3-D Design</td>
<td>No GE Area</td>
<td>3</td>
<td>No GE Area</td>
<td>3</td>
<td>No GE Area</td>
<td>5.3</td>
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<td>Biology</td>
<td>1</td>
<td>Area II – Natural Sciences 4 units</td>
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<td>B2 and B3 4 units</td>
<td>6</td>
<td>SB and SC 4 units</td>
<td>5.3</td>
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<tr>
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<td>3</td>
<td>Area II – Natural Sciences 4 units</td>
<td>6</td>
<td>B1 and B3 4 units</td>
<td>6</td>
<td>SA and SC 4 units</td>
<td>5.3</td>
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<td>No GE Area</td>
<td>3</td>
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<td>5.3</td>
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<td>No GE Area</td>
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<td>6 units max for both Computer Science exams</td>
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<td>3</td>
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1 If a student passes more than one AP exam in calculus or computer science, only one examination may be applied to baccalaureate.
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<th>AA/AS DVC GE Area Units</th>
<th>Units for DVC Associate Degree</th>
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</table>

1. If a student passes more than one AP exam in calculus or computer science, only one examination may be applied to baccalaureate.
2. Calculus AB Exam with a score of 3 or higher satisfies math prerequisite for DVC’s MATH 140, 192, 193 and not course equivalency.
3. Calculus BC Exam with a score of 3 or higher satisfies math prerequisite for DVC’s MATH 140, 194, 195, 289, 292 and not course equivalency.
4. Calculus BC/AB Subscore Exam with a score of 3 or higher satisfies math prerequisite for DVC’s MATH 192, 193 and not course equivalency.
5. Credit for full Music Theory exam. Students who earn only a subscore will not receive exam credit.
### AP Exam Minimum AP Score AA/AS DVC GE Area Units Units for DVC Associate Degree CSU GE Certification Area Units CSU Units Towards Transfer IGETC GE Certification Area Units UC Units Towards Transfer UC Limitations Toward Transfer Units

<table>
<thead>
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<th>AP Exam</th>
<th>Minimum AP Score</th>
<th>AA/AS DVC GE Area Units</th>
<th>Units for DVC Associate Degree</th>
<th>CSU GE Certification Area Units</th>
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<th>IGETC GE Certification Area Units</th>
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</table>

\(^a\) If a student passes more than one AP exam in physics, only six units of credit may be applied to the baccalaureate, and only four units of credit may be applied to a certification in GE Breadth.

\(^b\) AP Psychology Exam with a score of 3 or higher satisfies psychology prerequisite for DVC’s PSYCH 130, 215 and DVC’s PSYCH 101 course equivalency. See a counselor about applying AP Psychology credits toward major requirements and/or prerequisites. Maximum credit for GE and course equivalent, 3 units.
Diablo Valley College

Credit for College-Level Examination Program (CLEP) Exams

Students may earn credit for College-Level Examination Program (CLEP) exams with scores of 50 or higher. CLEP credit can be used to meet CSU GE and AA/AS general education (GE) and/or major requirements. Students must have College Board send CLEP exam results to the Admissions Office (hand-carried copies will not be accepted) for use on the AA/AS or GE patterns. A student petition must be submitted through the Admissions Office to use CLEP credit to satisfy prerequisites. Note: A student planning to transfer to a four-year college or university should consult that transfer institution's catalog regarding its awarding of CLEP credit. Credit awarded at Diablo Valley College for the completion of a CSU general education area is as noted below. CLEP exams may not satisfy the requirements for specific majors at four-year colleges. Please consult with a counselor or university representative. UC does not accept CLEP exams.

Information contained in this chart is subject to change at any time – Please consult with a counselor.

All Units Denote Semester.

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<th>AA/AS DVC GE Area Units</th>
<th>Units for DVC Associate Degree</th>
<th>CSU GE Certification Area Units</th>
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¹ CLEP College Composition, College Composition – Modular, English Composition (no essay), English Composition (with essay) and Freshman College Composition are not accepted for general education units or elective credits.
² CLEP Social Sciences and History exam is not accepted for general education units or elective credits.
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<th>CLEP Exam</th>
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<td>50</td>
<td>No GE Area</td>
<td>6</td>
<td>No GE Area</td>
<td>6</td>
</tr>
<tr>
<td>Spanish Level II&lt;sup&gt;3&lt;/sup&gt;</td>
<td>63</td>
<td>Area III – Arts and Humanities 3 units</td>
<td>9 (12 if taken prior to fall 2015)</td>
<td>C2 3 units</td>
<td>9 (12 if taken prior to fall 2015)</td>
</tr>
<tr>
<td>Spanish with Writing I&lt;sup&gt;3&lt;/sup&gt;</td>
<td>50</td>
<td>No GE Area</td>
<td>6</td>
<td>No GE Area</td>
<td>6</td>
</tr>
<tr>
<td>Spanish with Writing II&lt;sup&gt;3&lt;/sup&gt;</td>
<td>63</td>
<td>Area III – Arts and Humanities 3 units</td>
<td>9</td>
<td>C2 3 units</td>
<td>9</td>
</tr>
<tr>
<td>Mathematics&lt;sup&gt;4&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Calculus</td>
<td>50</td>
<td>Area IB – Communication and Analytical Thinking and Area IC – Mathematics Comprehension 3 units</td>
<td>3</td>
<td>B4 3 units</td>
<td>3</td>
</tr>
<tr>
<td>College Algebra</td>
<td>50</td>
<td>Area IB – Communication and Analytical Thinking and Area IC – Mathematics Comprehension 3 units</td>
<td>3</td>
<td>B4 3 units</td>
<td>3</td>
</tr>
<tr>
<td>College Algebra – Trigonometry</td>
<td>50</td>
<td>Area IB – Communication and Analytical Thinking and Area IC – Mathematics Comprehension 3 units</td>
<td>3</td>
<td>B4 3 units</td>
<td>3</td>
</tr>
<tr>
<td>Pre-Calculus&lt;sup&gt;5&lt;/sup&gt;</td>
<td>50</td>
<td>Area IB – Communication and Analytical Thinking and Area IC – Mathematics Comprehension 3 units</td>
<td>3</td>
<td>B4 3 units</td>
<td>3</td>
</tr>
<tr>
<td>Natural Sciences</td>
<td>50</td>
<td>Area II – Natural Sciences 3 units</td>
<td>3</td>
<td>B1 or B2 3 units</td>
<td>3</td>
</tr>
<tr>
<td>Psychology</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Introductory Psychology</td>
<td>50</td>
<td>Area IV – Social and Behavioral Sciences 3 units</td>
<td>3</td>
<td>D 3 units</td>
<td>3</td>
</tr>
<tr>
<td>Introduction to Educational Psychology</td>
<td>50</td>
<td>No GE Area</td>
<td>3</td>
<td>No GE Area</td>
<td>3</td>
</tr>
<tr>
<td>Introductory Sociology</td>
<td>50</td>
<td>Area IV – Social and Behavioral Sciences 3 units</td>
<td>3</td>
<td>D 3 units</td>
<td>3</td>
</tr>
</tbody>
</table>

<sup>3</sup> If a student passes more than one CLEP test in the same language other than English (e.g., two exams in French), then only one examination may apply to the baccalaureate. For each test in a Language other than English, a passing score of 50 is considered “Level I” and earns six units of baccalaureate credit; the higher score listed for each test is considered “Level II” and earns additional units of credit and placement in Area C2 of GE Breadth, as noted.

<sup>4</sup> CLEP College Mathematics exam is not accepted for general education units or elective credits.

<sup>5</sup> CLEP Pre-Calculus Exam with a score of 50 or higher satisfies math prerequisite for DVC's MATH 140, 192 and not course equivalency.
Diablo Valley College

Credit for International Baccalaureate (IB) Exams

Students may earn credit for International Baccalaureate (IB) Higher Level exams with scores of 5, 6, or 7. IB credit can be used to meet IGETC, CSU GE, and AA/AS general education (GE). Students must have the International Baccalaureate Organization send IB exam results to the Admissions Office (hand-carried copies will not be accepted) for use on the AA/AS or GE patterns.

Information contained in this chart is subject to change at any time – Please consult with a counselor.

All Units Denote Semester.

<table>
<thead>
<tr>
<th>IB Exam</th>
<th>Minimum IB Score</th>
<th>AA/AS DVC GE Area Units</th>
<th>Units for DVC Associate Degree</th>
<th>CSU GE Certification Area Units</th>
<th>CSU Units Towards Transfer</th>
<th>IGETC GE Certification Area Units</th>
<th>UC Units Towards Transfer</th>
<th>UC Limitations Toward Transfer Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biology HL</td>
<td>5</td>
<td>Area II – Natural Sciences 3 units</td>
<td>6 B2 3 units</td>
<td>6 5B 3 units</td>
<td>5.3</td>
<td></td>
<td></td>
<td>The units granted for IB exams are not counted toward the maximum number of credits required for declaration of a major or the maximum number of units a student may accumulate prior to graduation. Students who enter the UC with IB credit do not have to declare a major earlier than other students, nor are they required to graduate earlier. Note: No credit is awarded for the Mathematics Applications and Interpretations exam offered 2021 and later.</td>
</tr>
<tr>
<td>Chemistry HL</td>
<td>5</td>
<td>Area II – Natural Sciences 3 units</td>
<td>6 B1 3 units</td>
<td>6 5A 3 units</td>
<td>5.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Economics HL</td>
<td>5</td>
<td>Area IV - Social and Behavioral Sciences 3 units</td>
<td>6 D 3 units</td>
<td>6 4 3 units</td>
<td>5.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Geography HL</td>
<td>5</td>
<td>Area IV – Social and Behavioral Sciences 3 units</td>
<td>6 D 3 units</td>
<td>6 4 3 units</td>
<td>5.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>History (any region) HL</td>
<td>5</td>
<td>Area III – Arts and Humanities or Area IV - Social and Behavioral Sciences 3 units</td>
<td>6 C2 or D 3 units</td>
<td>6 3B or 4 3 units</td>
<td>5.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Language A Literature HL (Any language)</td>
<td>5</td>
<td>Area III – Arts and Humanities 3 units</td>
<td>6 C2 3 units</td>
<td>6 3B 3 units</td>
<td>5.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Language A1 [any language] HL prior to fall 2013)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Language A Language and Literature HL (Any language)</td>
<td>5</td>
<td>Area III – Arts and Humanities 3 units</td>
<td>6 C2 3 units</td>
<td>6 3B 3 units</td>
<td>5.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Language A2 [any language] HL prior to fall 2013)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Language A Literature HL (Any language except English)</td>
<td>5</td>
<td>Area III – Arts and Humanities 3 units</td>
<td>6 C2 3 units</td>
<td>6 3B and 6A 3 units</td>
<td>5.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Language A Language and Literature HL (Any language except English)</td>
<td>5</td>
<td>Area III – Arts and Humanities 3 units</td>
<td>6 C2 3 units</td>
<td>6 3B and 6A 3 units</td>
<td>5.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Language B (any language except English) HL</td>
<td>5</td>
<td>No GE Area</td>
<td>6 No GE Area</td>
<td>6 6A 3 units</td>
<td>5.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mathematics HL</td>
<td>5</td>
<td>Area IB - Communication and Analytical Thinking and Area IC - Mathematics Comprehension 3 units</td>
<td>6 B4 3 units</td>
<td>6 2A 3 units (If taken prior to fall 2022)</td>
<td>5.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mathematics HL: Analysis and Approaches</td>
<td>5</td>
<td>Area IB - Communication and Analytical Thinking and Area IC - Mathematics Comprehension 3 units</td>
<td>6 B4 3 units</td>
<td>6 No Credit</td>
<td>5.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mathematics HL: Applications and Interpretation</td>
<td>5</td>
<td>Area IB - Communication and Analytical Thinking and Area IC - Mathematics Comprehension 3 units</td>
<td>6 B4 3 units</td>
<td>6 No Credit</td>
<td>No Credit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physics HL</td>
<td>5</td>
<td>Area II - Natural Sciences 3 units</td>
<td>6 B1 3 units</td>
<td>6 5A 3 units</td>
<td>5.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Psychology HL</td>
<td>5</td>
<td>Area IV - Social and Behavioral Sciences 3 units</td>
<td>3 D 3 units</td>
<td>3 4 3 units</td>
<td>5.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theatre HL</td>
<td>5</td>
<td>Area III – Arts and Humanities 3 units</td>
<td>6 C1 3 units</td>
<td>6 3A 3 units</td>
<td>5.3</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 For CSU and DVC, an IB score of 4 or higher meets this requirement.
2 The IB curriculum offers language at various levels for native and non-native speakers. Language B courses are offered at the intermediate level for non-natives. Language A1 and A2 are advanced courses in literature for native and non-native speakers, respectively.
3 No credit awarded by UC for the IB Mathematics HL: Applications and Interpretations exam offered 2021 and later.
Leave of absence

Students who need to take a leave of absence during the term may obtain the request form from the DVC website at www.dvc.edu/studentleave and then receive written approval from each of their instructors. Then the student must discuss the petition with a counselor and obtain their signature, as well as the signature of the vice president of student services. A leave of absence is limited to 10 instructional days. Instructors may drop students who have been absent for more than the equivalent of two weeks of instruction without an approved leave of absence.

Grading

Grade policy

The assignment of grades is the exclusive responsibility of the individual instructor. DVC grading policies are based on the faculty’s philosophy, California Administration Code, Title 5 (Sec. 51300-51325), and the Contra Costa Community College District Board Policy 4001.

DVC uses the following evaluative grades and non-evaluative symbols:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Description</th>
<th>Grade Points per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Excellent</td>
<td>4</td>
</tr>
<tr>
<td>B</td>
<td>Good</td>
<td>3</td>
</tr>
<tr>
<td>C</td>
<td>Satisfactory</td>
<td>2</td>
</tr>
<tr>
<td>D</td>
<td>Passing, less than satisfactory</td>
<td>1</td>
</tr>
</tbody>
</table>
| F     | Failing                                          | 0                     | *(Not a recommending grade for continuation in sequential courses)*

The following grade symbols are not considered in calculations of cumulative grade point averages, but the “W,” “I,” and “NP” grades are considered in determinations of progress probation and dismissal:

- **I** — Incomplete
  - IB
  - IC
  - ID
  - IF
  - IN
- **W** — Withdrawal
  *(Assigned to students who withdraw from a class within the allowed time.)*
- **EW** — Excused Withdrawal
  *(Assigned to students who withdraw due to documented extenuating circumstances - by appeal only)*
- **MW** — Military Withdrawal
  *(Assigned when a student who is a member of an active or reserve United States military service receives orders compelling a withdrawal from courses.)*
- **IP** — In Progress
  *(Indicates the course was in progress beyond the end of the term.)*
- **RD** — Report Delayed
  *(Indicates delay in reporting grade.)*

Grades earned on non-degree applicable courses are not included in the degree applicable grade point average.

Academic honors

Students who have completed at least 12 letter-graded units during the term and earned a grade point average of at least 3.0 will receive honors recognition on their transcripts.

Graduation honors

Graduation honors will appear on a student’s transcript if a 3.5 grade point average in all college work (excluding non-degree applicable and upper division courses) is maintained at the end of the term in which the student has applied to graduate. A student intending to graduate in the spring must have a 3.5 grade point average as of February 1 for honors to appear in the ceremony program, but the 3.5 grade point average must be maintained at the end of the term to have honors appear on the student’s transcript.

Incomplete grades

Incomplete grades are assigned only in cases of emergency such as accident, illness, or family emergency. An incomplete contract must be completed by the instructor and accepted by the student at the time the grade is posted. The instructor, student, and division dean must all sign the contract, which is then submitted to the Admissions and Records Office. Students who receive an incomplete grade cannot register for the same course in which they received the incomplete. The incomplete grade must be resolved no later than one calendar year following the grade assignment or it will automatically revert to the alternate grade assigned by the instructor per the contract. Extensions to the one-year deadline may be granted for good cause with instructor approval. The instructor must notify the Admissions and Records Office of the extension prior to the expiration of the incomplete.
Pass/no pass grades (P/NP)
These grades are not used in the calculation of grade point averages, although the units for P grades are applied toward the 60 required for an associate degree. Four-year colleges often limit the number of P units that they will accept from transfer students. To determine if there are any negative implications to choosing a P/NP grading, students are advised to refer to the policies of the college to which they intend to transfer. P/NP grade option cannot be reversed after 25 percent of the class has passed.

Student choice (SC)
A course labeled “SC” indicates that a student may decide to select the Pass/No Pass option rather than to receive a letter grade for the course. To select the P/NP option, students must submit a P/NP Request Form to Admissions and Records before the deadline. If students do not choose the P/NP option before the deadline, they will be issued a letter grade for the course. Students should discuss this choice with a counselor. After the deadline has passed, the grading choice may not be reversed.

Pass/No Pass Deadlines
- Full-term classes: the Friday before the last day of the course
- Short-term and summer classes: the second to last day of the course

Noncredit courses
Noncredit courses are open to all students for registration. There are no enrollment fees for noncredit courses, but an application for admission is necessary. Noncredit courses are not graded and are non degree applicable.

Fairness in grading
During the first week of each class, instructors will give their students a copy of their class syllabus, which will include their grading policies. Students may expect instructors to:
- record the student’s grade for each oral and written test or report that will affect the final grade, notify the student of the grade, and if necessary, review the results with the student;
- evaluate the student within the first quarter of the class and notify the student of the results of the evaluation;
- count a final examination for no more than half the course grade;
- base final grades on at least three of the student’s tests and/or reports (exception in cases of violations of DVC’s academic dishonesty procedure 4001.04).

Note: Instructors are expected to retain any test or report that is not returned to a student for a period of one academic year. Grade records should be available for a period of three years after grades are awarded. Instructors who are not scheduled to teach should leave their records with their division dean.

Grade corrections
Students who believe that they have received an incorrect grade must initiate a grade correction within one calendar year after they received the grade. To have a grade corrected, students must ask the instructor to correct the grade and have them submit a grade correction form. The instructor has final authority to determine if the student’s grade should be changed.

Note: Except in extenuating circumstances such as serious illness, grade corrections may not be made from “F” to “W.” It is the student’s responsibility to withdraw from a class prior to the drop deadline.

Student appeals for grade changes
DVC is committed to the concept of academic freedom, which guarantees to individual instructors wide latitude in how they structure and conduct their classes. Such matters as the amount of homework, the kind and frequency of testing, the nature of the grading system, the degree of class participation expected, the choice of textbooks, the theoretical perspective, and the emphasized topics are all, within very wide boundaries, at the discretion of the instructor (described under “fairness of grading”).

Difficulties occasionally arise between students and faculty members about grades. Most misunderstandings are resolved amicably and the college urges students to discuss problems directly with faculty members. Because some disagreements cannot be resolved informally, DVC has a procedure for resolution of grade complaints that the student must initiate.

Grounds for grade changes
The most common problems are those concerning the grade assigned for class work. According to state law, a grade assigned by an instructor at the end of a term can be changed only by that instructor, except in cases of mistake, fraud, bad faith or incompetence. (A finding of bad faith should be supported by specific evidence that the instructor harbored ill-will or discriminatory intent, which motivated the instructor to assign to a student a grade lower than the grade the student should have earned based on objective criteria.) This policy does not apply to challenges of deadlines for pass (P) or no pass (NP). Pass/no pass grades cannot be changed to letter grades once 25 percent of the class has passed.

The informal steps below (1 and 2) may be undertaken at any time; however, a formal complaint must be filed in writing with the vice president of instruction, or designee, no later than one year following the end of the term in which the grade was given. A formal complaint may be filed at any time with the chancellor, who will refer the complainant to his designee, the DVC president. The president will designate the Complaint Review Committee to consider the complaint.
Process

If a clerical or tabulation error has been made, it can be handled through the grade correction process.

The “fairness in grading policy” section (under academic policies) clearly explains the grading guidelines a student can expect. At the beginning of each class, instructors must give students a copy of their grading policies.

If a student believes that a faculty member has deviated from these policies in the evaluation of his/her work, he/she may pursue a complaint under the description of mistake, fraud, bad faith, or incompetence. The student has the option of having a representative present at this and/or subsequent meetings.

1. In the event of a problem over a grade, the student should first meet with the instructor and request an explanation of the grade. If it is uncomfortable for the student to deal with an instructor alone, a person of the student's choice may accompany him/her. If the instructor agrees to a grade change he/she fills out a grade change report in accordance with grade change correction policy.

2. If the student and the instructor cannot resolve the problem, the next step is for the student to meet with the department chair, who will attempt to mediate the issue. If the department chair is unable to achieve settlement, the next step for the student is to meet with the division dean, who will attempt to mediate the issue. The mediation effort shall include a conference with the division dean, the department chairperson, the student and the faculty employee, if available, and/or individual or combined sequential meetings between the division dean and the department chairperson, the student and the faculty employee, if available. The student may have a representative present in either event. If the issue is not resolved to the satisfaction of the student, the division dean should prepare a written summary of the mediation efforts and forward it to the vice president of instruction for the continuation of the appeal process.

3. If the student is not satisfied with these mediation efforts, he/she may request a formal hearing before a complaint review committee, which is the president’s designee. The student must submit his/her complaint in writing and should include a precise statement of the nature of the complaint (mistake, fraud, bad faith or incompetence), any facts relevant to it, and the student’s perception of a fair resolution. The complaint must be filed with the vice president of instruction, or designee, no later than one year following the end of the term when the grade was given.

The complaint review committee will be composed of three faculty members appointed by the Academic Senate, one of whom must be from the same division as the faculty member involved in the complaint; two students appointed by the ASDVC; and the vice president of instruction, or designee, who will act as chairperson. (All six shall be voting members.) A tie vote means the complaint is not proven. The results will be referred to the president.

The student may be accompanied by a representative.

a. The committee shall meet within 30 instructional days of receipt of a complaint. If the complaint is filed within four weeks of the end of a semester, the meeting may be delayed at the option of either the student, the faculty member involved or the vice president of instruction until the next semester. If the issue is not resolved to the satisfaction of the student or faculty member, they should advise the vice president of instruction and may request the meeting take place at the earliest time the other party(ies) and the vice president are available. In closed hearing, the committee will hear testimony by the student, the faculty member, the division dean who attempted mediation, and any supporting witnesses that either the student or faculty member care to introduce. The burden of proof shall rest with the complainant. Documentation may also be submitted. Summary minutes will be taken; the hearing may be tape recorded, but only with the permission of all participants.

b. Within ten instructional days, the committee, under the direction of the vice president of instruction, or designee, will meet and recommend a resolution based on a majority vote of all six members. A written recommendation will be submitted to the college president within 15 instructional days of such meeting; a minority report, if any, must be noted. Copies of the recommendations will be sent to the student, the faculty member, and all members of the committee.

If the committee does find that fraud, bad faith, or incompetence led to a grading error, the rationale for the decision must be stated in the recommendations, and the committee must recommend a replacement grade to the president.

c. The president will review the committee's recommendations, then notify the student, the faculty members, the members of the committee, the Academic Senate president and the vice president of instruction or designee, of the college president’s decision within ten instructional days of its receipt.
4. If the complaint is denied, the student will be notified of his or her right to appeal the decision to the Contra Costa Community College District governing board within 30 calendar days of notification of the decision. If the complaint is upheld, the faculty member will be notified of his/her right to appeal the decision to the Contra Costa Community College District governing board, or designee, within 30 instructional days of notification of the decision. If an instructor fails to appeal a decision of the president sustaining the student’s complaint within 30 instructional days, the president shall order the grade in question to be expunged from the student’s records and enter in its place the grade deemed appropriate by the complaint review committee.

If the decision of the president is appealed and the governing board or designee sustains the student’s complaint, the president shall order the grade in question to be expunged from the student’s records and the grade deemed appropriate by the complaint review committee entered in its place.

5. The decision of the governing board or designee is final. All records of such hearings at any level shall be destroyed at the end of one year, unless the student initiates legal proceedings relative to the disputed grade within one year.

If the decision of the governing board or designee is unfavorable to the student, or if the student accepts an unfavorable decision of the complaint review committee, the student shall have the right to submit a written statement of objections to the grade, which shall become a part of the student’s records.

Steps for resolution of grade complaints:

1. Meet with instructor for an explanation. If unresolved, then,
2. Request department chair mediation. If unresolved, then,
3. Request division dean mediation. If unresolved, then,
4. Request formal hearing with complaint review committee by submitting a formal written complaint to the office of the vice president of instruction.
   a. Hearing with committee
   b. Committee recommendation to college president
   c. President’s review and decision
5. Student and faculty member have appeal rights.
6. Final decision.

Improving a grade point average

Course repetition
When students receive a substandard grade ("D," "F," or "NP") for a course, they may enroll in it a second time without being required to request permission. If it becomes necessary for students to attempt a course for the third time, they must request special permission to do so. This request may be made online at www.dvc.edu/petition-to-repeat. Under no circumstances may a student repeat a course more than two times to alleviate a substandard grade (Title 5, section 55042).

If a student repeats the same course one time, the previous grade will not be used in the GPA calculation. Should the student repeat the same course two or more times, only the two previous grades may be disregarded from the GPA calculation. When a course is repeated all grades will appear on the transcript. An "R" notation will appear next to the first grade, and a second grade if the course is attempted three times indicating that the course has been repeated.

Academic renewal without course repetition
Academic renewal allows students to have up to 30 units of substandard grades ("D,"" F," or "NP) excluded (without the student having to repeat the course) from their grade point averages. To be eligible, students must have completed least 12 units of satisfactory work with 3.5 cumulative grade point average and up to 20 units of satisfactory work with 2.0 cumulative grade point average that has been completed within the Contra Costa Community College District or any other accredited college or university, since receiving the last substandard grade (the unit count begins the term after the substandard grade is received, in-progress terms cannot be included). The student must not have received any "D's", "F's" or "NP" since the substandard work (minimum 2.0 since substandard work). RD and I grades must be resolved before submitting a petition. Students interested in academic renewal should request a petition from the Admissions and Records Office (Title 5, section 55046) and must have a counselor sign the form before submitting it to the Admissions and Records Office.

Once applied, academic renewal may not be reversed.

Instructors’ rights policy
If a student is disrupting class, the instructor may have him or her removed, and the instructor may also remove that student from the next class meeting. For more information about removal, see the “student code of conduct” section.

The instructor must give permission before a student can record in class using an audio or video device.

Instructors have the exclusive responsibility for assigning grades. For more information, see the “grade policy” section of the catalog.
**Instructors' withdrawal option**

Students who miss the first meeting of a class may be dropped by the instructor. Any student who is absent the equivalent of two weeks of a term-length class without an acceptable excuse may also be dropped by the instructor. In these cases the student may be able to re-enter the class if the instructor agrees and signs an Instructor Reinstate Form, reinstating the student. This decision is entirely up to the instructor.

Note: There is no automatic withdrawal process, and students may receive an “F” grade for the course if they do not officially drop the class prior to the deadline. An “F” grade may not be changed to a “W” grade except in the case of documented extenuating circumstances such as serious illness or military deployment. Requests to change a grade to a W due to extenuating circumstances follow the grade change policy time line and must be made within one year of the grade being assigned.

**Alert and dismissal policy**

**Academic alert**

Students are expected to make steady progress toward their educational goals by maintaining a “C” average or higher in their courses. If a student’s cumulative record shows that he or she has completed at least 12 letter-graded units, that student must maintain a grade point average of at least 2.0, or be placed on academic alert. Students on stage one alert will be blocked from enrollment in future terms and are required to complete a workshop or schedule a meeting with a counselor. Students on stage two alert will be blocked from enrollment in future terms until they have either arranged a meeting with a counselor to develop a plan for improvement or complete the online student success workshop and complete a short quiz.

**Academic dismissal**

Students are subject to academic dismissal if, after they have been on academic alert for two consecutive terms, their grade point average in the most recent term is not 2.0 or higher. When their overall grade point average rises to 2.0 or higher, students are removed from academic alert. Students on dismissal status may be prohibited from attending DVC for up to two consecutive terms.

**Progress alert**

Students are expected to complete courses once they register for them. If a student’s cumulative record shows that he or she has enrolled in at least 12 units, that student must successfully complete more than 50 percent of all those units, or else be placed on progress alert. Students are placed on progress alert if the number of units given a “W,” “I,” “IP,” or “NP” on the student’s transcript amounts to at least 50 percent of the units attempted (this includes letter grades and units assigned the symbols “W,” “I,” “IP,” “NP,” or “RD”). Students on stage one alert will be blocked from enrollment in future semesters and are required to complete the online student success workshop and complete a short quiz or schedule a meeting with a counselor. Students on stage two alert will be blocked from enrollment in future terms until they have either arranged a meeting with a counselor to develop a plan for improvement or complete the online student success workshop and complete a short quiz.

**Progress dismissal**

Students are subject to progress dismissal if, after they have been on progress alert for two consecutive terms, they do not complete more than half of the units attempted in the current term. When students complete more than half of their cumulative attempted units, they are removed from alert. Students on dismissal status may be prohibited from attending DVC for up to two consecutive terms.

**Appeals and readmission**

Students who are placed on alert or dismissal are notified in writing. The notification includes the process for appealing the dismissal to the dean of counseling and student success programs. Dismissed students who wish to appeal their dismissal status must file a “request for reinstatement” form with the dean of counseling and student success programs and meet with a counselor to develop an educational plan. Extenuating circumstances that would allow students to successfully appeal dismissal might include, but are not limited to, health problems, family emergency, or extreme change in financial situation.
Student rights and responsibilities

STUDENT RIGHTS AND RESPONSIBILITIES

Academic integrity policy
Diablo Valley College is committed to creating an environment where student achievement is championed and celebrated. Because the college values academic integrity as an essential component of academic excellence, students are expected to be truthful and ethical in their academic work. Commitment to academic integrity is the responsibility of every student and faculty member at Diablo Valley College.

Faculty and students come from a variety of backgrounds and cultures, giving rise to different understandings of moral and ethical behavior. Faculty should clearly state well-defined standards to reduce uncertainty and clarify expectations.

Academic dishonesty is defined as: an act of deception in which a student claims credit for the work or effort of another person or uses unauthorized materials or fabricated information in any academic work. Academic dishonesty is a violation of the DVC Student Code of Conduct and will not be tolerated. Academic dishonesty diminishes the quality of scholarship at Diablo Valley College and hurts the majority of students who conduct themselves honestly.

Acts of academic dishonesty include, but are not limited to, the following:

Cheating - unauthorized copying or collaboration on a test or assignment, or the use or attempted use of unauthorized materials;

Tampering - altering or interfering with evaluation instruments and documents including transcripts;

Fabrication - falsifying experimental data or results, inventing research or laboratory data or results for work not done, or falsely claiming sources not used; or falsifying participation in a class in any way;

Plagiarism - representing someone else’s words, ideas, artistry, or data as one’s own, including copying another person’s work (including published and unpublished material, and material from the Internet) without appropriate referencing, presenting someone else’s opinions and theories as one’s own, or working jointly on a project, then submitting it as one’s own;

Assisting - assisting another student in an act of academic dishonesty, such as taking a test or doing an assignment for someone else, changing someone’s grades or academic records, or inappropriately distributing exams to other students.

Freedom of expression policy
It is the policy of the district and DVC to allow and protect reasonable and legal expressions, speeches and actions according to federal and state laws and Education Code section 76120. Students have the right to exercise free expression, including the use of bulletin boards, the distribution of printed materials and the wearing of buttons, badges or other insignia. The policy excludes expression that is obscene, libelous or slanderous according to current legal standards or that incites students to create a clear and present danger or to commit unlawful acts on community college premises or damage to persons or property. Inciting students to riot, or the violation of lawful community college regulations or the substantial disruption of the orderly operation of the community college, is also prohibited.

Copies of the district and college policies are available at the Student Life Office.

Instructional material policy
Students enrolled in credit or non-credit courses and programs may be required to provide certain instructional and other materials including, but not limited to textbooks, tools, equipment and clothing. A “materials fee” may be charged if the instructional and other materials are used in the production of an ‘end product’ that has continuing value to the student outside the classroom setting. Excerpted from Board policy 5017.

Matriculation rights and responsibilities

Student rights
The student has the right to the following matriculation services: admissions, assessment, orientation, advisement/counseling, and follow-up services (when needed).

Diablo Valley College students are guaranteed the following rights under the State of California Matriculation Regulations:

1. Prerequisites: A student may challenge a required course prerequisite as long as they meet the challenge conditions. (Please refer to the “prerequisite” section, page 17)

2. Complaints: A student may file a complaint if he or she believes DVC has failed to make a good faith effort to develop an educational plan or provide specified services once the student has declared a specific educational goal. Title 5 Section 5525(d).
Student responsibilities

As part of the State of California Title 5 Matriculation Regulations, Section 55530 (d), all students are expected to participate in the matriculation process unless they are exempt (see “exemption” below) or waive the right to participate (see “waiver, appeal, and complaint procedures” below). Through the matriculation process at Diablo Valley College, students agree to the following responsibilities:

- to express at least a broad educational intent at the time of registration and state a specific educational goal upon completion of 12 units of coursework;
- to complete a first-term individual educational plan with the assistance of a counselor prior to registering for courses. This is usually done in the orientation and advising class (Counseling 095) for new students;
- to attend and complete courses: all students are expected to attend their classes regularly, complete assigned coursework on time and complete their courses each term. Students are expected to maintain regular progress toward their educational goal;
- to seek counseling at least once per term and as needed to review, update, and expand their educational plans and goals. It is particularly important for the following students to seek counseling:
  - Students on academic or progress probation,
  - Students enrolled in developmental courses, (generally achieved through counselor visits to such classes during the term or can be achieved in consultation with the instructor or instructor advisor in the department);
  - Students who have not declared an educational goal. Such students are sent a letter explaining options available in identifying and updating their educational goal.

Exemption

Some students may choose to be exempted from assessment, orientation or counseling. Typically students seeking an exemption from matriculation services meet one of the following criteria. The student:

- has earned an associate degree or higher;
- is enrolled in a job-related course;
- has one of the following educational goals: to learn or update job skills, to maintain certificate or license, or to pursue a special personal interest;
- is enrolled in six units or less.

Waiver, appeal, and complaint procedures

Students who wish to request waivers or file appeals or complaints on the basis of their Title 5 Matriculation Rights must follow the sequence of the steps outlined. (Students filing other types of complaints or alleging discriminatory practices should follow the procedures listed in the Student Code of Conduct and Student Disciplinary and Due Process Procedures.)

1. Initial review of waiver, appeal, or complaint
   a. The student should contact the office of the dean of counseling and enrollment services and complete an “appeal or request for waiver” form or file a complaint regarding matriculation rights.
   b. The dean or designee may contact the student and schedule a meeting to discuss the problem and/or inform the student of the decision.
   c. In the event that the appeal or request for waiver is not granted, the student will be advised of his/her rights to further appeal and the correct procedures to follow.

2. Appeal to the vice president of student services or designee.
   a. If the initial appeal or request for waiver is not granted and the student does not accept this decision, the student may submit the initial form to the vice president of student services for further review.
   b. The vice president of student services or designee will review the appeal and may meet with the student if deemed necessary.
   c. The vice president of student services or designee will inform the student of the decision concerning the appeal or request for waiver.

Sexual harassment policy

It is the policy of the college to provide a work and study environment free from sexual harassment. The campus community should be aware that the college will not tolerate any conduct that constitutes sexual harassment and will take measures to ensure compliance with all applicable federal and state regulations. Formal complaints may be filed with the district, using the district unlawful discrimination form.

Sexual harassment refers to sexually oriented verbal or nonverbal behavior that is not welcome, personally offensive, debilitates morale, and interferes with the behavioral effectiveness of members of the campus community. Sexual harassment is discriminatory and unlawful.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or education, (2) submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual, (3) such conduct has the purpose or effect of substantially interfering with an individual’s academic or professional performance or creating an intimidating, hostile, or offensive employment, educational, or living environment.

Accountability for compliance with this policy rests with all members of the campus community. The president’s designee shall take appropriate steps to disseminate this policy, and the campus community shall be regularly informed of the policy.
Student rights and responsibilities

Any member of the campus community who believes he or she has been sexually harassed should promptly report the facts of the incident or incidents and the name or names of the individual or individuals involved to the president's designee. All such claims will be investigated and appropriate action will be taken. Please note that sexual harassment is a violation of the law; should an individual choose to proceed through the district, substantiated complaints may result in disciplinary action. For more information about the sexual harassment policy, please see: www.dvc.edu/harassment.

References/authority: Title VII, Section 703; Title IX of the Education Amendments of 1972. Procedures for complaints may be obtained from the office of the vice president of student services or from the SRC Student Services Office.

Student Code of Conduct - Student Services Procedure 3027

I. Introduction

The Student Code of Conduct is statements depicting the Contra Costa Community College District’s expectations regarding student standards of conduct, in both academic and nonacademic environments. Students are expected to obey all laws and District policies and regulations. Students shall be subject to discipline for violation of these laws, policies, and regulations. Student misconduct may also be subject to other regulations of the District, including but not limited to regulations regarding complaints of harassment, discrimination, intimidation, and bullying.

The primary purpose of the Student Code of Conduct is to support and protect students and to ensure their academic and personal success throughout their attendance at any of the colleges within the District. In addition, the Student Code of Conduct intends to educate students about rights, responsibilities, and violations under the Student Code of Conduct and the associated consequences. The Student Code of Conduct includes a defined process for the fair and impartial review and determination of alleged improper student behavior. The Student Code of Conduct also specifies the various sanctions that may be imposed on District students for violations of the Student Code of Conduct.

The Student Code of Conduct is designed to be consistent with the principles of due process of law. Reasonable deviations from the Student Code of Conduct will not invalidate a decision or proceeding. The Student Code of Conduct is not intended to prevent or limit lawful exercise of academic freedom or constitutionally protected free speech or expression.

II. Definitions

For the purpose of these rules and regulations, the following words and terms are defined as follows:

A. “Student” means all persons enrolled in any courses at the colleges in the district, regardless of where courses are taught, whether they are enrolled full-time or part-time, for credit or non-credit or not-for credit or contract education, and whether or not they are planning to earn a degree, certificate of achievement or other certification. Persons who are enrolled in online or hybrid courses are also considered ‘students’. Persons who are not officially enrolled for a particular term, but who have been admitted to the college and enroll in courses from time to time, and have a continuing relationship with the college are considered ‘students’.

B. “Instructor” means 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.

C. “Governing Board” means the Governing Board of the Contra Costa Community College District.

D. “District” means the Contra Costa Community College District, including but not limited to its administrative staff and each of its colleges.

E. “College” means a college operated and maintained by the District.

F. “Member of the College Community” means the District Trustees, the academic personnel, support staff, and administrative personnel of the District, the students of the District and any other person while on District or college property or at a District or college function or activity.

G. “Day” refers to a college day during which the District is in session and classes are held.

H. “Good Cause”, as defined in Education Code, Section 76033, refers to student conduct that will result in disciplinary action or sanctions in accordance with this procedure. Resulting disciplinary action may include removal, suspension or expulsion.

I. “Sexual harassment” is unwelcome conduct of a sexual nature, including (but not limited to) unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

J. “Title IX Sexual harassment or Sexual Harassment under Title IX” is limited to the following:

1. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution’s education program or activity;

2. Sexual assault (as defined in the Clery Act), dating violence; domestic violence, or stalking, as defined in the Violence Against Women Act (VAWA).
Title IX sexual harassment is also limited to conduct alleged to have occurred within an education program or activity (i.e. locations, events, or circumstances over which the institution exercises substantial control as to the respondent and the context in which the harassment occurred), against a person in the United States. Sexual harassment occurring outside the United States is not covered under Title IX sexual harassment. Sexual harassment that is not covered under Title IX sexual harassment will still be investigated and students will still be subject to disciplinary action. However, as outlined below, allegations of Title IX sexual harassment require additional procedural protections.

K. “Sexual violence” means any physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to minority/or an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment.

L. “Complainant” means any member of the college community (student, faculty or staff member) who submits a charge alleging that a student violated this Code. A complainant who accuses a student of sexual harassment or sexual violence and who believes they are a victim of these prohibited actions will be guaranteed the same rights as the student accused, including the right to present witnesses and other evidence and to be accompanied by an advisor at a hearing, the right to be notified of the outcome of the complaint and the same appeal processes as are provided to the accused student. Complainants may not be entitled to know the exact level of discipline imposed due to privacy rights.

M. “Preponderance of the evidence” means the greater weight of the evidence (i.e. it is more likely than not that misconduct occurred).

N. “Hate violence” means any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons, or the property of any person or group of persons because of ethnicity, race, color, national origin, religion, sex, sexual orientation, gender identity expression, disability or political or religious beliefs of that person or group.

O. “Affirmative Consent” means an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

P. “Supportive measures” means individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. Supportive measures can include transfer of one party or another to different classes, counseling services, or other academic or transcript adjustments.

III. Complaints of violations of the student code of conduct

A. Complaint Filed/Incident Reported

The District, through the college President or President’s designee, will investigate all reports of alleged violations of the Student Code of Conduct. Anyone who believes a section of the Student Code of Conduct has been violated should contact the President’s designee identified at each District campus. Reports of allegations are entered into a District wide system where it is assigned to the appropriate President’s designee.

Additional Title IX Requirements

For allegations of Title IX sexual harassment only, a complainant (defined as an alleged victim of sexual harassment) must be participating in, or attempting to participate in an educational activity at the college/District. Therefore, complaints from former students will not be processed under the special requirements for Title IX complaints. A Title IX coordinator may also sign a complaint on behalf of an apparent victim of sexual harassment. They may, however, still be processed as outlined herein. If, after filing a formal Title IX complaint, the complainant wishes to dismiss the complaint, they may notify the Title IX coordinator or investigator in writing of their desire to do so. However, the District, in its discretion, may still pursue the investigation process if it is not clearly unreasonable in light of known circumstances. The District also may, in its discretion, dismiss a Title IX sexual harassment complaint if it learns that the respondent is no longer enrolled.

Lastly, the District may, in its discretion, dismiss a Title IX sexual harassment complaint if specific circumstances prevent it from gathering evidence sufficient to reach a determination regarding responsibility. Dismissal of the formal complaint under Title IX does not preclude action under another policy or code of conduct. Where a previously filed formal complaint is dismissed prior to completion of the investigation process, the college/District must give the parties written notice thereof, and the reasons therefor.

The college/District may, in its discretion, consolidate formal complaints where the allegations arise out of the same facts.
B. Notice to Student

In all cases, the President’s designee, will provide written notice to the accused student(s), providing them with (1) a description of the alleged violation(s); (2) the date and location of the alleged incident(s); and (3) a required date and time for the student to contact the President’s designee to respond to the allegations.

Additional Title IX Requirements

With respect to allegations falling under the definition of “sexual harassment” under Title IX, the written notice to the student shall also include the identities of the parties involved. Additionally, both the accuser and the accused student must be informed in writing of their right to have an advisor or their choice present for the investigatory interview, and to review evidence obtained during the investigation. In addition, with respect to investigations involving allegations of Title IX sexual harassment, the written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the investigation process/appeal process. Lastly, the notice must include a statement informing the parties of any provision of the institution’s student code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the investigation/appeal/hearing process.

C. Investigation of Allegations/Mediation

The investigator will conduct interviews as necessary to determine whether any violation of the Student Code of Conduct has occurred. Interviews may be conducted with the complainant, any witnesses, and the accused student. The investigator shall also review relevant documentation and other evidence.

For alleged violations of the Student Code of Conduct not subject to Title IX or California Senate Bill 493, the Student Conduct Officer may, in its discretion, determine whether informal resolution is appropriate.

Additional Title IX Requirements

With respect to Title IX sexual harassment allegations, both the complainant and the respondent are permitted to have an advisor present during the interview. However, the advisor may not disrupt the investigation process and may not coach or answer on behalf of the party being interviewed.

Investigations should generally result in resolution within 90 calendar days after a complaint has been made, barring unexpected delays.

For allegations determined to be minor in nature by the President’s designee, a voluntary alternative to the formal investigation and hearing process, as mutually agreed upon by the President’s designee, the student, and any other involved individual, may be utilized as appropriate. The President’s designee will select a trained mediator to assist the Student and Reporting Party in attempting to resolve the allegation. The mediator can be the College Disciplinary Officer, or any other employee of the District as designated by the College Disciplinary Officer. The College Disciplinary Officer or Designee may also utilize the services of an external mediator.

D. Findings and Determination

The President’s designee will make one of the following findings following a thorough investigation of the allegations:

Not Responsible – The President’s designee determines that insufficent evidence exists, by the Preponderance of Evidence standard, for a Finding of Responsible for the alleged violation(s). The case is closed and a record is retained.

Responsible – The President’s designee determines that sufficient evidence exists, by the Preponderance of Evidence standard, for a Finding that the Student is Responsible for the alleged violation(s).

This determination may also be rendered through the Informal Administrative Resolution, where the student has admitted culpability for the alleged violation(s). The President’s designee may close the case.

E. Standard of Proof

In all cases involving alleged violations of the Student Code of Conduct, the standard of proof for determining whether a Student is Not Responsible or Responsible is the Preponderance of Evidence standard (e.g., more likely than not). This standard of proof applies to the determinations made by the College President/Designee, Hearing Authority, and Governing Board as well.

F. Additional Requirements for Title IX Sexual Harassment Allegations

Before concluding the investigation, the President/Designee must provide the parties and their advisors, if any, equal opportunity to inspect and review any evidence obtained during the investigation that is directly related to the allegations raised in a formal complaint, even if the investigator has not relied on that evidence in reaching a determination. All inculpatory and exculpatory evidence must be included, except as provided for by law, and except for a party’s medical, psychological, or similar treatment records, unless the party has provided a voluntary and consensual release for such records.
The evidence must be provided to the parties in an electronic format or a hard copy, and the parties must be given 10 calendar days to submit a written response, which the investigator must consider before the completion of the investigative report. To the extent possible, the District shall use an electronic platform that prevents the downloading of the materials. Prior to permitting the review of such evidence, the investigator must obtain a signed nondisclosure agreement from the reviewing party to prevent the circulation of the evidence subject to inspection and review.

At the conclusion of the Title IX Sexual Harassment investigation, the investigator must create an investigative report that fairly summarizes relevant evidence. The investigator must send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy for their review and written response. The final investigative report must be provided at least 10 days before any hearing so the parties have time to review and provide written responses.

G. Additional requirements for all allegations of sexual harassment pursuant to California Senate Bill 493

In determining the appropriate sanction for violations of the Student Code of Conduct, the District's primary concern shall be student safety.

An individual who participates as a complainant or witness in any investigation related to sexual harassment/stalking will not be subject to disciplinary sanctions for violations of the Student Code of Conduct that occurred at the same time or near the time of the sexual harassment/stalking incident, unless the District determines that the violation of the complainant/witness was egregious. Offenses that the District considers "egregious" include, but are not limited to, actions that places the health or safety of any other person at risk or involve plagiarism, cheating, or academic dishonesty.

Any student who submits a complaint of sexual harassment, either verbally or in writing, shall be provided with a copy of this policy, along with HR Procedure 1040.07 and Board Policy 2.02. The respondent shall also be provided with a copy of these policies, regardless of whether the accused is another student, or an employee.

The investigation and adjudication of alleged sexual misconduct is not an adversarial process between the complainant, the respondent, and the witnesses, but rather a process for the District to comply with its obligations under existing law. The complainant does not have the burden to prove, nor does the respondent have the burden to disprove, the underlying allegation or allegations of misconduct.

The District shall ensure trauma-informed and impartial investigation of complaints. Student parties shall be given an opportunity to identify witnesses and other evidence to assist the District in determining whether a policy violation has occurred, and shall be informed that any evidence available but not disclosed during the investigation might not be considered at a subsequent hearing.

Regardless of whether or not a complaint has been filed under the institution's grievance procedures, if the District knows, or reasonably should know, about possible sexual harassment involving individuals subject to the institution's policies at the time, the District shall promptly investigate to determine whether the alleged conduct more likely than not occurred, or otherwise respond if the District determines that an investigation is not required. If the District determines that the alleged conduct more likely than not occurred, it shall immediately take reasonable steps to end the harassment, address the hostile environment, if one has been created, prevent its recurrence, and address its effects.

The District shall consider and respond to requests for accommodations relating to prior incidents of sexual harassment that could contribute to a hostile educational environment or otherwise interfere with a student's access to education where both individuals are, at the time of the request, subject to District policies.

Requests for Confidentiality

If a complainant requests confidentiality, which could preclude a meaningful investigation or potential discipline of the potential respondent, or that no investigation or disciplinary action be pursued to address alleged sexual harassment, the District shall take the request seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the complainant. The District shall generally grant the request. In determining whether to disclose a complainant's identity or proceed to an investigation over the objection of the complainant, the District may consider whether any of the following apply:

- There are multiple or prior reports of sexual misconduct against the respondent.
- The respondent reportedly used a weapon, physical restraints, or engaged in battery.
- The respondent is a faculty or staff member with oversight of students.
- There is a power imbalance between the complainant and respondent.
- The complainant believes that the complainant will be less safe if the
  complainant's name is disclosed or an investigation is conducted.
- The institution is able to conduct a thorough investigation and obtain relevant
evidence in the absence of the complainant's cooperation.
If the District determines that it can honor the student’s request for confidentiality, it shall still take reasonable steps to respond to the complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the complainant. These steps may include increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys regarding sexual violence.

The District shall also take immediate steps to provide for the safety of the complainant while keeping the complainant’s identity confidential as appropriate. These steps may include changing living arrangements or course schedules, assignments, or tests. The complainant shall be notified that the steps the District will take to respond to the complaint will be limited by the request for confidentiality.

If the District determines that it must disclose the complainant’s identity to the respondent or proceed with an investigation, it shall inform the complainant prior to making this disclosure or initiating the investigation. The institution shall also take immediate steps to provide for the safety of the complainant where appropriate. In the event the complainant requests that the institution inform the respondent that the student asked the District not to investigate or seek discipline, the District shall honor this request.

Past Sexual History

The investigator or hearing officer shall not consider the past sexual history of a complainant or respondent except in the limited circumstances permitted below:

The investigator or hearing officer shall not consider prior or subsequent sexual history between the complainant and anyone other than the respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by the respondent were inflicted by another individual.

The investigator or hearing officer shall not consider the existence of a dating relationship or prior or subsequent consensual sexual relations between the complainant and the respondent unless the evidence is relevant to how the parties communicated consent in prior or subsequent consensual sexual relations.

Where the investigator or hearing officer allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the complainant and the respondent, the mere fact that the complainant and respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence proffered pursuant to this subdivision, the investigator or hearing officer shall provide a written explanation to the parties as to why consideration of the evidence is consistent with this clause.

Additional Requirements for Questioning at Hearing

The District shall prohibit questions of either party or of any witness that are repetitive, irrelevant, or harassing.

The District shall decide whether or not a hearing is necessary to determine whether any sexual violence more likely than not occurred. In making this decision, the District may consider whether the parties elected to participate in the investigation and whether each party had the opportunity to suggest questions to be asked of the other party or witnesses, or both, during the investigation.

Any hearing shall be subject to the following rules:

Any cross-examination of either party or any witness shall not be conducted directly by a party or a party’s advisor.

Either party or any witness may request to answer the questions by video from a remote location.

Student parties shall have the opportunity to submit written questions to the hearing officer in advance of the hearing. At the hearing, the other party shall have an opportunity to note an objection to the questions posed. The District may limit such objections to written form, and neither the hearing officer nor the District are obligated to respond, other than to include any objection in the record. The hearing officer shall have the authority and obligation to discard or rephrase any question that the hearing officer deems to be repetitive, irrelevant, or harassing. In making these determinations, the hearing officer is not bound by, but may take guidance from, the formal rules of evidence.

Generally, the parties may not introduce evidence, including witness testimony, at the hearing that the party did not identify during the investigation and that was available at the time of the investigation. However, the hearing officer has discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

The preponderance of the evidence standard shall apply, and is met if the District determines that it is more likely than not that the alleged misconduct occurred, based on the facts available at the time of the decision.

The District shall provide a reasonably prompt timeframe for all of the major stages of the complaint process. These timelines may be extended for good cause only, and any need to extend the timelines shall be communicated to the complainant and respondent.
Investigations shall normally be completed within 90 days of the date the complaint was formally submitted. Both the respondent and complainant should be notified of the outcome within this 90 day period.

Appeals are governed by Title 5 of the California Code of Regulations and Title IX.

The District shall not unreasonably deny a student party’s request for an extension of a deadline related to a complaint during periods of examinations or school closures.

The District shall provide a status update on the investigation if it is not possible to complete the investigation within the 90-day investigation timeline. Any extension of the 90-day timeline will be communicated to the complainant and respondent in writing, along with the reason for that extension.

The District will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

Both the complainant and respondent will receive notice if the District is conducting a formal investigation. The notice shall include a brief summary of the allegations and the alleged District policy violations under review. Any new allegations that arise during the course of the investigation that could subject either party to new or additional sanctions shall be subject to the same notice requirements.

Student parties shall have the opportunity to each have a support person or adviser accompany the student party during any stage of the process.

Student parties have the right to consult with an attorney, at their own expense, at any stage of the process if they wish to do so. An attorney may serve as a support person or adviser.

The District has counseling resources available to student parties. Additional information regarding these resources may be obtained in the counseling departments of the individual colleges, or from the District/college Title IX Coordinators.

Both respondent and complainant, if both students, shall have equal rights to appeal if the outcome is a recommendation for suspension or expulsion, or any other penalty that results in a hearing.

Interim measures (e.g. stay away orders, counseling, academic accommodations, etc.) may be put in place during the pendency of an investigation. Supportive measures (e.g. stay away orders, counseling, academic accommodation) may be provided in the absence of an investigation as well.

The District shall not mandate mediation to resolve allegations of sexual harassment, and shall not allow mediation, even on a voluntary basis, to resolve allegations of sexual violence.

The District shall not require that the complainant enter a voluntary resolution agreement or any other form of resolution as a prerequisite to receiving remedial measures from the institution which safeguard the complainant’s access to education.

When requested by a complainant or otherwise determined to be appropriate, the District shall issue an interim no-contact directive prohibiting the respondent from contacting the complainant during the pendency of the investigation. An institution shall not issue an interim mutual no-contact directive automatically, but instead shall consider the specific circumstances of each case to determine whether a mutual no-contact directive is necessary or justifiable to protect the noncomplaining party’s safety or well-being, or to respond to interference with an investigation. A no-contact directive issued after a decision of responsibility has been made shall be unilateral and only apply against the party found responsible.

Upon the issuance of a mutual no-contact directive, the institution shall provide the parties with a written justification for the directive and an explanation of the terms of the directive. Upon the issuance of any no-contact directive, the institution shall provide the parties with an explanation of the terms of the directive, including the circumstances, if any, under which violation could be subject to disciplinary action.

H. Retaliation Prohibited

Retaliation is prohibited against any individual for exercising rights under Title IX or this procedure, including the participating in or refusing to participate in the filing of a complaint, the investigation, or any proceeding or hearing.

Examples of prohibited retaliation include intimidation, threats, coercion, or discrimination, and specifically include bringing charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same fact or circumstances as a report or complaint of sex discrimination or sexual harassment.
IV. Grounds for disciplinary action

Students shall conduct themselves in a manner consistent with the Student Code of Conduct while on campus or participating off campus in online or hybrid courses, or at college sponsored events or programs, including but not limited to field trips, student conferences, debate competitions, athletic contests, club-sponsored events, and international study programs, regardless of location. Students shall also conduct themselves in a manner consistent with the Student Code of Conduct in any matter related to school activity or attendance. Students shall be suspended or expelled only for good cause.

Jurisdiction: Students may be disciplined for violations of the Student Code of Conduct wherever the District has jurisdiction under existing law, including, but not limited to, situations involving sexual harassment and sexual assault, regardless of where and when such offenses occurred. The college may have an obligation to respond to student-on-student harassment that initially occurred off campus. Because students often experience the continuing effects of off-campus harassment in the educational setting, colleges should consider the effects of off-campus conduct when evaluating whether the District has jurisdiction to process the complaint. The college should take steps to protect a student who was assaulted off campus from further harassment or retaliation from the perpetrator and their associates.

The Student Code of Conduct applies to off-campus conduct when the effects of the off-campus conduct create a hostile environment or impact a substantial District/college interest. A substantial District/college interest may include:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, a single or repeated violation(s) of any local, state, or federal criminal statute or ordinance;
2. Any situation where it appears that a student may present a danger or threat to the health or safety (including emotional safety) of themselves or others;
3. Any situation that significantly impinges upon the rights, property, or achievements of self or others, or that significantly breaches the peace or causes significant disruption; and
4. Any situation that is detrimental to the educational interest of the District/college.

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

1. Acts of academic dishonesty, including, but not limited to:
   a. cheating defined as unauthorized copying or collaboration on a test or assignment, or the use or attempted use of unauthorized materials;
   b. tampering defined as altering or interfering with evaluation instruments or documents;
   c. fabrication defined as falsifying experimental data or results, inventing research or laboratory data or results for work not done, falsely claiming sources not used or fabricating or falsifying documentation to try to change a course grade;
   d. lying;
   e. plagiarism defined as representing someone else’s words, idea, artistry, or data as ones’ own, including copying another person’s work (including published and unpublished material, and material from the Internet) without appropriate referencing, presenting someone else’s opinions and theories as one’s own, or working jointly on a project, then submitting it as one’s own; or
   f. assisting others in an act of academic dishonesty, defined as assisting another student in an act of academic dishonesty, such as taking a test or doing an assignment for someone else, changing someone’s grades or academic records, or inappropriately distributing exams to other students.
2. Other forms of dishonesty, such as lying, plagiarism, knowingly furnishing false information, or reporting a false emergency to any college official, faculty or staff member or office or to the District;
3. Forgery, alteration, misappropriation or theft, misuse of any District or college document, record, key, electronic device, or identification including, but not limited to, unauthorized grade changes and forged signatures on official college forms;
4. Misrepresentation of oneself or of an organization to be an agent of the District;
5. Obstruction or disruption on or off District property of teaching or of the District’s educational process, administrative process, disciplinary procedures, or other District functions and activities, on or off District property;
6. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
7. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact, verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.

8. Engaging in harassing or discriminatory behavior based on disability, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.

9. Vandalism, graffiti, or other willful misconduct which results in cutting, defacing, or other damages to any real or personal property owned by the District or a member of the college community;

10. Assault, battery, violence or threat of violence, or any willful misconduct which results in an injury or death of a student or District personnel or behavior that threatens the health and safety of any member of the college community;

11. Theft of District property, or property in the possession of, or owned by, a member of the college community;

12. Violation of District or college policies or regulations including but not limited to those concerning the formation and registration of student organizations, the use of college facilities or the time, place, and manner of public expression or the distribution of leaflets, pamphlets, or other materials;

13. Failure to comply with the directions of District or college officials acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so;

14. The use, sale, distribution, or possession on District property of, or presence on District property of any controlled substances, or any poison classified as such by Schedule D section 4160 of the Business and Professions Code or other California laws on District property or at any District-sponsored event. Use of a prescription drug if the prescription was not issued to the student, or the distribution or sale of a prescription drug to a person to whom the prescription was not originally issued. Intentionally or recklessly inhaling or ingesting substances (e.g., nitrous oxide, glue, paint, etc.) that will alter a student’s mental state is also prohibited. Possession of drug paraphernalia including, but not limited to, bongs or glass pipes is prohibited. This regulation does not apply when the person named on the prescription possesses the drugs or narcotics or when the drugs or narcotics are permitted for and are being used in research, instruction, or analysis;

15. Possession, consumption, sale, distribution or delivery of any alcoholic beverage on District property in college buildings or on college campuses, or at college-sponsored or supervised activities, regardless of their location, unless authorized by college officials;

16. Possession or use of explosives, dangerous chemicals, or deadly weapons on District property or at a campus function, without prior authorization of the College President;

17. Engaging in lewd, indecent, or obscene behavior on District-owned or controlled property or at a District-sponsored or supervised function;

18. Rape, date rape, sexual harassment, sexual violence, sexual assault, or threat of an assault upon a student or member of the college community on District property, or at a college or District-sponsored or supervised function;

19. Sexual misconduct, including sexual activity in the absence of affirmative consent. Sexual contact without affirmative consent is a form of sexual misconduct as is any intentional sexual touching with any object by a person upon another person, that is without affirmative consent and/or by force. Sexual contact includes intentional contact with the breast, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner, as well as non-consensual sexual intercourse, including vaginal or anal penetration by a penis, object, tongue, or finger, or oral copulation (mouth to genital contact), no matter how slight the penetration or contact;

20. Sexual assault, defined as actual or attempted sexual contact with another person without that person’s consent, regardless of the victim’s affiliation with the community college, including, but not limited to, any of the following:
   a. Intentional touching of another person’s intimate parts without that person’s consent or other intentional sexual contact with another person without that person’s consent.
   b. Coercing, forcing, or attempting to coerce or force a person to touch another person’s intimate parts without that person’s consent.
   c. Rape, which includes penetration, no matter how slight, without the person’s consent, of either of the following:
      1. The vagina or anus of a person by any body part of another person or by an object.
      2. The mouth of a person by a sex organ of another person.
21. Sexual exploitation, defined as a person taking sexual advantage of another person for the benefit of anyone other than that person without that person’s consent, regardless of the victim’s affiliation with the community college, including, but not limited to, any of the following:
   a. Prostituting another person.
   b. Recording images, including video or photograph, or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent.
   c. Distributing images, including video or photograph, or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure and objected to the disclosure.
   d. Viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent, and for the purpose of arousing or gratifying sexual desire.
22. Unauthorized use of, or misuse of District property, including, but not limited to, unauthorized possession, duplication or use of District keys and/or unauthorized entry into, unauthorized use of, or misuse of District property;
23. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the Governing Board, or college policy;
24. Knowingly assisting another person in the commission of a violation of the Student Code of Conduct;
25. Misuse of computers and networks which includes but is not limited to utilizing an unauthorized account, password, campus network, interfering with normal computer operations, circumventing data protection schemes or uncovering security loopholes, or violating terms of the software agreements. It also includes unauthorized entry, use, transfer, or tampering with the communications of others, and interference with the work of others, and with the operation of computer and electronic communications facilities, systems, and services;
26. Stalking, which is defined as engaging in a repeated course of conduct directed at a specific person that would cause a reasonable person to fear for their or others’ safety or to suffer substantial emotional distress. For the purpose of this definition, course of conduct means two or more acts, including, but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveys, threatens, or communicates to or about a person, or interferes with a person’s property; reasonable person means a reasonable person under similar circumstances and with the same protected status as the victim; substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
27. Unauthorized Electronic/Digital Recording. Electronic/digital recording by any person on District Property without that person’s knowledge or consent. This definition shall not apply to recordings conducted in public or a commonly recognized public event. Electronic/digital recordings or streaming are prohibited in classrooms, labs, during lectures, or on field trips without the prior approval of the Instructor or having proper authorization by the College DSPS Office.
28. Unauthorized Use of Course or Copyrighted Materials. Students of the District will abide by all aspects of United States copyright law, Title 17 of the United States Code, to the extent possible, under authoritative interpretation of the law. Students shall not reproduce copyrighted materials without prior permission of the copyright owner, except as allowed by the “fair use” doctrine.
29. Willful disruption of the orderly operation of a college campus or District site/facility;
30. Leading or inciting others to disrupt scheduled and/or normal authorized activities;
31. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at college sponsored or supervised events;
32. 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.
33. Endangering the welfare of others, including a violation of any state or federal law relating to the placing at risk of physical or emotional harm of a member of the District community.
34. Failure to appear before a District official when directed to do so.
35. Failure to identify oneself to, or comply with the directions of, a District official, employee, policy, law enforcement, or other public official when requested to do so; or resisting or obstructing such District or other public officials in the performance of or the attempt to perform their duties.
36. Failure to obtain a permit when a permit is required.
37. Failure to: (a) repay debts to the District; (b) return District property; (c) return property of any member of the District community.
38. Knowingly and purposefully, causing, making, and/or circulating a false report or warning of an emergency, such as a fire, explosion, crime, or other catastrophe.
39. Participation in hazing or any method of initiation or pre-initiation into a campus organization or other activity engaged in by the organization or members of the organization at any time that causes, or is likely to cause, physical injury or personal degradation or disgrace which can inflict psychological or emotional harm to any Student or other person.
40. Engaging in the inappropriate usage of social media. Using social media to harass, intimidate, or threaten other individuals. Usage of social media that will have indirect or direct impact on an individual or interference with the educational process.
41. Misuse of identification, including transferring, lending, borrowing, altering or unauthorized creation of identification.
42. Any other cause identified as good cause by Education Code section 76033, not identified above; or any applicable Penal Code sections, or other applicable local, state, or federal laws; and
43. Any other ground constituting good cause.

C. Violation of parking laws, regulations, or rules shall not be cause for the removal, suspension, or expulsion of a student (California Education Code Section 76036).

D. Nothing in these procedures shall preclude a student with a disability from receiving appropriate accommodations as identified by Disability Support Services.

V. Responses to code of conduct violations
The following actions and sanctions may be imposed, individually or in various combinations, on any student alleged or found to have violated the Student Code of Conduct. With the exception of situations involving alleged sexual misconduct, the following designations of “subject to appeal” and “not subject to appeal” apply.

Non-Disciplinary Action – Not Subject to Appeal
WARNING – A warning is a written or oral notice to the student that continuation or repetition of certain conduct may result in disciplinary action.
REMOVAL FROM CLASS – Exclusion of the student from class by an instructor. The period of removal will not exceed the day of the removal and, if deemed necessary, the next class meeting.
SUPPORTIVE MEASURES – Measures taken to ensure equal educational access and protect safety. Measures may include transfer of one party or another to different classes, no contact orders, counseling services, or other academic adjustments.

Disciplinary Action – Not Subject to Appeal
WRITTEN OR ORAL REPRIMAND – An admonition to the student to cease and desist from conduct determined to violate the Student Code of Conduct.
RESTITUTION – Restitution is reimbursement by the student for damage to, loss of or misappropriation of property. Restitution may take the form of appropriate service by the student to repair property or otherwise compensate for damage.

PROJECTS AND ASSIGNMENTS – Projects and assignments may include community service, educational projects and essays, service to the college, and other related discretionary assignments.

DISCIPLINARY PROBATION – Probation is a status imposed for a specific period of time in which a student must demonstrate that his or her conduct conforms to District standards of conduct as set forth in these regulations. Conditions may be imposed at the discretion of the District or the President’s designee. Misconduct during the probationary period or violation of any conditions of the probation may result in more serious disciplinary action, such as loss of privileges, suspension, or expulsion.

LOSS OF PRIVILEGES – Loss of privileges is the denial of extra-curricular activities or other special privileges for a designated period of time. Loss of privileges may also include facility access limitations. Violation of any condition or campus regulation during the period of sanction may result in far more serious disciplinary action, such as suspension or expulsion.
HOLD ON RECORDS – Hold on Records which consists of withholding of student records or adding administrative holds on student accounts that restrict registration activities. The President’s designee may impose such withholding when a student fails to repay debts to the District, return District equipment or make restitution to the District. A hold on records may also be asserted if a student does not comply to requests such as, but not limited to, required Administrative Review or appointments.

SHORT-TERM SUSPENSION – Exclusion of the student by the President’s designee for good cause from one or more classes for a period of up to ten consecutive days of instruction.

Disciplinary Action – Subject to Appeal

LONG-TERM SUSPENSION – Exclusion of the student by the College 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, up to a maximum of five years.

Disciplinary Action – Final Determination Made By Governing Board

EXPULSION – Expulsion is the permanent termination of student status by the Governing Board for good cause when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. A student who is expelled is prohibited from participating in any college activities or programs and from entering District premises.

REVOCAIION OF DEGREE OR CERTIFICATION – A degree or certificate awarded from the college may be revoked for fraud, misrepresentation, or other violation of college standards in obtaining a degree or certification, or for other serious violations committed by a student prior to graduation.

VI. Reciprocity of Sanctions

During a period of suspension from all classes at a college or expulsion, the suspension or expulsion shall apply to all colleges within the District. Other disciplinary actions or sanctions may apply to the student at all District colleges.

VII. Documentation and protection of alleged victims

Any disciplinary action imposed on a student, including oral warnings, must be documented in writing via written notice to the student, and in the student’s records, as outlined below. Where the conduct of the student appears to have caused, will cause, or may cause an ongoing threat to others, including students or staff, the District shall consider any measures that may be appropriate to protect those individuals, including written directives to the student, seeking of a temporary restraining order, report to the police, etc. Where the alleged misconduct involves violation of the District’s anti-discrimination and/or sexual harassment/sexual assault policies, the alleged victim must be provided with a copy of the District’s complaint policies and procedures. In evaluating the type of discipline to be imposed, the President’s designate must review the student’s past disciplinary record to determine whether the student has been previously disciplined in the past, particularly for similar offenses. Where the student has been disciplined in the past for similar offenses, a more severe consequence must be imposed.

VIII. Record of disciplinary action

A. Education Code Section 76220 Requirements:

In accordance with Education Code section 76220, Community College Districts shall establish, maintain and destroy student records according to regulations adopted by the Board of Governors of the California Community Colleges. The President’s designee will create a record of disciplinary actions, along with relevant supporting documents and evidence. Consistent with the Family Educational Rights and Privacy Act and District Student Services Procedure 3009, this record shall be maintained as a confidential student education record and may not be released without the permission of the student, except as permitted by law and policy. The student shall have a right to inspect the record and to challenge the contents. Disciplinary records shall be retained in a manner consistent with federal and state law and District policy, and may be destroyed in a manner consistent with District Administrative Procedure 1900.01.
B. Education Code Section 76234 Requirements:
   In accordance with Education Code section 76234, whenever there is included in any student record information concerning any disciplinary action taken by the college or District in connection with any alleged sexual assault or physical abuse, including rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault, or any conduct that threatens the health and safety of the alleged victim, the alleged victim of the sexual assault or physical abuse shall be informed within three (3) days of the results of any disciplinary action by the college and the results of any appeal. The alleged victim shall keep the results of that disciplinary action and appeal confidential.

C. Title IX requirements:
   For any complaints involving allegations of Title IX sexual harassment, as defined above, the District must maintain documentation for seven (7) years, as required below:
   1. Investigations, including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the institution's education program or activity;
   2. Any appeal and the result therefrom;
   3. Any informal resolution; and
   4. All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.
   5. Records of any actions (including any supportive measures) taken in response to a report or formal complaint of sexual harassment. In each instance, the institution must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the institution's education program or activity.
   6. If no supportive measures were provided to the complainant in a Title IX sexual harassment matter, the President/designee must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

IX. Procedure for removal by instructor
   An instructor, for good cause, may remove a student from his or her class for the day of the removal and the next class meeting. (California Education Code Section 76032 and 76033.)

A. Procedures Before The Removal.
   1. The instructor shall notify the student of the instructor's consideration of the removal from class and the reasons for the proposed removal.
   2. The instructor may remove the student from the classroom immediately. Under normal conditions, the instructor should permit the student an opportunity to present a rebuttal to the accusation or otherwise offer relevant comment on the proposed removal. There need be no delay between the time notice is given to the student and the time of such a review.
   3. The instructor shall decide whether or not to proceed with the proposed removal after hearing the student's explanation and considering all of the information relative to the issue. There need be no delay between the time notice is given to the student and the removal.
   4. The decision may be given to the student either orally or in writing.
   5. The instructor's decision is final and may not be appealed.

B. Procedures After The Removal.
   1. Immediately following the removal, the instructor must notify the President's designee of the removal so that appropriate action can be taken.
   2. If the student removed is a minor, the College President or President's designee shall ask the parent or guardian of the student to attend a parent conference regarding the removal as soon as possible. If the instructor or the parent or guardian so requests, a college administrator shall attend the conference.
   3. The instructor may request that the student meet with the College President or President's designee, within three (3) days of removal, prior to returning to class.
   4. During the period of removal from class, the student shall not be returned to the class without the concurrence of the instructor.
   5. After the student returns to class, if there are additional incidents of disruption or other behavior constituting good cause, the faculty member will provide the necessary documentation to the President's designee so that more serious consequences, such as suspension from this particular class or from all classes for the rest of the semester, can be assigned.
X. Procedures for short-term suspension, long-term suspension, or expulsion

The following procedures shall be taken before suspension or expulsion except as noted in Section XIV Emergency/Interim Suspension.

A. Administration. The President’s designee shall administer these procedures and take appropriate action, subject to the approval of the college President and the Governing Board if required herein or otherwise by law.

B. Reporting Of Conduct. Alleged student misconduct shall be reported to the President’s designee. The President’s designee shall be an individual designated by the college President as being responsible for administration of matters relating to Student Conduct. Any official may be designated as the President’s designee, whenever necessary for the efficient operation of the District.

C. Investigation. Upon receiving a report of alleged student misconduct, the President’s designee shall initiate an investigation in accordance with Section III(C).

D. Notice. Before imposing discipline, the President’s designee will provide the student with written notice of the conduct warranting discipline. The written notice will include the following:

1. The specific section of the Student Code of Conduct that the student is accused of violating
2. A short statement of the facts supporting the accusation
3. The right of the student to meet with the President’s designee to discuss the accusation, or to respond in writing
4. The nature of the discipline that is being considered

If the student is a minor, the President’s designee shall also notify the parent or guardian in writing of the investigation and charges.

E. Meeting. The student will be provided an opportunity to attend a meeting with the President’s designee. The meeting will be scheduled within a reasonable period of time (normally within five (5) days following the delivery to the student of the notice referred to above). At the meeting, the student must again be told the facts leading to the accusation, and must be given the opportunity to respond verbally or in writing to the accusation. If a student chooses not to meet with the President’s designee, or does not attend the scheduled meeting, the President’s designee may proceed with proposed discipline without meeting with the student.

A student may elect to be accompanied by an advisor of their choosing. The role of the advisor is passive in this procedure. The advisor may be present at the meeting and may counsel the student. The advisor may not address the President’s designee and shall not be permitted to participate in any way during the meeting except to offer counsel to the student.

F. Determination and Notice to Student. After considering all of the information and evidence presented, including any explanation provided by the student (in the meeting and/or in writing), the President’s designee shall decide whether or not to proceed with the proposed suspension or to recommend expulsion. The President’s designee shall proceed as follows in accordance with the determined disciplinary action:

Short-Term Suspension – Within five (5) day after the meeting, the President’s designee shall provide written notice of the decision to the student. The notice will include the length of time of the suspension. The President’s designee’s decision on a short-term suspension shall be final and cannot be appealed, except in situations in which the suspension is the result of a formal complaint of Title IX sexual harassment. In instances involving a formal complaint of Title IX sexual harassment, the student shall be entitled to appeal as outlined below.

Long-Term Suspension – Within five (5) after the meeting described above, the President or President’s designee shall provide written notice of the decision to shall be provided to the student pursuant to (H) Notification of a Long-Term Suspension.

Expulsion – Within five (5) days after the meeting described above, the President or President’s designee shall decide whether to recommend expulsion to the Board of Trustees. Written notice of the decision shall be provided to the student, pursuant to (I) Notification of a Recommendation for Expulsion.

G. Notice To The College President. The President’s designee shall report any disciplinary action imposed to the college President.

H. Notification of a Long-Term Suspension. The President’s designee shall promptly send the student a letter of notification that is hand delivered or sent via certified mail to the student’s last known address. The notification shall include:

1. A statement of the charges, the decision regarding disciplinary action, and a description of facts related to the misconduct, including the evidence against the student, the date(s), time(s), and location(s) of the offense(s).
2. A copy of the Student Code of Conduct and Board Policy 3012.
3. An explanation that a student who has been suspended for more than five (5) days is entitled to appeal the decision and has a right to a further hearing (“Appeal Hearing”). The notification shall also state that a request for an Appeal Hearing shall be filed within five (5) business days of the service or mailing of the notification, whichever is earlier. The written request for an appeal hearing must be submitted to the President’s designee, and must cite the specific ground(s) for the appeal (from those listed below), and provides information which substantiates the ground(s) on which the appeal is being made.
4. An explanation that, if the student does not request a hearing within five (5) business days, the decision will be final and no longer subject to appeal.

5. Grounds for appeal - A student may appeal the decision of the President’s designee on grounds that:
   a. Fair consideration was not provided to the student, (i.e., there is evidence that some aspect of the disciplinary process was prejudicial, arbitrary, or capricious);
   b. New and significant information, not reasonably available at the time of the initial decision, has become available, and/or;
   c. The sanction or remedy imposed is not in due proportion to the nature and seriousness of the offense. Any evidence supporting these grounds must be included in the request for an appeal hearing.

6. A statement that the student has the right to be accompanied at the Appeal Hearing by an on-campus advisor of his or her choice. If the student decides to be accompanied by an advisor, the name and address of that advisor must be submitted to the President’s designee at the time the appeal is filed.

7. The Notification may include terms that must be satisfied prior to reinstatement, as deemed necessary and appropriate by the President or President’s designee.

I. Notification of a Recommendation for Expulsion

1. The appropriate District official shall promptly send the student a letter of notification that is hand delivered or sent via certified mail to the student’s last known address. The notification shall include:
   a. A statement of the charges, the decision regarding disciplinary action, and a description of facts related to the misconduct, including the evidence against the student, the date(s), time(s), and location(s) of the offense(s).
   b. A copy of Student Services Procedure 3027 and Board Policy 3012.
   c. The date, time, and location of the expulsion hearing.

XI. Procedure for appeal of a long-term suspension

A. Student Right To Appeal. The student may accept a long-term suspension without admitting the conduct charged. In such a case, the decision of the President’s designee will be final. Should the student not accept the long-term suspension, the student has a right to appeal. An appeal must be filed by the student no later than five (5) business days from the date the notification letter is personally served or mailed. The appeal must demonstrate acceptable grounds for an appeal, as described in the notification.

B. Schedule of Hearing. The President’s designee shall schedule an Appeal Hearing to be held no later than working 30 days from the date of the statement of charges is sent/delivered to the student. The President’s designee shall notify the student in writing of the date, time, and location of the Appeal Hearing.

XII. Hearing authority for long-term suspension appeal hearing

A. The college President will assign either an Administrative Hearing Officer or may utilize a Student Discipline Committee (“Committee”) to conduct Appeal Hearings at the college (“Hearing Authority”).

B. An Administrative Hearing Officer may be a college official, or may be a licensed California attorney with experience in student discipline and due process issues.

C. A Committee shall include: one faculty member, one administrator or manager, and one student. The selection process for the Committee, if any, will normally occur at the beginning of each academic school year.

1. The Academic Senate will select a faculty representative and alternate(s). Vacancies will be filled by an action of the Academic Senate.

2. The Associated Student Body will select a student representative and alternate(s). Vacancies of student members shall be filled by an action of the Associated Student Body.

3. The College President will select the administrative or management representative and alternate(s). The administrative or management representative will serve as the Committee Chair. The student or the college employee shall notify the Committee if he or she has a conflict of interest because he or she is involved in the discipline matter, or has a personal relationship with any of the involved parties, and, therefore, is unable to serve as a neutral party.

4. Alternate faculty, administrative, and student members shall be appointed to ensure that a standing committee can always be convened promptly.
XIII. Long-term suspension appeal hearing procedures

A. The President’s designee shall submit to the Hearing Authority: a description of the charges, notices, request for hearing submitted by the student, evidence, and a copy of the proposed decision.

The Chair will call the Appeal Hearing to order, explain the procedures of the Appeal Hearing, and have all Parties introduce themselves.

B. The Chair/Hearing Authority will present the rules governing the hearing. The Chair shall guarantee control of the hearing, making certain that all participants respect the right of others to make statements, and to ensure confidentiality of such statements.

C. The President’s designee shall present relevant evidence regarding the alleged misconduct. The evidence presented may include live witness testimony, declarations submitted under penalty of perjury, and documentary evidence. Following the testimony of each witness, the accused student and Hearing Authority will have the opportunity to cross-examine witnesses. The accused student may then present any relevant evidence, including live witness testimony, declarations submitted under penalty of perjury, and documentary evidence. The President’s designee and Hearing Authority will then have the opportunity to cross-examine witnesses. Opening and closing statements shall be limited to five (5) minutes. The President’s designee shall speak first, followed by the student.

D. The Hearing Authority shall rule on all questions of procedure and admission of evidence. Only relevant and material evidence shall be presented to and considered by the Hearing Authority. Irrelevant, immaterial, and/or unduly repetitious evidence shall be excluded.

E. Hearings need not be conducted in accordance with strict rules of evidence or formality of a court hearing.

F. The Hearing Authority shall consider no evidence other than that evidence received at the hearing. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself, to support a finding.

G. A student may be accompanied by an advisor of his or her choosing, at the student’s request. The role of the advisor is passive in this procedure. The advisor may be present at the hearing and may counsel the student. The advisor may not address the Hearing Authority and shall not be permitted to participate in any way during the hearing except to offer counsel to the student. If the student wishes to be represented by an attorney, a request must be submitted, in writing, not less than 14 days prior to the hearing. If the student is represented by an attorney, the President’s designee may request legal assistance. Any legal advisor provided to the panel may act in an advisory capacity but shall not serve as a member of the panel nor participate in any vote.

H. The Appeal Hearing shall be closed to protect the privacy and confidentiality of everyone involved unless the student and District agree in writing to have a public hearing at least five (5) days in advance of the hearing. A closed hearing will be closed to everyone except the following:

1. The student charged;
2. The Hearing Authority;
3. An advisor for the student charged, if so desired;
4. The President’s designee;
5. A witness, while presenting evidence;
6. An on-campus advisor for a witness while presenting evidence.

I. An official audio or video recording of the hearing shall be kept. The record shall be the property of the District. The student charged may listen to the tape at a mutually agreeable location at the college. An accused student may, upon request, be provided a copy at his or her own expense.

J. An accused student who fails to appear for the hearing after having been notified of an Appeal Hearing is deemed to have waived their rights to participate in the appeal. The Appeal Hearing shall be terminated and the Appeal Committee shall be dismissed. The initial recommendation for disciplinary action shall stand.

K. Additional Requirements for Hearings Involving Title IX Sexual Harassment Allegations:

1. The Hearing Authority must be free from conflict of interest or bias and must have received training on (a) how to serve impartially (b) issues of relevance and how to rule on relevance objections; (c) how to apply the rape shield protections provided for complainants; and (d) any technology to be used at the hearing.

2. Every witness at the hearing must be subject to cross-examination by the parties’ advisors.

3. The Hearing Authority must allow a party’s advisor to directly and in real time present all relevant questions and follow up questions to another party or witness. Cross-examination must come from a party’s advisor and may not come directly from a party.

4. If a party does not have an advisor for the hearing, the District/College must provide that party with an advisor at no cost, for the purpose of conducting cross-examination on behalf of the party, or, in the discretion of the District/College, for the duration of the hearing in general.
5. If a party or witness does not submit to live cross-examination, the panel or hearing officer cannot rely on any statement made by that party or witness when making the decision about the respondent’s responsibility. This includes statements made during the investigation process.

6. Police reports, sexual assault nurse examiner (SANE) reports, medical reports, and other documents and records may not be relied on to the extent they contain the statements of a party or witness who has not submitted for cross-examination. In addition, where the evidence is a text exchange or an email thread and one party has refused to submit to cross-examination, but the other has not, the panel or hearing officer may rely only upon the statements made by the party who was cross-examined. However, the panel or hearing officer is not prevented from relying on a description of the words allegedly used by a respondent if they constitute part of the alleged sexual harassment at issue because the verbal conduct does not constitute the making of a factual assertion to prove or disprove the allegations of sexual harassment.

7. The panel/hearing officer cannot draw any inference regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

8. Questions posed to parties and witnesses at the hearing must be relevant. Before a complainant, respondent, or witness answers a cross-examination or other question, the panel/hearing officer must determine whether the question being asked is relevant and, upon objection on relevance grounds, provide an explanation as to any decision to exclude a question as not relevant.

9. Questions relating to a complainant’s prior sexual behavior are deemed not relevant, unless the questions are offered to prove someone else was responsible for the alleged conduct or offered to prove consent.

10. At the request of either party, the District/College must provide for the entire hearing to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other.

L. Additional Hearing Requirements For Sexual Misconduct Matters Not Subject to Title IX

In cases of student sexual misconduct that are not subject to Title IX, when an accused student is subject to severe disciplinary sanctions (e.g. suspension or expulsion), and the credibility of witnesses was central to the investigative findings, District student discipline procedures must provide an opportunity for the accused student to cross-examine witnesses indirectly at a live hearing, either in person or by video conference.

For purposes of this section, “indirect” cross-examination shall be conducted as follows: Any question to the witness shall be asked by a neutral party appointed by the District for the sole purpose of asking questions. The neutral party shall not be the accused student, the accused student’s representative, or a member of the hearing panel. The accused student may submit written questions before and during the cross-examination, including any follow-up questions. The neutral party asking questions shall not exclude any questions unless there is an objection to the question by the hearing panel.

XIV. Hearing authority’s consideration and recommendation

Following presentation of the evidence, the Hearing Authority shall privately consider the evidence with all persons excluded. The Hearing Authority shall send a written report to the College President, and a copy to the complainant and the respondent, within five (5) working days of the termination of the hearing. The report shall contain the following information:

A. A summary of factual findings and a determination that the accused student did or did not commit the act(s) charged.

B. A finding that the student’s act(s) did or did not constitute a violation of the Student Code of Conduct.

C. A recommendation for upholding or modifying the proposed discipline. The Hearing Authority may also recommend further investigation.

D. The sanctions imposed on the respondent and the remedies provided to the parties, including the rights of the parties to appeal the decision, if applicable.
XV. College president’s decision  
A. The college President shall reach a decision after reviewing the report submitted by the Hearing Authority. The college President may refer the matter back to the Committee or hearing officer for further clarification on details of the case, such as evidence and findings of fact. The college President may uphold the long-term suspension or recommend expulsion, uphold the recommendation by the Hearing Authority, or adopt a lesser or different sanction, if appropriate. A written statement of the decision shall be sent via certified or registered mail to the student’s last known address within ten days of the college President’s receiving the Hearing Authority’s recommendation.  
B. The decision of the college President to suspend, recommend expulsion, or impose a lesser sanction shall be final and not subject to further appeal. However, as noted below, an expulsion is not final until it is approved by the Governing Board.  
C. The college President shall report a disciplinary suspension or expulsion recommendation of any student to the Governing Board at its next regular meeting. A copy of the suspension determination or expulsion recommendation, including the reasons for the disciplinary action, suspension, shall be placed in the student’s permanent disciplinary record (not the transcript).  
D. If the college President determines that a student should be expelled, he or she will forward that recommendation through the Chancellor, to the Governing Board for final approval.  
E. In the event that a college President is or will be unavailable for the making of a prompt decision, the college President or Chancellor may appoint an unbiased designee to act on the appeal.  
F. For any hearing involving allegations of Title IX sexual harassment, both the complainant and the respondent shall have the right to appeal the decision to the Governing Board.  

XVI. Emergency interim suspension/interim restriction  
A. Interim measures are in effect immediately and shall not be delayed. These Interim actions may include:  
1. **Interim Suspension** – A Student who is suspended on an interim basis is subject to all of the same restrictions as if they had been suspended as a final sanction.  
2. **Interim Restriction** – These restrictions may include but are not limited to:  
   a. Restricted access to District facilities and District events;  
   b. No-contact orders with specific individuals; or  
   c. Any other restrictions deemed by the College Disciplinary Officer or Designee to be necessary to achieve the goals stated above.  
B. An emergency/summary suspension is an immediate suspension imposed upon a student for good cause. (California Education Code Section 66017.)  
C. The college President or the President’s designee may impose an emergency interim suspension. It is an extraordinary measure and shall be utilized when necessary to protect lives or property and to ensure the maintenance of order pending a hearing. Prior to imposing these measures, the District/college shall do the following:  
   1. Undertake an individualized safety and risk analysis to determine whether there is an immediate threat to the physical health or safety of any person;  
   2. Make an affirmative determination that such an immediate threat exists based on its individualized safety and risk analysis;  
   3. Provide the Respondent with notice and an opportunity to challenge the emergency decision immediately following the respondent’s removal.  
D. A preliminary hearing shall be provided within ten (10) calendar days of an emergency interim suspension. (California Education Code Section 66017.) The procedures set forth in Section XIII shall apply to the preliminary hearing.  
E. An emergency interim suspension shall be reported to the Governing Board at its next regular meeting after such suspension has been imposed. A copy of the suspension may be placed in the student’s permanent record at the discretion of the college President.
XVII. Notification of law enforcement
The college President or President’s designee shall, upon suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is situated of any acts of the student which may be in violation of Section 245 of the Penal Code. (California Education Code Section 76035.)

XVIII. Extensions of time
The college President or President’s designee shall, upon Calendar restraints may be extended with the agreement of both parties.

XIX. Expulsion
The Governing Board has the sole authority to expel a student. If the College President determines that a student should be expelled, he or she shall send the recommendation through the Chancellor to the Governing Board.

A. Within 30 instructional days of the receipt of the recommendation from the college President, and with the agreement of the Chancellor, the Governing Board shall conduct a review of the President’s decision on the expulsion in closed session.

1. Before commencement of the hearing, the Governing Board shall review a description of the charges, notices, evidence, findings, and a copy of the proposed decision from the college-level disciplinary appeal hearing. The Governing Board shall consider no evidence other than that evidence received in the hearing process.

2. The college President (or the President’s designee) shall make a brief statement to the Governing Board, referring to relevant evidence regarding the alleged misconduct.

3. The accused student may then make a brief statement to the Governing Board and present any relevant evidence.

4. The statements shall be limited to five (5) minutes.

5. Upon completion of these statements, the Governing Board will have an opportunity to ask questions of both the student and the College President (or President’s designee).

6. The Governing Board will conclude the hearing, dismiss the parties, and privately deliberate as to a decision.

7. The Governing Board shall issue a statement of decision to either uphold the College President’s decision regarding the expulsion, or modify that decision. If the Governing Board’s decision is to modify the decision, it must include legal and factual support for that decision. The Governing Board may also recommend further investigation.

8. Pursuant to Education Code section 72122, the final action of the Governing Board shall be taken in open session, and the result of that action shall be a public record. The name of the student, however, shall not be released.

9. The Chancellor’s Office will send a written statement of the Governing Board’s decision via certified or registered mail to the student’s last known address within three (3) working days of the hearing.

10. If the Governing Board’s decision is unfavorable to the student, the student shall have the right to submit a written statement of his/her objections to the decision. This statement shall become a part of the student’s records.

11. The decision of the Governing Board is final, and not subject to further appeal.

XX. Board consideration of title IX hearing appeals
A. Grounds for Appeal
Under the August 2020 Title IX regulations, for any sexual harassment complaint governed by Title IX, as defined above, both the complainant and the respondent have the right to appeal the findings of the Hearing Authority to the Governing Board. The grounds for appeal of decisions on Title IX determinations made by the Hearing Authority are limited to the following:

1. Procedural irregularity that affected the outcome;
2. New evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome; and
3. The Title IX Coordinator, investigator, or decision-maker had a general or specific conflict of interest or bias against the complainant or respondent that affected the outcome.
B. Procedures for Appeal

1. As outlined above, following the decision of the Hearing Authority, both complainant and respondent will be advised of the findings of the Hearing Authority and the right to appeal.

2. Either respondent or complainant have the right to submit an appeal and request for review by the Governing Board within 30 days of date of the Hearing Authority’s decision.

3. The process for the Governing Board’s consideration of any appeal shall be as outlined in Section XVII above, with the following exceptions:
   a. When the complainant is appealing the Hearing Authority’s decision, the respondent shall be advised of that fact, advised of the date of the Governing Board’s meeting to consider the appeal, and shall be given a right to respond. When the respondent is appealing the Hearing Authority’s decision, the complainant shall be advised of that fact, advised of the date of the Governing Board’s meeting to consider the appeal, and shall be given a right to respond to the Board.
   b. Arrangements shall be made to keep respondent and complainant separate during the Governing Board’s consideration of the appeal.
   c. Both respondent and complainant shall be given the same length of time (i.e. 5 minutes) to make oral presentations to the Board.

Education Code, Sections 66017, 66300, 66301, 76033, 72122, 76030-76037, 76220, 76234

Student privacy rights
The Family Educational Rights and Privacy Act (FERPA) is designed to protect students from having their records released to persons or institutions without the student's written consent. FERPA also provides students with the right to review their education records to insure that no inaccurate or otherwise inappropriate information has been included in their file. If the student discovers that there is inaccurate information in their record, they can challenge the content of such record.

Under FERPA, post-secondary educational institutions are not required to provide parents access to the educational records of their children regardless of the student’s age since all rights have been transferred to the student by statute.

FERPA rights extend to both current and former students and are implemented as follows:

Review of records: students may request to review their records by filing a written request with the Admissions and Records Office. Within five working days the education records will be made available for inspection.

Directory information: directory information, as defined by the college, may be released without prior notice to the student unless the student provides a written notice to the Admissions and Records Office that they do not want such information to be released without their consent.

Directory information includes:
- student name,
- student participation in officially recognized activities and sports, including weight, height, and high school of graduation of athletic team members,
- degrees and awards received by students, including honors, scholarship awards, athletic awards, and dean’s recognition.

For more information about FERPA regulations go to: www.ed.gov/policy/gen/guid/fpco/ferpa/index.html

GRIEVANCE AND COMPLAINT PROCEDURES

Complaints about staff, managers, or faculty
Individuals who are unable to directly resolve an issue with any classified staff member or manager and wish to complain may contact that employee’s supervisor to notify them of the issue and to seek appropriate resolution.

Individuals who are unable to directly resolve an issue with any faculty member and wish to complain may contact the appropriate department chair, whose responsibility it is to listen to student inquiries, complaints and grievances about department members and matters. The department chair will investigate and attempt to resolve matters on a department level. If the faculty member is also the department chair, direct the concerns to the academic dean.
Student grievance policy (non-instructional)
The Diablo Valley College staff is dedicated to serving particular educational needs, which can be appropriately met by a college functioning in accordance with the broad purposes and regulations set forth in the education code of California. Accordingly, any student who believes there has been a violation of the regulations as stated in Title IX of the Education Act of 1972 or Section 504 of the Rehabilitation Act of 1973 may initiate a grievance (see equal opportunity policy and grievance procedures, page 15). For further information, contact the office of the vice president of student services.

GENERAL COLLEGE POLICIES

DVC is “a drug-free” campus
The DVC Student Code of Conduct prohibits the possession, consumption, sale, distribution or delivery of any alcoholic beverage in college buildings or on college grounds, or at college-sponsored or supervised activities, regardless of their location, unless authorized by college officials. The code also prohibits the use, sale, distribution, or possession on campus of, or presence on campus under the influence of, any controlled substances, as listed in Schedules I through IV of Section 202 of the Controlled Substances Act (21 U.S.C. Section 812) on district property or at any district-sponsored event. This includes student participation in field trips, athletic competition and/or any activity sponsored by the college. Any violations will be cause for disciplinary action up to and including expulsion. For additional information about the health risks associated with the use of illicit drugs and the abuse of alcohol, and the applicable legal sanctions under local, state or federal law, please visit: www.dvc.edu/alcohol-drugs. Any student who needs information about substance abuse may consult a campus counselor who can provide the student with information about available treatment resources.

Parking policy
All campus parking requires a parking decal or a daily permit, which must be displayed on the student’s vehicle. Parking permits are required 6 a.m. Monday through 5 p.m. Friday. Students may park only in student parking lots. Parking is available on a first-come, first-served basis, and having a permit does not guarantee that a student will find a parking space. Separate summer permits are also required. Parking permits are not required at the San Ramon Campus For more information, contact police services, or visit www.4cd.edu/crpa/pd.

Service and other animals
Contra Costa Community College District fully supports students with disabilities who benefit from trained service animals. Per District Governing Board Policy 2058, individuals with a disability are permitted to use a trained service animal in all district facilities in compliance with state and federal law. Students using service animals should coordinate with Disability Support Services (DSS). To help ensure a safe and productive learning environment for all our students and the broader community, all other animals, including emotional support animals, are prohibited on all district property.

Tobacco-free policy
DVC is committed to promoting the good health of our students, staff, and broader community by providing a healthy environment in which to learn and work. Given the negative health impacts of tobacco and similar product use, per District Governing Board Policy 2045, DVC is designated as a tobacco-free institution. Therefore:

Smoking, smoking substitutes, smoke inducing devices, and vaping are considered a health hazard and are prohibited on all college property. This includes, but is not limited to, products containing tobacco or nicotine, e-cigarettes, cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, hookah smoking, personal vaporizers/electronic smoking devices, marijuana, and controlled substances regulated under federal law.

The use of all smoking/tobacco/vaping products as defined is prohibited on campus grounds, playing fields, walkways, roadways, parking lots, in all vehicles on DVC property and in or around the perimeter of any building.

This policy shall apply to all students, employees, volunteers, vendors, consultants, agents, contractors, and visitors on DVC property as defined above. Consistent with Government Code 7597.1, the Governing Board has imposed fines and set enforcement standards for DVC in order to ensure a tobacco-free environment.

DVC recognizes the health hazards associated with tobacco addiction. DVC also recognizes the challenges faced by those addicted to tobacco products and therefore supports efforts of employees and students to quit using tobacco products. Any student who needs information about cessation programs may consult a college counselor, who can provide the student with information about available resources.

Adherence to our tobacco-free policy relies, in large part, on the initiative of students and staff to politely request that smokers comply and on the courtesy of smokers to acknowledge and observe the restrictions. DVC promotes the initiative of educating others about the hazards of smoking and will endeavor to educate rather than punish. In the absence of compliance, however, any student who violates the policy may be subject to citation and disciplinary measures in accordance with the provisions of the Student Code of Conduct and Governing Board policy. Visitors to DVC who do not comply with this policy may be cited and/or asked to leave DVC property.