ATTACHMENT A

DISTRICT ADMINISTRATIVE PROCEDURE AP 5500 STANDARDS OF STUDENT CONDUCT

References:

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

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

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

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

All complaints of alleged misconduct made against a student by any person should be submitted to the Vice President of Student Services or designee, with a copy to the area administrator. These complaints must be made in writing, specifying the time, place, and nature of the alleged misconduct. Identifying information for the complainant is also required. If the Dean or the Vice President of Student Services determines the complaint to be capricious, the complaint may be dismissed.

The Vice President of Student Services or designee (VPSS/ Designee) shall conduct an investigation of the reported incident as is appropriate. The VPSS/Designee will confer with the accused student for the purposes of advising the student of the report and of the student's rights under college rules and regulations. The VPSS/Designee may also procure information relating to the report from the accused student and other persons, including an assessment of damage to property or injury to persons. Such investigations shall be treated as confidential and shall not be placed in the student's file unless a charge is upheld and a decision is rendered by the VPSS/Designee against the student.

Following investigation, the VPSS/Designee will render a decision in writing to the student as well as the person filing the complaint against the student (if appropriate) within five (5) working days. The VPSS/Designee may find that the complaint lacks merit; or deliver a written statement to the accused student formally charging that student with misconduct.

This statement will specify one of the following actions that will be taken in the case:

1. Place on record a verbal or written reprimand.
2. Place the student on probation, temporary exclusion or suspension.
3. Recommend expulsion to the District Board of Trustees via the President of the College and the District Chancellor.
4. Assign the case for further review to a formal Hearing Committee.

The student may do one of the following:

1. Accept the VPSS/Designee decision.
2. Notify the Vice President of Student Services or designee in writing within two (2) working days to initiate a formal hearing.

Policy Definitions

The term (District) means Chabot-Las Positas Community College District.

1. The term (College) means Chabot College or Las Positas College.
2. The term "student" includes all persons taking courses at the College, both full time and part-time studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the (College) are considered "students".
3. The term "faculty member" means any persons hired by the (College/District) to conduct classroom activities.
4. The term "manager" includes any person employed by the (College/District) performing assigned administrative, professional, or staff responsibilities.
5. The term "agent of the college" includes any person who is a student, faculty member, (College/District) official or any other person employed by the (College).
6. The term "(College) premises" includes all land, buildings, facilities, and other property in the possession of or owned, used or controlled by the (College) including adjacent streets and sidewalks.
7. The term "college community" includes any person who is a student, faculty member, staff, (College/ District) official or any other person employed by the (College).
8. The term "organization" means any number of persons who have complied with the formal requirements for (College) enrollment/registration.
9. The term "behavior" includes conduct and expression.
10. The term "hazing" means any method of initiation into a student organization or any pastime or amusement engaged in with regard to such an organization or causes, or is likely to cause bodily danger, or physical or emotional harm, to any member of the college community.
11. The term "deadly weapons" includes any instrument or weapon of the kind commonly known as a blackjack, sling shot, billy club, sand club, sandbag, metal knuckles, any dirk, dagger, switchblade knife, or any knife having a blade longer than five inches, pistol, revolver, or any other firearm, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club.
12. The term "shall" is used in the imperative sense.
13. The term "may" is used in the permissive sense.
14. The term "Policy" is defined as the written regulations of the (College/District) as found in, but not limited to, the Student Code, and College Catalog.
15. The term "cheating" includes, but is not limited to: fraud deceit, or dishonesty in an academic assignment or using or attempting to use materials, or assisting others in using materials which are prohibited or inappropriate in the context of the academic assignment in questions, such as: copying or attempting to copy from others during an exam or on an assignment, communicating answers with another person during an exam, preprogramming a calculator to contain answers or other unauthorized information for exams, using unauthorized materials, prepared answers, written notes, or concealed information during an exam, or allowing others to do an assignment or portion of an assignment for you, including the use of a commercial term-paper service.

16. The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work or another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared; by another person or agency engaged in the selling of term papers or other academic materials.
17. The term "designee" is the person(s) designated by the college or District. The Vice President of Student Services or college President may name a designee for Vice President of Student Services. The campus safety administrator or President may name a designee for campus safety administrator. The Chancellor may name the college President or another designee for Chancellor.
18. The term "day" means a day during fall and spring semesters when the College is in session and regular classes are held, excluding Saturdays and Sundays. For the summer session, days—for purposes of notice and response under this Administrative Procedure-- may be reasonably extended to ensure the responsible parties are able to appropriately attend to the issue. Notice of extension will be provided to the student.

Date Approved: March 18, 2014; Revised August 2016.
(This procedure replaces Administrative Rules and Procedures 5512)

DISTRICT ADMINISTRATIVE PROCEDURE AP 5520 STUDENT DISCIPLINE PROCEDURES

References:
Education Code Sections 66300, 72122, and 76030

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct. If the student wishes to proceed beyond the informal process described in AP 550, then the following procedure applies. This procedure guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

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

Definitions:
District – The Chabot-Las Positas Community College District.

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

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

Designee- A person designated by the college or District. The Vice President of Student Services or college President may name a designee for Vice President of Student Services. The campus safety administrator or President may name a designee for campus safety administrator. The Chancellor may name the college President or another designee for Chancellor.

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

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

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

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

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

Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the campus security administrator/supervisor or designee for any person to remain on campus in accordance with California Penal Code Section 626.4 where the campus security administrator/supervisor or designee has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Day – Days during fall and spring semesters when the College is in session and regular classes are held, excluding Saturdays and Sundays. For the summer session, days—for purposes of notice and response under this Administrative Procedure--may be reasonably extended to ensure the responsible parties are able to appropriately attend to the issue. Notice of extension will be provided to the student.

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

- **Notice** – The Vice President of Student Services or designee (VPSS/Designee) will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
  - the specific section of the Standards of Student Conduct that the student is accused of violating.
  - a short statement of the facts supporting the accusation.
  - the right of the student to meet with the VPSS/Designee to discuss the accusation, or to respond in writing.
  - the nature of the discipline that is being considered.
- **Time limits** – The notice must be provided to the student within 5 days of the date on which the conduct was reported; in the case of continuous, repeated or ongoing conduct, the notice must be provided within 10 days of the date on which conduct was reported which led to the decision to take disciplinary action.
- **Meeting** – If the student chooses to meet with the VPSS/Designee, the student will again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation. Within 5 days of the meeting, subject to any needed further investigation, the VPSS/Designee will deliver a written statement to the accused student in accordance with Administrative Procedure 5500. The student may either accept the VPSS/Designee decision, and allow the recommended action to proceed, or may, if the recommended action is long-term suspension or expulsion, notify the VPSS/Designee in writing within two (2) working days to initiate a formal hearing.
- **Short-term Suspension** – After the meeting described above, the VPSS/Designee may decide to impose a short-term suspension, to impose some lesser disciplinary action, or to end the matter. A short-term suspension will be for upto10 days. Written notice of the VPSS/Designee decision shall be provided to the student within 5 days after the meeting. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action, and the effective date of the action to be taken. The VPSS/Designee decision on a short-term suspension or lesser disciplinary action shall be final.
- **Long-term Suspension** – Within 15 days after the meeting described above, the Chancellor or designee, generally college President Chancellor/ Designee) shall, pursuant to a recommendation from the VPSS/Designee, decide whether to impose a long-term suspension. Written notice of the Chancellor/Designee decision shall be provided to the student. If the Chancellor/Designee decision is to impose a long-term suspension, the notice will include the right of the student to request a formal hearing before the long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.
- **Expulsion** – Within 15 days after the meeting described above, the Chancellor/Designee shall, pursuant to a recommendation from the VPSS/ Designee, decide whether to recommend expulsion to the Board of Trustees. Written notice of the Chancellor/Designee's decision shall be provided to the student. If the Chancellor/Designee decision is to impose an expulsion, the notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.

Hearing Procedures – Request for Hearing.
Within 5 days after receipt of the VPSS/Designee decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the Chancellor/Designee or designee.

Schedule of Hearing – The formal hearing shall be held within 20 days after a formal request for hearing is received.

Hearing Panel – The hearing panel for any disciplinary action shall be composed of at least one administrator, one faculty member, and one student.

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

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

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

The facts supporting the accusation shall be presented by a college representative who shall be the VPSS/Designee.

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

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

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

The student may represent himself/herself, and may also have the right to be represented by a person of his/her choice.

Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than 5 days prior to the date of the hearing.

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

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

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

Within 10 days following the close of the hearing, the hearing panel shall prepare and send to the Chancellor/Designee a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

Chancellor/Designee Decision:

Long-term suspension – Within 10 days following receipt of the hearing panel's recommended decision, the Chancellor/Designee shall render a final written decision. The Chancellor/Designee may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Chancellor/Designee modifies or rejects the hearing panel's decision, the Chancellor/Designee shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Chancellor/Designee shall be final.

Expulsion – Within 10 days following receipt of the hearing panel's recommended decision, the Chancellor/Designee shall render a written recommended decision to the Board of Trustees. The Chancellor/Designee may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Chancellor/Designee modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The Chancellor/Designee decision shall be forwarded to the Board of Trustees.

Board of Trustees Decision: The Board of Trustees shall consider any recommendation from the Chancellor/Designee for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures (Education Code Section 72122).

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

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

Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

The Board may accept, modify or reject the findings, decisions and recommendations of the Chancellor/Designee and/or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final.

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

Immediate Interim Suspension (Education Code Section 66017): The Chancellor/Designee may order immediate suspension of a student where he/she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten days.

Removal from Class (Education Code Section 76032): Any instructor may order a student removed from his/her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the VPSS/Designee and the area dean. The area dean shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the VPSS/Designee shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the VPSS/Designee from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

Withdrawal of Consent to Remain on Campus: The campus safety administrator/supervisor or VPSS/Designee may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she must promptly leave or be escorted off campus. If consent to remain on campus is withdrawn a written report must be promptly made to the Chancellor/Designee.

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

In no case shall consent be withdrawn for longer than 5 days from the date upon which consent was initially withdrawn.

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

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

Date Approved: March 18, 2014; Revised August 2016

DISTRICT ADMINISTRATIVE PROCEDURE AP 5530 STUDENT RIGHTS AND GRIEVANCES

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

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. These procedures shall be available to any student who reasonably believes a college decision or action has adversely affected his or her status, rights or privileges as a student. The procedures shall include grievances regarding:

- Course grades, to the extent permitted by Education Code Section 76224(a), which provides: "When grades are given for any course of instruction taught in a community college District, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final." "Mistake" may include, but is not limited to errors made by an instructor in calculating a student's grade and clerical errors.
- Violation of policies and procedures by the college to the extent they have a direct and significant impact on the student, such as on the student's exercise of rights of free expression. Under this section, a grievance may be initiated by a student alleging the violation of college/district policies and procedures against an instructor, an administrator or a member of the classified staff.

This procedure does not apply to:

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

Definitions:

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

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

Designee – A person designated by the college or District. The Vice President of Student Services or college President may name a designee for Vice President of Student Services. The Vice President of Academic Affairs or college President may name a designee for Vice President of Academic Affairs. The Chancellor or college President may name a designee for President. The Chancellor may name the college President or another designee for Chancellor.

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

Day – Days during fall and spring semesters when the College is in session and regular classes are held, excluding Saturdays and Sundays. For the summer session, days—for purposes of notice and response under this Administrative Procedure-- may be reasonably extended to ensure the responsible parties are able to appropriately attend to the issue. Notice of extension will be provided to the student.

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

The Vice President of Academic Affairs or designee shall serve as Grievance Officer on grade disputes and grievances arising out of instructional services. The Vice President of Student Services or designee shall serve as Grievance Officer for grievances arising outside of instructional services. The Grievance Officer and the student may also seek the assistance of the Associated Student Organization in attempting to resolve a grievance informally.

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

Any student who believes he/she has a grievance shall file a Statement of Grievance with the appropriate Grievance Officer within 10 days of the incident on which the grievance is based, or 10 days after the student learns of the basis for the grievance, whichever is later. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Within 5 days following receipt of the Statement of Grievance Form, the Grievance Officer shall advise the student of his or her rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form.

If at the end of 10 days following the student's first meeting with the Grievance Officer, there is no informal resolution of the complaint which is satisfactory to the student, the student shall have the right to request a grievance hearing.

Grievance Hearing Committee: The college President shall at the beginning of each academic year, establish a standing panel of 15 members of the college community, including 5 students, 5 faculty members and 5 administrators, from which one or more Grievance Hearing Committees may be appointed. The panel will be established with the advice and assistance of the Associated Students Organization and the Academic Senate, who shall each submit names to the Chancellor for inclusion on the panel. A Grievance Hearing Committee shall be constituted in accordance with the following:

- It shall include at least 1 student, 1 instructor, and 1 college administrator selected from the panel described above.
- No person shall serve as a member of a Grievance Hearing Committee if that person has been personally involved in any matter giving rise to the grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner. Any party to the grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the Grievance Officer who shall determine whether cause for disqualification has been shown. If the Grievance Officer feels that sufficient ground for removal of a member of the committee has been presented, the Grievance Officer shall remove the challenged member or members and substitute a member or members from the panel described above. This determination is subject to appeal as defined below.

The Grievance Officer shall sit with the Grievance Hearing Committee but shall not vote, except to break a tie. The Grievance Officer shall coordinate all scheduling of hearings, shall serve to assist all parties and the Hearing Committee to facilitate a full, fair and efficient resolution of the grievance, and shall avoid an adversary role.

Request for Grievance Hearing – A request for a grievance hearing shall be filed on a Request for a Grievance Hearing no later than 10 days following the student's first meeting with the Grievance Officer.

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

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

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

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

If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer shall schedule a grievance hearing. The hearing will begin within 15 days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given not less than 5 days notice of the date, time and place of the hearing.

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

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

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

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

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

Each party to the grievance may represent himself/herself, and may also have the right to be represented by a person of his/her choice; except that a party shall not be represented by an attorney unless, in the judgment of the Grievance Officer, complex legal issues are involved. If a party wishes to be represented by an attorney, a request must be presented not less than 5 days prior to the date of the hearing. If one party is permitted to be represented by an attorney, any other party shall have the right to be represented by an attorney. The hearing committee may also request legal assistance through the Grievance Officer. Any legal advisor provided to the hearing committee may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

Hearings shall be closed and confidential unless all parties request that it be open to the public. Any such request must be made no less than 5 days prior to the date of the hearing.

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

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

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

Within 10 days following the close of the hearing, the Grievance Hearing Committee shall prepare and send to the college President a written decision. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall also include a specific recommendation regarding the relief to be afforded the grievant, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing.

President's Decision: Within 5 days following receipt of the Grievance Hearing Committee's decision and recommendation(s), the college President shall send to all parties his/her written decision, together with the Hearing Committee's decision and recommendations. The President may accept or reject the findings, decisions and recommendations of the Hearing Committee. The factual findings of the Hearing Committee shall be accorded great weight. If the President does not accept the decision or a finding or recommendation of the Hearing Committee, the President shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the President shall be final, subject only to appeal as provided below.

Appeal: Any appeal relating to a Grievance Hearing Committee decision that the Statement of Grievance does not present a grievance as defined in these procedures shall be made in writing to the college President within 5 days of that decision. The President shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a grievance provided in these procedures, but shall not consider any other matters. The President's decision whether or not to grant a grievance hearing shall be final and not subject to further appeal.

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

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

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

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

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

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

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

Date Approved: March 18, 2014; Revised August 2016

(This procedure replaces Administrative Rules and Procedures 5513)

