



## Board of Trustees Policy

### Chapter 4 – Instructional Services

#### BP 4250 – Notice, Pause and Restart

##### 1. NOTICE

- a. A student shall be placed on academic notice if he/she/they has attempted a minimum of 12 semester units of work and has a grade point average of less than a "C" (2.0).
- b. A student shall be placed on progress notice if he/she/they has enrolled in a total of at least 12 semester units and the percentage of all units in which the student has enrolled, for which entries of "W," "I," "NC," and "NP" were recorded reaches or exceeds 50 percent.
- c. A student who is placed on notice may submit an appeal in accordance with procedures to be established by the Chancellor.
- d. A student on academic notice shall be removed from notice when the student's accumulated grade point average is 2.0 or higher. A student on progress notice shall be removed from notice when the percentage of units in the categories of "W," "I," "NC," and "NP" drops below 50 percent.

##### 2. PAUSE

- a. A student who is on academic notice shall be subject to **academic** pause if the student has earned a cumulative grade point average of less than 2.0 in all units attempted in each of three consecutive primary semesters.
- b. A student who is on progress notice shall be subject to **progress** pause if the cumulative percentage of units in which the student has been enrolled for which entries of "W," "I," "NC," and "NP" are recorded in at least three consecutive primary semesters reaches or exceeds 50 percent.
- c. A student who is subject to pause may submit a written appeal in compliance with administrative procedures. Pause may be postponed and the student continued on probation if the student signs a Student Academic Contract with Counseling.
- d. For the purposes of this section, primary is considered Fall and Spring semesters only.

##### 3. RESTART

- a. A student who has been placed on pause may request an academic or progress restart.
- b. The Chancellor shall develop procedures for the implementation of this policy that comply with the Title 5 requirements.

Reference: Education Code Section 70902 subdivision (b)(3); Title 5 Sections 55031-55034

Revised:      New



## Administrative Procedure

### Chapter 4 – Instructional Services

#### AP 4250 – PROBATION

In accordance with Title 5, sections 55031-55034, students are expected to maintain a level of academic performance or be subject to notice.

#### 1. DEFINITIONS

- a. Good standing – Grade point average (GPA) of 2.0 or higher; completion of at least 50% of cumulative units attempted.
- b. Progress Notice– Percentage of cumulative units of “W,” “I,” and “NP” recorded, reaches or exceeds 50%; a completion rate of less than 50%.
- c. Academic Notice– Cumulative grade point average below 2.0.

#### 2. Notification of Notice

Each student is entitled to be notified of his/her/their academic difficulty and the availability of college support services to respond to the academic difficulty before the student is placed on pause.

Notification will consist, at a minimum, of the following:

- a. At the end of the semester in which the student’s grade point average falls below 2.0 in all units attempted, a notice that the student is on notice shall be sent to the student informing him/her/them that he/she/they is on academic notice. “All units attempted” is defined as all units of credit for which the student is enrolled in at the community college that they attend.
- b. If the student receives symbols of “W,” “I,” or “NP” in 50% or more of all units in which a student has enrolled, the student shall be placed on progress notice.
- c. At the end of the third consecutive primary semester on which the student is on academic or progress probation, a notice that the student is subject to academic or progress pause will be sent to the student informing him/her/them that he/she/they is subject to pause.

#### 3. Notice Letter

The letter notifying the student of probation will cover, at a minimum, the significance of being on notice and description of the services available.

- a. A student who is on academic probation and earns a semester grade point average of 2.0 or better shall not be placed on pause as long as this minimum semester grade point average is maintained.
- b. A student on progress probation because of an excess of units for which entries of “W,” “I,” and “NP” are recorded shall be removed from notice when the percentage of units in this category drops below 50%.

#### 4. Probation, Dismissal, Readmission Data Reporting

The Chancellor shall develop and provide to the Board for review annually report of the number of students who were placed on probation, dismissed, and reinstated. This report must disaggregate the students by race, age, gender, or any other characteristic identified by the Board.

5. Excessive Withdrawal

- a. A student currently on probation or disqualification due to excessive withdrawals, may petition to have the W's over 10 years old excluded from the progress probation and/or disqualification calculation. The academic record will be annotated in such a manner that the record of all work remains legible, ensuring a true and complete record. Academic standing will be recalculated for the most recent semester completed.

Reference: Title 5 Sections 55031 - 55034

Revised 8/06, 8/07, 3/12, 4/18, 4/21, 4/23



## Administrative Procedure

### Chapter 4 – Instructional Services

#### AP 4255 – Standards for Academic or Progress Pause

1. Standards for Pause

- a. A student who is on academic notice shall be subject to academic pause if the student has earned a cumulative grade point average of less than 2.0 in all units attempted in each of three consecutive primary semesters.
- b. A student who has been placed on progress notice shall be subject to progress pause if the percentage of units in which the student has been enrolled for which entries of “W,” “I,” “NC,” and “NP” are recorded in at least three consecutive primary semesters.

2. Pause Letter

The letter notifying the student that he/she/they is subject to pause will cover, at a minimum, reference to this procedure, explanation of what pause means, notification of loss of California College Promise Grant (CCPG) waiver and enrollment priority, procedure for reinstatement, and procedure to appeal the dismissal.

3. Academic or Progress Pause

Students placed on academic or progress pause shall be subject to the following:

- a. Students will have a registration hold placed on their record
- b. Students will lose eligibility for enrollment priority
- c. Students will lose eligibility for the California College Promise Grant (CCPG) waiver

4. Restart after Pause

- a. The student has the right to appeal an academic or progress pause action if the student feels that facts exist that warrant **an academic or progress restart**. Students must complete a Student Academic Contract with a counselor. Contracts will be reviewed by a counselor and if approved the registration hold will be lifted.
- b. If the restart is granted, the student will be continued on probation until they return to good standing. ~~At the end of the additional semester, the student's academic record will again be evaluated to determine whether the student may be removed from notice, should be pause, or should be continued on probation.~~

Reference: Title 5 Sections 55033 and 55034

**APPROVED:** New



## Administrative Procedure

### Chapter 5 – Student Services

#### AP 5055 - Enrollment Priority

The San Diego Community College District registration priority system is intended to provide an equitable means for assigning registration priorities that is for all students and reflects the core mission of the District.

#### 1. DEFINITIONS

- a. Active Duty Military – Students who have verified that they are currently on active duty and identified in the student system
- b. Foster Youth – Students under the age of 25 who verify that they are current or former Foster Youth as identified in the student system.
- c. Homeless Youth – Students under 25 years of age, who have verified that they are current or former Homeless Youth as identified in the student system.
- d. CalWORKs – Students who are recipients of California Work Opportunity and Responsibility to Kids (CalWORKs).
- e. Disability Support Programs and Services (DSPS) – Students who are receiving Disability Support Programs and Services.
- f. Extended Opportunity Programs and Services (EOPS) – Students who meet the eligibility criteria for EOPS services and are verified in student system.
- g. Continuing Student – Students who have not had more than **two primary** consecutive semester lapse in enrollment.
- h. Educational Plan – Students with a declared major who have developed an academic plan as identified in the student system.
- i. Fully-Matriculated – Students who have completed assessment, orientation and have an educational plan on file as identified in the student system.
- j. New Students from **CCE** – Students entering City, Mesa or Miramar college for the first time **from the College of Continuing Education**, with no previous academic history at City, Mesa or Miramar.
- k. Non-Matriculated – Students who have NOT completed the following services: Orientation, Assessment or an Educational Plan.
- ~~l. Returning Students – Students returning to City, Mesa or Miramar college after an absence of one year or longer.~~
- m. Concurrently Enrolled – Students who are concurrently enrolled in high school while attending community college.
- n. Students with 100+ Units – Students who have earned 100 or more units **including transfer units**, but excluding basic skills units.
- o. Veteran – Students who have verified that they have been discharged from military service within the past four-years as identified in the student system.
- ~~p. High Unit Majors – Academic programs that require more than 50 units in the major.~~
- q. Intercollegiate Athletes – Athletes on a designated intercollegiate team.

- r. Rising Scholars - Students receiving services from a program funded by Rising Scholars Network funds.
- s. Tribal Temporary Assistance for Needy Families program (Tribal TANF)
- t. Apprenticeship Programs - Students participating in a designated apprenticeship program as their primary program of study.

## 2. PRIORITY GROUPS

In accordance with Title 5, Section 58108, students are assigned to a priority group for registration purposes as follows:

- 1) Fully-Matriculated Active Duty Military & Veterans, Foster Youth and Homeless Youth students who meet the eligibility criteria as defined in statute, students who are participants in the Disability Support Programs and Services (DSPS), CalWORKs or Extended Opportunity Programs and Services (EOPS), Rising Scholar students, Tribal Temporary Assistance for Needy Families program (Tribal TANF) and Parents of children under the age of 18. Non-matriculated students are placed at the end of this group;
- 2) Intercollegiate Athletes, and Apprenticeship students;
- 3) Fully-Matriculated ~~Continuing~~ students;
- 4) Fully-Matriculated ~~New and Returning~~ students from CCE;
- 5) Non-Matriculated ~~Continuing, New and Returning~~ students;
- 6) Students with 100+ Units (does not include Basic Skills units or transfer units) or ~~Students who lose priority due to Academic Standing;~~
- 7) Students possessing a Baccalaureate Degree or higher ~~from the United States;~~
- ~~8) Students who lose priority due to Academic Standing;~~
- 8) Students concurrently enrolled in High School.

~~Note: Active Duty Military, Veterans, current and former Foster or Homeless Youth, Intercollegiate Athletes, DSPS, CalWORKs, and EOPS students will have first priority in groups 6-8.~~

## 3. Loss of Registration Priority

Registration priority specified in this section shall be lost at the first registration opportunity after a student:

- a. is placed on academic or progress dismissal; or
- b. has earned one hundred (100) or more degree-applicable units at the district. 100 unit limit does not include basic skills, or transfer coursework

- c. This subdivision shall not apply to foster Youth students as defined in statute.

#### 4. UNIT RANGE

Students will be further prioritized within **groups 2.2 to 2.8** each of the priority groups according to cumulative units, ~~including transfer units~~ and coursework in progress, as follows:

- 1) 45.0 to 99.9 units
- 2) 0.0 to 15.0 units
- 3) 15.1 to 44.9 units
- 4) ~~00.0 to 14.9 units~~
- 5) ~~72.1 to 89.9 units~~
- 6) ~~90+ units~~

Reference: Education Code: 66025.8

Adopted: August 22, 2021

Supersedes: AP 3002.1 – 3/22/13, 8/8/13, 11/28/16; 5/16/18; (Renumbered 5055)



# San Diego Community College District

City College · Mesa College · Miramar College · College of Continuing Education

## Administrative Procedure

### Chapter 5 – Student Services

#### AP 5520 – STUDENT DISCIPLINARY PROCEDURES

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##### 1. PURPOSE

These procedures are designed to provide uniform standards to assure due process when a student is charged with a violation of the San Diego Community College District Student Code of Conduct as defined in Board of Trustees Policy, *BP 5500, Student Rights, Responsibilities, Campus Safety and Administrative Due Process*. All proceedings held in accordance with these procedures shall relate only to an alleged violation of the established standards.

##### 2. DEFINITIONS

- a. District – The San Diego Community College District (SDCCD).
- b. Student – Any person currently enrolled as a student at any college or in any program offered by the District who was also enrolled at the time of the alleged violation of the Standards of Student Conduct.
- c. 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.
- d. Day – Days during which the District is in session, and regular classes are held, excluding Saturdays and Sundays.
- e. Short-term Suspension – Exclusion of the student by the College President for good cause from one or more classes for a period of up to ten (10) consecutive days of instruction.
- f. 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.
- g. Expulsion – Exclusion of the student by the Board of Trustees from all colleges in the District.
- h. Removal from In-Person Class – Exclusion of the student by an instructor for the day of the removal and the next class meeting.
- i. Removal from Distance Education Class – Exclusion of the student by an instructor for the day of removal up to one week or five (5) instructional days.

- j. 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.
- k. Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the College President for any person to remain on campus in accordance with California Penal Code Section 626.4 where the College President or President Designee has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

The person from whom consent has been withdrawn may submit a written request for a hearing within the period of the withdrawal. The request shall be granted not later than seven (7) days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn.

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

### 3. DISCIPLINARY OFFICER

- a. Each President will designate an administrator to process student disciplinary charges and serve as the Disciplinary Officer.
  - 1) The Disciplinary Officer shall be responsible for processing the alleged violation of the Student Code of Conduct in accordance with these procedures.
  - 2) In cases involving sex or gender-based misconduct, the Title IX Coordinator shall coordinate the District's response to the alleged misconduct and, for the purposes of the responsibilities allocated in Sections 4 and 5 of this Procedure, serve as the Disciplinary Officer. Such cases will be handled according to the process provided in Section 9 of this Procedure, which shall prevail and govern in the event of any conflict with Sections 12, 13 and 14. Sections 4, 5, 6, 7, 8 and 11 of this Procedure shall not apply in cases involving sex or gender-based misconduct.
  - 3) If the student has an actual or perceived disability and the behavior is not a violation of the Student Code of Conduct, the Disciplinary Officer will consult with a DSPS counselor to determine:
    - a) If the student is receiving services through the DSPS office;
    - b) If there is an accommodation that could mitigate the behavior; and/or
    - c) If a referral for professional services is appropriate.
  - 4) The Disciplinary Officer will not be an individual who has a conflict of interest or bias for or against the accuser or the accused.

#### 4. FACT-FINDING INVESTIGATION

- a. Within twenty-five (25) instructional days from the time the Disciplinary Officer is informed of allegations which may constitute a violation of the Student Code of Conduct, the Officer shall conduct a fact-finding investigation to determine whether to pursue an administrative conference or disciplinary hearing. The investigation shall be documented as follows:
  - 1) Interview with the student accused of the violation to gather facts, assuming the student is willing and available to participate. The interview shall be carefully documented as follows:
    - a) Date of interview:
    - b) Description of incident:
    - c) Name of witnesses:
    - d) Location of incident:
    - e) Any mitigating factors:
  - 2) Based upon information obtained in the interview, the Disciplinary Officer shall determine whether to gather additional information or documentation or whether to proceed to an administrative conference or disciplinary hearing.
  - 3) In the event the student is unwilling or unavailable to meet with the Disciplinary Officer, the Disciplinary Officer may determine to proceed with the hearing or administrative conference based upon available information.
  - 4) For purposes of evaluating whether the student's conduct is a violation of the Student Code of Conduct, no consideration shall be given to a student's actual or perceived disability unless such disability is being asserted by the student as a defense to, or in mitigation of a potential violation.
  - 5) Should the Disciplinary Officer gather additional information or interview other witnesses, the interviews must be documented as specified in this procedure.
  - 6) The student shall have the right at any point in the process to accept responsibility for their actions and accept the recommended sanction which concludes the disciplinary process.

#### 5. ADMINISTRATIVE CONFERENCE

- a. At a scheduled meeting, the Disciplinary Officer shall:
  - 1) Advise the student of the alleged offense, including the specific section(s) of the Student Code of Conduct and the facts constituting the alleged offense.
  - 2) Make a reasonable effort to resolve the matter informally. The student is told what

they are accused of doing and the basis of the accusation.

- 3) Advise the student that they shall not have the right to a hearing before a Disciplinary Committee in connection with disciplinary sanctions, including reprimand, disciplinary probation, and removal or suspension not exceeding ten (10) instructional days.
  - 4) Ensure the Administrative Conference includes a third party if the recommended disciplinary action is a suspension of less than ten (10) days.
  - 5) Advise the student of their right to a formal hearing for sanctions exceeding ten (10) days.
  - 6) Advise the student that they may elect to waive the right to a formal hearing and accept the decision of the Disciplinary Officer at any time.
- b. If the student elects to waive the right to a hearing before the Disciplinary Committee and to accept the imposition of a sanction mutually agreed upon by the student and the Disciplinary Officer, any such waiver shall be in writing using the Student Waiver of Right of Disciplinary Hearing form and signed by both parties and a witness.

#### 6. DISCIPLINARY HEARING PREPARATION

- a. The matter shall proceed to a formal hearing if the Disciplinary Officer has determined that the alleged offense is too serious to warrant an informal resolution or if an informal resolution cannot be reached. The Disciplinary Officer shall prepare the case as follows:
  - 1) Notify the student of the charges, including the specific section(s) of the Student Code of Conduct and the facts constituting the alleged offense.
  - 2) Identify and interview witnesses necessary for the presentation of the case.
  - 3) If a witness is unavailable during the investigation or it is anticipated that the witness may not be available at the time of the disciplinary hearing, the Disciplinary Officer may attempt to obtain written statements. Witness statements may be used at the hearing, provided, however, that access to the witness statements is made available to the accused student at least three (3) instructional days prior to the hearing. The Disciplinary Officer may conduct additional questioning of the witness in person, telephonically or via additional written questions. The accused student may provide suggested written questions to the Disciplinary Officer at least two (2) days prior to the hearing. The Disciplinary Officer shall obtain a response at least one (1) day prior to the hearing. Written questions of an abusive nature shall not be allowed.
  - 4) Document interviews as identified in this procedure.
  - 5) Obtain relevant written documentation.
  - 6) Access to any tangible evidence, other than the written statement of a witness, anticipated to be presented at the disciplinary hearing shall be made available for review by the student at least two (2) instructional days prior to the hearing.
  - 7) The Disciplinary Officer may, at the Disciplinary Officer's sole discretion, delay the

hearing at any time for good cause.

b. Other Responsibilities of the Disciplinary Officer:

- 1) To advise the student of their right to representation. The student has the right of self-representation or representation by another party, except that the student shall not be represented by an attorney. If the student decides to have a representative, the Disciplinary Officer shall be notified, in writing by the student, who the representative will be no later than two (2) instructional days prior to the hearing. Representatives may not participate in the hearing, nor use any electronic devices during the hearing.
- 2) Advise the student of their right to be present at the hearing, and that the hearing shall proceed in the absence of the student unless a satisfactory explanation has been provided.
- 3) Assume responsibility for making the necessary arrangements for the hearing. Arrangements shall include scheduling a room, providing for a tape recorder, notifying members of the Disciplinary Committee and witnesses, and providing committee members with copies of these procedures.
- 4) Prepare and electronically transmit written notice to the student not less than five (5) instructional days prior to the hearing.
  - a) Notice shall specify the time and place of the hearing, a statement of charges against the student, recommended sanction, a list of members of the Disciplinary Committee, the date, time and location that the tangible evidence will be made available for inspection and (when applicable) a statement of possible financial aid suspension or termination. A copy of these procedures shall also be enclosed.
  - b) Notice shall also specify if there is to be an interim suspension from the college pursuant to Education Code Section 66017. In the event of an immediate suspension, the student shall remain suspended until the final disposition of the hearing.
  - c) The notice shall be delivered using the online student conduct system with electronic confirmation that the email was delivered.

7. DISCIPLINARY COMMITTEE – CASES NOT INVOLVING SEX AND GENDER-BASED MISCONDUCT

- a. Each academic year, the Academic Senate shall nominate a minimum of eight (8) faculty members and the Associated Students organization shall nominate eight (8) students to form a pool for a one-year term, from which a Disciplinary Committee may be convened. In the event the pool needs to be augmented, appointments may be made by the Academic Senate and/or Associated Students.
- b. The Disciplinary Committee shall be constituted by the Chairperson in accordance with the following criteria:
  - 1) The Disciplinary Committee shall include at least one (1) student selected from the

pool submitted by the Associated Students Organization governing body. In the event students identified in the pool are unavailable to serve, the President or designee will select other students as appropriate. Hearings, where the recommended sanction is expulsion, shall include at least two (2) students.

2) The Disciplinary Committee shall include at least one (1) instructor selected from the pool submitted by the Academic Senate. In the event faculty identified in the pool are unable to serve, the faculty Senate President or designee will select other faculty as appropriate. Hearings, where the recommended sanction is expulsion, shall include at least two (2) instructors.

3) There shall be an equal number of students and faculty represented.

#### 8. DISCIPLINARY HEARING PROCEDURES – CASES NOT INVOLVING SEX AND GENDER-BASED MISCONDUCT

a. Students shall have the right to a hearing before the Disciplinary Committee as provided in these procedures in connection with restitution, suspension or expulsion exceeding ten (10) instructional days. The hearing shall take place prior to the imposition of the disciplinary sanction. An immediate interim suspension, pending a hearing may be imposed in order to protect lives or property and ensure the maintenance of order. In the case of an immediate interim suspension, the suspended student shall be afforded the opportunity for a hearing before the Disciplinary Committee within ten (10) instructional days of the suspension. In addition, the student's instructors and college police will be notified.

b. The Chairperson of the Disciplinary Committee shall preside over the hearing and make rulings as to its conduct and shall ensure that the committee's representation is valid. All rulings of the Chairperson shall be final unless there is a two-thirds vote of the members of the Disciplinary Committee to the contrary.

The hearing shall be closed and confidential. A taped recording maintained by the chairperson, shall be the only taped recording maintained. Destruction of the records (tapes) shall be in accordance with *AP 6550.2, Storage and Disposition of Records*.

c. Proceedings – Formal rules of process, procedure and/or technical rules of evidence as applied in a civil or criminal court, are not used in student discipline proceedings.

d. Disciplinary Committee – To be a valid hearing, at least two (2) members of the Disciplinary Committee, plus the Chairperson must be present. At least four (4) members of the Disciplinary Committee plus the Chairperson must be present for expulsion hearings. In instances where more than one student is charged with a violation of the Student Code of Conduct for the same incident/case, every effort will be made to have the hearing conducted by the same Disciplinary Committee.

e. Absence of the Student – The hearing shall proceed in the absence of the student unless a satisfactory explanation for the absence has been provided. The Chairperson shall decide whether to proceed in the absence of the student after considering the explanation for the absence. If the student leaves the hearing before its conclusion, the

hearing shall proceed.

- f. Opening – The Chairperson shall preside and call the hearing to order, introduce the participants, and announce the purpose of the hearing, as follows: "this committee meets pursuant to *AP 5520* to hear charges against (student's name) and to make findings of fact and recommendations for action to the President."
- g. Notice of Charges – The Chairperson shall distribute copies of the written notice to the members of the Disciplinary Committee. The Chairperson shall read aloud and affirm that the student has received a copy of the charges in accordance with this procedure. In the event that the student did not receive proper written notice of the charges, the Disciplinary Committee shall decide whether or not to proceed with the hearing. If the hearing must be rescheduled, it shall be within five (5) instructional days.
- h. Plea – The student shall admit or deny each charge. If the student admits each charge, and wishes to present no evidence of mitigating circumstances or other defense, the Disciplinary Committee shall retire to make its decision. If the student denies any or all of the charges, or wishes to present evidence of mitigating circumstances, the hearing shall proceed.
- i. Opening Statement – First, the Disciplinary Officer, and then the student, shall have the opportunity to present an opening statement.
- j. Burden of Proof – The Disciplinary Officer has the burden of proving that each charge is true. A preponderance of evidence (more likely than not) must be established by the Disciplinary Officer. The Disciplinary Officer will present relevant evidence and may call a witness in support of the charges first. Then, the student may present evidence to refute the Disciplinary Officer's evidence.

For purposes of evaluating whether the student's conduct is a violation of the Student Code of Conduct, no consideration shall be given to a student's actual or perceived disability unless such disability is being asserted by the student as a defense to, or in mitigation of a potential violation.

- k. Evidence – All relevant evidence is admissible, including but not limited to testimony of witnesses, physical objects, police reports, photographs, and copies of documents. Formal rules of evidence shall not apply. The chairperson shall rule on the relevance of all evidence.
- l. Witnesses – The Disciplinary Officer and the student shall be entitled to call witnesses and to question witnesses presented by the other. A member of the Disciplinary Committee may ask questions of witnesses at any time upon recognition by the Chairperson. Either side may recall a witness, who again, may be questioned by both parties and the Disciplinary Committee. Witnesses shall not be present at the hearing when not testifying unless all parties and the Disciplinary Committee agree to the contrary.

The Chairperson will swear in each witness as follows: "I (state your name) swear to tell the truth, the whole truth and nothing but the truth."

- m. Closing Arguments – First the Disciplinary Officer, and then the student, shall be

afforded the opportunity to make a closing argument.

- n. Committee Deliberation – The Disciplinary Committee shall deliberate in closed session, with only the members of the Disciplinary Committee present. The deliberations shall not be tape recorded. The Disciplinary Committee shall reach its decision based only upon the evidence presented and shall not consider matters outside of the record. The standard of evidence that shall be used is preponderance of evidence (more likely than not). The Committee shall determine the validity of each charge by majority vote. The Committee shall recommend disciplinary sanctions based upon its findings.

9. INVESTIGATION AND DISCIPLINARY HEARING IN CASES INVOLVING SEX OR GENDER-BASED MISCONDUCT

- a. In cases where disciplinary action could be required based on the nature of the allegations, if they are found to be true, a thorough, reliable, fair, and impartial investigation will be conducted by the Title IX Investigative Analyst.
  - 1) Discipline resulting from a sexual harassment complaint under Title IX shall be addressed pursuant to Administrative Procedure, AP 3433, *Prohibition of Sexual Harassment under Title IX*, and Administrative Procedure, AP 3434, *Responding to Harassment Based on Sex under Title IX*.
- b. The Title IX Coordinator may at any time, but is not required to, attempt informal resolution of the complaint in a manner similar to an Administrative Conference as described in Section 5 of this Procedure, except in cases involving allegations of sexual assault or in cases in which the Complainant is a student and the Respondent is an employee.
- c. The Title IX Investigative Analyst will provide both parties with a Notice of Investigation and Allegations identifying the manner in which the responding party is alleged to have violated District Policy, including the alleged underlying facts constituting the violation(s).
- d. Both parties will be given an opportunity to provide what they believe is relevant information and identify persons they believe to be relevant, substantive witnesses. The Title IX Investigative Analyst will attempt to speak with such witnesses whose information in the Investigative Analyst's determination may be relevant and substantive.
- e. Each party is permitted to bring an advisor or supportive individual of their choice to any meeting with the Coordinator or Investigative Analyst. The advisor or supportive individual should not be a witness to the matter and may not speak on the party's behalf.
- f. Each party will be permitted to identify lines of questioning for the Title IX Investigative Analyst to pursue when gathering information from the other party. The Investigative Analyst retains the ultimate authority to determine whether a line of questioning will be pursued, and will not pursue a line of questioning that is duplicative, irrelevant, or abusive.
- g. In order to provide the parties with an opportunity to place all relevant information in context, confront the information provided by witnesses, and/or challenge the information uncovered by the Title IX Investigative Analyst, both parties shall be provided with a ten (10) day review period, where they will have an opportunity to review a factual summary

of the information gathered by the Title IX Investigative Analyst in the investigation and provide comment upon it or provide additional responsive information.

- h. Based upon all relevant information gathered in the investigation, and considering the written responsive comments and/or information provided by both parties and witnesses, the Title IX Investigative Analyst shall issue a final investigation report to both parties.
- i. After an investigation, and prior to completing a determination regarding responsibility, the District will hold a live hearing to provide the Complainant and Respondent an opportunity to respond to the evidence gathered before a Decision-Maker. Neither Party may choose to waive the right to a live hearing, but the Parties can choose whether to participate in the hearing or answer some or all cross-examination questions.
  - 1) The Decision-Maker makes a determination of responsibility or non-responsibility based on the preponderance of the evidence standard. The Decision-Maker will issue a written determination regarding responsibility, provided simultaneously to both parties, no later than 20 business days after the date the hearing ends.
- j. In the event that the Respondent is found responsible for a violation of District Policy and/or Procedure, the District will take disciplinary action against the Respondent and any other remedial action determined to be appropriate. Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion.
- k. An individual who participates as a Complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

#### 10. APPEAL HEARING IN CASES INVOLVING SEX OR GENDER-BASED MISCONDUCT

- a. After the Decision-Maker renders a decision of no responsibility, either party may appeal the determination regarding responsibility and/or disciplinary sanction, by submitting a written appeal within five (5) business days from the date of the notice of determination regarding responsibility and/or from the date of the District's notice of disciplinary sanction. The Vice Chancellor, Educational Services will serve as the Decision-Maker on Appeal.
- b. If filing an appeal of the District's determination regarding responsibility, the party must state the grounds for appeal, and a statement of facts supporting those grounds. The grounds for appeal are as follows:
  - 1) A procedural irregularity affected the outcome;
  - 2) New evidence was not reasonably available at the time the District's determination regarding responsibility or dismissal was made, and this new evidence could affect the outcome; and/or
  - 3) The District's Title IX Coordinator, Investigative Analyst, or Decision-Maker had a

conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome.

- c. If the Complainant or Respondent submits an appeal to the District, the District will:
  - 1) Notify the other Party in writing within five (5) business days of receiving a Party's appeal; and
  - 2) Allow the non-appealing Party at least ten (10) business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome.
- d. The written decision by the appeal Decision-Maker shall set forth any deviation from the previous determinations as to responsibility and disciplinary sanction and the reason(s) therefore. In this regard, the appeal Decision-Maker's decision may provide a finding of responsibility or no responsibility; may increase, decrease, modify or eliminate the previously imposed discipline; and may state that the decision is final or may remand the matter for further investigation or other processing as provided in this Procedure; for the sanction of expulsion, the Vice Chancellor, Educational Services will follow the procedures identified in Section 13.c., fulfilling the responsibilities allocated to the President.
- e. As appropriate, the Title IX Coordinator has the discretion to remand the matter to the Title IX Investigative Analyst for further investigation at any point in the process set forth in Section 10 of this Procedure, as may be appropriate under the circumstances.

#### 11. DISCIPLINARY COMMITTEE FINDINGS AND RECOMMENDED SANCTIONS

Within five (5) instructional days after the hearing, the Chairperson shall deliver to the President a written report that provides specific findings of fact as to each charge, and recommended sanctions. A minority opinion may be recorded as part of the report.

#### 12. DISCIPLINARY CASES INVOLVING PROTECTIVE ORDERS

In cases where the severity of the student's action warrants that the District obtain a protective order from the court that prevents the student from attending classes, the student must apply for readmission under the provision of *AP 5010, Student Admission Status*.

#### 13. PRESIDENT'S DECISION

- a. The President shall review the findings and recommended sanctions based upon the record of the hearing. Matters outside of that record shall not be considered. If the President does not accept the sanctions recommended by the Disciplinary Committee, the reason shall be stated in writing. If the President decides to impose a sanction not recommended by the Disciplinary Committee, the reasons shall be stated in writing.
- b. The President shall prepare the final written report of findings and sanctions within five (5) working days following receipt of the Disciplinary Committee's report. A copy shall be sent to the Disciplinary Officer, the Chairperson and to the student via the online student conduct system. If the student is a minor, the report shall be sent to the parent or guardian.

- c. When the decision is to expel a student, the President shall recommend expulsion to the Governing Board. Only the Board of Trustees shall be authorized to expel a student (Education Code Section 76030). The President may suspend the student pending expulsion action by the Board. The final decision of the Governing Board shall be disseminated to the Presidents and a hold placed on the student's record by the Vice Chancellor, Educational Services.

The Governing Board shall consider any recommendation from the President for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision (Education Code Section 72122). The Governing 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.

The student shall be notified in writing, by registered or certified mail to the address on file with the District or by personal service, at least three (3) days prior to the meeting, of the date, time, and place of the Governing Board's meeting. The student may, within forty-eight (48) hours after receipt of the notice, request that the hearing be held as a public meeting. If a student has requested that the Governing Board consider an expulsion recommendation in a public meeting that involves any other student(s), the Governing Board will hold the discussion in closed session to avoid any conflict with the right to privacy of any student(s).

The Governing Board may accept, modify, or reject the findings, decisions and recommendations of the President. If the Governing 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 Governing Board shall be final. The final action of the Governing 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.

- d. When the decision is to suspend a student, the student shall be suspended from all colleges, campuses, sites, programs and activities of the District. The President shall notify the Chancellor, Vice Chancellor of Educational Services, and college Presidents of any decision to suspend a student.

The Vice President of Student Services at the colleges and the College of Continuing Education shall place an administrative hold on the student's record as follows: Policy 5500 Violation Contact the Vice President, Student Services, college name.

- e. When the final decision is to suspend or terminate financial aid, the Disciplinary Officer will notify the College Financial Aid Appeals Committee. The College Financial Aid Appeals Committee will make all decisions regarding suspension or termination of financial aid.
- f. Once the President makes a decision, the disciplinary process has been completed. There is no appeal. Expulsion proceedings will be completed upon action by the Board of Trustees.
- g. Findings of the discipline hearing are confidential.

#### 14. RECORDS MAINTENANCE

Upon closure of a disciplinary investigation, conference or hearing, all student disciplinary records shall be maintained in an office designated by the Vice President, Student Services at each college and the College of Continuing Education headquarters in accordance with the Records Retention requirements of the California Education Code.

#### 15. DISCIPLINARY SANCTIONS

Rights and responsibilities of students are not fundamentally different from those of other members of society. District officials administer the academic community under statutory authority in accordance with the directions of the Board. Discipline is administered outside civil authority or concurrent with civil authority in matters which affect the academic community. Examples of disciplinary sanctions for all incidents of misconduct may include, but are not limited to:

- a. Admonition – An oral statement to a student that they are violating or has violated the Student Code of Conduct.
- b. Reprimand – A written notice by the Disciplinary Officer of violation of the Student Code of Conduct. A reprimand may include the possibility of more severe disciplinary sanctions in the event of future infractions of the Student Code of Conduct.
- c. Community service or other educational sanctions.
- d. Disciplinary Probation – Formal written notice by the Disciplinary Officer of violation of the Student Code of Conduct which may include exclusion from participation in specified privileges for a period of time not exceeding one (1) calendar year, including conditions that must be met while on probation. Further violation of the Student Code of Conduct will result in more severe sanctions.
- e. Restitution – Formal action by the Disciplinary Officer to require reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.
- f. Removal from Class – Exclusion of a student by an instructor from a class for the day of an offense and/or the next class meeting. An instructor removing a student from class shall make a written report using the *Faculty Removal of Disruptive Student from Class* form. After-the-fact review by the President/designee shall be effective if the student alleges in writing that an instructor has abused their administrative discretion.

In accordance with Administrative Procedure, *AP 5070, College Class Attendance*, absences pursuant to this definition shall be counted as excused and make-up assignments shall be at the discretion of the instructor.

- g. Suspension – Action by the President to exclude from all colleges, campuses, sites, programs and activities in the District for a definite period of time. This action shall be posted on the permanent record, but shall not be reflected on the academic transcript. This does not prohibit, where an immediate suspension is required in order to protect lives or property and to insure the maintenance of order, interim suspension pending a hearing, provided that a reasonable opportunity be afforded the suspended person for a hearing within ten (10) days.

- h. Expulsion – Action by the Board of Trustees to terminate student status in the District indefinitely. The Board may expel a student 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.

The Board of Trustees shall accept or reject the panel's findings of fact and President's recommendations after careful review of the record.

The decision of the Board of Trustees must be supported by substantial evidence.

Final action shall be taken by the Board of Trustees at a public meeting. Action to expel a student will be posted on the academic record and transcript.

## 16. DISCIPLINE OF FORMER STUDENTS AND APPLICANTS

- a. Any person who is a student at the time of a violation, that is subject to discipline in accordance with this Administrative Procedure, may be disciplined notwithstanding that the person de-enrolls from some or all of the classes in which the person was enrolled at the time of the violation. A person who has been registered as a student may be disciplined in accordance with this Administrative Procedure whether or not the person has registered for any classes at the time of the violation.
- b. Any non-student, who would have been subject to discipline pursuant to the above provisions of this Administrative Procedure if they were a student at the time of the violation, may be disciplined in accordance with this Administrative Procedure. Where the District is either (a) unaware of a past violation at the time of admission or enrollment, or (b) is aware of the conduct constituting the violation but unaware that the violator has applied for admission or enrollment, such discipline may be imposed subsequent to admission or enrollment and at any time while the person is a student.

## 17. Student Conduct Advisers

- a. A student who receives a disciplinary notification has a right to select an adviser of his/her/their choice or to request the District provide an adviser to the student. An adviser, with written permission from the student, shall receive updates along with the student during the student discipline process and shall participate in the process as an advocate for the student.
- b. The District may use any of the following to fulfill its obligation to provide an adviser to the student: a confidential respondent services coordinator, an agreement with a student-based peer support program, and an agreement with an alumni-based support program.
- c. The District shall provide training to the adviser selected by the student or provided by the college. The training shall include information on the District's student discipline procedures and may be provided in an online or in-person format.

Reference: Board of Trustee Policy 5500;  
Administrative Procedures 3433; 3434; 5070; 5520; and 6550.2;  
Education Code Sections 66017, 66300, 72122 & 76030 et seq.;  
Penal Code Section 626.4

Approved by

AP 5520

the Chancellor: June 28, 2023

Supersedes: AP 3100.2 – 04/26/84; 06/16/86; 05/03/00; 10/14/10; AP 3100.3 – 05/10/79;  
04/29/84 (Policy 3100.3 merged with Procedure 3100.2); 11/15/13; 12/12/14;  
12/07/15; 11/09/16; 05/16/18; 04/17/19; AP 5520 – 06/14/22



## Board of Trustees Policy

### Chapter 5 – Student Services

#### BP 5020 - NONRESIDENT TUITION

Education Code Sections 68000 et seq. specify that the District shall charge nonresident tuition to students who are classified as nonresidents in accordance with Board of Trustees Policy and Administrative Procedure 5015, Residence Determination.

1. Nonresident students shall be charged nonresident tuition for all units enrolled at the District, unless specifically exempted by law or District policy.
2. The District Chancellor may waive nonresident tuition fees which were not collected in previous sessions, if the fees were not collected as a result of the District's error, and collecting the fees will cause the student undue hardship.
3. Not later than March 1 of each year, the District Chancellor shall present to the Board of Trustees the nonresident tuition fee to be charged for the following fiscal year.
4. The amount of the tuition fee shall be calculated in accordance with guidelines contained in applicable state regulations and/or the California Community College Attendance Accounting Manual.
5. Tuition shall be paid in full for all units enrolled.
6. Refunds of the nonresident tuition fee shall be made in accordance with the District refund policy. The District Chancellor shall establish procedures regarding collection, waiver, and refunds of nonresident tuition.

Reference: Education Code Sections 68050, 68051, 68130, 68130.5, and 76141; Title 5 Section 54045.5

Adopted: June 10, 2021

Supersedes: BP 3301 – 1/26/84; 10/14/98; 10/14/10; 8/27/2015; 10/27/16;  
(Renumbered BP 5020)



# San Diego Community College District

City College · Mesa College · Miramar College · College of Continuing Education

## Board of Trustees Policy

### Chapter 5 - Student Services

#### BP 5035 - WITHHOLDING OF STUDENT RECORDS

~~Students or former students who have been provided with written notice that they have failed to pay a proper financial obligation may have grades, diplomas, and registration privileges withheld until such time as the obligation is satisfied.~~

The District must provide a student or former student with written notice that he/she/they have failed to pay a financial obligation due to the District before the District commences any activity to collect the debt.

The District may not withhold grades or transcripts for a student or former student as a consequence of the student's outstanding financial obligation to the District. The District may not withhold registration privileges for a student or former student as a consequence of defaulting on a loan or loans under the Federal Family Education Loan Program only. The District may withhold diplomas as a consequence for a student or former student of defaulting on a loan.

**Revised 9/01, 10/20, 4/21, 4/23**

Reference: Title 5 Section 59410



## Administrative Procedure

### Chapter 5 - Student Services

#### AP 5035 - WITHHOLDING OF STUDENT RECORDS

##### 1. PURPOSE AND DESCRIPTION

- a. Grades, diplomas, and registration privileges, or any combination thereof, may be withheld from any student or former student who has been provided with written notice that he or she has failed to pay a proper financial obligation due to the District, San Diego City, Mesa, or Miramar College, or San Diego College of Continuing Education. Any item or items withheld shall be released when the student satisfactorily meets the financial obligation.

##### 2. FINANCIAL OBLIGATION

- a. The definition of proper financial obligation shall include, but is not limited to:
  - i. Student fees
  - ii. Obligations incurred through the use of facilities, equipment or materials
  - iii. Library fines
  - iv. Unreturned library books
  - v. Overdue parking fines or emergency loans
  - vi. Materials remaining improperly in the possession of the student
  - vii. Any other unpaid obligation a student or former students owes to the District
- b. A proper financial obligation does not include any unpaid obligation to a student organization.

##### 3. STUDENT HOLDS

- a. A hold may be placed on a student's academic record and subsequent term registration when the student has an outstanding financial obligation to San Diego City, Mesa, or Miramar College, or San Diego College of Continuing Education. Once the student satisfies the financial obligation, the hold will be released.
- b. If a student or former student believes that a financial obligation alleged by the District is in error, the student or former student may submit a

written appeal explaining why he or she believe the financial obligation to be in error to the Office of the Vice President of Student Services.

Reference: Title 5, Section 59410

Adopted: June 10, 2021

Revised: 10/20, 4/21, 4/25

Supersedes: 10/27/16



## **Board of Trustees Policy**

### **Chapter 5 – Student Services**

#### **5210 - COMMUNICABLE DISEASES**

The District Chancellor shall establish procedures necessary to assure cooperation with local public health officials in measures necessary for the prevention and control of communicable diseases in students.

Reference: Education Code Section 76403

Adopted: October 27, 2016

Supersedes: New Policy



## **Administrative Procedure**

### **Chapter 5 – Student Services**

#### **AP 5210 - COMMUNICABLE DISEASES**

The District recognizes that response protocols for communicable diseases will vary according to the nature and type of pathogen, known modes of transmission, best practices for prevention, and established treatments.

In the event of the identification of a reportable communicable disease, appropriate District officials will coordinate required responses at District-owned or operated facilities and with Department of Health officials in accordance with established District protocols.

Reference: Education Code Section 76403

Approved by the Chancellor: November 9, 2016

Supersedes: New Procedure



## Administrative Procedure

### Chapter 5 – Student Services

#### AP 5075 - COURSE ADDS AND DROPS

##### 1. ADDING COURSES

- a. Students may add classes with available seats through the registration period.
- b. If a class is full, students may waitlist the class. During registration, students are added from the waitlist in chronological order as seats become available. Students must meet all registration requirements at the time of registration from the waitlist process.
- c. Once the semester begins, students may only add a class with permission from the instructor. Faculty are strongly encouraged to follow the waitlist order. Students will not be allowed to add classes beyond the published add deadline for the class.
- d. Students are not officially registered until all mandatory fees are paid in full.
- e. The maximum study load is 20 academic units in the fall and spring semesters, and 12 academic units in the summer session. The maximum study load includes Exercise Science activity units. Students may request an overload at the respective college Counseling office for an exception to the limit.
- f. Students may not enroll in two or more courses where the meeting times overlap, or do not have at least a 10-minute passing period. Students requesting an exception to this rule must submit a petition (see AP 4226 - Multiple and Overlapping Enrollment).
- g. Students may not enroll in two or more sections of the same credit course during the same term unless the length of the course provides that the student is not enrolled in more than one section at any given time.
- h. Students must meet all prerequisites or co-requisites of a course as stated in the college catalog at the time of registration.
- i. Students not officially registered in a class shall not be permitted to attend that class. No exceptions will be made.

##### 2. DROPPING CLASS/WITHDRAWAL

- a. Drop prior to Census – Students who drop, or are dropped, prior to the census date shall have no notation made on their academic record. Census

for primary session classes occurs on the next instructional day succeeding the add/drop deadline. Census for other sessions occurs at 20% of instruction for the class.

- i. Although it is the responsibility and obligation of the student to add, drop or withdraw from a course, instructors shall clear their rosters of inactive students no later than the end of the last business day before the census day for all students. Inactive students include no-shows, those who have officially dropped, and those students who are no longer participating in the course.
- b. Withdrawal – Students who withdraw, or are withdrawn, on or after the census date and through the end of the withdrawal deadline will have a “W” posted to the academic record. The withdrawal deadline for primary session classes occurs on the 10th Friday of instruction. The withdrawal deadline for other sessions occurs at 60% of instruction.
- c. Withdrawal after deadline – The withdrawal deadline for students is after the 10th Friday for primary session classes, otherwise after 60% of instruction. The academic record of students who remain enrolled in a class beyond the published withdrawal deadline will receive an evaluative letter grade.
- d. Excused Withdrawal – Students who were required to withdraw or drop a course(s) due to extraordinary or extenuating circumstances are eligible to petition for an Excused Withdrawal, as identified in Title 5 Section 55024. Such cases will be handled through the petition process to have their academic record reflect the grade of “EW” for the impacted course(s). An “EW” will not be counted toward the permitted number of withdrawals or counted as an enrollment attempt, nor will it be counted in progress probation and dismissal calculations.
  - i. Extraordinary conditions are those defined in Title 5, Section 58146
  - ii. In the case of an incarcerated student, an excused withdrawal cannot be applied if the failure to complete the course(s) was the result of the student’s behavioral violation or if the student requested and was granted a mid-semester transfer.
- e. Military Withdrawal – Students who are active members of the armed forces of the United States who receive orders compelling a withdrawal from class may petition to have their academic record annotated with a “W” symbol and transcript reference code MILT, to exclude the withdrawal from progress probation and disqualification calculations. Military Withdrawal will not be counted toward the permitted number of withdrawals or counted as an enrollment attempt. Students are required to provide verification of such orders. The symbol may be assigned at any

time. In the event a student is unable to request a military withdrawal prior to the assignment of a final grade in class, a military withdrawal will only be assigned with approval from the instructor who assigned the original grade.

- f. Withdrawal due to Pregnancy – In accordance with Title IX of the Education Amendments of 1972, absences due to pregnancy or related conditions, including recovery from childbirth, shall be excused for as long as the student's doctor deems the absences to be medically necessary. Students who withdraw after the drop deadline shall be given the opportunity to make up any missed work through the "Assignment of Incomplete" process. If a student elects to withdraw from the class(s) on or after census, a "W" shall be assigned and shall not be counted in progress probation and dismissal calculations.
- g. Withdrawal due to Discriminatory Treatment – In accordance with Title 5 regulations, if the District determines that a student withdrew from a course as a result of discriminatory treatment or due to retaliation for alleging discriminatory treatment, then the district shall not assign a W to the student. Such cases will require documentation and will be handled through the petition process.
- h. Class Repetition – The District will comply with Title 5 regulations regarding class repetition and withdrawals (See AP 4225, *Course Repetition*).
- i. Drops due to Fraud - Enrolled students who are flagged as suspected fraud may be dropped prior to the start of class if they do not comply with supplemental verification requirements.

Reference: California Education Code section 76365; California Code of Regulations, title 5 Sections 59400 et seq.

Approved by the Chancellor: September 22, 2023

Supersedes: New Procedure