

Policy	Publication
<i>Sexual Harassment and Sexual Assault Prevention Policy</i>	Sexual Harassment and Sexual Assault Prevention Policy (stand-alone publication)
<i>Notice of Non-Discrimination and Anti-Harassment</i>	College Catalog
<i>Harassment</i>	
<i>Student Grievance Policy</i>	
<i>Complaints</i>	
<i>Students with Disabilities</i>	
<i>Student Rights</i>	
<i>Students Right to Cancel</i>	
<i>Refunds</i>	
<i>Appeal Process for Unsatisfactory Academic Progress</i>	
<i>Statement of Student Rights</i>	
<i>Student Code of Conduct</i>	
<i>Student Complaints & Grievances</i>	
<i>Student Disability Policy</i>	Student Disability Policy (stand-alone publication)

Sexual Assault and Sexual Harassment Prevention Policy

Note: the 2018 Sexual Harassment and Sexual Assault Prevention Policy is currently undergoing review by the Ember Education Legal Department, and remains in effect until and up to publication of the 2020 version.

Item VIII in this document is amended on pages 26 and 27 to reflect current campus leadership positions for purposes of this exhibit only.



SEXUAL HARASSMENT AND SEXUAL ASSAULT PREVENTION POLICY

2018

**Handbook prepared in compliance with
Title IX of the Education Amendments of 1972
1990 Clery Act
Violence Against Women Reauthorization Act of 2013**

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I. INTRODUCTION

A. Intent

Members of the **San Joaquin Valley College (“SJVC” or the “College”)** community, guests, and visitors have the right to be free from all forms of gender- and sex-based discrimination, harassment, and assault, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the College community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When an allegation of misconduct is brought to SJVC’s attention, and a Respondent is found to have violated this policy, appropriate sanctions will be administered to reasonably ensure a sustained safe classroom, office, and campus environment, and equitable treatment and opportunity related to the academic and employment benefits offered by SJVC.



SJVC complies with all pertinent titles and sections of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, the Clery Act of 1990, and the Violence Against Women Reauthorization Act of 2013.

Specifically, Title IX is landmark federal civil rights legislation that prohibits sex discrimination, sexual harassment, gender-based discrimination, and sexual violence in education. Title IX protects any person regardless of their real or perceived sex, gender identity, sexual orientation, and/or gender expression:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

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Under this policy, **SJVC** expressly forbids gender- and sex-based discrimination, harassment of any student, employee, or visitor. Additionally, non-consensual sexual conduct and sexual assault are expressly forbidden.

Disciplinary action will be taken promptly against any student or employee, supervisory or otherwise, who has been found to have engaged in harassing [including bullying], discriminatory, or violent behavior. Individuals who violate these policies will be subject to disciplinary action that may include removal from campus, suspension, termination, or any other

appropriate institutional sanctions or any other means necessary to correct the situation. Prosecution by governmental authorities may also occur.

B. Jurisdiction

The College maintains jurisdiction over Title IX compliance and infractions in any building or on property the College owns or controls within a reasonably contiguous area that directly supports or relates to the institution's educational purposes; any building or property that is owned or controlled by the institution that is used in support of its educational purposes but is not located within a reasonably contiguous area to the campus; on grounds or facilities maintained by a student organization; and all public property within the reasonably contiguous geographic area of the institution that is adjacent to, or accessible from, a facility the institution owns or controls and that is used for educational purposes.

In addition, the College also maintains jurisdiction over student-to-student, employee-to-employee, student-to-employee, and employee-to-student off-campus conduct and/or actions, including electronic activity (such as e-mail, texting, telephone contact, social media, and other technology), when the Title IX Coordinator, or its designee, determines that the off-campus conduct affects, disrupts, or interferes with the educational mission of the College that could lead to the creation of an on-campus hostile environment.

C. First Amendment

Title IX is intended to protect students from sex discrimination, not to regulate the content of speech. In order to establish a violation of Title IX, the harassment must be sufficiently serious to deny or limit a student's ability to participate in, or benefit from, the education program.

D. Definitions

Advisor A member of the faculty, staff, or student body of the College or a family member, attorney, or friend selected by a Complainant or Respondent to assist him or her during the investigation process. Refer to page 11 for additional information. The advisor's role is limited to observing and consulting with, and providing support to, the Complainant or Respondent. The advisor cannot have involvement in the underlying case, and should not be a witness to the conduct at issue. An Advisor may not participate (speak) in the interview on the party's behalf; and may not in any way disrupt or interfere with the investigative or appeal process. The advisor should also maintain the privacy of the parties and shall not disclose information related to the complaint or investigation.

Appeal Officer For students, a member of the College's senior management [excluding the College President] selected by the Title IX Coordinator to hear an appeal of a decision of the Investigator. For employees, the College President.

Awareness Programs	Programs for students and employees that ensure an understanding of what types of conduct can cause sexual harassment or assault, how to prevent, and how to respond including bystander intervention.
Bystander Intervention	A violence prevention strategy whereby someone interrupts a potentially harmful situation
Coercion	Unreasonable pressure for sexual activity (“Have sex with me or I’ll hit you.” “Okay, don’t hit me; I’ll do what you want.”). Coercive behavior differs from seductive behavior based on the type of pressure used to get consent. When someone makes it clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
College	<i>San Joaquin Valley College</i> and its campuses.
College Community	The students, faculty, staff, administration and other employees of the College, as well as visitors, vendors and independent contractors to the College.
Complaint	A report, either verbal or in writing, to the College by a student who believes he or she has been subjected to discrimination, harassment, or assault in violation of Title IX on the part of other students, faculty, staff, employees of the College, or third parties.
Complainant	A student, employee, or visitor who lodges with the College a complaint alleging conduct in violation of Title IX.
Conflict of Interest	Occurs when an individual’s personal objectives or interests are at odds with his or her professional responsibilities.
Consent	Clear, ongoing, affirmative, conscious, and voluntary permission. Consent is active, not passive. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the affirmative consent of the other or others to engage in the sexual activity. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in [and the conditions of] sexual activity. In order to give effective consent, one must be of legal age and have the capacity to give consent: <ol style="list-style-type: none"> 1. The legal age of consent in the state of California is 18 years. 2. Consent to any one form of sexual activity does not imply consent to any other form(s) of sexual activity. 3. A previous relationship or prior consent does not imply consent to future sexual acts. 4. Consent can be withdrawn. Thus, even if a person agreed to sexual interaction or continued sexual interaction, that person has the right to change their mind, irrespective of how much sexual interaction may have already taken place.

Dating Violence Controlling, abusive, and aggressive behavior in a romantic relationship. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes the use of physical violence, coercion, threats, intimidation, isolation, or stalking on another while in a dating relationship, or a social relationship of romantic or sexually intimate nature. Such violence includes other forms of emotional, sexual, or economic abuse directed towards a person who is or has been in a dating relationship, or a social relationship of a romantic or sexually intimate nature with the victim. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Dating violence can be a single act or a pattern of behavior in relationships. Unless the behavior occurs under the College’s jurisdiction as defined on page 2, or could lead to an on-campus hostile environment as defined on page 5, the College’s role is limited to offering support and referral to third-party services.

Discrimination Any distinction, preference, advantage for or detriment to, an individual compared to others that is based upon an individual’s actual or perceived gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion or sexual orientation that is so severe, persistent or pervasive that it unreasonably interferes with or limits an employee’s or student’s ability to participate in, or benefit from, the College’s educational programs or activities. Title IX, and this Policy, specifically relates to gender/sex discrimination; other types of discrimination are addressed by the College’s anti-discrimination policies.

Domestic Violence Willful intimidation, physical assault, battery, sexual assault, and/or other abusive behavior as part of a systematic pattern of power and control perpetrated by one intimate partner against another. Unless the behavior occurs under the College’s jurisdiction as defined on page 2, or could lead to an on-campus hostile environment as defined on page 5, the College’s role is limited to offering support and referral to third-party services.

Force The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation [implied threats] and coercion that overcome resistance or produce consent. Consent obtained through force is not consent. NOTE: There is no requirement that a party resists a sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force, however, is not demonstrated by the absence of resistance.

Gender-Based Harassment and/or Misconduct	Unwelcome conduct of a nonsexual nature based on a Complainant’s actual or perceived gender, including conduct based on gender identity, gender expression, or nonconformity with gender stereotypes.
Hostile Environment	Any situation in which there is harassing conduct that is sufficiently severe, pervasive, and objectively offensive that it alters the conditions of employment or limits, interferes with, or denies educational benefits or opportunities, from both a subjective (the alleged victim’s) and objective (reasonable person’s) viewpoint.
Incapacitation	A state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). Sexual activity with someone who is known to be -- or based on the circumstances should reasonably have been known to be -- mentally or physically incapacitated (i.e. by alcohol or other drug use, unconsciousness, asleep, or blacked out), constitutes a violation of this Policy.
Investigator	The Title IX Coordinator’s designated person(s) responsible for the investigation of complaints of sexual harassment, sexual assault, and gender-based misconduct at the College.
May	Used in the permissive sense.
Notification	A written statement of the specific actions or behaviors on the part of the accused individual[s] who allegedly violated Title IX and/or SJVC Policy.
Nonconsensual Sexual Contact	Any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman that is without consent and/or by force. This includes intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
Other Policy	Any official policy of the College specified in its publications including, but not limited to, the Student Handbook and Catalog .
Privacy	The College will make all reasonable efforts to maintain the privacy of the parties involved in an investigation of a complaint regarding the details of that investigation, and except where permitted by law, the sanctions imposed. The College will inform in writing all individuals involved in the investigation and/or hearing process of the critical importance and expectation that, while the processes are ongoing, they maintain the privacy of the process and any information shared with them as a result of their participation. Further, all documents provided in preparation for or related to the hearing proceedings may not be disclosed to any other party under FERPA as such documents constitute education records which may not be disclosed outside of the proceedings, except as may be required or

authorized by law. All hearing proceedings will be confidential and will not be discussed outside the process; this includes any witnesses and advisors/support persons.

Complainants and Respondents are not prohibited from sharing details of complaints with family/partner, counsel, or a support person/advisor, who may support or assist the parties in presenting their case. Those persons are also expected to maintain the same level of privacy as Complainants and Respondents and the College will provide written notice regarding privacy to Complainants and Respondents so that they can deliver it to such persons.

Following resolution of an investigation and any related hearing, the College does not impose any restrictions on the parties regarding re-disclosure of the following: the name of the student or employee (Respondent or Complainant), the findings of the hearing, any sanctions imposed by the College, and the rationale for the findings and sanctions.

Quid Pro Quo	An exchange of goods or services, where one transfer is contingent on the other.
Rape	Non-consensual sexual intercourse that may also include the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Intercourse includes the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
Respondent	The party to a complaint who allegedly committed conduct that violated Title IX.
Responsible Employee	Employees designated by the College to mandatorily report all known or suspected incidents of Sexual Harassment and Sexual Assault to the Title IX Coordinator.
Retaliation	Any adverse action by any student, faculty or staff member against another individual as a result of that individual's exercise of a right under this policy, including participation in a complaint and/or investigation of unlawful sexual harassment and/or assault or gender-based misconduct. Retaliation includes adverse actions intended to improperly deter involvement of another in these procedures set forth in this Policy, and may involve actions intended either to intimidate or to penalize individuals for their participation. Retaliation is strictly prohibited by law and this policy; any person who is found to have engaged in retaliation shall be subject to disciplinary action. Persons who believe that they have been retaliated against for making a complaint/report or for cooperating in an investigation or hearing should immediately contact the Title IX Coordinator. A complaint filed in good faith under this policy shall not constitute retaliation.

Risk reduction	The actions an individual can take that reduce the risk of sexual assault.
Result	Outcome of an investigation: whether the violation occurred, and what sanctions, if any, will be imposed.
Sexual Assault	A general term that covers actual or attempted, forcible or nonforcible sexual contact with another person without that individual's consent. Sexual assault includes, but is not limited to, a range of crimes, including rape, forced anal intercourse, forced oral copulation, penetration of the anal or vaginal area with a foreign object, and forcibly touching an intimate part of another person.
Sexual Contact	Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice
Sexual Exploitation	When one takes non-consensual or abusive sexual advantage of another for the benefit of anyone other than the one being exploited without his/her consent. Examples of sexual exploitation may include, but are not limited to <ul style="list-style-type: none"> • Prostituting another person; • Non-consensual video or audio-taping of sexual activity; • Viewing or distributing images of an individual's sexual activity, body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's Consent to have the image shared, or advance Consent to view such an image, and for the purposes of arousing or gratifying sexual desire; • Knowingly transmitting an STD, HIV, or other communicable disease to another; • Exposing one's body parts in non-consensual circumstances; inducing another to expose their genitals; • Sexually-based stalking.
Sexual Harassment	Unwelcome, gender or sex-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the College's employment and/or educational programs/activities, and is based on power differentials (quid pro quo), the creation of a Hostile Environment, or Retaliation. Sexual harassment may include sexual assault, and sexual exploitation. In addition, depending on the facts, dating violence, domestic violence, and stalking may also be forms of Sexual Harassment,
Sexual Misconduct	A threat or commission of behavior used to obtain sexual gratification against another's will or at the expense of another such as inducing fear, shame, or mental suffering.
Shall	Is used in the imperative sense.

Standard of Proof

A Respondent will be found either responsible or not responsible based on a preponderance of the evidence, meaning that it is more likely than not that s/he has violated the College’s policy and any other applicable policies and procedures. The determination of responsible or not responsible shall be based upon the thorough investigation of allegations, and the weighing of evidence in totality by the Title IX Coordinator, or his or her designee.

Title IX Coordinator

The person(s) responsible for oversight and implementation of Title IX compliance at the College and for the effective oversight of the College’s Sexual Harassment and Sexual Assault Prevention Policy and procedures outlined in this policy. The purpose of the Title IX Coordinator is to protect and promote gender equality. The Title IX Coordinator is an advocate for the policies, processes and resources that address gender equality at SJVC, and not a specific advocate for Complainants, Respondents, or the College.

II. AWARENESS AND PREVENTION TRAINING PROGRAMS

Through the Title IX Coordinator, the College is committed to educating the College community of the impact that sexual harassment, sexual assault and gender-based misconduct has on an individual and the broader College community. Therefore, the College will:

- Provide the College Community with training, ongoing education, prevention and awareness information about sexual harassment, sexual assault and gender-based misconduct, including domestic violence, dating violence, sexual assault, or stalking.
- Post prevention and education resources and information on the College’s website regarding sexual harassment, sexual assault and gender-based misconduct, including domestic violence, dating violence, sexual assault and stalking.
- Advise all reported victims of sexual harassment, sexual assault and gender-based misconduct sources of counseling, advocacy, support, and legal options.

In addition, the College includes the following information regarding prevention and risk reduction.

A. Prevention:

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner and yourself. These suggestions may help you avoid committing a nonconsensual sexual act and reduce your risk of being accused of sexual misconduct:

1. Clearly communicate your intentions to your sexual partner and give them a chance to clearly communicate their intentions to you.
2. Understand and respect personal boundaries. Do not pressure a potential partner.

3. DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you DO NOT have consent and you should stop.
4. If you think you are receiving unclear or conflicting messages from your partner, this is a clear indication that you should stop, defuse any sexual tension, and communicate better.
5. Don't take advantage of someone's drunkenness, drugged, or otherwise incapacitated state, even if they did it to themselves.
6. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
7. Understand that consent to some form of sexual behavior does not automatically equal consent to any other form of sexual behavior.
8. Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal, non-verbal communication, and body language. If you are not sure, stop.

B. Risk Reduction

Risk reduction tips can, unintentionally, take a victim-blaming tone. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for such conduct, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act.

1. If you have sexual limits, make them known as early as possible.
2. If you do not want to engage in a particular activity, tell the other person "NO" clearly and firmly.
3. Try to remove yourself from the physical presence of a sexual aggressor, if you can do so safely.
4. If someone is nearby, ask for help or if it is safe to do so, text or call someone.
5. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
6. Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to enter a dangerous situation. Respect them when they do.

III. REPORTING

An individual who is the victim of sexual harassment, sexual assault or gender-based misconduct, has knowledge of another person being the victim of sexual harassment, sexual assault or gender-based misconduct, or believes in good faith that s/he has witnessed a possible warning sign of sexual harassment, sexual assault or gender-based misconduct is encouraged to

make a formal report to the Dean of Student Services (“Dean”), the Campus President (“President”), and/or the Title IX Coordinator and/or local law enforcement authorities.

Whether or not a victim or witness elects to report an act of sexual harassment, sexual assault or gender-based misconduct of the warning signs of sexual misconduct to the police, s/he is urged to contact the Dean of Student Services, the Campus President, and/or the Title IX Coordinator.¹

A. Lodging a Formal Complaint



If a student has been the subject of unlawful discrimination, harassment, or sexual misconduct, or has witnessed another individual of the College community being subjected to such acts, s/he may file a formal complaint. Complaints can be made in person or in writing. If in writing, the complaint must be legible, dated, and addressed to the Title IX Coordinator, and/or the appropriate Dean and/or Campus President.

Complaints should generally be submitted within 180 days, and failure to timely report will impede the College’s ability to effectively investigate and respond. However, the College will investigate and take appropriate action in response to all reports regardless of when the alleged conduct occurred. The ability of the College to respond to the conduct is limited if the Respondent is no longer a member of the College community. If a College staff member, faculty member or student leaves the College with a pending complaint against them, they will not be permitted to return to the College until the case is resolved through these procedures.

B. Required Reporting by Responsible Employees



In addition to the Dean, Presidents, and Title IX Coordinator, a report may be made to any responsible employee. The following employees of the College are designated as Responsible Employees, who are required to report incidents and relevant details of sexual harassment, sexual assault, and gender-based misconduct to the Title IX Coordinator and law enforcement, if necessary:

- Managers/Administrators
- All Faculty

Notice to a Responsible Employee is official notice to the College. Members of the College community have the right and can expect to have incidents of sexual harassment, sexual assault and gender-based misconduct taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved. Formal reporting means that only people who need to know will be told, and information will be shared only as necessary.

¹ Refer to pages 24-25 for a list of those names.

C. Methods for Reporting Sexual Harassment, Sexual Assault and Gender-Based Misconduct

SJVC has a process in place for students, faculty, staff, and administrators to report any violations of this Policy or related criminal acts by submitting an email to TitleIXSupport&Assistance@sjvc.edu; via phone (559) 302-1802; or in person to the Title IX Coordinator. Alternatively, complainants may contact the appropriate Dean of Student Services or Campus President to report violations. All incidents where imminent physical danger is known or suspected should be reported to local law enforcement via 9-1-1 immediately.

D. Request for Confidentiality in Connection with a Report of Sexual Harassment, Sexual Assault and Gender-Based Misconduct

If the Complainant requests confidentiality or requests that the complaint not be pursued, the College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality. However, such a request may limit the College's ability to respond appropriately to the complaint.

In addition, the College may have an obligation to proceed with an investigation, regardless of a Complainant's wishes to the contrary, in order to ensure the safety of the College community.

The College may also weigh the Complainant's request for confidentiality against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same individual, the Respondent's rights to receive information about allegations if the information is maintained by *SJVC* as an "education record" under the Family Educational Rights and Privacy Act [FERPA], or in the case of an employee, the "employment record" and other factors otherwise required by applicable law.

In most cases, information including the Complainant's name may be shared with the Respondent, witnesses, and with College officials who have a legitimate need-to-know or law enforcement as applicable. Beyond that, the College will take steps to reasonably protect the Complainant's identity and the identity of all individuals involved.

The College may publicly disclose results of disciplinary proceedings if a student or employee is found to have committed a crime of violence, or non-forcible sex offense, as determined under this policy.

E. Confidential Reporting Options

Certain resources are not required to disclose private, personally identifiable information unless there is cause for fear for your safety, or the safety of others. Specifically, reports to members of the clergy and chaplains off-campus are confidential resources.

IV. INVESTIGATION PROCESS AND SANCTIONS DETERMINATION

A. Informal Dispute Resolution

Before pursuing the formal complaint process, every reasonable effort should be made to constructively resolve issues with students, faculty, staff, or administrators, including following procedures for formal appeal. Whenever possible and safe, and where both parties are amenable, the problem or complaint should first be discussed with the individual involved in the complaint. If the Title IX Coordinator or its designee determines that such an informal process is appropriate under the facts and circumstances of the case, one or more of the following, or similar, methods may be utilized:

1. A meeting of the Title IX Coordinator or its designee, the Complainant, and the Respondent; and/or
2. A meeting between the Title IX Coordinator or its designee and the Respondent; and/or
3. A recommendation of training courses or seminars for either principal; and/or
4. Referral of the case to a mediator who has both legal and/or personnel relations experience. The mediator will discuss the issues with both principals and seek appropriate actions by the principals involved to reach an acceptable solution.

If satisfactory resolution is not reached after discussion with the individual, the Complainant should contact the individual's direct supervisor or Dean of Student Services to attempt resolution, or request a formal complaint process be initiated by the Title IX Coordinator.

The College does not *require* a student to contact the person involved, that person's supervisor, or the Dean if doing so is impracticable, or if the student believes the conduct cannot be effectively addressed through informal means. Moreover, none of the informal resolution alternatives above are options for resolution in cases involving allegations of sexual assault. This informal procedure is intended to resolve actual or perceived instances of harassment and discrimination through agreement and mutual understanding between the parties involved without the need for more formal action by the College. Mediation will normally be completed within four weeks, although it may take longer.

If these efforts are unsuccessful or not attempted, the formal complaint process may be initiated.

B. Investigation

1. Timeframe for Investigating Sexual Harassment, Sexual Assault and Gender-Based Misconduct Complaints

The College shall use reasonable, diligent efforts to investigate reported incidents of sexual harassment, sexual assault or gender-based misconduct to the Complainant and Respondent within sixty (60) calendar days of the date in which the complaint was filed unless

there are extenuating circumstances that prohibit the timeliness of the completion of the investigation. Time frames for investigations may vary depending on the details of a case or if possible violations occur near, during, or after College holidays, breaks, or the end of an academic period.

If an extenuating circumstance exists that prohibits the completion of an investigation within 60 calendar days, the College will inform the Complainant and the Respondent in writing of such delay.

2. Alcohol and Drug Use Are Not Barriers to Reporting Sexual and Gender-Based Misconduct

The College understands that students and employees may be reluctant to file complaints of sexual harassment, sexual assault, or gender-based misconduct when alcohol and/or drugs were used. Whenever possible, the College will respond educationally, rather than punitively, to the use of drugs and/or alcohol so as to promote the reporting of sexual harassment, sexual assault, and gender-based misconduct. However, the College reserves the right to other remedies dependent upon the severity of the alcohol or drug use.

3. Anti-Retaliation

Any form of retaliation against anyone who has complained of, or formally reported, discrimination, harassment, or sexual assault and gender-based misconduct, or has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated, and violates this Policy, and applicable law.

4. Parallel Student Conduct Proceedings

Complainants are strongly encouraged to report all incidents of sexual harassment, sexual assault, and gender-based misconduct to law enforcement. Title IX investigations are independent from court or other administrative proceedings. Discipline may be instituted against a Respondent also charged in civil or criminal courts based on the same facts that constitute the alleged violation of the Student Code of Conduct or other applicable Policy.

The College may proceed before, concurrently with, or after any judicial, criminal, or administrative proceedings, except in cases involving sexual harassment, sexual assault, and gender-based misconduct. In sexual harassment, sexual assault, and gender-based misconduct cases, the College shall proceed with investigation without undue delay, typically within fourteen (14) calendar days, in accordance with federal and state law requirements.

5. Steps in the Investigation Process

Step 1—Notice

Once a complaint of sexual harassment, assault, and/or gender-based misconduct has been received by the Title IX Coordinator, or designee, an email or letter will be sent to Complainant and Respondent, separately, with the following information:

- A description of the alleged violation(s);
- A description of the applicable policies;
- A statement of the potential sanctions/responsive actions that could result; and
- A request for an investigative interview.

Step 2—Interim Measures and Accommodations

Once the Title IX Coordinator or its designee has received a complaint and/or report of sexual harassment, sexual assault or gender-based misconduct, the College will make an immediate assessment to determine if any interim measures are warranted, pending an investigation. The College may take whatever measures it deems necessary in response to an allegation in order to protect an individual's rights and personal safety, the safety of the College community, or if determined to be necessary to ensure the integrity of the investigation or adjudication process.

Determinations regarding interim measures are made by the Title IX Coordinator on a case-by-case basis. Such measures include, but are not limited to, an interim suspension (immediate, temporary suspension pending the outcome of investigation and/or hearing process), a "no contact" letter (an order that an individual refrain from direct or indirect contact with another person or persons), restrictions on access to campus or areas of campus, and/or appropriate changes in academic schedule. Interim measures may include reporting the matter to the local police.

A Complainant or Respondent may request a "no-contact" letter or other protection. Not all of the measures listed in this section will be necessary in every case. If an individual identifies an interim measure that is not already provided by the College, the College will consider whether the request can be granted. In those instances where interim measures affect both a Complainant and Respondent, the College will minimize the burden on the Complainant wherever appropriate.

Step 3—Investigation

Upon notice of any concern regarding sexual harassment, sexual assault or gender-based misconduct, the Title IX Coordinator or its designee will assess whether a formal Title IX investigation will be conducted under these procedures; and, if so, whether a formal investigation is appropriate under the circumstances. In circumstances in which the Title IX Coordinator determines that there is no ongoing risk of harm to the community and that interim

measures, such as a No Contact letter, have redressed the concerns, the Title IX Coordinator may forego a formal investigation.

The College is committed to using a balanced and fair investigative process for both Complainant and Respondent. In reaching an investigative finding, the College shall use a “preponderance-of-the-evidence” standard, that it is “more likely than not” that a violation of this Policy has occurred.

Following receipt by the College of a complaint of discrimination, harassment, or sexual misconduct that alleges violation of Title IX, the Title IX Coordinator shall then assign the complaint to an Investigator from the staff, administration, or faculty who does not have a conflict of interest to perform an investigation into the allegations contained in the complaint. The Investigator shall be drawn from a pre-designated pool of potential investigators who have received appropriate investigatory and Title IX training.

In all investigations conducted by the College, the Investigator will make good faith and reasonable efforts to interview the Complainant, Respondent, and any witnesses (if appropriate). Both Complainant and Respondent may have an advisor present during their own investigative interview.

The Investigator will also make good faith and reasonable efforts to gather all readily available information, documents, and materials (if any) that are relevant to the case. Cell phones and other video or audio recording devices may not be used in any investigation meetings or interviews.

Once sufficient evidence has been collected, the Investigator will evaluate the evidence to make a determination regarding responsibility based on the preponderance of the evidence (more likely than not) that there has been a violation of this Policy.

Step 4—Investigative Findings

Once the investigation has been concluded, the Title IX investigator will make a determination based on the preponderance of the evidence that the Respondent is Responsible or Not Responsible for a violation of this Policy:

Not Responsible— If after the conclusion of an investigation, the preponderance of the evidence indicates that it is NOT more likely than not that the Respondent violated this policy, the Respondent will be found not responsible for the violation.

Responsible—If after the conclusion of an investigation, the preponderance of the evidence indicates that it IS more likely than not that the Respondent violated this policy, the Respondent will be found responsible for the violation. Where a Respondent is found responsible for violation of this policy, applicable sanctions will be recommended by the investigator, in collaboration with the appropriate campus or site managers.

Whether or not a Respondent is found to be responsible, both Complainant and Respondent will be notified of the outcome of the investigative findings in writing by the Title IX Investigator. Prepared by the Title IX Coordinator, the notification shall include a brief summary of the investigative process and findings, the outcome of the investigation, and an advisement of their right to appeal the investigatory findings. Thereafter, in these cases, the Title IX Coordinator will forward that determination to the appropriate party for a determination of sanctions.

Along with the notification, both parties shall receive a copy of the underlying investigatory report. A copy of the report shall be retained by the Title IX Coordinator. The investigatory report and results notification will be forwarded to the appropriate manager for their records and sanctions, if applicable. Any applicable sanctions are administered through the appropriate manager.

6. Determination of Sanctions

Within five (5) calendar days of receipt of the investigatory report and results notification, the appropriate manager, upon a finding of responsibility, shall determine sanctions for student or employee respondents, and prepare a related determination, informing both parties of the sanctions to be imposed. The sanctions may include remedial or corrective actions as warranted (including, but not limited to, extension of or expansion or any interim measures already in place). In general:

- Termination from the College is the expected sanction for any student or employee who is determined to have committed sexual assault involving sexual penetration and force and/or incapacity.
- Any determination of responsibility for committing sexual assault involving sexual penetration without force or incapacitation may result in a sanction ranging from suspension of no less than one-year or the Complainant's remaining tenure on campus (whichever is longer) to termination from the College.
- Any determination of responsibility for committing sexual assault involving sexual contact may result in a sanction ranging from conduct warning up to termination from the College.
- Any determination of responsibility for engaging in any other prohibited form of conduct may result in a sanction ranging from conduct warning to termination from the College.

The appropriate manager may issue a single sanction or a combination of sanctions. In considering the appropriate the following factors will be considered:

- (1) the impact of the conduct on the Complainant;
- (2) the impact of the conduct on the community, its members, or its property;
- (3) the Respondent's prior discipline history;
- (4) how the College has sanctioned similar incidents in the past;
- (5) the nature and violence of the conduct at issue;

- (6) whether the Respondent has accepted responsibility;
- (7) whether the Respondent is reasonably likely to engage in the conduct in the future based on pattern and practice evidence heard and considered by the investigator and/or External Adjudicator;
- (8) the need to deter similar conduct by others; and
- (9) any other mitigating or aggravating circumstances.

Absent compelling justifications, if the Respondent has previously been found responsible under College policy to have engaged in the same or similar conduct in the past, the sanction will be termination.

The following list of sanctions is illustrative rather than exhaustive, and the College reserves the right to impose other reasonable sanctions or to combine sanctions as it deems appropriate:

Conduct Warning—A written notification that a violation of the Student or Employee Code occurred and that any further responsible finding of misconduct may result in more severe disciplinary action. Warnings are typically recorded for internal purposes only and are not considered part of a student's or employee's record. Though disclosed with a student's or employee's signed consent, a student or employee who receives a warning is still considered in good standing at the College.

Loss of Privileges—Denial of the use of certain College facilities or the right to participate in certain activities or to exercise certain privileges for a designated period of time.

Educational Requirements/Referrals—The College reserves the right to impose counseling or substance assessments or other required educational or employment sanctions.

College Suspension—The separation of a student or employee from the College for a specified period of time, after which the student or employee is eligible to return. Conditions for return may be required and will be included in the notification of suspension.

During the period of suspension, the student or employee may not participate in College academic, co-curricular, or extra-curricular activities; and may be banned from all property owned or operated by the College. Students or employees who are suspended may not be on campus without specific, written permission of the appropriate manager.

Suspension is for a designated period of time and includes the probability of more severe sanctions, including termination, if found responsible for violations of the Student Code.

Termination—Termination is the permanent separation of the student or employee from the College. Students or employees who have been terminated may not be on campus without specific, written permission from the appropriate manager.

V. APPEAL

Both the Respondent and Complainant have the right to submit an appeal of the investigative findings as set forth in the results notification. Appeals of a finding, if any, must be submitted in writing to the Title IX Coordinator within seven (7) calendar days of the date of receipt of the written notification. Appeals of any subsequent sanctions imposed shall be submitted to the Title IX Coordinator within seven (7) calendar days of receipt of written sanctions determination. The appeal will be assigned to an appropriate Appeals Officer.²

A. Appeal Procedures Involving Student Respondents

Either party may appeal the determination of responsibility or sanction(s) in writing to an Appeals Officer² or its designee.

Dissatisfaction with the outcome of the hearing is not grounds for appeal. The limited grounds for appeal are as follows:

Improper Investigation Procedure

The party may appeal if the procedure outlined in the policy are violated. The Appeals Officer shall consider

- Whether provisions of the Policy were violated in such a clear manner as to deny the appealing party consideration of the party's position during the investigation; and
- Consideration of the party's position would have led to a different finding concerning the alleged violation of the Policy.

New Evidence

During the standard investigation process, sufficient time is allowed to gather all available evidence. However, in extraordinary circumstances a party may appeal if new evidence becomes available. The Appeals Officer shall consider:

- Whether the evidence was genuinely unavailable and could not have been made available through the appellant's diligent efforts at the time of the original investigation; and
- Whether the evidence would have led to a different conclusion had it been available.

² Mike Abril, Vice President of Legal and Regulatory Affairs
Carole Brown, Provost and Vice President of Academic Affairs
Nick Gomez, Chief Operating Officer
Joseph Holt, Chief Administrative Officer
Russ Lebo, Chief Financial Officer
Kevin Robinson, Vice President of Student Financial Services

Sanctions

- The sanctions imposed were grossly disproportionate to the violation committed.

Requests for appeal and responses to the same shall not exceed 2,500 words (approximately 10 pages double-spaced). Late submissions will not be accepted. The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. Upon receipt of an appeal, the Appeal Officer will notify and provide a copy of the appeal to the other party. That party shall then have an opportunity to respond in writing to the appeal; any response must be submitted within five (5) calendar days from receipt of the appeal.

The appeal consideration will be conducted in an impartial manner by the Appeal Officer. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter. The Appeal Officer shall consider the merits of an appeal only on the basis of the three (3) grounds for appeal and supporting information provided in the written request for appeal and the record of the original investigation. The Appeal Officer can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested appeal.

If the appeal is granted based on procedural error(s) that materially affected the outcome of the investigation, the Appeal Officer will return the case to the Title IX Coordinator for additional review or a new investigation, which may be conducted by an alternate Investigator if the Appeal Officer finds that to be appropriate.

In the case of new and relevant information, the Appeal Officer can recommend that the case be returned to the original adjudicator to assess the weight and effect of the new information and render a determination after considering the new facts.

Absent extenuating circumstances, the Appeal Officer will simultaneously and in writing communicate the result of the appeal to the Complainant and Respondent within 30 calendar days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

The parties will receive notice of any delay of written notice of any appeal decision. Any sanctions imposed shall remain in effect while the appeal is being considered. In cases where the appeal results in reinstatement to the College or of privileges, all reasonable attempts will be made to restore the individual to their prior status, recognizing that some opportunities lost may be irretrievable.

B. Appeal Procedures Involving Employee Respondents

Either party may appeal the determination of responsibility or sanction(s) in writing to the President³ or his designee. The appeal must be filed within 10 calendar days of receiving the written notice of outcome.

Dissatisfaction with the outcome of the hearing is not grounds for appeal. The limited grounds for appeal are as follows:

Improper Hearing Procedure

The party may appeal if the procedures outlined in the policy are violated. The President or its designee shall consider:

- Whether provisions of the policy were violated in such a clear manner as to deny the appealing party consideration of the party's position during the investigation; and
- Consideration of the party's position would have led to a different finding concerning the alleged violation of the policy.

New Evidence

During the standard investigation process, sufficient time is allowed to gather all available evidence. However, in extraordinary circumstances a party may appeal if new evidence becomes available. The President or its designee shall consider:

- Whether the evidence was genuinely unavailable and could not have been made available through the appellant's diligent efforts at the time of the original hearing; and
- Whether the evidence would have led to a different conclusion had it been available.

Sanctions

- The sanctions imposed were grossly disproportionate to the violation committed.

Requests for appeal and responses to the same shall not exceed 2,500 words (approximately 10 pages double-spaced). Late submissions will not be accepted. The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. Upon receipt of an appeal, the President or its designee will notify both parties. Each party has an opportunity to respond in writing to the appeal. Any response to the appeal must be submitted within five (5) calendar days from receipt of the appeal.

³ Michael D. Perry, President/CEO
San Joaquin Valley College
3828 West Caldwell Avenue
Visalia, CA 93277

The appeal consideration will be conducted in an impartial manner by the President or his designee. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter. The President or its designee shall consider the merits of an appeal only on the basis of the three (3) grounds for appeal and supporting information provided in the written request for appeal and the record of the original investigation. The President or its designee can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested appeal.

If the appeal is granted based on procedural error(s) that materially affected the outcome of the hearing or in the case of new and relevant information, the President or its designee will return the case to the Title IX Coordinator for additional review or forward the case for a new investigation, which may be conducted by an alternate Investigator if the Title IX Coordinator finds that to be appropriate.

Absent extenuating circumstances, the President or its designee will simultaneously and in writing communicate the result of the appeal to the Complainant and Respondent within 30 calendar days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

VI. THE COLLEGE'S EXTERNAL REPORTING OBLIGATIONS

A. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act")

1. Statistical Reporting

Certain College officials have a duty to report certain misconduct for federal statistical reporting purposes. All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously. There are very limited circumstances in which the College may remove reports of crimes that have been determined to be "unfounded" by law enforcement officials. In addition, the College is required to report to the U.S. Department of Education and disclose in the annual Campus Security Report the number of crimes that were "unfounded" and subsequently withheld from its crime statistics.

2. Timely Warning

Complainants should also be aware that College administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the College Community. For purposes of the Timely Warning requirement, the College will not disclose a Complainant's name. However, the College will provide enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed in the paragraph above.

B. Family Educational Rights and Privacy Act (FERPA)

1. The outcome of a campus hearing is part of the educational record of the Respondent, if they are a student, and the employee record if they are a faculty or staff member. The educational records of students are protected from release under a federal law, FERPA. The College complies with FERPA regulations regarding the privacy of student records and observes the following exceptions to FERPA as mandated by the Clery Act:

- The Complainant(s) in a non-consensual sexual contact/intercourse incident have the right to be informed of the finding, and sanction(s) of the investigation or hearing, in writing, except that any documents prepared for or as a result of any investigation and/or hearing shall remain protected from re-disclosure.
- The Complainant(s) in sexual exploitation, sexual harassment, stalking, relationship violence and any other gender-based offense have the right to be informed of the finding, in writing, and to be informed of any sanction(s) that directly relate to them, and to essential facts supporting the outcome when the outcome is "responsible" (and the underlying offense is a crime of violence as defined below and in 34 C.F.R. 99.39) and/or it is equitable to share the essential findings with all parties.
- The College may release publicly the name, nature of the violation, and the sanction(s) for any student who is found in violation of a College policy that is a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, intimidation (which may encompass stalking and/or bullying), hazing, destruction/damage/vandalism of property and kidnapping/abduction. The College will release this information to the Complainant in any of these offenses regardless of the outcome.

2. Students and employees have the right to inspect and review their records maintained by the College. The College may charge a fee for copies.

3. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the Student when s/he enrolls in school beyond the high school level. Students to whom the rights have transferred are Eligible Students. Individuals are considered Students upon the submission of an admissions application.

VII. COMPLAINANT AND RESPONDENT RIGHTS

Complainants are afforded the following rights:

- 1) To be treated with respect, dignity, and sensitivity throughout the process.
- 2) To be advised and informed of the support services available from the College.
- 3) For student Complainants, to confidentiality and protection under the Family Education Rights and Privacy Act (FERPA). For all Complainants, the College will make all reasonable efforts to ensure the preservation of privacy, restricting access to information to those with a legitimate need to know.
- 4) To be informed of the College's policy and procedures related to discrimination, harassment, and sexual misconduct.
- 5) To a prompt and thorough investigation of the allegation(s).
- 6) To challenge the appointment of the Investigator(s) or Appeals Officer if a conflict of interest is present.
- 7) To participate or decline to participate in the process related to a discrimination, harassment, and/or sexual misconduct complaint with the understanding that the process may continue without their involvement and that the Investigator and/or Appeals Officer will determine an outcome with the information available to it.
- 8) To appeal the decisions and/or sanctions made pursuant to this Policy.
- 9) To be notified, in writing, of the case resolution – including the outcome of any appeal.
- 10) To report the incident to law enforcement or civil authorities if one wishes to do so.
- 11) To understand that information collected in this process may/could be subpoenaed for a criminal or civil proceeding.
- 12) To have an Advisor, including during any interview with the Investigator.

Respondents are afforded the following rights:

- 1) To be treated with respect, dignity, and sensitivity throughout the process.
- 2) To be advised and informed of the support services available from the College.
- 3) For student Respondents, to confidentiality and protection under the Family Education Rights and Privacy Act (FERPA). For all Respondents, the College will make all reasonable efforts to ensure the preservation of privacy, restricting access to information to those with a legitimate need to know.
- 4) To be informed of the College's Policy and procedures related to discrimination, harassment, and sexual misconduct.
- 5) To a prompt and thorough investigation of the allegation(s).

- 6) To challenge the appointment of the Investigator(s) and/or the Appeal Officer if a conflict of interest is present.
- 7) To participate or decline to participate in the review procedure, with the understanding that the process will continue regardless and the Investigator and/or Appeal Officer will determine an outcome with the information available to it.
- 8) To appeal the decision and/or sanctions made pursuant to this Policy.
- 9) To be notified, in writing, of the case resolution – including the outcome of the appeal.
- 10) To understand that information collected in this process may be subpoenaed in criminal or civil proceedings.
- 11) To have an advisor, including during any interview with the Investigator.

VIII. DEANS OF STUDENTS AND CAMPUS PRESIDENTS

Visalia

Ben Almaguer, Campus President
 Kerri Lyles, Dean of Student Services

Bakersfield

Trish Hruby, Campus President
 Mary Phillips, Dean of Student Services

Fresno

Jerry Franksen, Campus President
 Veronica Behringer, Dean of Student Services

Aviation

Dr. Sumer Avila, Campus President
 Jason Alves, Dean

Ontario

Sherril Hein, Campus President
 Henry Madrid, Dean of Student Services

Online and Contact Center

James Ritchie, Director of eLearning Operations
 Jennifer Stroble, Dean of Student Services

Modesto

Anthony Alejandre, Campus President
 Tina Husman, Dean of Student Services

Rancho Cordova

Jeff Rutherford, Campus President

Amy Bianco, Dean of Student Services

Hanford

Ben Almaguer, Campus President
Matthew Glasgow, Dean

Hesperia

Richard Matley, Campus President
Christie Johnson, Dean of Student Services

Temecula

Robyn Whiles, Campus President
John Hall, Dean of Student Services

Lancaster

Cheri Johnson, Campus President/Dean

Madera

Lisa Kisla, Campus President/Dean

Delano

Trish Hruby, Campus President
Carlota Reid, Academic/Student Dean

Porterville

Adrianna Ruiz, Campus President/Dean

Atascadero

Alyssa Perry, Campus President/Dean

VIII. CAMPUS PRESIDENTS AND DEANS OF STUDENT SERVICES (rev. Jan. 2020 for exhibit purposes only)

Atascadero

Alyssa Perry, Campus President
Barbara Holt, Dean of Student Services

Bakersfield

Cheri Johnson, Campus President
Saidah Gavin, Dean of Student Services

Delano

Michael Rugnao, Campus President and Dean

Fresno

Trish Hruby, Campus President
Glenn Elizarde, Dean of Student Services

Fresno Trades Education Center

Jerry Franksen, Campus President and Dean

Hanford

Noha Elbaz, RVPO/Acting Campus President
Cari Stockdale, Dean

Hesperia

Anthony Wietek, Campus President
Christie Johnson, Dean of Student Services

Lancaster

Elmo Frazer, RVPO/Acting Campus President
Ashley Diaz, Dean of Student Services

Madera

Lisa Kisla, Campus President and Dean

Modesto

Anthony Alejandro, Campus President
Tina Husman, Dean of Student Services

Online

Marcus Barnette, Director of Online Operations
Justin Halligan, Dean of Student Services

Ontario

Robyn Whiles, RVPO/Acting Campus President
Henry Madrid, Dean of Student Services

Porterville

Adriana Ruiz, Campus President and Dean

Rancho Cordova

Jeff Rutherford, Campus President

Amy Bianco, Dean

Rancho Mirage

Rieko Decker, Campus President and Dean

Santa Maria

Alyssa Perry, Campus President and Dean

Temecula

Robyn Whiles, RVPO/Acting Campus President

John Hall, Dean of Student Services

Visalia

Kenneth Guerrero, Campus President

Kerrie Liles, Dean of Student Services

Excerpts from the 2019/2020 College Catalog:

- Notice of Non-Discrimination and Anti-Harassment
- Harassment
- Student Grievance Policy
- Complaints
- Students with Disabilities
- Student Rights
- Student Right to Cancel
- Refunds
- Appeal Process for Unsatisfactory Academic Progress

policies with respect to the allegation made against him or her. (§99.31(a)(14)).

To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a) (15)).

Deceased Students

The privacy rights of an individual expire with the individual's death. Records held by an SJVC for a deceased person are not a FERPA issue but a matter of institutional policy. **SJVC** will exercise its own discretion in deciding, if, and under what conditions, information should be disclosed to third parties' survivors.

If you have any questions about your FERPA rights, please see your Campus Registrar or Dean of Students.

Social Security Confidentiality Act

The Social Security Number Confidentiality Act (42 U.S.C. §405(c)(2)(C)(viii)(I)), protects students from identify theft by prohibiting the College from disclosing social security account numbers or related records. Any publicly displayed document will exclude students' social security numbers.

Additional information regarding the maintenance of student records can be obtained from the Registrar's Office.

STUDENT RECORD RETENTION

SJVC retains student records permanently. Copies may be requested from the Registrar.

CHANGE OF STUDENT INFORMATION

Students should immediately report any change in their personal information (such as name, address, telephone number, etc.) via Academic Info or the Registrar's Office. **SJVC** will not be held responsible for any mail sent to the wrong address due to an incorrect address on file with the College.

Students' names on official **SJVC** records and transcripts must reflect their names as they appear on official documents, such as driver's licenses, social security cards, passports, etc. In order for a student to change his/her name on **SJVC** records, a marriage certificate, divorce decree, or court document must be presented to substantiate the change.

DIVERSITY STATEMENT

SJVC values diversity, equity, and inclusion. The College takes appropriate steps to continually foster a learning and working environment that promotes mutual respect for others despite differences such as race, ethnicity, gender, age, religion, abilities/disabilities, sexual orientation, gender

identity, socioeconomic status, and geographic region. Student and employee scholarship is encouraged as an expression and expansion of knowledge.

SJVC advocates for equity and inclusion across its diverse student population by providing access to higher educational opportunities and intentional services. Programs and services are designed to support a successful academic experience leading to graduation and in-field employment. Practices are in place to close the opportunity gaps represented in SJVC's "at-risk" student population. As articulated in its mission, "**SJVC is committed to the success of every student.**"

NOTICE OF NON-DISCRIMINATION

SJVC complies with all pertinent titles and sections of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, the Rehabilitation Act of 1973 and all other applicable federal, state and local laws. **SJVC** does not discriminate based on any characteristic protected by federal, state, or local law, ordinance, or regulation. Any discriminatory action should be reported to the Campus President. If the Campus President does not appropriately address a student's concern, or if a student is not comfortable in making the report at this level, notification should be sent to:

Crystal VanderTuig, Director of Institutional Relations
San Joaquin Valley College
3828 West Caldwell Avenue
Visalia, CA 93277
(559) 734-9000
Crystal.VanderTuig@sjvc.edu

The Director of Institutional Relations serves as **SJVC**'s Title IX Coordinator. Any questions concerning this policy and/or the procedures to report discriminatory actions should be directed to Campus Leadership.

HARASSMENT

SJVC is committed to providing an environment that is healthy, safe, and free from all forms of discrimination and unlawful harassment, in compliance with the provisions of the Civil Rights Act of 1991, the Fair Employment and Housing Act, Title IX of the Education Amendments of 1972, and other human rights and equal opportunity laws. **SJVC** policy strictly prohibits the harassment of any student, staff or faculty member, or visitor to the College. Harassment is any unwelcome or unwanted conduct that denigrates or shows hostility or an aversion toward another person on the basis of any characteristic protected by law. Harassment may be verbal, visual or non-verbal, and/or physical. Examples of some of the forms of harassment include, but are not limited to, content that is racial, sexual, or personal in nature conveyed through graffiti, verbal statements, phone calls, emails, gestures, or other means defined by law. The College **absolutely forbids** any form of harassment.

Any harassing conduct involving verbal or physical abuse, assault, battery, threats of violence (to include verbal harassment and intimidation) that threatens the safety or well-being of any visitor or member of the College community will not be tolerated. Disciplinary action will be taken promptly against any student or employee, supervisory or otherwise, who has been found to have engaged in harassing behavior. Students will be subject to the full range of disciplinary actions contained in the **Student Code of Conduct**, which range from suspension up to dismissal from **SJVC**, including legal prosecution, when appropriate.

Sexual Harassment

Members of the **SJVC** community, guests, and visitors have the right to be free from all forms of gender- and sex-based discrimination, harassment, and assault. **SJVC** expressly forbids gender- and sex-based discrimination or harassment of any student, employee or visitor.

For additional information including definitions, reporting, the investigation process and sanctions for such conduct, refer to the **Sexual Harassment and Assault Prevention Policy** posted on InfoZone.

Non-Retaliation

SJVC prohibits retaliation against any individual who in good faith reports an incident of discrimination, harassment, and/or sexual misconduct or the possible witnessing of the warning signs of sexual misconduct. **SJVC** also prohibits retaliation against any individual who cooperates with an investigation regarding any matter covered by these anti-discrimination, anti-harassment, and anti-sexual misconduct policies.

Public Information

All requests from the media, the campus community at large or the general public, for information concerning an alleged incident of sexual misconduct should be directed to Crystal VanderTuig, Director of Institutional Relations at 3828 West Caldwell Avenue, Visalia, CA 93277, (559) 734-9000. Compliance with this policy will promote campus safety and protect the integrity of this policy and the investigation process.

As required by law, **SJVC** collects and annually reports statistical information concerning sexual misconduct occurring within its jurisdiction. To promote public safety, **SJVC** also alerts the campus community to incidents and trends of immediate concern.

STUDENT GRIEVANCE POLICY

SJVC has established the **General Student Grievance Policy** in order to provide for the prompt, effective, and equitable resolution of student grievances not governed by a specific policy or procedure. Under the provisions of the **General Student Grievance Policy**, students have the right to submit grievances, have their grievances considered by Campus

Leadership, and be notified of the College's decision on the grievance. A full description of the **General Student Grievance Policy** is published in the **Student Handbook**. Any questions or additional information concerning this policy should be directed to Campus Leadership.

COMPLAINTS

A student or any member of the public may file a complaint about this institution with the Bureau for Private Postsecondary Education by calling (888) 370-7589 toll-free or by completing a complaint form, which can be obtained on the Bureau's internet website <http://www.bppe.ca.gov/>.

STUDENTS WITH DISABILITIES

In conformity with the Federal Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, **SJVC** shall not discriminate, on the basis of disability, against any student in its academic programs, services, and activities.

Individual students will be given reasonable and necessary accommodation based on specific information and assessment data documented by qualified medical professionals. Students who have special needs related to a permanent or temporary disability may request an accommodation from the Dean of Student Services at any phase of their educational experience at **SJVC**. The student is responsible for initiating the interactive process.

An accommodation may be requested for an unlimited or a specified period of time. Each request for accommodation will be evaluated on a case-by-case basis. Consideration for an accommodation, however, cannot be retroactive. Once documentation has been provided and accommodations are agreed upon between the College and the student, faculty and staff will implement the accommodations.

SJVC facilities are essentially barrier-free and accessible to the disabled. All buildings are equipped with restroom and telephone services for the disabled and assistance is available for library resources.

For further information on the College's guidelines concerning disabled students and accommodation policies and procedures, please refer to the **Student Disability Accommodation Policy** available through Campus Leadership or InfoZone: Information Center>**SJVC** Publications>2016 Student Disability Policy.

DRUG AND SUBSTANCE ABUSE POLICY

SJVC is committed to providing a work place and campus environment free of illegal drugs and substance abuse. **SJVC** absolutely forbids the use, distribution, or possession of narcotic or hallucinogenic drugs or substances or inhalation or ingestion of a controlled substance, by any student or employee while on College property or during a school activity. Any individual deemed to be under the influence,

most common practices that help ensure an efficient email system.

Unacceptable use of the email system puts both the user and the College at risk. Unacceptable use of the email system includes, but is not limited to:

- Unauthorized attempts to access another's email account.
- Sharing email account passwords.
- Violation of Federal, State or local laws or statutes pertaining to electronic communications.
- Sending harassing, threatening, abusive, or obscene messages.
- Broadcasting excessively large amounts of data (chain letters, graphic presentations, etc.) in such a way as to cause network congestion and failure

Any misuse of the College's email system may result in the imposition of disciplinary actions as outlined in the **Student Code of Conduct**.

Monitoring

In addition to College staff supervision during computer lab sessions, in the classroom, Student Center, or the LLRC, **SJVC** reserves the right to audit or randomly audit student computer user accounts. Upon discovery of a possible violation of the policies stated herein, a student's computer privileges may be suspended immediately. Such suspected violations will be reported to the appropriate member(s) of the Campus Leadership.

Violations of these policies will be addressed in a manner consistent with violations of other College policies or State and/or Federal law and may result in the College taking disciplinary action against the student, as well as possible legal action. In such review, the full range of disciplinary sanctions is available including the loss of computer privileges, termination from **SJVC**, and legal action.

Reporting Suspected Violations

Any suspected violations of the **Computer, Internet, or Email Use Policies** should be immediately reported to Campus Leadership. Questions concerning this section should be directed to Campus Leadership.

STANDARDS FOR PROFESSIONAL DRESS

SJVC believes that it is important for each student to appear well-groomed and professionally dressed while on campus or during situations in which students are representing the College. As such, **SJVC** has established standards for professional dress to which all students are expected to adhere. The standards include the requirement that students dress for class, including externships and clinical rotations, in the professional work-related **SJVC** uniform designated for their particular program of study.

Students are not permitted to wear their uniforms at events or functions that are not sponsored by the College. Any

exception to the professional dress standards needed to comply with religious requirements must be discussed with the Dean of Student Services. For information on additional dress and grooming standards, please refer to the **Student Handbook**.

In addition to this policy, many **SJVC** programs have specific professional dress code requirements that students are expected to comply with. For information concerning specific programmatic dress codes, please see the respective Program Director or Division Manager.

STUDENT RIGHTS

Student rights are protected by State and Federal laws, and by the policies, procedures, and regulations established by **SJVC**. Specifically, we recognize these student rights:

- Freedom of access to higher education
- Freedom of classroom expression
- Confidentiality of educational records
- Participation in student affairs
- Procedural standards in disciplinary actions as outlined in the **Student Code of Conduct** and the **Academic Honesty Policy**
- An environment free from discrimination or harassment

ADDITIONAL POLICIES & PROCEDURES

The following publications contain additional information on student policies and procedures.

Student Handbook

Statement of Student Rights
Student Code of Conduct
Sexual Misconduct/Harassment
Student Complaints & Grievances
Academic Honesty
Dress Code & Grooming Requirements
Student Computer and Network Use
Eating and Drinking
Cell Phone Usage
Attendance
Academic Policies
Change of Student Information

Student Disability Accommodation Policy

Discrimination Prohibited
Admissions, Enrollments, and Recruitment
Academic Adjustments
Procedures for Determining Disability and Accommodations
Grievance Procedures Concerning Disputes and Accommodations

Substance Abuse Prevention Program Handbook

Substance Abuse
Medical Marijuana
California Drug and Alcohol Punishment

- Opiates and Depressants
- Marijuana
- Alcoholic Beverages

timely receipt of financial aid funds. A complete financial aid file consists of **SJVC**'s receipt of a student's FAFSA data from the Department of Education, a completed loan entrance interview (if required), and submission of verification items (if required).

A financial aid application will only be processed if: The student has been admitted to **SJVC** as a regular student, or is a returning student in good academic standing with **SJVC**, and the student has completed the FAFSA or the Renewal FAFSA.

Students may come in person to their respective Campus Financial Aid Office to complete the FAFSA or renewal. These forms can also be completed online at <http://www.fafsa.ed.gov>. In order to complete the application, the applicant must include **SJVC**'s federal school code, 014741.

What Happens Next?

Upon submission of the FAFSA, students will be sent a Student Aid Report (SAR). The SAR should be checked for accuracy and any necessary corrections should be made as soon as possible. Once the SAR has been determined to be complete, a financial aid award letter will be sent to the student which will state the student need (education cost), family contribution, amount of grants awarded, and the amount of loan monies available, if needed. In order to receive unsubsidized or subsidized loan funds, students must complete a Master Promissory Note and return it to the lender.

Funds are then dispersed by the Student Accounts Manager, as described in the **Award Letter**.

STUDENT'S RIGHT TO CANCEL

Students have the right to cancel the enrollment agreement and obtain a refund of charges paid through attendance at the first class session or the seventh day after enrollment, whichever is later.

Cancellation shall occur when the student gives written notice of cancellation at the address of the College shown on top of the front page of the enrollment agreement. Students can submit this written notice by mail, hand delivery, or email. The written notice of cancellation need not take any particular form and, however expressed, it is effective if it shows that the student no longer wishes to be bound by the enrollment agreement.

If the student cancels the enrollment agreement, the College will not charge institutional charges; however, the College retains the nonrefundable application fee and may charge for equipment not returned in a timely manner in good condition.



Withdrawal from Program

Students have the right to withdraw from a program of instruction at any time. For the purposes of determining the amount the student owes for the time attended, the student shall be deemed to have withdrawn from the program when any of the following occurs:

- Student notifies the College of withdrawal or the actual date of withdrawal; or
- The College terminates the enrollment; or
- Student fails to attend any classes for fourteen (14) consecutive calendar days.

If the student withdraws from the program after the period allowed for cancellation of the agreement and has completed less than 60 percent of the period of attendance, the College will calculate whether a refund is due, and if so, remit a refund within 45 days following the withdrawal.

Students who intend to withdraw from school should provide official notification to the Dean of Student Services, Registrar, or Campus President at the campus they attend. Students may provide official notification by letter, phone, e-mail or in person, but are strongly encouraged to provide written notice. The institution will perform the Return to Title IV refund calculation and the institutional refund calculation upon receipt of notification. The withdrawal date used to determine the amount of tuition owed or refund due will be the date of official notice or the last documented date of attendance, whichever is later.

REFUNDS

If a student withdraws from school, two separate calculations will be performed. The first calculation is a required calculation for all Title IV recipients, and is called the Return to Title IV calculation. This step determines the amount of Title IV financial aid that the student is able to retain. In addition to the Return of Title IV requirements for federal financial aid recipients, the College is required by the State to calculate a prorated refund for all students who have completed less than 60 percent of their period of attendance, regardless of whether or not the student received Title IV funds. The federal formula for Return of

Title IV funds may result in a larger refund than the state refund policy. In that case, the College and/or the student must return the sum resulting in the larger of the two calculations to the appropriate Title IV program. Therefore, the student may, after Title IV funds are returned, owe a balance to the College.

Return to Title IV Funds Calculation (R2T4)

Federal regulations state that the amount of a Title IV refund is based on the percentage of Title IV funds earned by the student at the time of withdrawal. In order to determine whether Title IV funds must be returned, the College must calculate the following:

A. To determine the percentage of the enrollment period completed, the number of days* attended in the enrollment period is divided by the total days* in the enrollment period. (if AMT), the number of hours attended in the enrollment period is divided by the total hours in the enrollment period)
*Days = calendar days for purposes of this formula, and therefore include weekends and holidays. Only scheduled breaks of 5 days or more, and approved leave of absences are excluded.

B. The net amount of Title IV funds disbursed, and that could have been disbursed for the payment period is multiplied by the percentage of the payment period completed. The result is the amount of earned Title IV aid.

C. The earned aid is subtracted from the aid that was actually disbursed to, or on behalf of the student.

D. The College will return the lesser of the total earned aid or the unearned institutional charges for the payment period.

E. Unearned aid is allocated back to the Title IV programs in the following order as specified by law:

1. Unsubsidized Stafford Loan Program
2. Subsidized Stafford Loan Program
3. Stafford PLUS Program

If excess funds remain after repaying all outstanding loan amounts, the remaining excess shall be credited in the following order:

4. Federal Pell Grant Program
5. Other assistance awarded under this title for which return of funds is required

Note: After the College has allocated the unearned aid, any amount owed by the student to a grant program is reduced by 50 percent. Unearned loan funds received by the student are paid back as per the terms of the borrower's promissory note.

If a student obtains a loan to pay for the course of instruction, the student will have the responsibility to repay

the full amount of the loan plus interest, less the amount of any refund.

If the student is eligible for a loan guaranteed or insured by the state or federal government and the student defaults on the loan:

- The federal or state government or the loan guarantee agency can take action against the student, including applying any income tax refund to which the person is entitled to reduce the balance owed on the loan; and
- The student may not be eligible for any other federal financial assistance for education at a different school or for government housing assistance until the loan is repaid.

Example:

A student completed 35 days in an enrollment period of 210 days. Dividing 35 by 210 would result in the decimal fraction .166, converted to 16.6% by multiplying by 100. The student completed 16.6% of the enrollment period.

The student may keep only 16.6% of the Title IV financial aid posted or that could have posted to his/her account. If the College could have received \$10,000, only \$1,660 may be kept, with the difference returned to the financial aid sources.

If the student is eligible for more funding than was disbursed, the College will provide written notification and instructions for receiving a post-withdrawal disbursement.

Institutional/California State Refund Calculation

The Institutional/California state refund policy shall be a pro rata refund of moneys paid for institutional charges for students who have completed 60 percent or less of the period of attendance. The pro rata refund shall be no less than the total amount owed by the student for the portion of the educational program provided, subtracted from the amount paid by the student. The amount owed equals the daily charge for the program (total institutional charge, divided by the number of days or hours in the program), multiplied by the number of days' student attended, or was scheduled to attend, prior to withdrawal.

All amounts that the student has paid shall be subject to refund unless the enrollment agreement and the refund policy outlined in the Catalog specify amounts paid for an application fee or deposit not more than \$250.00, books, supplies, or equipment, and specify whether and under what circumstances those amounts are non-refundable. If any portion of those charges was paid from the proceeds of a nonfederal loan, then the refund will be sent to the lender or to the agency that guaranteed the loan. All other monies shall be returned to the student.

SATISFACTORY ACADEMIC PROGRESS

Students are required to maintain Satisfactory Academic Progress (SAP) while enrolled at **SJVC**. SAP is a measure of a student's qualitative (grade point average) and the quantitative (completion of attempted credit hours) academic progress. SAP is evaluated on a fifteen-week or term basis, which is referred to as the evaluation period.

complete their program of study in 150 percent of the normal projected time frame. Therefore, students must satisfactorily complete at least 67% of all attempted credit hours at each evaluation period. It is College policy to round up to the next whole number for the quantitative evaluation. For example, 66.6% completion = 67% (refer to chart).

To achieve SAP, students are required to maintain a minimum cumulative grade point average of 2.0 and must

The impact that the following grading symbols will have on a student's SAP is demonstrated in the following table:

GRADE	DEFINITION	GRADE POINTS	COUNT AS UNITS		INCLUDED IN SAP CALCULATION		
			ATTEMPTED?	EARNED?	GPA?	QUANTITATIVE?	
A	Excellent	4.00 per unit	Yes	Yes	Yes**	Yes	
B	Good	3.00 per unit					
C	Satisfactory	2.00 per unit					
D	Passing*	1.00 per unit					
F	Failing**	0		No			
PASS	Satisfactory	Not applicable		Yes	No		
FAIL	Unsatisfactory			No			
W	Withdraw			No			
I	Incomplete			Not applicable			
T	Transfer			Yes			Yes

Students who do not achieve SAP at the initial evaluation will be placed on Financial Aid Warning status. If a student fails to meet SAP at the second evaluation period, he/she will be terminated. If the termination is appealed and granted, the student will be placed on Financial Aid Probation or Financial Aid Probation: Academic Plan, with attendance and student advising milestones (see **RE-START** policy below). Students must meet SAP at the next evaluation or they will be terminated from **SJVC**. **This policy applies to all students regardless of funding sources.**

Financial Aid Warning

Students who have not met either or both of the minimum requirements for achieving SAP in a given evaluation period will be placed on Financial Aid Warning. Students will remain on Financial Aid Warning status until the end of the next evaluation period. If at that time the student has satisfied the requirements for SAP, the student will be removed from Warning status; however, if the student has not satisfied the requirements for SAP, the student will be terminated.

Students' financial aid eligibility is not affected by placement on Financial Aid Warning status.

APPEAL PROCESS FOR TERMINATION DUE TO UNSATISFACTORY ACADEMIC PROGRESS

Students who have been terminated from **SJVC** due to unsatisfactory academic progress may appeal their termination based upon mitigating circumstances such as the death of a relative, an injury, serious illness of the student, or other special circumstances. The appeal procedure is published in the **Student Handbook**.

Students will be given a maximum of two appeals for this type of termination

RE-START POLICY

The College, at the discretion of the Campus President, may allow former students who have withdrawn or been terminated from **SJVC** to re-start an educational program. Questions concerning this policy should be directed to the **Registrar**.

Excerpts from the 2019 Student Handbook:

Statement of Student Rights

- Student Code of Conduct
- Student Complaints and Grievances

SECTION 2

POLICIES & PROCEDURES

STATEMENT OF STUDENT RIGHTS

Your rights as a student are protected by state and federal laws and by the policies, procedures, and regulations established by *SJVC*.

Specifically, we recognize the following rights of our students:

- Freedom of access to higher education
- Freedom of classroom expression
- Confidentiality of educational records
- Participation in student affairs
- Procedural standards in disciplinary actions as outlined in the **Student Code of Conduct** (see below) and the **Academic Honesty Policy**, which is published in its entirety in the **College Catalog**

Likewise, all students are held accountable to all local, state, and federal laws and to the policies, procedures, and regulations established by the College.

STUDENT CODE OF CONDUCT

SJVC is dedicated to the advancement of knowledge and learning, as well as to the development of responsible personal and social conduct. As a student of *SJVC*, you are responsible to conduct yourself in an ethical, professional, and civil manner at all times while on campus and/or when representing the College. Each student assumes the responsibility for being familiar with, and abiding by, the general standards of conduct expected of our students. Specifically, each student is expected to refrain from the following:

- **Academic Dishonesty:** Cheating or plagiarism or engaging in any other act of academic dishonesty as defined in the College's **Academic Honesty Policy**
- **Fraudulent Behavior:** Dishonesty, forgery, alteration, or misuse of any official College



document, or knowingly furnishing false information to the College; misrepresentation of oneself or an organization as an agent of the College

- **Obscene conduct:** Engaging in lewd, indecent, or obscene conduct or expression on College property or at any College-sponsored activity
- **Harassment:** Engaging in discriminatory behavior on the basis of any characteristic protected by law as set forth in the **Non-Discrimination and Harassment policies**
- **Disruptive Behavior:** Obstruction, disruption or interference with any educational, administrative, or other College process
- **Trespass:** Unauthorized entry upon or use of College facilities
- **Theft:** Theft of College property or the personal property belonging to any member of the College community
- **Robbery:** Causing or attempting to cause robbery, extortion, or gambling

- **Substance Abuse:** Unlawful possession, use, or sale of illegal drugs or alcohol as set forth in the **Illegal Drug and Alcohol Use policies**
- **Physical Assault:** Causing, attempting to cause, or threatening to cause physical assault to any member of the College community in violation of the **Violence Prevention Policy**
- **Willful Misconduct:** Engaging in any act of willful misconduct that results in an injury or death to a member of the College community or the destruction of College property or private property on campus
- **Dangerous Activities:** Possession or use of weapons or explosives in violation of the College's **Violence Prevention Policy**
- **Violation of law or college policies:** Any violation of federal, state, or local law and all published College policies, rules and regulations

The College reserves the right to take any necessary action(s) to protect the safety and well-being of the campus community. The College may impose disciplinary action(s) against any student found in violation of this code. Additionally, students who violate federal, state, or local laws may also be referred to the criminal justice system for prosecution.

Disciplinary Action

The following disciplinary actions may be imposed, as warranted by the situation, for violation of the **Student Code of Conduct**.³ One or more penalties may be imposed per violation, up to and including termination from the College.

1. **Verbal and/or Written Warning:** A verbal and/or written warning may be imposed when a student's conduct merits an official reprimand. The student will be warned that further

³ This list does not represent every possible disciplinary action that may be imposed upon a student for violation of the Student Code of Conduct.

misconduct may result in more severe disciplinary action.

2. **Restitution and Fines:** Students may be required to make payment to the College or to another specific person(s) or group(s) for damages incurred as a result of a violation of any provision of the **Student Code of Conduct**. Restitution fines may be demanded by the College in addition to any other penalty applied.
3. **Suspension:** The Campus President or the Deans may immediately suspend a student(s) when required to protect the student body and to ensure the maintenance of order. A student may also be suspended during an investigation. Suspension will not exceed fourteen (14) consecutive class days.

Suspension indicates to the student that further violations of any College regulation or policy will result in more stringent disciplinary action, including termination from the College.

During suspension, the student is barred from College activities and premises. College personnel will assess the circumstances prompting the suspension and may interview the parties involved in order to arrive at a decision regarding the student's future with *SJVC*.

4. **Termination:** The termination penalty is one of involuntary separation from the College. Notice of termination will appear on the student's academic history and transcript. The student will also be barred from College activities and premises.

Appeal of Disciplinary Action

A student may contest the College's decision to take disciplinary action(s) against him/her by submitting a written appeal to his/her Campus President within five (5) weekdays (Monday through Friday, excluding holidays) of the date the decision went into effect.

The Campus President has five (5) weekdays to respond to the student's appeal.

To appeal the decision of the Campus President, a written letter must be submitted within five (5) weekdays of receipt of the Campus President's decision to:

Student Services Coordinator
StudentServicesOffice@sjvc.edu

After reviewing the relevant information, the student will be notified in writing of the decision on his/her appeal.

STUDENT COMPLAINTS & GRIEVANCES

SJVC has created policies and procedures designed to protect students and provide an educational environment that is free from discrimination and harassment. The following policies and procedures serve as a method of communication between students and College administration and should be used to address any conflicts that may arise during the course of a student's educational experience. For additional information or clarification, please see the Office of the Dean of Student Services.

NOTICE OF NON-DISCRIMINATION

SJVC complies with all pertinent titles and sections of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, the Rehabilitation Act of 1973 and all other applicable federal, state and local laws. *SJVC* does not discriminate on the basis of any characteristic protected by federal, state, or local law, ordinance, or regulation.

Any discriminatory action should be reported immediately to the Campus President. If the Campus President does not appropriately address a student's concern, or if a student is not comfortable in making the report at this level, notification should be sent to:

Alyssa Bahr Casillas, Ed.D.

Student Services Coordinator and Title IX Coordinator
(559) 622-1992
Alyssa.Bahr@sjvc.edu

Questions concerning this policy may be directed to any member of the Campus Management Team.

HARASSMENT

SJVC is committed to providing an environment that is healthy, safe, and free from all forms of discrimination and unlawful harassment, in compliance with the provisions of the Civil Rights Act of 1991, the Fair Employment and Housing Act, Title IX of the Education Amendments of 1972, and other human rights and equal opportunity laws. *SJVC* policy strictly prohibits the harassment of any student, staff or faculty member, or visitor to the College. Harassment is any unwelcome or unwanted conduct that denigrates or shows hostility or an aversion toward another person on the basis of any characteristic protected by law. Harassment may be verbal, visual or non-verbal, and/or physical. Examples of some of the forms of harassment include, but are not limited to, content that is racial, sexual, or personal in nature conveyed through graffiti, verbal statements, phone calls, emails, gestures, or other means defined by law.

Any harassing conduct involving verbal or physical abuse, assault, battery, threats of violence (to include verbal harassment and intimidation) that threatens the safety or well-being of any visitor or member of the College community will not be tolerated. Disciplinary action will be taken promptly against any student or employee, supervisory or otherwise, who has been found to have engaged in harassing behavior. Students will be subject to the full range of disciplinary actions contained in the **Student Code of Conduct**, which range anywhere from suspension up to dismissal from *SJVC*, including legal prosecution, when appropriate.

Sexual Harassment

Members of the *SJVC* community, guests, and visitors have the right to be free from all forms of gender- and sex-based discrimination, harassment, and assault. *SJVC* expressly forbids gender- and sex-

based discrimination or harassment of any student, employee, or visitor.

For additional information including definitions, reporting, the investigation process, and sanctions for such conduct, refer to the Sexual Harassment and Assault Prevention Policy posted on InfoZone.

General Student Grievance Policy & Procedures

SJVC strives to provide an educational environment where students can learn and thrive. This environment is characterized by the expectation that students and employees treat one another fairly and with professionalism and respect. *SJVC* recognizes that situations may occur where a student feels that this has not been the case. To that end, the College has implemented a grievance process which allows students to voice their complaints and/or grievances and seek reasonable resolution in a professional and effective manner. This process is to be used only when the situation prompting the grievance is not governed by another College policy or procedure (e.g., harassment, discrimination policies). Students are encouraged to make every attempt to resolve their issues with the involved parties prior to initiating this process, which is as follows:

1. Students must submit their grievance and/or complaint within 30 days of the incident prompting the grievance.
2. Grievances against faculty members must be submitted to the Academic Dean. The Academic Dean will hear both sides of the dispute and present a recommendation to the Campus President.
3. Grievances against campus staff must be submitted to the Campus President. The Campus President will hear both sides of the dispute and present a recommendation to the Student Services Coordinator.

Students will be given written notification of the outcome of their complaint or grievance.

Appeals

⁴ See Student Code of Conduct – Appeals.

SJVC has established the following appeals processes in order to provide a mechanism for students to contest certain actions that they believe were taken against them in an unfair manner.

Disciplinary Action Appeal Procedure

Students may appeal any disciplinary action imposed upon them for one or more violations of the Student Code of Conduct, following the process provided on page 14.⁴

Grade Appeal Process

Students may utilize the **Grade Appeal Process** to dispute a final grade received in a course. This process is limited to situations in which the student believes there has been a mistake in the calculation of their grade, demonstrable bias, gross negligence or misapplication of stated grading criteria. To appeal a grade, students must:

1. The student must notify the faculty of the appeal and the reason(s) why. The notification must be made within two (2) school days (M-F) after the last scheduled day of the course. The faculty will respond within two (2) school days of receipt of the appeal (verbal or written).
2. Students who remain unsatisfied with the results may submit a written appeal to the Office of the Dean of Student Services within two (2) school days of the faculty's response. The Dean of Student Services will immediately notify the Campus President of the appeal under investigation and respond to the student within four (4) school days of receipt of the appeal (verbal or written).
3. If the issue is not resolved with the Dean of Student Services, students may submit a written appeal to the Campus President within two (2) school days of the Dean's response. The Campus President will notify the student in writing of his/her decision, which is final, within two (2) school days.

Appeal Process for Termination Due to Unsatisfactory Academic Progress

2016 Student Disability Accommodation Policy



Student Disability Accommodation Policy

Guidelines Concerning Non-discrimination On The Basis Of Disability And Student Accommodation Procedures

I. Introduction

In compliance with the Federal Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as amended in 2008, San Joaquin Valley College (“the College”) policy prohibits unlawful discrimination on the basis of disability in its programs, services, and activities. The following *Guidelines* are designed to be consistent with the aforementioned laws; however, it is possible that these statutes may be amended in the future and, in such instances, the most current applicable laws shall represent the College’s policy as it applies to nondiscrimination on the basis of disability.

The College seeks to accommodate students with disabilities on an individual basis. Individual students are given reasonable and necessary accommodations based on specific information and assessment data documented by a qualified professional. The Office of Student Services makes available information as to the existence and location of services, activities and facilities that are accessible to and usable by persons with disabilities.

The Dean of Student Services shall administer the program for adjustments or accommodations under the direction of the Campus Director with the approval of the College’s Vice-President of Administration. An interactive process is conducted to determine adjustments or accommodations. It is the student’s responsibility to initiate the interactive process by notifying the Dean of Student Services of his or her disability and need for adjustment or accommodation. The office of the Dean of Student Services serves as the College’s Disability Resources Department. While the College will strive to accommodate students as fully as possible, reasonable adjustments or accommodations do not include measures which fundamentally alter the academic program of the College or which place an undue financial burden on the College.

This policy applies only to student disability accommodation issues in the academic program context. With respect to students employed by the College, and accommodations in the work context, please refer to the College’s employee handbook.

II. Definitions – Student Disability Accommodation Policy

- A. “An “individual with a disability” means any student who (1) has a physical or mental impairment which substantially limits one or more major life activities; (2) who has a record of such an impairment; or (3) who is regarded as having an impairment.
- B. “Physical or mental impairment” mean any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, hemic and lymphatic, skin, and endocrine.

Physical and mental impairment also includes, but is not limited to, contagious and noncontagious diseases and conditions such as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, HIV disease (whether symptomatic or asymptomatic) and tuberculosis.

- C. "Major life activities" means and includes functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and operations of major bodily systems (bowel, bladder, and cardiovascular, among others).
- D. "Is regarded as having an impairment" means that the individual has a physical or mental impairment that does not substantially limit major life activities, but is treated by the College as limiting such activities; has a physical or mental impairment that substantially limits major life activities as a result of attitudes of others toward such an impairment; or has none of the impairments listed in *Section II. B*, but is treated as having such an impairment, such as persons with a limp or persons with disfiguring scars.
- E. An "individual with a disability" does not include a person who is currently engaging in the illegal use of drugs. However, an individual who is currently participating in, or who has successfully completed, a supervised drug rehabilitation program and is not currently engaging in the illegal use of drugs, or who is otherwise no longer engaging in such use, shall be considered an individual with a disability if the individual otherwise fits the definition of a disabled person as described in *Section II. A* through *Section II. D* of these *Guidelines*.

Individuals with drug or alcohol addictions who are not currently engaging in the illegal use of drugs, or who are no longer engaging in drug or alcohol abuse as described in this Section, should not be prohibited from attending the College if they can successfully participate in the education program of the College, if they comply with College policies, and if their behavior does not impede the performance of others.

- F. "Facility" means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock and other conveyances (e.g., buses, shuttles, vans), roads, walks, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.
- G. "Reasonable Accommodation" means an accommodation, or more simply, a change or variance from practice or procedure that allows for a student's full participation in the College's educational and extra-curricular activities. As discussed in further detail below, a reasonable accommodation for a qualified individual may include modified testing procedures, course load reduction, or use of auxiliary aides in the classroom, such as sign language interpreters or tape recorders. However, the College is **not** obligated to provide personal aids and services such as attendants, individually prescribed devices such as

wheelchairs, readers for personal use or study, or other devices and services of a personal nature.

III. Qualified Individual With A Disability

- A. With respect to postsecondary education, an otherwise qualified individual with a disability is one who meets the academic and technical standards requisite for admission or participation in the education programs of the College and who meets the definition of an individual with a disability, as specified in *Section II. A* through *Section II. E* of these *Guidelines*.

The term “technical standards” refers to nonacademic admissions criteria that are applicable to such programs.

- B. With respect to other services, a qualified individual with a disability is one who meets the eligibility requirements for the receipt of such services and who meets the definition of an individual with a disability, as specified in *Section II. A* through *Section II. E* of these *Guidelines*.

IV. Discrimination Prohibited

In providing any aid, benefit, or service, the College may not, directly or through contractual licensing, or other arrangements, discriminate on the basis of disability to:

- A. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, any aid, benefit, or service which it provides;
- B. Provide any qualified individual with a disability an opportunity to participate in, or benefit from, any aid, benefits or services that are not equal to those afforded to individuals who do not have disabilities;
- C. Provide a qualified individual with a disability with any aid, benefits or services that are not as effective as those provided to individuals who do not have disabilities. To be “equally effective,” an aid, benefit, or service need not produce an identical result or level of achievement for individuals with disabilities and individuals without disabilities. However, the College must afford individuals with disabilities an equal opportunity to obtain the same result or level of achievement in the most integrated setting appropriate to the individual’s needs and encourage, as appropriate, interaction among all users, including individuals with disabilities;
- D. Provide any different or separate aid, benefits, or services to individuals with disabilities or to any class of individuals with disabilities unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, or services that are as effective as those provided to individuals who are not disabled;
- E. Aid or perpetuate discrimination against a qualified individual with a disability by providing any significant assistance to any agency, organization, or person

that discriminates on the basis of disability against beneficiaries of the College's programs;

- F. Otherwise limit a qualified individual with a disability in the enjoyment of any College right, privilege, advantage or opportunity enjoyed by individuals who are not disabled.

V. Admissions, Enrollment and Recruitment

A. No Limitations On Number of Admissions Or Enrollment

Qualified individuals with disabilities may not, on the basis of disability, be denied admission to the College or enrollment in College classes or participation in College programs, services, or activities, or be subjected to discrimination in the admissions process or in recruitment procedures. Limitations may not be applied upon the number or proportion of individuals with disabilities who may be admitted or enrolled.

B. Enrollment Tests

1. Tests or criteria for admission may not have a disproportionate, adverse effect on individuals with disabilities or any class of such individuals unless:
 - a. The tests or criteria have been validated as predictors of success in the education programs, services or activities in question; and
 - b. Alternate tests or criteria that have a less disproportionate, adverse effect, and which are acceptable to the College, are not shown to be available by the appropriate federal agency.
2. Before admissions tests are selected and administered, campuses should be assured that:
 - a. Admissions tests are selected and administered to ensure that when a test is administered to an applicant who has a disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's aptitude or achievement level, or whatever other factor the test purports to measure, rather than reflecting the applicant's impaired sensory, manual, or speaking skills, except when those skills are the factors that the test purports to measure;
 - b. Admissions tests that are designed for persons with disabilities are offered as often and in as timely a manner as are other admissions tests; and
 - c. Admissions tests are administered in facilities that on the whole are accessible to individuals with disabilities. In the context, "on the whole" does not mean that all facilities must be accessible, only that a sufficient number must be available to individuals with disabilities.

VI. Academic Adjustments

A. Modification of Academic Requirements

Academic requirements should be modified, as necessary and appropriate, to ensure that they do not discriminate or have the effect of discriminating, on the basis of disability, against qualified applicants or students with disabilities. As appropriate, modification may include changes in the length of time permitted for the completion of degree requirements, substitution or waiver of specific courses required for the completion of the requirements, and adaptation of the manner in which specific courses are conducted. However, academic requirements that are determined by the Academic Dean or Program Director to be essential to programs of instruction or for any directly related licensing requirement are not regarded as discriminatory.

The implementation of any modification identified by the Dean of Student Services and to Campus Director, as necessary for a qualified individual with a disability is required to be provided and is not discretionary.

B. Course Examination

In course examinations or other procedures for evaluating students' academic achievement, methods should be provided, as appropriate, for evaluating the achievement of students who have a disability that impairs sensory, manual, or speaking skills as will best ensure that the results of the evaluation represent students' achievement in the course, rather than reflecting students' impaired sensory, manual, or speaking skills, except when such skills are among the factors the test purports to measure.

C. Auxiliary Support Services and Devices

1. Steps should be taken, as appropriate, to ensure that no qualified individual or participant with a disability in a College program is denied the benefits of, is excluded from participation in, or is otherwise subjected to discrimination because of the absence of educational auxiliary support services and devices.

In meeting this requirement, campuses may assist qualified individuals in College programs in contacting existing resources, such as State Vocational rehabilitation agencies and private charitable organizations, to obtain auxiliary support services and devices. Also, other students may be asked to work with students with disabilities, or private agencies that tape texts for individuals with disabilities free of charge may be contacted in order to reduce the number of readers needed for students with visual impairments and students with learning disabilities. Typically, it is still the College's obligation to provide appropriate educational auxiliary support services and devices should public and private agencies be unable to provide such services or devices.

As long as no qualified person with a disability is excluded from a program because of the lack of appropriate auxiliary support services or devices, such support services and devices need not be on hand at all times.

2. Educational auxiliary support services and devices include, but are not limited to, taped texts, interpreters, notetakers, or other effective methods of making orally delivered materials available to, for example, students with hearing impairments or learning disabilities; readers for students with visual impairments; classroom equipment adapted for use by students with manual impairments; or other aids for students with disabilities.

Attendants, individually prescribed devices, readers for personal use, or other devices or services of a personal nature need not be provided.

Students or participants with disabilities in College programs may be required to sign an agreement that they will not release tape recordings or transcriptions of lectures, or otherwise hinder the ability of a teacher to obtain a copyright.

D. Responsibility for Academic Adjustments

In attempting to provide any type of academic adjustment, faculty, disability-management staff, and students with disabilities should work in concert to formulate accommodations that meet the individual educational needs of qualified individuals with disabilities while maintaining the academic integrity of the program or course to be modified.

Moreover, it is essential that during this consultative process students be given an opportunity to express their preferred choice for disability accommodations and that this be given careful consideration, unless an equally effective accommodation can be provided, or that the use of the student's choice would result in a fundamental alteration of the academic program, or would result in an undue financial and administrative burden.

E. Student-Specific Obligations in the Provision of Academic Adjustments

In providing any type of academic adjustment, including, but not limited to, modification of academic requirements, course examinations, or support services and devices, the College may require that: (1) students with disabilities provide reasonable advance notice of requests for, changes to or cancellation of, academic adjustments; (2) students with disabilities provide sufficient and timely verification of their disability and documentation of their disability-related academic adjustment needs; and (3) student with disabilities comply with campus rules regulating requests for, and the proper use of, auxiliary support services or devices.

VII. Procedures for Determining Disability and Accommodations

Overview: Upon receipt of notification of a disability and a request for an accommodation by a qualified individual, the College shall engage in the interactive process with the student making the request. This shall be an informal process designed to determine the nature of the limitations resulting from the disability and the appropriate accommodation that will overcome this limitation. Prior to providing an accommodation, the College reserves the right to require documentation prepared by an appropriate professional, including, but not limited to: a statement regarding how the student's disability affects a major life activity, and a recommendation of a reasonable accommodation.

If the accommodation as initially provided is insufficient, upon receipt of notice of the insufficiency, the College shall make a good faith effort to implement any appropriate additional measures necessary to overcome the qualified individual's limitations.

If a student requests accommodations directly from a faculty member and no letter of verification has been sent by the College, it is the faculty member's responsibility to inform the student that services are available and to refer the student to the Office of the Dean of Student Services to begin the process of verification of a disability and the subsequent notification of faculty. Except in cases of minor accommodations, such as sitting in the front of the classroom, faculty shall not provide accommodations without verification from the Dean of Student Services. Faculty shall consult with the Dean of Student Services if there are questions regarding accommodation issues.

A. Verification of Physical Disabilities

A student with a physical disability must provide professional verification certified by a licensed physician, psychologist, audiologist, speech pathologist, rehabilitation counselor, physical therapist, occupational therapist, or other professional health care provider who is qualified in the diagnosis of the disability. The verification must reflect the student's present level of functioning of the major life activity affected by the disability. The student shall provide the verification documentation to the Dean of Student Services. The cost of obtaining the professional verification shall be borne by the student.

If the initial verification is incomplete or inadequate to determine the present extent of the disability and appropriate accommodations, the College shall have the discretion to require supplemental assessment of a physical disability. The cost of the supplemental assessment shall be borne by the student. If the College requires an additional assessment for purposes of obtaining a second professional opinion then the College shall bear any cost not covered by any third party payor.

B. Verification of Learning Disability

A student with a learning disability must provide professional testing and evaluation results which reflect the individual's present level of processing information and present achievement level. The cost of obtaining the professional verification shall be borne by the student.

The four criteria necessary to establish a student's eligibility for learning disability adjustments or accommodations are: (1) average or above average intelligence as measured by a standardized intelligence test which includes assessment of verbal and non-verbal abilities; (2) the presence of a cognitive-achievement discrepancy or an intra-cognitive discrepancy indicated by a score on a standardized test of achievement which is 1.5 standard deviations or more below the level corresponding to a student's sub-scale or full-scale IQ; (3) the presence of disorders in cognitive or sensory processing such as those related to memory, language, or attention; and (4) an absence of other primary causal factors, leading to achievement below expectations such as visual or auditory disabilities, emotional or behavioral disorders, a lack of opportunity to learn due to cultural or socio-economic circumstances, or deficiencies in intellectual ability.

Documentation verifying the learning disability must:

1. be prepared by a professional qualified to diagnose a learning disability, including but not limited to a licensed physician, learning disability specialist, or psychologist;
2. include the testing procedures followed, the instruments used to assess the disability, the test results, and a written interpretation of the test results by the professional;
3. reflect the individual's present level of functioning in the achievement areas of: reading comprehension, reading rate, written expression, writing mechanics and vocabulary, writing, grammar, and spelling; and
4. reflect the individual's present level of functioning in the areas of intelligence and processing skills.

The assessment must provide data that supports the requests for any academic adjustment. In the event that a student requests an academic adjustment or accommodation that is not supported by the data in the assessment, or if the initial verification is incomplete or inadequate to determine the extent of the disability, then it is incumbent on the student to obtain supplemental testing or assessment at the student's expense.

If the College requires an additional assessment for purposes of obtaining a second professional opinion then the College shall bear any cost not covered by any third party payor.

C. Determination of Reasonable Accommodation

1. The Dean of Student Services will review all documents submitted to verify a disability and will conduct a personal interview to explore the needs of the student in the context of the particular academic program.
2. Students will be asked to submit to the Dean of Student Services a history of academic adjustments and accommodations received in

secondary or post-secondary institutions or in places of employment. Such a history of adjustments and accommodations will be subject to verification by the institution or place of employment that facilitated the adjustments or accommodations.

3. After considering the verification documents, the results of the personal interview, and the history of academic adjustments and accommodations, the Dean of Student Services will propose a schedule of the academic adjustments and accommodations appropriate for the student to receive from the College. In arriving at the proposal, the Dean of Student Services shall consult, as needed, with appropriate faculty, administrative staff of the College and professional consultants to the College.
4. Reasonable academic adjustments and accommodations designed to provide equal opportunity to the students with disabilities shall be made in the following three areas:
 - a. Academic Program. Adjustments in this category include those necessary to enable a student to enroll in, study for, attend and participate in classes, and may include modification of course load.
 - b. Examinations. Examination adjustments and accommodations will be made as necessary to minimize the effect of a particular disability. Any adjustments and accommodations in the conduct of examinations which alter the form of the examination shall be made in consultation with the faculty member or instructor of the course for which the accommodation is sought.
 - c. Auxiliary Aids. To the extent feasible, the College shall either provide or assist students with disabilities in acquiring educational auxiliary aids designed to enable them to participate fully in the academic program and may do so by contacting existing resources, such as State and community agencies, private charitable organizations, and individual volunteers.
5. The Dean of Student Services shall present the proposed schedule of academic adjustments and accommodations for consideration and approval by the Student and Employee Services Coordinator.
6. After approval by the Student and Employee Services Coordinator, the schedule of academic adjustments and accommodations shall be provided to the student in the form of a written "Student Individual Accommodation Schedule."
7. Each student receiving academic adjustments or accommodations shall meet upon request with the Dean of Student Services to evaluate the effectiveness of the academic adjustments and accommodations in place. Each student shall immediately report any dissatisfaction with an academic adjustment or accommodation to the Dean of Student Services. Additionally, the schedule shall be subject to review and

possible termination upon any change in the nature of the student's disability or the student's failure to properly utilize the services provided.

8. Services for students who improperly procure adjustments or accommodations under this policy will be immediately terminated and the student may be subject to possible disciplinary action under the Student Conduct Code.
9. Subject to applicable rules of confidentiality, the Dean of Student Services shall provide information to appropriate administrative staff and faculty when necessary to arrange for efficient administration of academic adjustments and accommodations.
10. The Academic Dean/Program Director shall have ultimate responsibility for approving adjustments and accommodations, based upon consultation with appropriate faculty committees and administrative offices. This authority may be delegated as necessary to the Student and Employee Services Coordinator.

D. Notification Of Faculty and Staff

1. On a need to know basis, Faculty and Staff members will be informed of qualifying students' academic adjustments or accommodations by the Dean of Student Services.
2. The Dean of Student Services shall be available to respond to questions from faculty and staff members concerning the College's policy and procedures regarding the provisions of academic adjustments or accommodations and their implementation.

E. Records and Privacy

1. The College shall maintain confidential records within the Student Services Office relating to academic adjustments and accommodations based upon disability. The records shall include the documentation submitted to verify the disability. Upon graduation or termination of enrollment, these records shall be consolidated with all other records of the student for archiving.
2. All documents produced by consultants in the performance of services for the College shall be and shall remain the property of the College.

VIII. Grievance Procedures Concerning Disputes Over Accommodations

The following Procedures shall not be implemented unless and until an initial accommodation determination has been made pursuant to Section VI of this Policy.

- A. Any student with a complaint concerning either an ineffective accommodation or a failure to implement an accommodation shall first attempt to reach

resolution through discussion with the particular faculty or staff member(s) involved.

- B. If resolution by informal means is not achieved, the student may then institute a formal grievance directed to the Dean of Student Services, setting forth in writing the issue and the prior informal attempts at resolution.
- C. The Dean of Student Services shall meet with the student and involved faculty or staff to facilitate resolution. If resolution is not achieved, the Dean of Student Services shall refer the issue to either the Student and Employee Services Coordinator, or the Campus Director. Decisions by the Campus Director concerning such grievances shall be final.

IX. Access to Regulations and Policies

Any student wishing to view copies of Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act, as amended in 2008, or this policy may do so by visiting the office of the Dean of Student Services.