
**Kern Community College District
Administrative Procedure
Chapter 5 – Student Services**

AP 5010 Admissions and Concurrent Enrollment

Accreditation Related

References:

Education Code Section 76000;
34 Code of Federal Regulations Part 668.16 subdivision (p) (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended);
ACCJC Accreditation Standard II.C.6

Note: This procedure is legally required.

The Chief Instructional Officer at each respective college shall be responsible for evaluating the validity of a student's high school completion if the college or the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education.

The District may deny or place conditions on a student's enrollment upon a finding by the Board or designee that the applicant has been expelled within the preceding five years or is undergoing expulsion procedures in another California community college district, and the applicant continues to present a danger to the physical safety of students and/or employees of the District.

Admission to Impacted Programs

In the event the number of applicants designated to be eligible for admission exceeds the number of student positions in a program, the following selection process may be used to determine student admission.

Applicants who are eligible will be admitted in the order in which their names appear on an eligibility list established for each program. The applicant's position on the list will be determined by specific procedures established for each program. Screening and selection criteria will be applied consistently for all applicants at each respective college. Criteria which may be used to establish priority for admittance are noted in the following sections or may be allowed by using other non-evaluative techniques to determine who may enroll.

Academic prerequisites may include high school graduation or equivalent, grade point average, and completion of high school courses or college courses which are directly related to the curriculum content of the impacted program.

Standard testing procedures may include aptitude tests, attitude or personality tests, skills performance, and competency tests in specific fields.

Criminal background checks, drug screening, and physical health assessments of an applicant may be used to assure that the health and safety of the public is protected and to assure the student is able to perform the work required in the program. See Title 5, Section 58106(b).

An interview procedure may be used in the screening and selection process. The interview shall be preceded by instructions to the applicant indicating the purpose, conduct, and general content of the interview. The interview procedure shall be uniform for all applicants, contain items relevant to the discipline, and result in a quantitative evaluation. The interview committee shall consist of two (2) or more persons.

Previous experience may be used as a criterion for screening and selection. Student failure to complete the application procedure may preclude admittance.

Each college shall have available for interested applicants the specific and current criteria for implementing this policy.

In Administration of Justice courses approved by the Commission on Peace Officer Standards and Training, preference in enrollment may be given to employed law enforcement trainees who are required to complete such courses pursuant to law. Preference should only be given when the trainee cannot complete the course within the time required by statute and when no other training program is reasonably available. Preference is limited to eighty-five percent (85%) of enrollment when there are sufficient numbers of non-law enforcement trainees available.

Limitations on Enrollment in Courses or Programs

Enrollment may be limited by the College President or designee to students meeting validated prerequisites and co-requisites established by the respective college's curriculum committee. See Title 5, Section 55003.

Enrollment may be limited due to health and safety considerations, facility limitations, faculty workload, the availability of qualified instructors, funding limitations, or legal requirements.

Enrollment will be allowed on a first-come, first-served basis or by using other non-evaluative techniques to determine who may enroll.

Enrollment in intercollegiate competition courses, honors courses, or public performance courses may be allocated to those students judged most qualified.

Enrollment in individual sections of multi-section courses may be limited to a cohort of

students enrolled in one or more other courses provided, however, a reasonable percentage of all sections of the course do not have such restrictions.

The colleges will limit the total number of units in which students who have been disqualified or placed on probationary status may enroll. See AP 4250.

Students may challenge an enrollment limitation on the grounds that: The limitation is either unlawfully discriminatory or is being applied in an unlawfully discriminatory manner; the District is not following its policy on enrollment limitations; or the basis upon which the District has established an enrollment limitation does not, in fact, exist.

The student shall bear the burden of showing that grounds exist for the challenge. Challenges shall be handled in a timely manner, and if the challenge is upheld, the District shall waive the enrollment limitation with respect to that student. In the case of a challenge under this Policy, the District shall, upon completion of the challenge procedure, advise the student that he or she may file a formal complaint for unlawful discrimination. See AP 5530.

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AP 5011 Admission and Concurrent Enrollment of High School and Other Young Students

References:

Education Code Sections 48800, 48800.5, 76001, 76002, and 76004

Note: This procedure is legally required if the District admits high school students or younger students.

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

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

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

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

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

- District application for admission;
- Written and signed parental or guardian consent;
- Written and signed approval of his/her/their principal; and
- Demonstration that the student is capable of profiting from instruction.

To be considered for admission as a special full-time student, the student must meet the eligibility standards as established in Education Code Section 48800.5.

The student must submit:

- Written and signed parental or guardian consent;

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

Courses in which high school and other young students are permitted to enroll will be open to the entire college population and will be taught with the rigor appropriate to college-level courses in accordance with the approved Course Outline of Record.

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

College and Career Access Pathways (CCAP)

The Board shall adopted all the legal requirements of Education Code Section 76004 in order to participate in the College and Career Access Pathways (CCAP) partnership with the governing board of a school district for the purpose of offering or expanding Dual Enrollment opportunities for students who may not already be college bound or who are underrepresented in higher education with the goal of developing seamless pathways from high school, including continuation high schools, to community college for career technical education or preparation for transfer, improving high school graduation rates, and/or helping high school pupils achieve college and career readiness.

The District may enter into a CCAP partnership with a school district partner that is governed by a CCAP partnership agreement approved by the governing boards of both districts. As a condition of adopting a CCAP partnership agreement, the governing board of each district, shall do both of the following:

- For career technical education pathways to be provided under the partnership, consult with, and consider the input of, the appropriate local workforce development board to determine the extent to which the pathways are aligned with regional and statewide employment needs. The governing board of each district shall have final decision-making authority regarding the career technical education pathways to be provided under the partnership; and
- Present, take comments from the public on, and approve or disapprove the Dual Enrollment partnership agreement at an open public meeting of the Board of Trustees.

The CCAP partnership agreement shall be filed with the California Community Colleges Chancellor's Office and with the department before the start of the CCAP partnership, and shall:

- Outline the terms of the CCAP partnership and shall include, but not necessarily

be limited to, the total number of high school pupils to be served and the total number of full-time equivalent students projected to be claimed by the District for those pupils; the scope, nature, time, location, and listing of community college courses to be offered; and criteria to assess the ability of pupils to benefit from those courses;

- Establish protocols for information sharing, in compliance with all applicable state and federal privacy laws, joint facilities use, and parental consent for high school pupils to enroll in community college courses. The protocols shall only require a high school pupil participating in a CCAP partnership to submit one parental consent form and principal recommendation for the duration of the pupil's participation in the CCAP partnership;
- Identify a point of contact from the District and school district partner;
- Certify that any community college instructor teaching a course on a high school campus has not been convicted of any sex offense as defined in Education Code Section 87010 or any controlled substance offense as defined in Education Code Section 87011;
- Certify that any community college instructor teaching a course at the partnering high school campus has not displaced or resulted in the termination of an existing high school teacher teaching the same course on that high school campus;
- Certify that a qualified high school teacher teaching a course offered for college credit at a high school campus has not displaced or resulted in the termination of an existing community college faculty member teaching the same course at the partnering community college campus;
- Include a plan by the District to ensure all of the following:
 - A community college course offered for college credit at the partnering high school campus does not reduce access to the same course offered at the partnering community college campus;
 - A community college course that is oversubscribed or has a waiting list shall not be offered in the CCAP partnership; and
 - Participation in a CCAP partnership is consistent with the core mission of the community colleges pursuant to Education Code Section 66010.4, and that pupils participating in a CCAP partnership will not lead to enrollment displacement of otherwise eligible adults in the community college.
- Certify that both the District and the school district partners comply with local collective bargaining agreements and all state and federal reporting requirements regarding the qualifications of the teacher or faculty member teaching a CCAP partnership course offered for high school credit.
- Specify both of the following:
 - Which participating district will be the employer of record for purposes of assignment monitoring and reporting to the county office of education; and

- Which participating district will assume reporting responsibilities pursuant to applicable federal teacher quality mandates.
- Certify that any remedial course taught by community college faculty at a partnering high school campus shall be offered only to high school pupils who do not meet their grade level standard in math, English, or both on an interim assessment in grade 10 or 11, as determined by the partnering school district, and shall involve a collaborative effort between high school and community college faculty to deliver an innovative remediation course as an intervention in the pupil's junior or senior year to ensure the pupil is prepared for college-level work upon graduation.

The CCAP partnership shall not provide Physical Education course opportunities to high school pupils or any other course opportunities that do not assist in the attainment of at least one of the following goals:

- Developing seamless pathways from high school to community college for career technical education or preparation for transfer;
- Improving high school graduation rates; or
- Helping high school pupils achieve college and career readiness.

The District will not enter into a CCAP partnership with a school district within the service area of another community college district, except where an agreement exists, or is established, between those community college districts authorizing that CCAP partnership.

A high school pupil enrolled in a course offered through a CCAP partnership shall not be assessed any fee that is prohibited by Education Code Section 49011.

The District may assign priority for enrollment and course registration to a pupil seeking to enroll in a community college course that is required for the pupil's CCAP partnership program that is equivalent to the priority assigned to a pupil attending a middle college high school as described in Education Code Section 11300 and consistent with middle college high school provisions in Education Code Section 76001. Units completed by a pupil pursuant to a CCAP agreement may count towards determining a pupil's registration priority for enrollment and course registration at a community college.

The District may limit enrollment in a community college course solely to eligible high school students if the course is offered at a high school campus, either in person or using an online platform, during the regular school day and the community college course is offered pursuant to a CCAP partnership agreement.

The District may allow a special part-time student participating in a CCAP partnership agreement established pursuant to this article to enroll in up to a maximum of 15 units per term if all of the following circumstances are satisfied:

- The units constitute no more than four (4) community college courses per term;
- The units are part of an academic program that is part of a CCAP partnership agreement established pursuant to this article; and
- The units are part of an academic program that is designed to award students both a high school diploma and an associate degree or a certificate or credential.

The Board exempts special part-time students from the following fee requirements:

- Student representation fee (Education Code Section 76060.5);
- Nonresident tuition fee and corresponding permissible capital outlay fee or processing fee (Education Code Section 76140);
- Transcript fees (Education Code Section 76223);
- Course enrollment fees (Education Code Section 76300);
- Apprenticeship course fees (Education Code Section 76350); and
- Child Development Center fees (Education Code Section 79121)

The District shall not receive a State allowance or apportionment for an instructional activity for which the partnering district has been, or shall be, paid an allowance or apportionment.

The attendance of a high school pupil at a community college as a special part-time or full-time student pursuant to this section is authorized attendance for which the community college shall be credited or reimbursed pursuant to Education Code Section 48802 or 76002, provided that a school district has not received reimbursement for the same instructional activity. For purposes of calculating classroom-based average daily attendance for classroom-based instruction apportionments, at least eighty percent (80%) of the instructional time offered by a charter school pursuant to an authorized CCAP partnership agreement shall be at the school site, and the charter school shall require the attendance of a pupil for a minimum of fifty percent (50%) of the minimum instructional time required to be offered pursuant to paragraph (1) of subdivision (a) of Education Code Section 47612.5. If the pupil is also a special part-time student enrolled in a community college pursuant to this section and the pupil will receive academic credit upon satisfactory completion of enrolled courses.

For each CCAP partnership agreement entered into pursuant to this section, the District shall report annually to the California Community Colleges Chancellor's Office, the Legislature, the Director of Finance, and the Superintendent all of the following information:

- The total number of high school pupils by school site enrolled in each CCAP partnership, aggregated by gender and ethnicity, and reported in compliance with

all applicable State and federal privacy laws;

- The total number of community college courses by course category and type and by school site enrolled in by CCAP partnership participants;
- The total number and percentage of successful course completions, by course category and type and by school site, of CCAP partnership participants;
- The total number of full-time equivalent students generated by CCAP partnership community college district participants; and
- The total number of full-time equivalent students served online generated by CCAP partnership community college district participants.

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AP 5012 International Students

References:

Education Code Section 76000;
34 Code of Federal Regulations Part 668.16 subdivision (p) (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended);
ACCJC Accreditation Standard II.C.6

Note: This procedure is legally required.

Each college shall adhere to federal requirements regarding immigration documentation and shall implement procedures that address:

- i. Application process including submission of visa information. International students who seek admission must satisfy the following conditions:
 - A. Submission of the District's International Student Application and a recent photo, including processing fee.
 - B. Submission of high school grade reports and, if applicable, English language program transcripts and all other college or university grade reports. Transcripts must be translated into English and must bear the school seal and be signed by the registrar or appropriate school official. English language and translated secondary school and college transcripts. Transcripts that are hand delivered, opened by the student, or mailed by the student will not be accepted.
 - C. Submission of confidential financial statement and bank certification letter showing proof of sufficient funds to cover a minimum of one year of studies.
 - D. Submission of a copy of valid passport.
 - E. F-1 students must purchase the medical insurance plan, which is approved by the District.
- ii. Attendance pursuant to an F-1 visa;
- iii. F-1 visa students must certify that their intent is to attend college on a full-time basis and that employment is not required. Students are required to enroll in a minimum of 12 units (full-time) per semester and expected to complete their community college education in a timely manner;

- iv. Maintaining a minimum of 2.00 GPA;
- v. Reporting a change in major to the Designated School Official (DSO);
- vi. Reporting a change in address to the DSO;
- vii. Receiving permission to leave the United States from the DSO;
- viii. Not engaging in any employment unless permitted to do so by the DSO and the Department of Homeland Security;
- ix. Meeting all deadlines regarding an extension of visa and departure from the United States;
- x. International students are required to maintain the same standard of scholarship as other students and are subject to the same rules of academic standing (e.g. probation and disqualification);
- xi. Required TOEFL (Test of English as a Foreign Language) scores, such as:
 - TOEFL (Test of English as a Foreign Language) score: Minimum score of 450 on the paper-based test, or score of 45 on the internet-based test. Score reports must be less than two (2) years old
 - IELTS (International English Language Testing System) test: Minimum score of 4.5.
 - TOEIC (Test of English for International Communication): Minimum score of 620.
 - iTEP (International Test of English Proficiency): Minimum score of 4.0
 - GTEC (Global Test of English Communication)
: <https://www.benesse.co.jp/gtec/>: Minimum score of 903-945.
 - EIKEN (STEP) test (EIKEN/Society for Testing English Proficiency): Minimum score of 2a (test offered by Japanese high schools and universities).
 - CSU Bakersfield IELC (Intensive English Language Center): Minimum of "Advanced" level.
 - ELS Centers in the US or overseas: Minimum score of 109.
 - Studied in an English-speaking country.
 - Completed "O" or "A" levels in a former British colony (e.g. Singapore).
 - Studied English language as an exchange student for at least two (2) semesters in one of the U.S. schools and achieved grade "C" or higher.
 - Is transferring directly from an academic program at a U.S. college or university.

xii. Residence Determination:

A. Alien Students Who Are Not Precluded From Establishing Residency

- i. Alien Student Establishing Residency: A student who is an alien may establish his/ her/their residence pursuant to the provisions of the laws and regulations of the United States Immigration Code and the laws and regulations of California residency if not precluded by the Immigration and Nationality Act from establishing domicile in the United States, provided that the student has had residence in California for more than one year prior to the residence determination date for the semester or term (summer or winter) for which attendance is proposed.
- ii. Residency Policy and Procedure: Students who hold a visa type that may be eligible to establish residency will must abide by the District policy and procedure regarding residency.
- iii. Jurisdiction of Change in Residency or Residency Petitions: Students who hold a visa type that is not precluded from establishing residency and who wish to establish California residency shall inquire with the respective college's Office of Admissions & Records.

B. Alien Students Who Are Precluded From Establishing Residency:

An alien is precluded from establishing domicile in the United States if the alien entered the United States illegally, or under a visa which requires that the alien have residence outside the United States, or that he/she/they entered the United States solely for a temporary purpose. An alien is precluded from establishing domicile in the United States and shall not be classified as a resident of this State if he/she/they holds a visa that is covered by the International Student Program. Specifically:

- i) F-1, F-2 – Academic student, spouse and children
- ii) J-1, J-2 – Exchange visitor, spouse and children
- iii) M-1, M-2 – Nonacademic or vocational student, spouse and children

C. Exemptions from Nonresident Tuition as Authorized by Education Code Section 76140(a)(2).

- i. F-1, J-1, and M-1 students may be exempted from nonresident tuition provided they have a documented case of economic hardship. Under no circumstance may the number of F-1 students granted an exemption exceed ten percent (10%) of that population. The District reserves the right to limit any exemption to one term or a prescribed period of time. The District also reserves the right to rescind any exemption. Exemptions shall only be granted upon the recommendation of the Chancellor or designee.
- ii. Calculation of nonresident tuition fee applicable to noncitizens who have not, or cannot, establish residence, in an amount not to exceed the amount expended by the District for capital outlay in the preceding fiscal year divided by the total full-

time equivalent students. This fee cannot exceed fifty percent (50%) of the nonresident tuition charged other nonresidents.

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AP 5013 **Students in the Military**

References:

Education Code Sections 68074, 68075, 68075.5, and 68075.7;
Title 5 Sections 55023, 55024 54041, 54042, 54050, and 58620;
Military and Veterans Code Section 824;
38 U.S. Code Section 3679

NOTE: This policy is **legally advised**.

Residence Determinations for Military Personnel and Dependents

A student who is a member of the Armed Forces of the United States stationed in California, except a member of the Armed Forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification. Such student shall retain resident classification in the event that the member of the Armed Forces is thereafter transferred on military orders to a place outside of California or thereafter retires from active duty, so long as the student remains continuously enrolled in the District.

An undergraduate student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the Armed Forces of the United States stationed in this state on active duty and is in attendance at, or has been admitted to, the District shall be entitled to resident classification. Such student shall retain resident classification if he/she/they is thereafter transferred on military orders to a place outside of California, so long as the student remains continuously enrolled in the District.

A veteran who was discharged or released from at least 90 days of active service and/or his/her/their dependents is eligible for Veteran Affairs (VA) benefits, who enrolls in a course shall receive in-state tuition.

An individual who is the child or spouse of a service member who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California is entitled to resident classification.

An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty is entitled to resident classification.

A parent who is a federal civil service employee and his/her/their natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.

A student claiming the residence classifications provided for in this procedure must provide a statement from the service member's Commanding Officer or personnel officer providing evidence of the date of the assignment to California, and that the assignment to active duty in California is not for educational purposes. A student claiming the residence classifications provided herein for the dependent of military personnel shall provide a statement from the service member's Commanding Officer or personnel officer that the service member's duty station is in California on active duty as of the residence determination date, or has been transferred outside of California on active duty after the residence determination date, or that the service member has retired from active duty after the residence determination date. (Title 5 Sections 54041 and 54042)

Withdrawal Policies for Members of the Military

A student who is a member of an active or reserve United States military service and who receives orders compelling a withdrawal from courses shall be permitted to withdraw upon verification of such orders. A withdrawal symbol may be assigned which may be a "W" or a "MW" (Military Withdrawal). A Military Withdrawal shall not be counted in progress probation, dismissal calculations, or in calculating the permitted number of withdrawals. In no case may a military withdrawal result in a student being assigned an "FW" grade. In no case may a college require a student who is required to report for military duty to withdraw from a course by a specified date in order to receive a full refund of the tuition and fees the student paid to the college for the academic term in which the student was required to report for military service.

Military Absence Policy

Long Term Military Absence

A student informing campuses under Kern Community College District (Bakersfield College, Cerro Coso Community College, or Porterville College) of absence for more than 30 days of military service may choose from among the following options:

- Withdraw retroactively to the beginning of the academic term with a full refund of tuition and fees (California Education Code § 99130 and Section 824 of the Military and Veterans Code); or

- If at least 75 percent of the academic term has been completed, the student may request that the faculty member assign a grade for the course based on the work the student has completed. The faculty member shall make the final decision as to whether to grant the student's request (California Education Code § 99130).

If the faculty member assigns a grade of "I" (Incomplete) for the student's coursework, the student shall have a minimum of four (4) weeks after returning to the campus to complete the course requirements. Additional time may be granted if alternative arrangements are made with the faculty member, and provided that the alternative arrangements are consistent with the requirements of and Section 824 of the Military and Veterans Code (California Education Code § 99130).

Short-Term Military Absence

Students currently serving in the US Armed Forces, and particularly those in the Reserve or National Guard, may be called to active duty or be required to fulfill reserve military obligations for periods shorter than 30 days. In recognition that such service is mandated by State or federal government authorities, absences for these duties shall be considered "excused absences" and shall be accommodated by the colleges of the Kern Community College District. Such students shall not be penalized for the absence.

The instructor will provide the servicemember with reasonable alternative arrangements and due dates to complete coursework missed due to mandatory military service. Examples of alternative arrangements may include, but not limited to:

- Rescheduling exams and quizzes;
- Creating alternative assignments;
- Offering online opportunities to participate in class;
- Establishing alternative dates, times, or modalities for presentations; and/or
- Offering independent study options to complete course requirements

Coursework submitted by the revised deadline shall not incur a reduced grade penalty.

A student whose service meets the requirements for short-term military leave may also choose from the following options for absences less than 30 days of service:

- Withdraw from the institution, retroactively to the beginning of the academic term, with a full refund of tuition and fees (California Education Code § 99130 and Section 824 of the Military and Veterans Code); or
- If at least 75 percent of the academic term has been completed, the student may request that the faculty member assign a grade for the course based on the work the student has completed. The faculty member shall make the final decision as to whether to grant the student's request (California Education Code § 99130).

If the faculty member assigns a grade of “I” (Incomplete) for the student’s coursework, the student shall have a minimum of four (4) weeks after returning to the institution to complete the course requirements. Additional time may be granted if alternative arrangements are made with the faculty member, and provided that the alternative arrangements are consistent with the requirements of and Section 824 of the Military and Veterans Code (California Education Code § 99130).

Credit for Military or Public Service

Credit for military service and for course of study taken while in the military service may be allowed upon verification and evaluation. All such credit shall be designated on the student's permanent record as credit earned while in the armed service.

A Veteran student who has successfully completed Basic Military Training/Recruit Training, with any character discharge, excluding dishonorable, may be awarded up to twelve (12) semester units as listed below:

- Health Education (3 Units),
- Physical Education (2 Units), and;
- General Education (7 Units)

Refer to AP 4255 – Credit for Prior Learning for additional information.

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AP 5015 Residence Determination

References:

Education Code Sections 68000 et seq., 68130.5, 68074-68075.7, and 68086;
Title 5 Sections 54000 et seq.;
38 U.S. Code Section 3679

Note: This procedure is legally required.

Residence Classification – Residency classifications shall be determined for each student at the time of each registration and whenever a student has not been in attendance for more than one (1) semester. Residence classifications are to be made in accordance with the following provisions:

- A residence determination date is that day immediately preceding the first day of instruction for any session during which the student proposes to attend; and
- Residence classification is the responsibility of the Office of Admissions & Records.

Students must be notified of residence determination within 14 calendar days of submitting their application.

A student seeking to enroll exclusively in career development and college preparation courses, and other courses for which no credit is given, shall not be subject to this residency classification requirement.

Each college shall publish the residence determination date and summary of the rules and regulations governing residence determination and classification in their respective college catalog or addenda thereto.

Rules Determining Residence

- A student who has resided in the state for more than one year immediately preceding the residence determination date is a resident.

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

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

- Every person who is married or 18 years of age, or older, and under no legal disability to do so, may establish residence;
- A person may have only one residence;
- A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which one returns in seasons of repose;
- A residence cannot be lost until another is gained;
- The residence can be changed only by the union of act and intent;
- A man or a woman may establish his/her/their residence. A woman's residence shall not be derivative from that of her husband;
- The residence of the parent with whom an unmarried minor child maintains his/her/their place of abode is the residence of the unmarried minor child. When the minor lives with neither parent, the minor's residence is that of the parent with whom the last place of abode was maintained, provided the minor may establish his/her/their residence when both parents are deceased and a legal guardian has not been appointed; and
- The residence of an unmarried minor who has a living parent cannot be changed by the minor's own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.

Determination of Resident Status

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

- A student who is a minor and remains in this state after the parent, who was previously domiciled in California and has established residence elsewhere, shall be entitled to retain resident classification until attaining the age of majority and has resided in the state the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution;

- A student who is a minor and who provides evidence of being entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date with the intention of acquiring a residence therein, shall be entitled resident classification until he/she/they has resided in the state the minimum time necessary to become a resident;
- A student who has not been an adult for one year immediately preceding the residence determination date for the semester for which the student proposes to attend an institution shall have the immediate pre-majority-derived California residence, if any, added to the post-majority residence to obtain the one year of California residence;
- A student holding a valid credential authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the college year in which the student enrolls in an institution, shall be entitled to resident classification if each student meets any of the following requirements:
 - He/she/they holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools;
 - He/she/they holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements;
 - He/she/they is enrolled in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Education Code Section 44259; or
 - A student holding a valid emergency permit authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the academic year in which the student enrolls at an institution in courses necessary to fulfill teacher credential requirements, is entitled to resident classification only for the purpose of determining the amount of tuition and fees for no more than one year. Thereafter, the student's residency status will be determined under the other provisions of this procedure.
- A student who is a full-time employee of the California State University, the University of California or a community college, or of any state agency, or a student who is a child or spouse of a full-time employee of the California State University, the University of California or a community college, or of any state agency, may be entitled to resident classification, until the student has resided in the state the minimum time necessary to become a resident;

- A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the Armed Forces of the United States stationed in this state on active duty and is attendance at or has been admitted to the District shall be entitled to resident classification. If the member of the Armed Forces of the United States later transfers on military orders to a place outside this state or retires as an active member of the armed forces of the United States, the student dependent shall not lose his/her/their resident classification, so long as he/she/they remains continuously enrolled in the District;
- A student who is a member of the armed forces of the United States stationed in this state, except a member of the Armed Forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification only for the purpose of determining the amount of tuition and fees. If the student later transfers on military orders to a place outside this state, the student shall not lose his/her/their resident classification, so long as he/she/they remains continuously enrolled in the District;
- A veteran who was discharged or released from at least 90 days of active service less than three (3) years before the date of enrollment in a course commencing on or after July 1, 2015, and his/her/their dependents, regardless of the veteran's state of residence is entitled to resident classification;
- An individual who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California;
- An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty;
- A student who is a minor and resides with his/her/their parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more than one year prior to the residence determination date for the semester, quarter or term for which the student proposes to attend;
- A Native American student is entitled to resident classification for attendance at a community college if the student is also attending a school administered by the Bureau of Indian Affairs located within the Kern Community College District;
- A student who is a federal civil service employee and his/her/their natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the

student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education;

- A student who resides in California and is 19 years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until he/she/they has resided in the state the minimum time necessary to become a resident;
- A student who lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, and the parent has performed such labor in this state for at least two months per year in each of the two preceding years, and the parent resides in this District and the parent of the student has claimed the student as a dependent on his/her/their state or federal personal income tax return if he/she/they has sufficient income to have personal income tax liability shall be entitled to resident classification;
- A student who demonstrates financial need, has a parent who has been deported or was permitted to depart voluntarily, moved abroad as a result of that deportation or voluntary departure, lived in California immediately before moving abroad, attended a public or private secondary school in the state for three or more years, and upon enrollment, will be in his/her/their first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District stating that he/she/they intends to establish residency in California as soon as possible; or
- A student who has a special immigrant visa that has been granted status under Section 1244 of Public Law 110-181 or under Public Law 109-163, or is a refugee admitted to the United States under Section 1157 of Title 8 of the United States Code, and who, upon entering the United States, settled in California, shall be exempt from paying the nonresident tuition fee required by Education Code Section 76140 for the length of time he/she/they lives in this state up to the minimum time necessary to become a resident.

Right to Appeal – Students who have been classified as non-residents have the right to a review of their classification (Title 5 Section 54010 subdivision (a)). Any student, following a decision of residence classification by the Office of Admissions & Records may make written appeal to the Director of Admissions & Records within 30 calendar days of notification of decision by the college regarding classification.

Appeal Procedure – The appeal is to be submitted to the Office of Admissions & Records which must forward it to the designated officer within five (5) working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or

documentation provided by the student, including a cover statement indicating the basis upon which the residence classification decision was made, must be forwarded with the

appeal.

The designated officer shall review all the records and have the right to request additional information from either the student or the Office of Admissions & Records.

Within 30 calendar days of receipt, the Director of Admissions & Records send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

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

Petitions are to be submitted to the Office of Admissions & Records.

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

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

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

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

- Has not, and will not, be claimed as an exemption for state and federal tax purposes by his/her/their parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the year the reclassification application is made;
- Has not, and will not, receive more than seven-hundred fifty dollars (\$750) per year in financial assistance from his/her/their parent in the calendar year the reclassification application is made and in any of the three (3) calendar years prior to the reclassification; and
- Has not lived, and will not live, for more than six (6) weeks in the home of his/her/their parent during the calendar year the reclassification application is made and in any of the three (3) calendar years prior to the reclassification application.

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

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

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

The designated officer will make a determination based on the available evidence, and will notify the student not later than 14 days of receipt of the petition for reclassification.

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

Non-Citizens – The District will admit any non-citizen who is 18 years of age or a high school graduate.

If non-citizens are present in the United States illegally or without a temporary visa, they will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.

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

Any students who are U.S. citizens, permanent residents of the U.S., and aliens who are not nonimmigrants, including those who are undocumented, may be exempt from paying nonresident tuition if they meet one of the following requirements:

- Total attendance in courses, or attainment of credits earned, while in California equivalent to three (3) or more years of full-time attendance or attainment of credits at any of the following: (a) California high schools; (b) California high schools established by the State Board of Education; (c) California adult schools established by either a county office of education, unified or high school district, or the California Department of Corrections and Rehabilitation; (d) campuses of the California community colleges; or (e) a combination thereof; or
- Three or more years of full-time high school coursework in California, and a total of three or more years of attendance in California elementary schools, or a combination of California elementary and secondary schools.

Additionally, the following requirements must be met:

- Graduation from a California high school or attainment of the equivalent thereof; or completed an associate degree from a California Community College; or completed the minimum requirements at a California Community College, or fulfill the minimum transfer requirements established for the University of California or the California State University for students transferring from a campus of the California Community Colleges;
- Registration or enrollment in a course offered by any college in the District for any term commencing on or after January 1, 2002,
- Completion of a questionnaire form prescribed by the Chancellor of the California Community Colleges and furnished by the Kern Community College District, verifying eligibility for this nonresident tuition exemption; and
- In the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her/their immigration status, or will file an application as soon as he/she/they is eligible to do so.

Documents and information obtained in implementing this exemption are confidential.

The initial residency classification will be made at the time the student applies for admission. Students may file residency questionnaire forms through the third week of the semester to request a review of their residency status. Final residency determination is made by the designated officer. Students may appeal the decision.

Resident Classification for Employees- A full-time employee of the Kern Community College District, or a student who is a child or spouse of a full-time employee of the District, is entitled to resident classification until he/she/they has resided in the State the minimum time necessary to become a resident. (Education Code Section 68079)

**Kern Community College District
Administrative Procedure
Chapter 5 – Student Services**

**AP 5017 Responding to Inquiries of Immigration Status, Citizenship Status,
and National Origin Information**

References:

Education Code Sections 66093, 66093.3, and 68076;
Title 5 Section 41905

Note: This procedure is legally required.

Unless required by federal or state law, the District shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians, nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's immigration status, such as a green card, voter registration, a passport, or citizenship documents.

Where any law contemplates submission of immigration status or citizenship status information to satisfy the requirements of a special program, the District shall not use that documentation or information for decisions related to admissions or enrollment in courses or degree programs.

The District shall not use immigration status, citizenship status, or national origin information in personal statements outside the application process, other than for legitimate educational interests, including the provision of a service or benefit relating to the student, such as health care, counseling, job placement or financial aid.

If the District learns of a student's immigration status through its application process, including the students' personal statement or answers to personal insight questions, the District shall create policies and procedures to protect such personal identifiable information and retain the information only to the extent it is necessary or required by law. The District shall avoid the disclosure of information that might indicate a student or family's citizenship or immigration status if the disclosure is not authorized by the Family Educational Rights and Privacy Act (FERPA) or state law.

Where permitted by law, the designated officer of the District shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs,

and those alternative means shall include documentation or information that are available to persons regardless of immigration status or citizenship status, and that do not reveal information related to citizenship or immigration status.

Examples of documents that can be used as proof of residency include, but are not limited to:

- Registering a motor vehicle operated in California;
- Obtaining a California driver's license or California identification card;
- Filing a resident or nonresident California state income tax return;
- Listing a California address on a federal income tax return;
- Listing a permanent military address or home of record in California;
- A professional or vocational license obtained from a California state licensing agency (e.g., nursing, teaching credentials);
- Maintaining active resident memberships in California based professional organizations (e.g., police union, teachers' union); and
- Maintaining an active bank account at a California bank.

Where the District is permitted by law to request a minor student's parent's/guardian's residency information in order to determine tuition or aid, the colleges shall only require documentation or information that is available to persons regardless of immigration status, as noted above.

Where residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this administrative procedure, the District's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this procedure.

Specifically, where the District must determine a student's residency for purposes of in-state tuition, the District shall not inquire about a parent/guardian's citizenship or immigration status and shall enumerate alternative means of establishing a parent/guardian's residency. If the student is considered a minor dependent of a California resident, the colleges shall only require documents to determine whether the parent/guardian has resided in California for one year (e.g. vehicle registration, lease agreements, etc.)

**Kern Community College District
Administrative Procedure
Chapter 5 – Student Services**

AP 5020 Nonresident Tuition

References:

Education Code Sections 68075.65, 68130.5 and 76140 et seq.;
Title 5 Section 54045.5

Note: This procedure is legally required.

Exemptions to nonresident tuition include:

- Any students, other than non-immigrant aliens under 8 U.S. Code Section 1101(a)(15), who meet the following requirements:
 1. Either high school attendance in California for three or more years OR attainment of credits earned in California from a California high school equivalent to three or more years of full-time high school coursework and a total of three or more years of attendance in California elementary schools, California secondary schools, or combination of those schools;
 2. Graduation from a California high school or attainment of the equivalent thereof;
 3. Registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
 4. Completion of a questionnaire form prescribed by the California Community Colleges Chancellor's Office verifying eligibility for nonresident tuition exemption; and
 5. In the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her/their immigration status or will file an application as soon as he/she/they is/are eligible to do so.
- Any students who meet the following requirements:
 1. Demonstrates financial need;
 2. Has a parent who has been deported or was permitted to depart voluntarily;
 3. Moved abroad as a result of that deportation or voluntary departure;
 4. Lived in California immediately before moving abroad;

5. Attended a public or private secondary school in California for three (3) or more years; and
 6. Upon enrollment, will be in his/her/their first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District stating that he/she/they intends to establish residency in California as soon as possible.
- Any nonimmigrant aliens granted “T” or “U” visa status under title 8 U.S. Code Section 1101(a)(15)(T)(i) or (ii), or section 1101(a)(15)U)(i) or (ii), respectively, who meet the following requirements:
 1. High school attendance in California for three or more years;
 2. Graduation from a California high school or attainment of the equivalent thereof;
 3. Registration or enrollment in a course offered for any term or commencing on or after January 1, 2002; and
 4. Completion of a questionnaire form prescribed by the California Community Colleges Chancellor’s Office verifying eligibility for nonresident tuition exemption.
 - A special part-time student, other than a nonimmigrant alien under 8 U.S. Code Section 1101(15)(a), participating in a College and Career Access Pathways (CCAP) partnership program and enrolled in no more than 15 units per term.
 - A requirement that the nonresident tuition fee be set not later than March 1 of each year.
 - A requirement that the calculation reflect the current expense of education calculated according to the Budget and Accounting Manual.
 - Exemptions, if any, due to reciprocity with bordering states.
 - Processing fees, if any, for international students.
 - A requirement that the calculation include the expense of education in the preceding fiscal year.
 - A requirement that the calculation reflect fees in contiguous Districts.
 - A requirement that the calculation provide for students enrolled in than 15 units per term.
 - A requirement that a notice listing persons exempt from paying nonresident tuition be posted on the District’s website.

Out-of-State Resident Tuition:

Out-of-State residents shall be charged tuition in accordance with the regulations of the Board of Governors of the California Community Colleges (Education Code Sections 68051 and 76004) See AP 5020 for procedures related to non-resident tuition refunds.

Nonresident Enrollment Fees and Tuition:

Unless expressly exempted or entitled to a waiver, nonresident students shall be charged nonresident fees and tuition for all units enrolled, unless otherwise required by law.

Any nonresident who is both a citizen and a resident of a foreign country who has demonstrated a financial need will be exempted. Not more than 10 percent (10%) of the nonresident foreign students attending any community college district may be exempted.

(1) The student shall be credited any excess non-resident tuition computed based on the units of current enrollment if a student drops a course within:

- Two (2) weeks after the starting date of the semester for a semester length course, or
- A date calculated to be ten percent (10%) from the starting date of a course other than semester length.

If a course is ten (10) days or less in length, the course must be dropped before the second (2nd) meeting to be credited a refund, computed based on units of current enrollment.

(2) If a class is cancelled or rescheduled, the student shall be credited any excess non-resident tuition computed based on units of current enrollment.

(3) A student entitled to receive the non-resident tuition must apply for the refund before the end of the second consecutive semester of non- attendance (summer session is not considered a semester) and shall use the appropriate campus refund request form.

(4) If a student does not apply for a fee refund within the timeframe noted above, the available funds will revert to the District.

(5) Exceptions to these procedures must be approved by the College President or designee.

**Kern Community College District
Administrative Procedure
Chapter 5 – Student Services**

AP 5030 Fees

Accreditation Related

References:

Education Code Sections 66025.3, 68120, 70902 subdivision (b)(9), 76300, 76300.5,
Title 5 Sections 51012, 58520, and 58629;
California Community Colleges Chancellor's Office (CCCCO) Student Fee Handbook;
ACCJC Accreditation Standard I.C.6

Note: This procedure is legally required.

Required fees include:

- Enrollment fees (Education Code Section 76300 and 76300.5; Title 5 Sections 58500 and 58509)
- Baccalaureate degree pilot program fees (Title 5 Section 58520)
- Nonresident tuition with these permissive exemptions (Education Code Sections 76140 and 76140.5):
 - All nonresident students enrolling for six (6) or fewer units;
 - A student who is a citizen and resident of a foreign country who demonstrates financial need and this required exemption (Education Code Section 68130.5); or
 - All students, other than nonimmigrant aliens under 8 U.S. Code Section 1101 subdivision (a)(15), who meet the following requirements:
 - High school attendance in California for three or more years;
 - Graduation from a California high school or attainment of the equivalent thereof;
 - Registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
 - Completion of a questionnaire form prescribed by the California Community Colleges Chancellor's Office verifying eligibility for this nonresident tuition exemption; and
 - In the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize

his/her/their immigration status or will file an application as soon as he/she/they is eligible.

- Student representation (Education Code Section 76060.5; Title 5 Sections 54801 and 54805)

Fees authorized by law include:

- Non-District Physical Education facilities (Education Code Section 76395)
- Noncredit courses (Education Code Section 76385)
- Community Service courses (Education Code Section 78300)
- Auditing of courses (Education Code Section 76370)
- Instructional materials (Education Code Sections 73365, 81457, and 81458; Title 5 Sections 59400 and 59408)
- Athletic insurance (Education Code Section 70902 subdivision (b)(9))
- Cross-Enrollment with the California State University (CSU) or University of California (UC) (Education Code Section 66753)
- Health fees (Education Code Section 76355)
- Parking fees (Education Code Section 76360)
- Transportation fees (Education Code Sections 76361 and 82305.6)
- Student Center fees (Education Code Section 76375; Title 5 Section 58510)
- Copies of student records (Education Code Section 76223)
- Dormitory (Education Code Section 81670)
- Childcare (Education Code Sections 79121 et seq. and 66060)
- Nonresident capital outlay (Education Code Section 76141)
- Nonresident application processing (Education Code Section 76142)
- Credit for Prior Learning (Education Code Section 76300; Title 5 Section 55050)
- Use of facilities financed by revenue bonds (Education Code Section 81901 subdivision (b)(3))
- Refund processing (Title 5 Section 58508)
- Telephone registration (Education Code Section 70902 subdivision (a))
- Physical fitness test (Education Code Section 70902 subdivision (b)(9))
- Instructional tape lease/deposit (Education Code Section 70902 subdivision (b)(9))
- Credit card use fees (Education Code Section 70902 subdivision (b)(9))
- International Student Medical Insurance (Education Code Section 70902 subdivision (b)(9))

Prohibited fees include:

- Late application (CCCCO Student Fee Handbook)
- Add/drop (CCCCO Student Fee Handbook)
- Mandatory student activities (CCCCO Student Fee Handbook)
- Student Identification Cards (CCCCO Student Fee Handbook)
- Student Body Organization (CCCCO Student Fee Handbook)
- Nonresident application (CCCCO Student Fee Handbook)
- Required or funded services (CCCCO Student Fee Handbook)
- Refundable deposits (CCCCO Student Fee Handbook)
- Distance Education (other than the statutorily authorized enrollment fee) (CCCCO Student Fee Handbook)
- Mandatory mailings (CCCCO Student Fee Handbook)
- Rental of practice rooms (CCCCO Student Fee Handbook)
- Apprenticeship courses (Education Code Section 76350)
- Technology fee (CCCCO Student Fee Handbook)
- Late payment fee (Title 5 Sections 58502 and 59410)
- Nursing/healing arts student liability insurance (Title 5 Section 55234)
- Cleaning (CCCCO Student Fee Handbook)
- Breakage (CCCCO Student Fee Handbook)
- Test proctoring (CCCCO Student Fee Handbook)

Students Exempted from Fees:

- For dependents of certain veterans (Education Code Section 66025.3)
- For dependents of certain victims of the September 11, 2001, terrorist attacks (CCCCO Student Fee Handbook)
- For certain recipients of the Medal of Honor and certain children of the recipients of the Medal of Honor (Education Code Section 66025.3)
- For surviving spouses and children of a firefighter employed by the federal government whose duty assignment involved the performance of firefighting services in California (Education Code Section 68120)
- For students who have been exonerated of a crime through writ of habeas corpus or pardon that meet certain conditions (Education Code Section 69000)

Enrollment Fee – K-12 students admitted as special part-time students are exempt from paying the enrollment fee.

Prior to the last day of open registration, students may be dropped for non-payment of enrollment and tuition fees of \$200 or more, ten (10) days after the date that they

registered for the particular course(s). Students whose unpaid enrollment and tuition fees are less than \$200 may have holds placed on their transcripts, grades, and diplomas until their enrollment fees are paid.

Beginning with the first day of the term, students owing \$200 or more will not be dropped for non-payment of enrollment fees; however, these students will have holds placed on their transcripts, grades, diplomas, and registration privileges until all fees are paid. Students whose unpaid fees are less than \$200 will have holds placed on their transcripts, grades, and diplomas until all fees are paid. Students unable to pay for tuition and fees are encouraged to contact the Office of Financial Aid to explore options for financial support.

Enrollment fee waivers will be granted according to law. The

following enrollment fee waivers are authorized by law:

1. Special full-time or part-time students enrolled in college courses only for high school credit are not subject to the enrollment fee, and no waiver or exemption is necessary;
2. Children or dependents of a deceased or disabled veteran [Education Code Section 66025.3(a)(2)(A)];
3. Apprentices in courses of supplemental or related instruction (Section 3074.7 of the Labor Code and Education Code Section 76350);
4. Recipients of benefits under the Temporary Assistance to Needy Families (TANF) program [Education Code Section 76300(g)(1)];
5. Recipients of benefits of Supplemental Security Income/State Supplementary program [Education Code Section 76300(g)(1)];
6. General Assistance program recipients [Education Code Section 76300(g)(1)];
7. Students who demonstrate eligibility according to income standards established by the Board of Governors and contained in Title 5, Section 58620 and Education Code Section 76300 (g)(2);
8. California State University or University of California students enrolled in remedial classes provided by a community college district on a campus of the University of California or a campus of the California State University, for whom the District claims an attendance apportionment pursuant to an agreement between the District and the California State University or the University of California [Education Code Section 76300(e)(2)]. Any student who, at the time of enrollment, is a dependent, or surviving spouse who has not remarried, of any member of the California National Guard who, in the line of duty and while in the active service of the State, was killed [Education Code Section 72252(h)], died of a disability resulting from an event that occurred while in the active service of the State, or is permanently disabled as a result of an event that occurred while in the active service of the State [Education Code Section 76300(h)];
9. Students enrolled in the non-credit courses designated by Education Code Section 84757 [Education Code Section 76300(e)(1)];

10. Students enrolled in credit contract education courses pursuant to Education Code 78021 [Education Code Section 76300(e)(3)];
11. A student who is the surviving spouse or the child, natural or adopted, of a deceased person who met all of the requirements of Education Code Section 68120 which refers to law enforcement officials killed in the performance of actual law enforcement or fire suppression duties. [Education Code Section 76300(i)];
12. A student who is a dependent of any individual killed in the September 11, 2001, terrorist attacks according to the stipulations of Education Code Section 76300(j)&(k);

Subsequent to 2004-05, GTO students enrolling at a California community college will have their enrollment fees waived if they can establish financial need according to the standards noted in Title 5, Section 58620. [Education Code Section 66744(a)&(b)]

Enrollment fees are due at the time of registration.

Enrollment Fee Refund

(1) The student shall be credited any excess enrollment fee computed based on units of current enrollment, if a student drops a course within:

- Two (2) weeks after the starting date of the semester for a semester length course, or
- A date calculated to be ten (10) percent from the starting date of a course other than semester length.

If a course is ten (10) days or less in length, the course must be dropped before the second (2nd) meeting to be credited a refund, computed based on units of current enrollment.

(2) If a class is cancelled or rescheduled, the student shall be credited any excess enrollment fee computed based on units of current enrollment.

(3) A student entitled to receive the enrollment fee refund shall be issued such refund by the end of the second consecutive semester of non-attendance (summer session is not considered a semester)

(4) In the case of students who are members of an active or reserve military service, and who receive orders compelling a withdrawal from courses, the entire enrollment fee shall be refunded, unless academic credit is awarded.

Course Audit Fee

Students auditing credit classes shall be charged a fee, except as excluded below in 'Waiver of Fees.'

A student in a course shall not be permitted to change enrollment from credit to audit or audit to credit.

Priority in class enrollment shall be given students desiring to take the course for credit.

A course audit shall be approved under only one of the following conditions:

Participation by audit serves a specific educational purpose necessary to achieve the student's educational goal

Participation by audit benefits other registered participants in performance arts or intercollegiate athletics courses.

The course instructor and College President or designee shall approve audit enrollments.

Student Body Operating and Building Fee

Bakersfield College may charge an annual building and operating fee for the purpose of financing, constructing, enlarging, remodeling, refurbishing and operating a student body center. The fee shall not exceed one dollar (\$1.00) per credit hour for courses offered on the main campus up to a maximum of ten dollars (\$10.00) per student per fiscal year.

The following student body operating and building fee waivers are authorized by law:

- (1) Aid to Families with Dependent Children (AFDC) program recipients
- (2) Supplemental Security Income/State Supplementary program recipients
- (3) General Assistance program recipients
- (4) K-8 students who are taking classes
- (5) Students who are in apprenticeship programs

The following student body operating and building fee refund procedures shall apply:

- (1) The student shall be credited any excess student body operating and building fee based on the units or current credit enrollment, if a student drops a course within: Two (2) weeks after the starting date of the semester for a semester length course, or A date calculated to be within ten (10) percent from the starting date of a course other than semester length.
- (2) If a class is cancelled or rescheduled, the student shall be credited any excess student body operating and building fee computed based on units of current credit enrollment.
- (3) A student entitled to receive the student body operating and building fee refund must apply for the refund before the end of the second consecutive semester of non- attendance (summer session is not considered a semester) and shall use the appropriate campus refund request form.
- (4) If a student does not apply for the student body operating and building fee refund within the timeframe noted in number three (3) above, the available funds will revert to the District.
- (5) Exceptions to these procedures must be approved by the College President or

designee.

Health Fee Guidelines Health Fee Refund

- 1) The student will be credited the health fee if all classes on the main campus are dropped and an enrollment fee credit is generated by a main campus class during the transaction.
- 2) A student entitled to receive the health fee refund must apply for the refund before the end of the second consecutive semester of non-attendance (excluding summer sessions) and shall use the appropriate campus refund request form.
- 3) If a student does not apply for the health fee refund within the time frame noted above, the available funds will revert to the District.

Health Fee Exemptions

The following Health Fee exemptions are authorized by law:

1. Students who depend exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization.
2. Students who are attending a community college under an approved apprenticeship training program.

The following local exemptions also are authorized:

1. Students enrolled at campuses and centers where no health services are provided.
2. Students enrolled on weekends (only) when no health services are provided.

Waiver of Fees

The District may waive enrollment fees which were not collected in a previous session where the enrollment fees were not collected as a result of the District's error in awarding a California College Promise Grant (formerly known as Board of Governors Fee Waiver) to an ineligible student and not through the fault of the student, and if the collection of the enrollment fee would cause the student undue hardship.

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AP 5031 Instructional Fees

References:

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

Note: This procedure is legally required.

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

Required instructional materials shall not include materials used or designed primarily for administrative purposes, class management, course management, or supervision.

Where instructional materials are available to a student temporarily through a license or access fee, the student shall be provided options at the time of purchase to maintain full access to the instructional materials for varying periods of time ranging from the length of the class to at least two (2) years. The terms of the license or access fee shall be provided to the student in a clear and understandable manner prior to purchase.

Instructors shall take reasonable steps to minimize the cost and ensure the necessity of instructional materials.

The District will publish these regulations in each college catalog.

Definitions

"Required instructional materials" means any materials which a student must procure or possess as a condition of registration, enrollment or entry into a class; or any such material which the instructor determines is necessary to achieve the required objectives of a course.

"Solely or exclusively available from the District" means that the instructional material is not available except through the District, or that the District requires that the instructional material be purchased or procured from it. A material shall not be considered to be solely or exclusively available from the District if it is provided to the

student at the District's actual cost and: 1) the instructional material is otherwise generally available but is provided solely or exclusively by the District for health and safety reasons; or the instructional material is provided in lieu of other generally available but more expensive material which would otherwise be required.

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

Establishing Required Materials and Related Fees

- Periodically, the respective college's Chief Instructional Officer or designee conducts a review of instructional materials fees.
- Instructional materials fees for courses are published in the college's schedule of classes.
- All such fees must be paid within the timeframe allotted to avoid a drop for non-payment.
- When new courses are initiated by faculty and an instructional materials fee is recommended, the recommended fee shall be reviewed by the Chief Instructional Officer or designee to ensure compliance with regulations.
- The Chief Instructional Officer or designee is primarily responsible for gathering related data and responding to inquiries from the California Community Colleges Chancellor's Office regarding these fees.
- Individual departments, disciplines, and or faculty members will be responsible for obtaining the necessary materials.

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AP 5035 Withholding of Student Records

References:

Title 5 Section 59410

Note: This procedure is legally required.

The Office of Admissions & Records may withhold diplomas and registration privileges from any student or former student who fails to pay a proper financial obligation to the District. The student shall be given written notification and the opportunity to provide an explanation if the financial obligation is in error.

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

Upon proper notification and justification by the college administrator(s) overseeing the student discipline process, , student records, registration, and/or counseling privileges for students who are under suspension, academic or progress probation, or are in violation of any disciplinary contract may be withheld. Each college's catalog contains the most current information regarding the withholding of student records, which is regularly updated.

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Governance Process: Information Only

Reason for Revision: To Amend District Procedure

AP 5040 Student Records, Directory Information, and Privacy

Accreditation Related

References:

Education Code Sections 66093.3, 66271.4, and 76200 et seq.; Title 5 Sections 54600 et seq. and 59410;
Civil Code Sections 1788.90 et seq. and 1798.85;
20 U.S. Code Section 1232g subdivision (j) (U.S. Patriot Act); ACCJC Accreditation Standard II.C.8

Note: This procedure is legally required.

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

Collection and Retention of Student Information

The District shall treat all students equitably in the receipt of all school services, including, but not limited to, the gathering of student and family information for the institution's benefit programs.

The colleges shall maintain in writing District policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.

The colleges will provide students and families with annual notice, at the beginning of each school year, of institutional policies for student privacy and the abilities of parents or eligible students to inspect student information.

The colleges will provide students an opportunity to opt out of disclosure of directory information. Notices must describe the following:

- The kind of information that the school has identified as directory information;
- The eligible student's ability to refuse the designation of information as directory information, which could be disclosed to outside entities;
- The period of time in which the eligible student has to notify the school in writing that he/she/they does not want the information designated as directory information; and
- That opting out by the noted deadline is the students' only way to prevent the release of directory information.

Any sensitive information, such as a student's, parent's, or guardian's SSN, AB 540 determinations, or citizenship status information collected by the District or disclosed by the student, should be maintained only for as long as necessary.

If the District possesses information that could indicate immigration status or citizenship status, the District shall not consider the acquired information in admissions decisions or access to educational courses or degree programs.

Students may elect not to provide immigration or citizenship status information to the institution, and this election shall not impede admissions or enrollment in educational programs.

The District shall not create a list of student names linked with immigration status.

Campus Safety departments shall not inquire into an individual's immigration status for immigration enforcement purposes.

Campus Safety departments shall not aid any effort to create a registry containing individuals' country of birth or based on any other protected characteristics of victims, witnesses, or suspects of crimes unless required by law for specified purposes.

Release of Student Records: No instructor, official, employee, or Board of Trustees member shall authorize access to student records to any person except under the following circumstances:

- Student records shall be released pursuant to a student's written consent. Students wishing to inspect, review, or challenge any of their educational records must make a request in writing to the Director of Admissions & Records;
- "Directory information" may be released in accordance with the definitions in Board Policy 5040;
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena;
- Student records shall be released pursuant to a federal judicial order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism; or
- Student records may be released to officials and employees of the District only when they have a legitimate educational interest to inspect the record.

Student records may be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials, or their respective designees or the United States Office of Civil Rights, where that information is necessary to audit or evaluate a state or federally supported educational program or pursuant to federal or state law. EWhen the collection of personally identifiable information is specifically authorized by federal law, data collected by those officials shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal requirements.

Student records may be released to officials of other public or private schools or school systems, including local, county, or state correctional facilities through which education programs are provided, and where the student seeks or intends to enroll or is directed to enroll. The release is subject to the conditions in Education Code Section 76225.

Student records may be released to agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of those students may be disclosed only as is necessary for those purposes of financial aid, to determine the amount of the financial aid, conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid.

Student records may be released to organizations conducting studies for, or on behalf of, accrediting organizations, educational agencies, or institutions for the purpose of developing, validating, or administering predictive tests, administering financial aid programs, and improving instruction, if those studies are conducted in such a manner as not to permit the personal identification of students or their parents by persons other than representatives of those organizations, and that the information will be destroyed when no longer needed for the purpose for which it is conducted.

Student records may be released to appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health or safety of a student or other persons, subject to applicable federal or state law.

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

Access to Student Records for Immigration Enforcement Purposes

The District must obtain a student's written consent before disclosing educational records, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information for immigration enforcement purposes. Student information shall not be disclosed for immigration enforcement purposes without a court order or judicial warrant. Otherwise, written consent must be signed and dated by the student, or, if the student is a minor, by the student's

parent or guardian, before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made.

If desired by the student, the District must provide a copy of the records to be released. The party to whom the information is disclosed may not re-disclose the information to any other party without the prior consent of the student or subsequent court order.

District personnel shall develop a written policy for interactions with immigration authorities seeking to review student records. At minimum, such policies shall include the following information:

- Contact information for the correct person to review and respond to a request for student records is as follows: Office of General Counsel, Phone: 661-336-5040 Kern Community College District, General Counsel, 2100 Chester Avenue, Bakersfield, CA 93301. See BP 3810.
- Access to sample warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.
- District personnel shall provide a set of responses for building personnel to use in response to officers seeking access to records for immigration enforcement purposes.

In addition to notifying the designated campus officer, District personnel shall take the following action steps in response to an officer other than Campus Safety officers requesting access to student records:

1. Ask for the officer's name, identification number, and agency affiliation;
2. Record or copy this information;
3. Ask for a copy of any warrants; and
4. Inform the officer that this process is not obstructing his/her/their efforts but is a required procedure to contact a campus administrator or campus counsel for assistance.

Campus Safety departments shall not provide personal information about an individual for immigration enforcement purposes, unless that information is publicly available, or required by a court order or judicial warrant. "Personal information" is defined as any information that identifies or describes an individual, and includes but is not limited to, a student's physical description, home or work address, telephone number, education, financial matters, medical or employment history, and statements made by, or attributed to, the individual. This restriction does not apply to information regarding the immigration or citizenship status of an individual.

Unless the District is served with a judicial subpoena or court order that, by its terms, prohibits disclosure to the student, the student must be notified of any judicial order or

subpoena before the institution complies with the order in accordance with FERPA.

Charge for Transcripts or Verifications of Student Records:

A student/former student shall be entitled to two (2) free copies of the transcript of his/her/their record or to two (2) free verifications of various student records. Additional copies shall be made available to the student, or to an addressee designated by him/her/them, at the rate not to exceed \$20 per copy. The exact cost of additional copies varies by college and method of processing the transcript. Students may request special processing of a transcript. The District will not refuse to provide a transcript for a current or former student on the grounds that the student owes a debt; condition the provision of a transcript on the payment of a debt, other than a fee charged to provide the transcript; charge a higher fee for obtaining a transcript or provide less favorable treatment of a transcript request because a student owes a debt; or use transcript issuance as a tool for debt collection.

Electronic Transcripts

The District may elect to implement a process for the receipt and transmission of electronic student transcripts contingent upon receipt of sufficient funding.

Use of Social Security Numbers

The District shall not do any of the following:

- Publicly post or publicly display an individual's Social Security Number;
- Print an individual's Social Security Number on a card required to access products or services;
- Require an individual to transmit his/her/their Social Security Number over the internet using a connection that is not secured or encrypted;
- Require an individual to use his/her/their Social Security Number to access an internet website without also requiring a password or unique personal identification number or other authentication device; or
- Print, in whole or in part, an individual's social security number that is visible on any materials that are mailed to the individual, except those materials used for:
 - Application or enrollment purposes;
 - To establish, amend, or terminate an account, contract, or policy; or

To confirm the accuracy of the Social Security Number.

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

The use of the Social Security Number is continuous;

- The individual is provided an annual disclosure that informs the individual that he/she/they has the right to stop the use of his/her/their Social Security Number in a manner otherwise prohibited; or
- The District agrees to stop the use of an individual's Social Security Number in a manner otherwise prohibited upon a written request by that individual; No fee shall be

charged for implementing this request; and the District shall not deny services to an individual for making such a request.

Name and Gender Changes to Former Student Records

If the District receives government-issued documentation, as described below, from a former student demonstrating that the former student's legal name or gender has been changed, the District shall update the former student's records to include the updated legal name or gender. If requested by the former student, the District shall reissue any documents conferred upon the former student with the former student's updated legal name or gender. Documents that shall be reissued by the District upon request include, but are not necessarily limited to, a transcript or a diploma conferred by the institution.

The District shall not charge a higher fee for correcting, updating, or reissuing a document based on a legal name or gender change than the fee it charges for correcting, updating, or reissuing that document generally.

The documentation of a former student sufficient to demonstrate a legal name or gender change includes, but is not necessarily limited to, any of the following:

- State-issued driver's license or identification card;
- Birth certificate;
- Passport;
- Social security card;
- Court order indicating a name change or a gender change, or both.

The District is not required to modify records that the former student has not requested for modification or reissuance.

Commencing with the 2023–24 graduating class, a graduating student may request that the District confer the diploma in the student's chosen name. The District cannot require a graduating student to provide legal documentation to demonstrate a legal name or gender change in order to have the student's chosen name listed on the student's diploma.

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AP 5045 Student Records – Challenging Content and Access Log

References:

Education Code Sections 76222 and 76232;
Title 5 Section 54630

Note: This procedure is legally required.

Challenging Content

Any student may file a written request with the Director of Admissions & Records to correct or remove information recorded in his/her/their student records that the student alleges to be inaccurate, an unsubstantiated personal conclusion or inference, a conclusion or inference outside of the observer's area of competence, or not based on the personal observation of a named person with the time and place of the observation noted.

Within 30 days of receipt of the request, the designated officer shall meet with the student and the employee who recorded the information in question, if any, if the employee is presently employed by the District. The designated officer shall then sustain or deny the allegations.

If the designated officer sustains any or all of the allegations, he/she/they shall order the correction or removal and destruction of the information. If the designated officer denies any or all of the allegations and refuses to order the correction or removal of the information, the student may appeal the decision in writing within 30 days of the refusal.

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

If the final decision is unfavorable to the student, the student shall have the right to submit a written statement of his/her/their objections to the information. This statement shall become a part of the student's record until the information objected to is corrected or removed.

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

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

Access Log

A log or record shall be maintained for each student's record that lists all persons, agencies, or organizations requesting or receiving information from the record and their legitimate interests. The listing need not include any of the following:

- Students seeking access to their own records;
- Parties to whom directory information is released; or
- Parties for whom written consent has been executed by the student;

Officials or employees having a legitimate educational interest. The log or record shall be open to inspection only by the student and the designated officer, and to the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, and state educational authorities as a means of auditing the operation of the system.

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AP 5050 Student Success and Support Program

Accreditation Related

References:

Education Code Sections 78210 et seq.;
Title 5 Sections 55500 et seq.;
ACCJC Accreditation Standard II.C.2

Note: This procedure is legally required

The District shall provide Student Success and Support Program services to students to further equality of educational opportunity and academic success. The Student Success and Support Programs shall identify and close opportunity gaps that impact student success and improve the District's commitment to diversity, equity, and inclusion to better support student success. The Student Success and Support Program brings the student and the District into agreement regarding the student's educational goal through the District's established programs, policies, and requirements. The agreement is implemented by means of the student educational plan.

Each student, in entering into an educational plan, will do all of the following:

- Identify an education and career goal;
- Identify a course of study;
- Be assessed to determine appropriate course placement;
- Complete orientation;
- Participate in the development of the student educational plan;
- Complete a student educational plan no later than the term after which the student completes 15 semester units of degree applicable credit coursework;
- Diligently attend class and complete assigned coursework; and
- Complete courses and maintain progress toward an educational goal

Student Success and Support Program services include, but are not limited to, the following:

- Orientation on a timely basis, information concerning campus procedures, academic expectations, financial assistance, and any other appropriate matters
- Assessment and counseling upon enrollment, which shall include, but not be limited to, the following:
 - Administration of assessment instruments to determine student competency in computational and language skills;
 - Assistance to students in the identification of aptitudes, interests, and educational objectives, including, but not limited to, associate of arts degrees, transfer for baccalaureate degrees, and vocational certificates and licenses;
 - Evaluation of student study and learning skills;
 - Referral to specialized support services as needed, including, but not limited to, federal, state, and local financial assistance; health services; mental health services; campus employment placement services; extended opportunity programs and services; campus childcare services programs that teach English as a second language; and disabled student services;
 - Advisement concerning course selection; and
 - Follow-up services and required advisement or counseling for students who are enrolled in remedial courses, who have not declared an educational objective as required, or who are on academic probation.

The District shall:

- Inform students of their rights to access transfer-level coursework in English, Mathematics (or quantitative reasoning), credit English as a Second Language and of the multiple measures placement policies or other college placement processes including the availability of challenge processes;
- Include information about the student's course placement options in the college catalog, in orientation and advisement materials, on the college's website, and in any written communication by counseling services;
- Provide annual reports to the California Community Colleges Chancellor's Office in a manner and form described by the California Community Colleges Chancellor's Office; and
- Publicly post the college's placement results, including the number of students assessed and the number of students placed into transfer-level coursework, transfer-level coursework with concurrent support, or transfer-level or credit English as a Second Language coursework, disaggregated by race and ethnicity.

The District shall not use any assessment instrument except one specifically authorized by the Board of Governors of the California Community Colleges.

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AP 5052 Open Enrollment

References:

Title 5 Sections 51006, 58106, and 58108

Note: This procedure is legally advised.

All courses of the District shall be open to enrollment in accordance with BP 5052 – Open Enrollment and a priority system consistent with AP 5055 Enrollment Priorities. Enrollment may be limited to students meeting properly validated prerequisites and co-requisites, or due to other non-evaluative, practical considerations as determined by the College President or designee.

No student is required to confer or consult with designated college personnel or required to receive permission to enroll in any class offered by the District, except as provided for in AP 5055 Enrollment Priorities.

Students are not required to participate in any pre-registration activities not uniformly required. Registration procedures may not be implemented that result in restricting enrollment to a specialized clientele, except as provided for in AP 5055 Enrollment Priorities.

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

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

The District may deny or place conditions on a student's enrollment upon a finding by the Board of Trustees or designee that the applicant has been expelled within the preceding five (5) years, or is undergoing expulsion procedures in another California community college district, and that the applicant continues to present a danger to the physical safety of the students and employees of the District.

Limitations on Enrollment in Courses or Programs

Enrollment may be limited by the College President or designee to students meeting validated prerequisites and co-requisites established by the Curriculum Committee. (See Title 5, Section 55003.)

Enrollment may be limited due to health and safety considerations, facility limitations, faculty workload, the availability of qualified instructors, funding limitations, or legal requirements.

Enrollment will be permitted on a first-come, first-served basis or by using other non-evaluative techniques to determine who may enroll.

Enrollment in intercollegiate competition courses, honors courses, or public performance courses may be allocated to those students judged most qualified.

Enrollment in individual sections of multi-section courses may be limited to a cohort of students enrolled in one or more other courses, provided however, that a reasonable percentage of all sections of the course do not have such restrictions.

The colleges will limit the total number of units in which students who have been disqualified or placed on probationary status may enroll.

Students may challenge an enrollment limitation on the grounds that: the limitation is either unlawfully discriminatory or is being applied in an unlawfully discriminatory manner; the District is not following its policy on enrollment limitations; or the basis upon which the District has established an enrollment limitation does not, in fact, exist.

The student shall bear the burden of demonstrating that grounds exist for the challenge. Challenges shall be handled in a timely manner, and if the challenge is upheld, the District shall waive the enrollment limitation with respect to that student. In the case of a challenge under this policy, the District shall, upon completion of the challenge procedure, advise the student that he/she/they may file a formal complaint for unlawful discrimination. Challenges are submitted in writing to the Chief Instructional Officer or designee for official consideration.

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AP 5055 Enrollment Priorities

Rely Primarily Upon the Advice and Judgment

References:

Education Code Sections 66025.8, 66025.9, and 66025.92;
Title 5 Sections 58106 and 58108

Note: This procedure is legally advised.

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

Enrollment may be limited due to the following:

- Health and safety considerations;
- Facility limitations;
- Faculty workload;
- Availability of qualified instructors;
- Funding limitations;
- Regional planning;
- Legal requirements; and/or
- Contractual requirements.

The District will provide priority registration for students who enroll in a community college for the purpose of degree or certificate attainment, transfer to a four-year college or university, or career advancement.

Priority registration appointments are scheduled prior to open registration.

In-person registration will be available for courses requiring instructor or departmental approval.

Students not in good academic standing or who have a hold preventing registration will not be allowed to register until they have obtained clearance from appropriate college personnel.

Students with two (2) or more, or a combination of any two (2) or more, “D’s”, “F’s”, “W’s”, “NP’s” in a single course will be prevented from registering for that course until they have obtained clearance in accordance with the college’s established procedures.

Students are required to complete an 'Admissions' form or 'Update' form prior to registration every term. These forms may be completed on the web.

At the time of registration students can check their class schedules and their account information via the web.

Enrollment fees are due at the time of registration.

Order of Priority Registration

Order of student registration is, in part, mandated by California legislation. Priorities 1-5 require completion of assessment, orientation, counseling/advising, and the completion of an abbreviated Student Education Plan.

Priority 1	Active-duty Military; Veterans; Foster Youth*; Former Foster Youth**; DSPS; EOPS; CalWORKS; and Student Parents***
Priority 2	Honors Students, Presidential Scholars, Dean's List, Student Athletes ****
Priority 3	Continuing Students (excluding students on academic standing probation 2) with less than 100 units earned (excluding units in basic English, math, or English as a Second Language)
Priority 4	Graduating high school seniors in the Kern CCD service area
Priority 5	First-term students not included above

*Foster youth—a person who is currently in foster care.

**Former foster youth—a person who is an emancipated foster youth and who is up to 24 years of age.

***Per AB 2882, a student parent is “a student who has a child or children under 18 years of age who will receive more than half of their support from that student.” [Ed Code Section 66025.81\(b\)](#)

****Student groups noted for registration in Priority 2 are special populations designated by the colleges.

The following students will have priority for enrollment:

- First time students who have completed orientation, assessment, and developed Student Education Plans; and
- Continuing students who have not lost registration priority as defined in these policies and procedures.

These registration priorities do apply to courses offered during summer or intersessions. Registration priority specified above shall be lost at the first registration opportunity after a student:

- Is placed on academic or progress probation or any combination thereof as defined in BP/AP 4250 Probation for two consecutive terms; or
- Has earned 100 or more degree-applicable semester or quarter equivalent units at the District.

The District shall notify students who are placed on academic or progress probation of the potential for loss of enrollment priority. The District shall notify the student that a second consecutive term on academic or progress probation will result in the loss of priority registration as long as the student remains on probation. The District shall notify students who have earned 75 percent or more of the unit limit that enrollment priority will be lost when the student reaches the unit limit.

Priority Registration Appeal Procedure

Appeal process requirements:

- Only students with 100 or more units completed at a Kern Community College District College may appeal.
- Appeals must be submitted no later than ten (10) working days prior to the first day of priority registration.
- A copy of the student's current Student Education Plan (SEP) must be attached.
- Appeals will be considered for extenuating circumstances only.
- If the appeal is granted, the appeal does not guarantee enrollment in specific courses.
- The appeal is term specific and, if granted, permits registration on Day 3
- of priority registration.

These enrollment priorities have been effective since the Fall 2014. The District will ensure that these procedures are reflected in course catalogs and that all students have appropriate and timely notice of the requirements of this procedure.

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AP 5070 Attendance

References:

Title 5 Sections 58000 et seq.

Note: This procedure is legally required

The following requirements meet the criteria for attendance accounting procedures:

- Computation of units of full-time equivalent student (FTES) based on the type of course, the way the course is scheduled, and the length of the course;
- Selection of a single primary term length for credit courses;
- Reporting of FTES during the “first period” (between July 1 and December 31) and “second period” (between July 1 and April 15);
- Compliance with census procedures prescribed by the California Community College Chancellor’s Office for all credit courses, including work experience, independent study, and credit courses being reported on an actual attendance basis;
- Preparation of census day procedure tabulations;
- Preparation of actual student contact hours of attendance procedure tabulations;
- Preparation (as applicable) of actual apprentice hours of teaching procedure tabulations;
- Preparation of support documentation regarding all course enrollment, attendance and disenrollment information;
- Computation of FTES that includes only the attendance of students while they are engaged in educational activities required of students and while they are under the immediate supervision and control of an academic employee of the District authorized to render service in the capacity, and during the period, in which he/she/they served; and
- Maintenance of the colleges in the District for at least 175 days during the fiscal year.

The college catalogs and schedules of classes contain the most recent information on attendance requirements. This information should be updated annually in consultation with the Academic Senate for currency and correctness.

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AP 5075 Course Adds and Drops

References:

Title 5 Sections 55024 and 58004

Note: This procedure is legally required

Adding Courses

Students may add classes through the registration period. After the registration period concludes, classes may only be added by formal request from the student to the Office of Admissions & Records.

Withdrawals

Withdrawals or drops are authorized through the last day of the tenth week of instruction or 60% of the term, whichever is less. Students who withdraw or drop classes prior to the course census date will not receive notation on their academic record.

Instructors shall clear their class rosters of inactive students prior to the end of the last business day before the census day for all students.

“Inactive students” include:

- Students identified as ‘no-shows’;
- Students who officially withdraw; and
- Students who are no longer actively participating in the courses and are therefore dropped by the instructor.

A student will be permitted to withdraw from a class and receive a “W” no more than three (3) times.

Students may be permitted to enroll in a class after having received the maximum authorized number of “W” symbols as long as the students will receive a grade or a non- evaluative symbol other than a “W” upon completion of the course, if the District policy permits additional withdrawals for which it does not receive apportionment and the official

designated in the District's policy approves such withdrawal after a review of a petition submitted by the student.

A Military Withdrawal ("MW") will not be counted toward the permitted number of withdrawals or counted as an enrollment attempt. A military withdrawal occurs when a student who is a member of an active or reserve United States military service receives orders compelling a withdrawal from courses. Upon verification of such orders, a withdrawal symbol of "MW" may be assigned at any time after the period established by the District during which no notation is made for withdrawals. In no case shall a military withdrawal result in a student being assign an "FW" grade.

An Excused Withdrawal ("EW") will not be counted toward the permitted number of withdrawals or counted as an enrollment attempt, nor will it be counted in progress probation and dismissal calculations. An excused withdrawal occurs when a student is permitted to withdraw from a course(s) due to specific events beyond the control of the student affecting his/her/their ability to complete a course(s) and may include a job transfer outside the geographical region, an illness in the family where the student is the primary caregiver, when the release or involuntary transfer of a student who is incarcerated in a California State prison or county jail before the end of the term, when the student is subject to immigration action, or other extenuating circumstance making completion impractical. In the case of an incarcerated student, an excused withdrawal cannot be applied if the failure to complete the course(s) was the result of the student's behavioral violation or if the student requested and was granted a mid-semester transfer. Upon verification of these conditions and consistent with the District's required documentation substantiating the condition, a withdrawal symbol of "EW" may be assigned at any time after the period established by the District during which no notation is made for withdrawals. In no case shall an excused withdrawal result in a student being assigned an "FW" grade.

Kern Community College District
Administrative Procedure
Chapter 5 – Student Services

AP 5110 Counseling

Accreditation Related

References:

Education Code Sections 72620 and
72621; Title 5 Section 51018;
ACCJC Accreditation Standard II.C.5

Note: This procedure is legally advised

The counseling services available in the District's counseling program include at least the following:

- Academic counseling, in which the student is assisted in assessing, planning, and implementing his/her/their immediate and long-range academic goals;
- Career counseling, in which the student is assisted in assessing his/her/their aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;
- Personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and
- Coordination with the counseling aspects of other services to students which exist on campus, including, but not limited to, services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

Confidentiality of Counseling Information:

Information of a personal nature disclosed by a student 12 years of age or older in the process of receiving counseling from a counselor is confidential and shall not become part of the student record without the written consent of the person who disclosed the confidential information. However, the information shall be disclosed when permitted by applicable law, including but not limited to:

- Disclosure as to report child abuse or neglect;

Reporting to the College President or other persons when the counselor has reason to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or other persons living in the college community;

- Reporting information to the College President or other persons as necessary when the student indicates that a crime involving the likelihood of personal injury or significant or substantial property losses will or has been committed; and
- Reporting information to one or more persons specified in a written waiver by the student.

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AP 5120 Transfer Center

References:

Education Code Sections 66720-66744;
Title 5 Section 51027

Note: This procedure is legally required

Each college's Transfer Center shall comply with all requirements of Title 5. Each college shall develop a plan that identifies appropriate target student populations and is designed to increase the transfer applications of underrepresented students among transfer students.

Plan components include, but are not limited to:

- Services to be provided to students;
- Facilities;
- Staffing;
- An advisory committee;
- Evaluation and reporting; and
- Transfer path requirements for each articulated baccalaureate major.

The plan is reviewed and updated at least annually by the Director of the Transfer Center .

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AP 5130 Financial Aid

Accreditation Related

References:

Education Code Sections 66021.3, 66021.6, 66025.9, 69514, 76300, 78042, and 94912.5; Title 5 Sections 55031 and 58600 et seq.;
20 U.S. Code Sections 1070 et seq.;
34 Code of Federal Regulations Part 668 (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended);
ACCJC Accreditation Standard III.D.15

Note: This procedure is legally required

Financial Aid programs offered within the District may include, but are not limited to:

- California College Promise Grant (formerly known as the BOG Fee Waiver)
- CalWORKS
- Cal Grants
- Federal Pell Grants
- Federal Direct Student Loan Program
- Federal Family Education Loan Program

Application procedures, including deadlines: Information about applying for financial aid can be found on our websites:

- Bakersfield College: <https://www.bakersfieldcollege.edu/finaid>
- Cerro Coso : <https://www.cerrocoso.edu/studentservices/financial-aid>
- Porterville: <https://www.portervillecollege.edu/financial-aid/financial-aid-department>

Regulations must address at minimum:

- Student Eligibility:
 - Complete the FAFSA (Free Application for Federal Student Aid);
 - Be a U.S citizen or an eligible noncitizen;
 - AB540 students must complete the confidential California Dream Act Application;
 - Register with Selective Service, if required (males 18 to 25). Students over the age of 26 and have never registered must mail a Request for Status Information Letter to the Selective Service Agency to evaluate their information;
 - Be enrolled or accepted as a regular student into a degree-granting or eligible certificate program;

- Demonstrate satisfactory academic progress toward the student's college educational goal by:
 - Maintaining a 2.00 Grade Point Average (GPA); and
 - Maintaining the required unit completion rate according to the Terms of Agreement Satisfactory Academic Progress Regulations for financial aid eligibility.

The Satisfactory Academic Progress policy is available on college websites:

- Bakersfield College: <https://www.bakersfieldcollege.edu/finaid/appeals>
- Cerro Coso: <https://www.cerrocoso.edu/student-services/financial-aid/financial-aid-appeal-policy>
- Porterville: <https://www.portervillecollege.edu/financial-aid/financial-aid-appeal-policy-sap-appeal>

Federal regulations require colleges to establish a maximum time frame during which students are eligible to receive financial aid. The District has established a maximum time frame of 90 attempted units. Students are no longer maintaining satisfactory academic progress for financial aid after attempting 90 or more units whether or not financial aid was received.

- Certification that the student is not in default on a federal student loan or owe money on a federal student grant;
- Certification that the student will use federal student aid only for educational purposes;
- Demonstration that the student is qualified to obtain a college education by:
 - Having a high school diploma or a recognized equivalent such as a General Educational Development (GED) certificate or having passed the California High School Proficiency Examination (CHSPE); or
 - Completing a high school education in a homeschool setting approved under state law.

Payment Procedures:

Disbursement information is available on our websites:

- Bakersfield College: <https://www.bakersfieldcollege.edu/finaid>
- Cerro Coso: <https://www.cerrocoso.edu/student-services/financial-aid>
- Porterville: <https://www.portervillecollege.edu/financial-aid/financial-aid-department>

Overpayment Recovery: Return of Title IV Policy

The Return of Title IV Policy addresses federal financial aid recipients who withdraw from the college and are subject to a Return of Title IV (R2T4) calculation. For the purpose of R2T4 calculation requirements, a recipient is a student who has received federal financial aid funds or has met the conditions that entitled the student to a late disbursement of federal financial aid funds. The college is required to review the amount of federal loan and grant aid a student received for the payment period, to determine what percentage of federal financial aid the student earned prior to withdrawal. The percentage of federal financial aid determined to be unearned for the payment period must be returned to the appropriate federal financial aid program(s)

Students who receive Federal Title IV Aid and withdraw from all of their courses before the 60 percent date of the semester, as determined by the Office of Financial Aid, will owe a repayment to the institution and/or the U.S. Department of Education.

- The District returns Title IV funds in the following order, up to the net amount disbursed from each source:
 1. Unsubsidized Direct Loans (other than Direct PLUS Loans)
 2. Subsidized Direct Loans
 3. Direct PLUS Loans
 4. Federal Pell Grants for which a Return is required
 5. Federal Supplemental Educational Opportunity Grants (FSEOG) for which a return of funds is required
 6. Iraq and Afghanistan Service Grant, for which a return of funds is required

Accounting Requirements:

The District ensures internal checks and balances by separating the functions of authorizing payment and disbursing or delivering funds so that no single person or office exercises both functions of any student receiving Federal Student Aid (FSA) funds or State funds.

Loss of Eligibility for California College Promise Grant (formerly known as a BOG Fee Waiver)

A student shall become ineligible for a California College Promise Grant if the student is placed on academic or progress probation, or any combination thereof, for two consecutive primary terms. Loss of eligibility shall become effective at the first registration opportunity after such determination is made.

Misrepresentation

Misrepresentation is defined as any false, erroneous, or misleading statement that the District, a representative of the District, or a service provider with which the District has contracted to provide educational programs, marketing, advertising, recruiting, or admissions services, makes directly or indirectly to a student, prospective student, a member of the public, an accrediting agency, a state agency, or the United States Department of Education.

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

This procedure does not apply to statements by students through social media outlets or by vendors that are not providing covered services, as reflected herein.

The District shall notify students of their placement on academic or progress probation no later than thirty days following the end of the term that resulted in the student's placement on probation. The notification must clearly state that two consecutive primary terms of probation will lead to a loss of the California College Promise Grant until the student is no longer on probation. The notification must also advise students about the available student support services to assist them in maintaining eligibility.

The District shall adopt, prominently display, and disseminate policies ensuring that

students are advised about the student support services available to assist them in maintaining and reestablishing California College Promise Grant eligibility. Dissemination includes, but is not limited to, information provided in college catalogs and class schedules.

The District shall establish written procedures by which a student may appeal the loss of a California College Promise Grant due to extenuating circumstances, or when a student with a disability applied for, but did not receive, a reasonable accommodation in a timely manner. Extenuating circumstances are verified cases of accidents, illnesses, or other circumstances that might include documented changes in the student's economic situation or evidence that the student was unable to obtain essential student support services. Extenuating circumstances also includes special consideration of the specific factors associated with Veterans, CalWORKs, EOPS, and DSPS student status.

Foster Youth shall not be subject to loss of California College Promise Grant due to placement on academic or progress probation. This exemption for Foster Youth is effective until the date specified in Education Code Section 66025.9 subdivision (c).

Baccalaureate Degree Applicants

Students enrolled in a baccalaureate program must apply for the California College Promise Grant (CCPG) fee waiver through the FAFSA or California Dream Act application. Per Education Code section 78042(c), students who wish to apply for a CCPG waiver must submit either a Free Application for Federal Student Aid (FAFSA) or a California Dream Act application in lieu of completing the Board of Governors Fee Waiver application.

Kern Community College District
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AP 5140 Disabled Student Programs and Services

References:

Title 5 Sections 56000 et seq.

Note: This procedure is legally required

The District shall maintain a plan for the provision of programs and services to students with disabilities designed to assure that they have equality of access to District classes and programs.

Such plan shall include:

- The District maintains a plan for the provision of programs and services to disabled students designed to assure that they have equality of access to District classes and programs, including:
 - Procedure for timely response to accommodation requests involving academic adjustments which, at a minimum, provides for an individualized review of each such request, and permits interim decisions on such requests pending final resolution by the appropriate administrator or designee;
 - Long-range goals, short-term measurable objectives, and student learning outcomes which are part of the annual unit report;
 - Definitions of disabilities and students' eligibility criteria are taken directly from Title 5;
 - Accommodations and support services may include, but are not limited to: priority registration, note-taking, test-taking accommodations, reader services, adaptive computer technology, adaptive equipment loans, academic advising, disability related counseling, career counseling, electronic textbooks, captioned videos, communication services for deaf and hard of hearing;
 - Disability verification is to be provided by the student and must be from an appropriate certified licensed professional and/or physician. Learning disability verification is provided by the Learning Disability Specialist through the California Community College Learning Disabilities Eligibility Model;
 - The Disabled Student Programs and Services (DSPS) Student Handbook provided to all DSPS students clearly states their rights and responsibilities as they relate to DSPS and to the college;
 - Every DSPS student has an Academic Accommodation Plan (AAP) in their DSPS file which was developed by the DSPS counselor in conjunction with the student;

- Based on the verified disability(ies) each DSPS student has the appropriate academic adjustments, auxiliary aids and services included in their AAP;
- Board Policies and Procedures have been approved for course substitutions and waivers for students with disabilities; and
- All DSPS staff meet and/or exceed the minimum qualifications set forth in Title 5, Section 56048.

The District's goal is to remove barriers to ensure that all qualified employees or students with disabilities are not excluded from or denied the benefits of services, programs, or activities due to inaccessible or unusable facilities. The District shall designate a coordinator for ADA-related activity at each of its colleges. The college DSPS coordinator shall monitor compliance efforts, investigate complaints, complete an initial ADA self-evaluation, and update this evaluation at least every three (3) years.

**Kern Community College District
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AP 5150 Extended Opportunity Programs and Services

References:

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

Note: This procedure is legally required

Staffing and Program Management:

Each college will maintain an appropriate level of staffing to meet program regulations and appropriately address student needs. At a minimum, the program staffing will employ a Director (waiver approval required if not full-time), a full-time EOPS/CARE Assistant Director, and full-time EOPS/CARE Counselors and Educational Advisors to meet the three counseling contacts requirement for participating students. Additional adjunct counselors and classified staff will be hired as needed. Annual staffing patterns will be described in the EOPS/CARE Program Plan submitted to the Chancellor's office.

Documentation and Data Collection:

The EOPS/CARE director, working collaboratively with assigned staff, will develop and utilize a filing system and appropriate electronic database(s) to monitor and track students who are participants in the program. A file will be created for each student participant containing the documents required to meet regulation standards and to enable the Director to complete the EOPS/CARE annual report. Data will be input into the District's student database to enable accurate MIS reporting to the Chancellor's Office.

EOPS/CARE Advisory Committee:

EOPS/CARE will establish and maintain a joint Advisory Committee chaired by the EOPS/CARE Director consisting of EOPS/CARE program staff, CalWORKs and Foster Youth Services staff, appropriate BC faculty and staff, and community representatives. At a minimum, the Committee will meet once each semester.

Full-time Director:

Each college will support and maintain an approved (by waiver) full-time director position entitled EOPS/CARE Director.

The Eligibility Criteria for EOPS:

The EOPS/CARE Director, working collaboratively with program staff, will ensure that all EOPS/CARE participants have met the eligibility criteria established by state regulations. The participant's file will contain required documentation to demonstrate the participant's eligibility for the program.

Student Responsibility Requirements:

The EOPS/CARE Director, working collaboratively with staff, will establish a Mutual Responsibility Contract based on state program standards and ensure that all participants are informed of these required responsibilities in a timely manner. The Director and staff will monitor participant's progress toward meeting the established responsibilities. The Director will be authorized to suspend and/or terminate program services to participants who are not meeting the responsibility standards.

Recruitment and Outreach Services:

Throughout the year, EOPS/CARE staff will conduct various outreach activities (i.e., presentations, workshops, one-on-one information sessions) at local high schools, at various community organizations and events, and on campus. The EOPS/CARE program may also offer an annual freshman day activity for high school students transitioning from high school to the College, based on available funding.

**Kern Community College District
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AP 5200 Student Health Services

References:

Education Code Section 76401

Note: This procedure is legally advised

Each college may establish a Student Health Center. If established, it is funded by the Student Health Fee (Education Code Section 76355) and shall be available upon request to students who are registered in the current term at the time of service and have paid the term health fee.

Title 5 Section 54702 establishes the types of health services the District may offer and specifies types of expenses for which the health services fee may be used.

Student Health Center services are not comprehensive and are not structured to address all the health care needs of District students. It is not the intention of the healthcare professionals in the Student Health Center to be identified as primary healthcare providers. Students with ongoing chronic health concerns shall be referred to community resources for the provision of ongoing health care.

All documented clinical encounters are stored in the form of a chart or nursing note and are retained for a period of seven years, per state law, then destroyed. Exception charts or nursing notes initiated when the student was a minor (under 18 years of age) shall be retained for seven years after the minor student reaches 18 years, then destroyed. Psychological counseling records are maintained separately from medical or nursing records.

The Student Health Center staff will summon 911 Emergency Response and the Department of Campus Safety as necessary to assist with emergencies within or outside the Student Health Center. In all cases of emergency outside the Student Health Center, District staff will notify the Department of Campus Safety and 911 Emergency Response.

Student Health Center services provided include, but are not limited to:

- A. Health education, consultation, referrals and mental health counseling;
- B. Assessment, intervention and referral services which include, but are not limited to health appraisal, screening, first aid, health and mental health counseling, nursing and/or other services;
- C. Health promotion activities;
- D. Programs and services designed to prevent illness and injury; and
- E. Advising college administration in the implementation of all state and federal laws pertaining to college issues.

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AP 5203 Lactation Accommodation

References:

Education Code Section 66271.9

Note: This procedure is legally advised

The District shall provide reasonable accommodations on its respective campuses for a lactating student to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding whenever a student is required to be present on campus. Reasonable accommodations include, but are not limited to, all of the following:

1. Access to a private and secure room, other than a restroom, to express breast milk or breast-feed an infant child. The room shall have a comfortable place to sit and have a table or shelf to place a breast pump and any other equipment used to express breast milk;
2. Permission to bring a breast pump and any other equipment used to express breast milk onto the college campus; and
3. Access to a power source for a breast pump or any other equipment used to express breast milk.

Lactating students shall be provided a reasonable amount of time to accommodate their need to express breast milk or breast-feed an infant child.

Students shall not incur an academic penalty as a result of their use of the reasonable accommodations and shall be provided the opportunity to make up any work missed due to such use.

**Kern Community College District
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AP 5210 Communicable Disease - Students

References:

Education Code Section 76403

Note: This procedure is legally advised

The District shall cooperate with local health officers in measures necessary for the prevention and control of communicable diseases in students.

The District shall comply with any immunization program required by State Department of Health Services regulations.

A student with identified chronic communicable disease or infectious condition may attend college classes, functions and activities through reasonable accommodation whenever the risks associated with the disease or condition are outweighed by the detrimental effects resulting from the student's exclusion from college classes, functions and activities.

Decisions on student participation will be made using the above standard in conjunction with the current, available public health department guidelines concerning the particular disease or condition, the physician's recommendations, the law, and the factual assessment of the following:

- The risks associated with how the disease or condition is transmitted;
- The risks associated with how long the carrier is infectious;
- The risks associated with the disease's or condition's potential harm to others;
- The risks associated with the probability of the disease or condition being transmitted in the college setting; and
- Whether, after taking into account the above, the college can reasonably accommodate the individual who carries the disease or condition without incurring undue financial or administrative burdens.

Individual cases will not be prejudged. Decisions will be based upon the facts of the particular case. The determination of whether a student with a chronic communicable disease or infectious condition may attend college classes, functions and activities shall be made in accordance with established procedures relying primarily upon the physician's recommendation based on public health guidelines.

The District shall respect the right of privacy of any student who has a chronic communicable disease or infectious condition. The student's medical condition shall be disclosed only to the extent necessary to minimize the health risks to others.

**Kern Community College District
Administrative Procedure
Chapter 5 – Student Services**

AP 5220 Shower Facilities for Homeless Students

References:

Education Code Section 76011

Note: This procedure is legally advised

The colleges of the District shall maintain shower facilities for student use on campus that may be used by any homeless student who is actively enrolled, has paid enrollment fees, and is in good standing with the district.

A homeless student is defined as a student who does not have a fixed, regular, and adequate nighttime residence. This includes, but is not limited to, students who: are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative accommodations; are living in emergency or transitional shelters; have a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings; or are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

Shower facilities are open to use by homeless students and other students for a minimum of 2 hours per weekday, consistent with the normal hours of operation of such facilities. The scheduled availability of the shower facilities for use by homeless students and other students shall not conflict with intercollegiate athletics programs and shall be scheduled at different times from these programs. Should any intercollegiate athletic program use conflict with homeless student and other student use of these shower facilities, the colleges shall schedule at least 2 hours of alternate shower use time on the same day.

At the start of each term, each college will post the schedule when the specified shower facilities are open for that term for use by homeless students and other students. The schedule will be posted at each location of the shower facilities.

**Kern Community College District
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AP 5300 Student Equity

References:

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

Note: This procedure is legally required

The District shall maintain a Student Equity Plan. The plan is filed as required to the California Community Colleges Chancellor's Office, following approval by the Board of Trustees.

The production of the Student Equity Plan should entail:

- The active involvement of the constituent groups on campus;
- Involvement by appropriate people from the community who can articulate the perspectives and concerns of historically underrepresented groups; and
- Campus-based research pertaining to student equity.

The Student Equity Plan shall address:

- Institutional barriers to equity;
- Goals for access, retention, degree and certificate completion, English as a Second Language (ESL) and transfer for each historically underrepresented group;
- Activities most likely to be effective to attain the goals, including coordination of existing student equity related programs;
- Sources of funds for the activities in the plan;

- A schedule and process for evaluation of progress toward the goals; and
- An executive summary that describes the groups for whom goals have been set, the goals, the initiatives that the District will undertake to achieve the goals, the resources budgeted for that purpose, and the District officer or employee who can be contacted for further information. The Student Equity Plan shall be developed, maintained, and updated under the supervision of each college's Vice President of Student Services.

The Student Equity Plan must be transformational, community driven, meaningful, reflective, fluid and dynamic, race-conscious, inform other institutional plans, and involve braiding of funds across each campus.

**Kern Community College District
Administrative Procedure
Chapter 5 – Student Services**

AP 5400 Associated Students Organization

References:

Education Code Section 76060

Note: This procedure is legally advised

The students of each college of the District are authorized to organize a student body association. The Board of Trustees hereby recognizes those association(s) as the Student Government Association of Bakersfield College, Student Government of Cerro Coso, and Associated Students of Porterville College.

The student body associations are recognized as the official voice for the students in District decision-making processes representing their respective colleges. They may conduct other activities as approved by the Chancellor or designee. The student body association activities shall not conflict with the authority or responsibility of the Board , its officers, or employees.

The student body associations shall conduct themselves in accordance with state laws, regulations, and administrative procedures established by the Chancellor or designee.

The student body associations shall be granted the use of District premises subject to such administrative procedures as may be established by the Chancellor or designee. Such use shall not be construed as transferring ownership or control of the premises.

A simple majority of the elected voting members of the student body association’s respective governing body shall constitute a quorum.

The student body association of the colleges are recognized as advisory bodies to the Board of Trustees and are subject to the control and regulation of the Board of Trustees. Advisors to the student body associations shall be selected on each campus in accordance with criteria and procedures established by each campus.

Each college shall establish procedures to ensure students have the opportunity to express their opinions, to ensure that these opinions are given every reasonable consideration, and have the right to participate effectively in District and college governance. The student body associations may engage in any activities, including fundraising activities, which have been approved by the College President or designee. Hazing activities are strictly prohibited, and may not be practiced by any organization or its members

Student Clubs and Organizations

Student clubs and organizations will be organized in conformity with procedures established by each college. Student clubs and organizations will be supervised by an advisor, and shall establish aims which are educational and compatible with college and/or community interest. Exploitation of the name of the college or District shall not be permitted. Secret fraternities, sororities, or clubs are strictly prohibited.

Student Political Club Activity

Any student political club which is affiliated with the official youth division of any political party that is on the ballot of the State of California may hold meetings on a community college campus and may distribute bulletins and circulars concerning its meetings, provided that there is no endorsement of such organization by college authorities and no interference with the regular education program of the college.

Student Events

Classes, clubs, or organizations sponsored by the college shall not organize or host parties, picnics, or dances off the campus except with specific permission from the College President or designee. Insofar as possible, all student activities shall be held on the college campus.

**Kern Community College District
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AP 5410 Associated Students Elections

References:

Education Code Section 76061

Note: This procedure is legally required

The student body associations of each college shall conduct annual elections to elect officers. The elections shall be conducted in accordance with procedures established by the College President, or designee.

Any student elected as an officer in the student body association shall meet all of the following requirements:

- The student shall be enrolled at the elected college at the time of election and throughout the term of office, with a minimum of five (5) semester units or the equivalent.
- The student shall maintain above a 2.25 GPA at the time of election and throughout the term of office.
- The student shall meet and maintain the minimum standards of scholarship
- Any student elected as an officer in the student body association shall meet the requirements in board policy.

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AP 5420 Student Body Association Finances

References:

Education Code Section 76063-76065

Note: This procedure is legally required

Student Body Association funds shall be deposited in the College business office and disbursed by the College President or designee. The funds shall be deposited, loaned, or invested in one or more of the ways authorized by law:

- Deposits in trust accounts of the centralized State Treasury System pursuant to Government Code Sections 16305 - 16305.7 or in a bank(s) whose accounts are insured by the Federal Deposit Insurance Corporation.
- Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations if: 1) the associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation; and 2) any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by the insurance.
- Purchase of any of the securities authorized for investment by Government Code Section 16430 or investment by the Treasurer in those securities.
- Participation in funds that are exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code and that are open exclusively to nonprofit colleges, universities, and independent schools.
- Investment certificates or withdrawable shares in federal or state credit unions if: 1) the credit unions are doing business in this state and have their accounts insured by the National Credit Union Administration; and 2) any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by the insurance.
- Loans, with or without interest, to any student body organization established in another college of the District for a period not to exceed three (3) years.
- Investment of money in permanent improvements to any college or District property including, but not limited to, buildings, automobile parking facilities, gymnasiums, swimming pools, stadia and playing fields, where those

facilities, or portions thereof, are used for conducting student extracurricular activities or student spectator sports, or when those improvements are for the benefit of the student body.

The funds of the Student Body Associations shall be subject to an annual audit. All funds shall be expended according to procedures established by the Student Body Associations, subject to the approval of each of the following three persons, which shall be obtained each time before any funds may be expended:

1. The College President or designee
2. The employee who is the designated advisor of the particular student body organization
3. A representative of the student body organization (Education Code Sections 76063-76065)

Student organization activities shall be self-supporting. Student Body Association funds should serve the student body as a whole.

Student organizations, including the student body association, shall be granted the use of District facilities in accordance with Policy 6700 and the Guidelines for Use of District/College Property/Facilities, of this Manual. (See Facilities Use Manual at BP 6700)

Student organizations shall prepare budgets of anticipated income and expenditures for each academic year to see as operating guides for the year's activities. Activities will be limited by the actual funds available, not by the budget.

The annual operating budget for each student body association shall be submitted to the Board of Trustees for information only by May 1 of each year.

Student Body Association funds shall be audited annually by a firm selected by the Board of Trustees.

No dues are to be levied or money collected by any class, club, or any other organization without first securing permission from the College President or designee.

All business and employment contracts entered into on behalf of student organizations, including Student Body Associations, must be approved in accordance with District procedures.

Each student organization shall adopt procedures for expenditure of student organization funds. Each expenditure must be approved by a representative of the student organization, the advisor of the student organization, and the College President or designee prior to expending student funds.

The advisor of each student organization shall provide guidance and information to students to make decisions and ensure that expenditures of funds benefit the entire student organization and are not contrary to law or public policy.

A student organization may appeal a decision not to authorize an activity or expenditure.

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AP 5500 Standards of Student Conduct

References:

Education Code Sections 66300 and 66301;
ACCJC Accreditation Standards I.C.8 and 10 (formerly II.A.7.b)

Students who violate BP 5500 Student Code of Conduct are subject to the procedures outlined in AP 5520 - Student Discipline Procedures.

Students shall respect constituted authority. This shall include conformance to Federal and State laws, Board regulations, District and college regulations, and applicable provisions of civil law.

The District expects students to conduct themselves in a manner consistent with the educational purposes of the colleges. Student conduct should reflect consideration for the rights of others, and students are expected to cooperate with all members of the college communities.

College personnel are responsible for communicating appropriate student conduct and for reporting any violations thereof, and the College President or designee shall have the right to administer suitable and proper corrective measures for misconduct.

The Board of Trustees or the Chancellor, or designee, may suspend a student for good cause or when the presence of the student causes a continuing danger to the physical safety of the student or others. The Board of Trustees or the College President, or designee, may exclude from attendance in regular classes any student whose physical or mental disability is such as to cause his/her/their attendance to be inimical to the welfare of other students. As used in this section, good cause includes, but is not limited to the offenses outlined in BP 5500 that may result in the impositions of sanction(s).

Sanctions--In accordance with the provisions of Education Code Sections 76031 and 76037, the Board of Trustees provides the following sanctions for violations of the Student Code of Conduct. More than one (1) of the sanctions listed below may be imposed for any single violation:

1. **WARNING:** Verbal notification to the student by a faculty member or administrator that continuation of the conduct may be cause for further disciplinary action;
2. **CENSURE:** A written reprimand or warning to the student by a faculty member or administrator; written referral of the student to a college office or community agency for counseling or rehabilitative treatment;

PROBATION: Prohibition of the student from participating in College or District-sponsored events, functions, and activities for a minimum of one (1) semester or other stipulated requirements to conform to specified standards of conduct ;

3. RESTITUTION: Reimbursement to the college for repair or replacement of District property misused, misappropriated, or damaged by the student;
4. Remediation Measures: Corrective actions, risk assessments, trainings, or activities can be imposed to remedy offenses to ensure student is in proper conduct (for example, reflective papers, community service, workshop attendance).
5. TEMPORARY REMOVAL: A faculty member may remove a student from his/her/their class for the day of the removal and the next day of instruction or within one week of instruction, whichever is lesser. The faculty member shall immediately report the removal to the College President or designee for appropriate action. During the period of removal, a student shall not be returned to the class from which he/she/they was removed without the concurrence of the faculty member of the class. During the period of removal, a student shall not be returned to the class from which he/she was removed without the concurrence of the faculty member of the class.
6. Short-term Suspension – Exclusion of the student by the College President or designee, for good cause from one or more classes for a period of up to ten consecutive days of instruction.
7. SUSPENSION: Exclusion from any or all classes and activities of the College and from the use of any District facilities. The College President or designee may suspend a student for good cause as follows:
 - From one (1) or more classes for a period of up to ten (10) days of instruction.
 - From one (1) or more classes for the remainder of the academic term.
 - From all classes and activities of the College for one (1) or more terms.

In all cases of suspension, the student shall receive official notice from the College President or designee.

No student shall be suspended unless the conduct for which he/she/they is to be disciplined is related to College activity or campus attendance.

Suspensions of any student from the College shall be accompanied by a prompt hearing unless the charges have been administratively disposed by mutual consent, or the student sends a written notification to the College President or designee indicating that he/she/they does not want to proceed with the hearing. If an immediate temporary suspension is required to protect lives or property and/or to ensure the maintenance of order, a reasonable opportunity shall be afforded the suspended student for a hearing within ten (10) days of the suspension.

During the period of suspension, a student shall not be permitted to enroll in any college in the District.

The College President shall report all suspensions of students to the Chancellor of the District.

Whenever a minor is suspended from a College, the parent or guardian shall be notified by the College President or designee. The parent or guardian of the student shall be invited to a conference regarding the removal; and

8. EXPULSION: Termination of the student status by the Board of Trustees on the recommendation of the Chancellor.
 - . A student shall not be expelled unless the conduct for which he/she/they is to be disciplined is related to College activity or campus attendance.
 - a. Expulsion of any student from the District shall be accompanied by a prompt hearing.
 - b. If an immediate expulsion is required to protect lives or property and/or to ensure the maintenance of order, a reasonable opportunity shall be afforded the expelled person for a hearing within ten (10) days of the expulsion.
 - c. In cases of expulsion, the Chancellor or designee shall recommend action to the Board of Trustees after receiving the College President's recommendation and supporting documentation, including the hearing panel's recommendation and the hearing record.
 - d. After Board action, the Chancellor or designee shall notify the student by registered mail, return receipt requested. The expulsion may be for a specified or unspecified time and shall be from all Colleges, programs, and activities of the District.
 - e. In expulsion for an unspecified time, the student may, after a reasonable time, request the College President to remove the expulsion. If the College President approves the request, he/she/they shall make that recommendation to the Chancellor or designee who may recommend to the Board that the expulsion be removed. The Chancellor or designee shall notify the student of the Board's action.

The College President or designee shall report any violation of Penal Code Section 245 (assault with a deadly weapon) or Civil Code Section 52.1 and Penal Code Sections 422.6 through 422.95 (hate crime) to the appropriate law enforcement authorities. (Education Code Section 76035)

At a minimum, an instructor who determines that a student has cheated or plagiarized has the right to assign an "F" grade for the assignment or examination. However, each college may impose additional penalties as appropriate to their respective college discipline procedures.

Violation or violations of any law, ordinance, regulation, or rule regulating, or pertaining to, the parking of vehicles, shall not be cause for the suspension or expulsion of a student from a community college.

DEFINITIONS OF PLAGIARISM AND CHEATING

1) Definition of Plagiarism-- Plagiarism is defined as the act of using the ideas or works as one's own without giving credit to the source, including artificially-generated content. Such an act is not plagiarism if it is ascertained that the ideas were arrived at through independent reasoning or logic or where the thought or idea is common knowledge.

Acknowledgment of an original author or source must be made through appropriate references, i.e., quotation marks, footnotes, or commentary. Examples of plagiarism include but are not limited to, the following: the submission of work, whether in part or in whole, completed by another; failure to give credit for ideas, statements, facts, or conclusions that rightfully belong to another; in written work, failure to use quotation marks when quoting directly from another, whether it be a paragraph, a sentence, or even a part thereof; close and lengthy paraphrasing of another's writing or programming. A student who is in doubt about the extent of acceptable paraphrasing should consult the instructor.

Students are cautioned that, in conducting their research, they should prepare their notes by (a) either quoting material exactly (using quotation marks) at the time they take notes from a source; or (b) departing completely from the language used in the source, putting the material into their own words. In this way, when the material is used in the paper or project, the student can avoid plagiarism resulting from the verbatim use of notes. Both quoted and paraphrased materials must be given proper citations.

2) Definition of Cheating--Cheating is defined as the act of obtaining, attempting to obtain, or aiding another to obtain academic credit for work by the use of any dishonest, deceptive, or fraudulent means. Examples of cheating during an examination include, but are not limited to, the following: copying, either in part or in whole, from another's test or examination; discussion of answers or ideas relating to the answers on an examination or test unless the such discussion is specifically authorized by the instructor; giving or receiving copies of an examination without the permission of the instructor; using or displaying notes, "cheat sheets," or other information or devices inappropriate to the prescribed test conditions, as when a test of competence includes a test of unassisted recall of information, skill, or procedure; allowing someone other than the officially enrolled student to represent the same. Also included is plagiarism as defined, and altering or interfering with the grading procedures.

Kern Community College District
Administrative Procedure
Chapter 5 – Student Services

AP 5510 Off-Campus Student Incidents

References:

34 Code of Federal Regulations Part 668.46 subdivision (b)(7)

Note: This procedure is legally required

When a student is involved in an off-campus offense, College Safety Officers may assist with the investigation in cooperation with local, state, or federal law enforcement. Police routinely work and communicate with Campus Safety Officers on any serious incidents occurring on-campus or in the immediate neighborhood and business areas surrounding campus. Students may live in the neighborhoods surrounding the campuses. Although local law enforcement shall have primary jurisdiction in all areas off-campus, Campus Safety Officers may respond to student-related incidents that occur in close proximity to the campuses. Campus Safety Officers have direct radio communications with city and county police, fire department, and ambulance services to facilitate rapid response in any emergency situation.

**Kern Community College District
Administrative Procedure
Chapter 5 – Student Services**

Governance Process: Information Only

Reason for Revision: To Amend District Procedure

AP 5520 Student Discipline Procedures

References:

Education Code Sections 66017, 66300, 72122, 76030, and 76030 et seq.; Penal Code Section 626.4

Note: This procedure is legally required

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

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

Procedural fairness and due process are basic to the proper enforcement of all District regulations. Accordingly, disciplinary action shall not be imposed against students or student organizations until they have been notified in writing of the charges against them, as well as their rights under the Student Code of Conduct, and have given the opportunity to be heard. A hold status may be placed on student records until the specific complaints have been resolved. Interim suspensions may be warranted to protect the health and safety of the District community.

The Chancellor delegates authority for the implementation of this administrative procedure to the College President. The College President, or designee, shall be responsible for maintaining complete records pertaining to all activities relating to the implementation of the Student Code of Conduct. Those records shall include a summary of the business of the Conduct Review Committee and a report of the disposition of each disciplinary case handled by any person or group authorized to impose disciplinary sanctions or other recommendations in the name of the District.

The Student Code of Conduct details the list of offenses constituting “good cause” for

discipline that could result in the removal, suspension, expulsion, or other sanctions of a student, except for conduct that constitutes sexual harassment under Title IX, which shall be addressed under AP 3433 Prohibition of Sexual Harassment Under Title IX, and AP 3434 Responding to Harassment Based on Sex under Title IX. Students who violate the Student Code of Conduct are subject to the procedures outlined in AP 5520 Student Discipline Procedures.

A student may also be removed, suspended, expelled, or sanctioned for sexual assault or sexual exploitation regardless of the victim's affiliation with the District and regardless of whether the offense is or is not related to a District activity or attendance, even if the conduct takes place on property not owned or controlled by the District. No student shall be removed, suspended, expelled, or sanctioned for any other conduct unless the conduct for which the student is disciplined is related to District activity or attendance.

A. Definitions and Guidelines Governing These Procedures

The following guidelines govern the procedures described in this Administrative Procedure.

Definitions:

District – The Kern Community College District.

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

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

Property - (i) any District-owned or controlled property, including off-campus leased facilities; and (ii) other facilities owned or controlled by entities other than the District where District-sponsored activities take place, including, but not limited to, performances, concerts, and sporting events

Day – Any day during which the District is open and conducting business, and regular classes are held, excluding Saturdays, Sundays, and holidays. Should the final day of a required process fall on a Saturday or Sunday, the following Monday shall be considered the final day. A final day falling on a District holiday shall be considered the first weekday following the holiday.

Standards of Student Conduct - The rules listed in AP 5500 Standards of Student Conduct.

External Adjudicator - A person selected by the College President or designee to be a member of the Student Disciplinary Committee, or to decide a matter involving an alleged violation of the Standards of Student Conduct in lieu of convening the Student Disciplinary Committee

Short-term Suspension – Exclusion of the student by the College President or designee, for good cause from one (1) or more classes for a period of up to ten (10) consecutive days of instruction.

Long-term Suspension – Exclusion of the student by the College President or designee, for good cause from one (1) or more classes for the remainder of the school term, or from all classes and activities of the college for one (1) or more terms.

Expulsion – Exclusion of the student by the Board of Trustees from all colleges in the District for one (1) or more terms.

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

Written or Verbal Reprimand – An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one (1) year.

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

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

- **Notice** – The College President or designee will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - The specific section of the Standards of Student Conduct that the student is accused of violating;
 - A short statement of the facts supporting the accusation;
 - The right of the student to meet with the Vice President of Student Services or designee to discuss the accusation, or to respond in writing; and
 - The nature of the discipline that is being considered.

- **Time limits** – The notice must be provided to the student within ten (10) days of the date on which the conduct was learned. In the case of continuous, repeated, or ongoing conduct, the notice must be provided within five (5) days of the date on which conduct occurred which led to the decision to take disciplinary action.
- **Meeting** – If the student chooses to meet with the Vice President of Student Services or designee, the meeting must occur no sooner than five (5) days after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation and must be given an opportunity to respond verbally or in writing to the accusation.
- **Short-term Suspension** – Within five (5) days after the meeting described above, the Vice President of Student Services or designee shall decide whether to: impose a short-term suspension; impose a lesser disciplinary action; or end the matter. Written notice of the Vice President of Student Services' decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The Vice President of Student Services' decision on a short-term suspension shall be final.
- **Long-term Suspension** – Within five (5) days after the meeting described above, the Chancellor shall, pursuant to a recommendation from the College President or designee, decide whether to impose a long-term suspension. Written notice of the Chancellor decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.
- **Expulsion** – Within five (5) days after the meeting described above, the College President shall, pursuant to a recommendation from the Vice President of Student Services or designee, decide whether to recommend expulsion to the Board of Trustees. Written notice of the Chancellor's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.

Hearing Procedures – Request for Hearing.

- Within five (5) days after receipt of the College President's or designee's decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the College President or designee.
- **Schedule of Hearing** – The formal hearing shall be held within five (5) days after a formal request for hearing is received.

- **Hearing Panel** – The Hearing Panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student.
- The **College President**, the president of the Academic Senate, and the student body association president shall each, at the beginning of the academic year, establish a list of at least four (4) persons who will serve on Student Disciplinary Hearing Panels. The College President shall appoint the members of the Hearing Panel from the names on these lists. However, an administrator, faculty member, or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall not serve on a Hearing Panel.
- **Hearing Panel Chair** – The members of the Student Disciplinary Hearing Panels will appoint one member of the Panel to serve as the Chair. The decision of the hearing panel Chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the Panel to the contrary.

Conduct of the Hearing

- The members of the Hearing Panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.
- The facts supporting the accusation shall be presented by a college representative who shall be the Hearing Panel Chair.
- The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
- Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.
- Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his/ her/their evidence. The burden shall be on the college representative to prove by a preponderance of the evidence that the allegations are true.
- The student may represent himself/herself/themselves, and may also have the right to be represented by a person of his/her/their choice. The student shall not be represented by an attorney or anyone licensed to practice law unless, in the judgment of the Hearing Panel, complex legal issues are involved. If the student wishes to be represented by an attorney,

a request must be presented not less than five (5) days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The Hearing Panel may also request legal assistance. Any legal advisor provided to the Panel may serve in an advisory capacity to provide legal counsel, but shall not be a member of the Panel nor cast a vote.

- Hearings shall be closed and confidential unless the student requests that the hearing be open to the public. Any such request must be made no less than five (5) days prior to the date of the hearing.
- In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.
- The hearing shall be recorded by the District either by recording or stenographic recording. The official recording shall be the only recording made. Witnesses who refuse to be recorded shall not be permitted to give testimony. The Hearing Panel Chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Recordings shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the recording.
- All testimony shall be taken under oath. The oath shall be administered by the Hearing Panel Chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be recorded is shall be considered 'unavailable.'
- Within five (5) days following the close of the hearing, the Hearing Panel shall prepare and submit its written finding(s) and recommendation(s) to the College President. The decision shall include specific factual findings regarding the accusation and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

College President Decision:

Long-term suspension – Within five (5) days following receipt of the Hearing Panel's recommended decision, the College President or designee shall render a final written decision. The College President or designee may accept, modify, or reject the findings, decisions and recommendations of the hearing panel. If the College President or designee, modifies, or rejects the Hearing Panel's

decision, the College President or designee shall review the record of the hearing and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the College President or designee shall be final.

- **Expulsion** – Within five (5) days following receipt of the hearing panel's recommended decision, the College President or designee shall render a written recommended decision to the Chancellor and the Board of Trustees. The College President or designee may accept, modify, or reject the findings, decisions and recommendations of the Hearing Panel. If the College President or designee, modifies or rejects the Hearing Panel's decision, he/she/they shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The College President or designee's decision shall be forwarded to the Chancellor and the Board of Trustees.
- **Board of Trustees Decision:** The Board of Trustees shall consider any recommendation from the College President or designee for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

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

The student shall be notified in writing, by registered or certified mail to the address last on file with the District, or by personal service, at least three (3) days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within 48 hours after receipt of the notice, request that the hearing be held as a public meeting.

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

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

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

- **Immediate Interim Suspension** (Education Code Section 66017): The College President or designee may order the immediate suspension of a student where he/she/they concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.
- **Removal from Class** (Education Code Section 76032): Any instructor may order a student removed from his/her/their class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the College President or designee. The College President or designee shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the College President or designee shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the College President or designee from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.
- **Withdrawal of Consent to Remain on Campus:** The College President or designee may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she/they must promptly leave or be escorted off campus. If consent is withdrawn by the College President or designee a written report must be promptly made to the College President or designee.

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

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

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

- **Time Limits:** Any times specified in these procedures may be shortened or lengthened by mutual consent of all parties.

No Disciplinary Action against Complainants or Witnesses in Sexual Assault Investigations

An individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's Student Conduct Policy at or near the time of the incident, unless the District determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

**Kern Community College
District Administrative
Procedure Chapter 5 – Student
Services**

AP 5530 Student Rights and Grievances

References:

Education Code Section 76224 subdivision (a);
ACCJC Accreditation Eligibility Requirement 20;
ACCJC Accreditation Standard IV.D

Note: This procedure is legally advised

In the pursuit of their educational goals, students should be free of unfair and improper action by any member of the academic community. A grievance may be initiated by students when they believe that they have been subject to unjust action or denied their rights as stipulated in published district regulations, state laws, or federal laws. Such action may be initiated by students against a faculty, staff member, or administrator.

This procedure provides a prompt and equitable means of resolving student grievances.

Grievance: A claim by any student who reasonably believes a college decision or action has adversely affected his/her/their status, rights, or privileges as a student. A grievance includes, but is not limited to, claims regarding:

- Course grades, to the extent permitted by Education Code Section 76224 subdivision (a), which states: "When grades are given for any course of instruction taught in a community college district, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final." "Mistake" may include, but is not limited to errors made by an instructor in calculating a student's grade and clerical errors; or
- The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.

A grievance is not:

- Student disciplinary actions addressed in BP/AP 5520 Policies and Administrative Procedures.
- Police citations (i.e. "tickets"). Complaints about citations must be directed to the county courthouse as with any traffic violation.

Grievant – A student who has filed a grievance.

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

College President – The College President or a designated representative of the College President.

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

Respondent – Any person the grievant claims to be responsible for the alleged grievance.

Day – Unless otherwise provided, "day" shall mean any day in which the college is engaged in regular operations, excluding weekends, holidays, or closure days

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

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

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

Any student who believes they have a grievance shall file a Statement of Grievance with the Grievance Officer within fourteen (14) calendar days of the incident upon which the grievance is based, or fourteen (14) calendar days after the student learns of the basis for the grievance, whichever is later. The Statement of Grievance must be filed regardless of having already initiated efforts at an informal resolution if the student wishes to make the grievance official. Within seven (7) calendar days following receipt of the Statement of Grievance Form, the Grievance Officer shall advise the student of his/her/their rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form.

Within fourteen (14) calendar days following the student's first meeting with the Grievance Officer, if an informal resolution of the complaint is not achieved to the satisfaction of the

grievant, the student shall have the right to request a grievance hearing.

Grievance Hearing Committee: The College President or designee, shall, at the beginning of each academic year, establish a standing panel of members of the college community, a minimum of three (3) students, three (3) faculty members, three (3) classified members, and three (3) administrators, from which one or more Grievance Hearing Committees may be appointed. The panel will be established with the advice and assistance of the Associated Students Government, California School Employees Association, and the Academic Senate, who shall each submit two (2) names to the College President or designee for inclusion on the panel. A Grievance Hearing Committee shall Be comprised of three members, each member representing a different constituency group (student, faculty member, college administrator or classified member) selected from the panel described above.

A person shall not serve as a member of a Grievance Hearing Committee if that individual has been personally involved in any matter giving rise to the grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner. Any party to the grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the College President or designee, who shall determine whether cause for disqualification has been shown. If the College President or designee, believes that sufficient grounds for removal of a member of the committee has been presented, the College President or designee, shall remove the challenged member(s) and substitute a member(s) from the panel described above. This determination is subject to appeal as defined below.

The Grievance Officer shall be present with the Grievance Hearing Committee during the hearing but shall not serve as a member of the Hearing Committee nor cast a vote. The Grievance Officer shall coordinate the scheduling of hearings, shall serve to assist all parties and the Hearing Committee to facilitate a full, fair, and efficient resolution of the grievance. The Grievance Officer shall avoid an adversarial approach to the grievance proceedings.

Request for Grievance Hearing – Any request for a grievance hearing shall be filed on a Request for a Grievance Hearing form within fourteen (14) calendar days after filing the Statement of Grievance as described above.

Within fourteen (14) calendar days following receipt of the request for grievance hearing, the College President, or designee, shall appoint a Grievance Hearing Committee as described above. The Grievance Hearing Committee shall meet privately and without the parties present to select a Chair, and to determine whether sufficient grounds for a hearing have been presented on the basis of the Statement of Grievance.

The determination of sufficient grounds for proceeding with the Statement of Grievance, and whether an informal resolution has been provided to the student, shall be based upon the following:

- The statement contains facts which, if true, would constitute a grievance under these procedures;

- The grievant is a student as defined in these procedures, which includes applicants and former students;
- The grievant is personally and directly affected by the alleged grievance;
- The grievance was filed in a timely manner; and
- The grievance is not frivolous, without foundation, or filed for purposes of harassment.

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

If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer shall schedule a grievance hearing. The hearing will commence within fourteen (14) calendar days following the decision to grant a grievance hearing. All parties to the grievance shall be notified at least three (3) calendar days in advance with information pertaining to the date, time, and place of the hearing.

Hearing Procedure

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

The Grievance Officer will provide members of the Grievance Hearing Committee with a copy of the grievance and any written response provided by the respondent before the hearing begins. Each party to the grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. The Grievance Hearing Committee shall make its determination on a preponderance of evidence. Any relevant evidence shall be admitted.

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

Each party to the grievance may represent themselves and have the right to be represented by a person of their choice unless a representative is an attorney or licensed to practice law. If a party wishes to be represented by an attorney, a request must be presented not less than seven (7) days prior to the date of the hearing. If one party is permitted to be represented by an attorney, any other party shall have the right to be represented by an attorney. The Hearing Committee may also request legal assistance through the College President or designee. Any legal advisor provided to the Hearing Committee may be present during the hearing in an advisory capacity to provide legal counsel, but shall not be a member of the panel nor vote.

Hearings shall be closed and confidential unless all parties request that it be open to the public. Any such request must be made no less than seven (7) days prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the Committee agree to the contrary. The Grievance Officer will record the hearing. This will be the only recording made. Witnesses who refuse to be recorded will not be permitted to give testimony. The Grievance Hearing Committee Chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. The recording shall remain in the custody of the District, either at the college or the District Office, at all times, unless released to a professional transcribing service. Any party may request a copy of the recording.

All witnesses must testify under penalty of perjury. If a witness is unavailable to attend the hearing, the Grievance Hearing Committee will admit written statements of witnesses under penalty of perjury. A witness who refuses to be recorded shall be considered to be unavailable to testify.

Within seven (7) days following the close of the hearing, the Grievance Hearing Committee shall prepare and submit a written communication to the appropriate Vice President, or designee, which shall include factual findings regarding the grievance, as well as specific conclusions and recommendations based upon the facts,

testimonies and evidence presented during the course of the hearing. The specific recommendation regarding the relief for the grievant, if any, shall also be included. The Grievance Hearing Committee will base its findings only on the record of the hearing, and not on matter outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing.

College Vice President's Decision: Within seven (7) days following receipt of the Grievance Hearing Committee's findings and recommendation(s), the appropriate Vice President shall inform all parties of their written decision, together with the Hearing Committee's findings and recommendations. The Vice President may accept or reject the findings, and recommendations of the Hearing Committee. The factual findings of the Hearing Committee shall be accorded great weight. If the Vice President does not accept the decision or a finding or recommendation of the Hearing Committee, the Vice President shall review the record of the hearing, and shall prepare a new written decision containing specific factual findings and conclusions. The decision of the College President shall be final.

Appeal: Any appeal relating to the findings of a Grievance Hearing Committee shall be made in writing to the College President within seven (7) days of the Committee's report. The College President shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a grievance provided in these procedures but shall not consider any other matters. The College President's decision to grant or deny a grievance hearing shall be final and not subject to further appeal.

Time Limits: Any times specified in these procedures may be shortened or lengthened by mutual consent of all parties.

**Kern Community College District
Administrative Procedure
Chapter 5 – Student Services**

AP 5570 Student Credit Card Solicitations

References:

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

Note: This procedure is legally advised

Locations on campuses at which student credit cards are marketed must be registered with the college administration.

The number of sites allowed on campus may be limited.

Marketers of student credit cards are prohibited from offering gifts to students for completing credit card applications.

Credit card and debt education and counseling sessions are offered to students via financial literacy workshops offered at each college.

Credit card companies marketing directly to students may not engage in solicitation on campus without the prior approval of the College President or designee.

Each college of the Kern Community College District is required to develop and adopt procedures regulating the marketing of "student credit cards," and these regulations are to be on file in the Office of the College President or designee.

Credit card company representatives seeking prior approval for solicitation to students must secure a copy of the college's procedures that regulate the marketing of student credit cards on campus, must appear in person with full identification when seeking approval, must pay the vendor fee established by the college, and must abide by the college's regulations at all times.

Failure on the part of the credit card company to observe the regulations governing student credit card solicitation will result in immediate removal from the campus, as well as being banned from campus for the purpose of credit card marketing for up to a three-year (3-year) period.

Credit card company representatives who arrive on campus for the purpose of marketing student credit cards without prior approval will be immediately removed from the campus,

and their firm will be denied subsequent access for up to a five-year (5-year) period.

**Kern Community College District
Administrative Procedure
Chapter 5 – Student Services**

AP 5610 Voter Registration

References:

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

Note: This procedure is legally advised

A good faith effort shall be made to distribute a mail-in voter registration form to each student enrolled in a degree or certificate program and physically in attendance at the college.

Mail-in voter registration forms shall be made widely available to students at each college.

Online voter information and voter registration is available on each college's website.

The colleges of Kern CCD allow students to coordinate with the California Secretary of State during the class registration process to receive voter information.

The Director of Admissions & Records serves as the designated contact person at each college for the Secretary of State for distribution of voter registration cards

**Kern Community College District
Administrative Procedure
Chapter 5 – Student Services**

AP 5700 Intercollegiate Athletics

Accreditation Related

References:

Education Code Sections 66271.6, 66271.8, and 67360 et seq. and 78223;
Title IX, Education Amendments of 1972;
ACCJC Accreditation Standard II.C.4

Note: This procedure is legally advised

Name, Image, Likeness, and Athletic Reputation:

Prospective Student Athlete:

The colleges of Kern CCD will not provide a prospective student athlete with compensation in relation to the athlete's name, image, likeness, or athletic reputation.

Student Athletes:

The colleges of Kern CCD will not prevent a student participating in intercollegiate athletics from either earning compensation as a result of the use of the student athlete's name, image, likeness, or athletic reputation, or from obtaining professional representation by duly licensed athletic agents or attorneys. However, a student athlete may not enter into a contract that provides compensation to the student athlete for their name, image, likeness, or athletic reputation if the contract conflicts with a provision of the student athlete's team contract.

A student who enters into a contract providing compensation for use of the student's name, image, likeness, or athletic reputation must disclose the contract to Athletic Director. If the District determines that a conflict between the student athlete's contract and the student athlete's team contract, the Athletic Director will disclose the conflict to the student or student's legal representative, if any, and identify the contractual provisions that conflict.

Any team contract entered into, modified or renewed on or after September 1, 2021, will not prevent a student athlete from using their name, image, likeness, or athletic reputation for a commercial purpose when the athlete is not engaged in official team activities.

A student athlete's scholarship eligibility will not be impacted as a result of the student earning compensation for their name, image, likeness, or athletic reputation.

The colleges will not revoke a student-athlete's scholarship that provides the student-athlete with the cost of attendance as a result of the student athlete earning compensation or obtaining legal representation in accordance with state law.

**Kern Community College District
Administrative Procedure
Chapter 5 – Student Services**

AP 5800 Prevention of Identity Theft in Student Financial Transactions

References:

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

Note: This procedure is legally advised

I. The Purpose of the Identity Theft Prevention Program

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

II. Definitions

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

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

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

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

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

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

III. Detecting “Red Flags” For Potential Identity Theft

1. Risk Factors for Identifying “Red Flags”

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

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

Sources of "Red Flags": The District will continue to incorporate relevant "Red Flags" into this ITPP from the following sources:

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

Categories of "Red Flags": The following Red Flags have been identified for the District's covered accounts:

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

1. A fraud or active-duty alert is included with a consumer report the District receives as part of a background check;
2. A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report;
3. A consumer reporting agency provides a notice of address discrepancy. An address discrepancy occurs when an address provided by a student substantially differs from the one the credit reporting agency has on file. See Section (V)(9) titled 'Preventing and Mitigating Identity Theft' below for specific steps that must be taken to address this situation; and
4. A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant, such as:
 - (a) A recent and significant increase in the volume of inquiries;
 - (b) An unusual number of recently established credit relationships;
 - (c) A material change in the use of credit, especially with respect to recently established credit relationships; or
 - (d) An account that was closed for cause or identified for abuse of account privileges by a creditor or financial institution.

Suspicious Documents:

1. Documents provided for identification appear to have been forged or altered;
2. The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification;
3. Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification;
4. Other information on the identification is not consistent with readily accessible information that is on file with the District, such as a signature card or a recent check;

and

5. An application appears to have been altered or forged or gives the appearance of having been destroyed or reassembled.

Suspicious Personally Identifying Information:

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

- (a) The address does not match any address in the consumer report; or
- (b) The Social Security Number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File.

2. Personal identifying information provided by a person is not consistent with other personal identifying information provided by the person. For example, there is a lack of correlation between the SSN range and date of birth.
3. Personal identifying information is associated with known fraudulent activity as indicated by internal or third-party sources used by the District. For example:

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

4. Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the District. For example:

- a. The SSN provided is the same as that submitted by other persons The address on an application is fictitious, a mail drop, or a prison; or
- b. The phone number is invalid or is associated with a pager or answering service.

5. The Social Security Number is the same as that submitted by other persons currently being served by the District.
6. The address or telephone number provided is the same or similar to the account number or telephone number submitted by an unusually large number of other persons being served by the District.
7. The person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
8. Personal identifying information provided is not consistent with personal identifying information that is on file with the District.

9. The person opening the covered account cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

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

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

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

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

IV. Measures to Detect "Red Flags"

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

When a new covered account is open, the District shall obtain identifying information about, and information verifying the identity of, the student or other person seeking to open a covered account. Two (2) forms of identification shall be obtained (at least one of which must be a photo identification). The following are examples of the types of valid identification that a person may provide to verify the identity of the person seeking to open the covered account: Valid state- issued driver's license; valid state-issued identification card; current passport; a Social Security Card; current residential lease; or copy of a deed to the person's home or invoice/statement for property taxes.

2. Persons with covered accounts who request a change in their personal information on file, such as a change of address, will have the requested changes verified by the District. The person shall provide at least one (1) written form of verification reflecting the requested

changes to the personal information. For example, if an address change is requested, then documentation evidencing the new address shall be obtained. If a phone number change is requested, then documentation evidencing the new phone number, such as a phone bill, shall be obtained.

V. Preventing and Mitigating Identity Theft

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

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

VI. Updating the ITPP

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

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

VII. Methods for Administering the ITPP

Oversight by the District's designated officer shall include:

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

Reports

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