



STUDENT CONDUCT HANDBOOK



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PORTERVILLE COLLEGE STUDENT HANDBOOK

STUDENT RIGHTS AND RESPONSIBILITIES

Student Records, Directory Information and Privacy

According to the Kern Community College District (KCCD) Board Policy BP AF8 - Student Records, Directory Information and Privacy, the Chancellor shall assure that student records are maintained in compliance with applicable federal and state laws relating to the privacy of student records.

Any currently enrolled or former student of the District has a right of access to any and all student records relating to him or her maintained by the District.

What is FERPA (Family Educational Rights and Privacy Act)?

The Family Educational Rights and Privacy Act of 1974, as amended (sometimes referred to as the Buckley Amendment), is a federal law that protects the privacy of education records of all students enrolled in schools beyond the high school level. Schools are required to maintain that privacy, primarily by restricting release of records and the access provided to those records. Any educational institution that receives funds under any program administered by the U.S. Secretary of Education is bound by FERPA requirements. Institutions that fail to comply with FERPA may have funds administered by the Secretary of Education withheld.

How Does the USA Patriot Act Amend FERPA?

President Bush signed the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act" on October 26, 2001. Section 507 of the USA PATRIOT Act amends FERPA by permitting institutions to disclose, without the knowledge or consent of the student, personally identifiable information from the student's education records to the Attorney General of the United States or his designee in response to an ex parte order (one filed without notice to the student) in connection with the investigation or prosecution of terrorism crimes. Also, the school is not required to record such disclosures.

What are Education Records?

Under FERPA, education records are defined as records that are directly related to a student and are maintained by an education agency or institution or by a party acting for the agency or institution. The information may be recorded in any way, including, but not limited to, handwriting, print, computer media, videotape, audiotape, film, microfilm, microfiche, and e-mail.

Education Records DO NOT Include:

- Records or notes in sole possession of the maker, used only as a personal memory aid and not revealed or accessible to any other person except a temporary substitute for the maker of the record (this might include notes an instructor makes while providing career/professional guidance to a student)

- Records made or maintained by physicians, psychiatrists, psychologists, and other health professionals and paraprofessionals that are used only in connection with treatment of students
- Employment records when employment is not contingent on being a student, provided the record is used only in relation to the individual's employment
- Records created and maintained by a law enforcement unit of the institution used only for law enforcement purposes
- Post-attendance records, i.e., information about a person that was obtained when the person was no longer a student (alumni records) and does not relate to the person as a student.

What is Directory or Public Information?

FERPA allows institutions to identify certain types of information called "directory information" that may be disclosed without student consent at the College's discretion.

KCCD has designated the following information as directory information and will release this information upon request, unless students have restricted their directory information via the Admissions Application/Update Form.

Directory information at KCCD is defined as:

- student's name, address, email address and telephone number
- major field of study,
- dates of attendance,
- enrollment status, (e.g. full time/part time),
- participation in officially recognized activities and sports including weight and height and high school of graduation of members of athletic teams,
- degrees and awards received by students, including honors, scholarship awards, athletic awards, and Dean's List recognition.

Restricting Release of Directory Information

According to FERPA, a student can request that the institution not release any directory information about him/her. KCCD students initially give or withhold consent via the Admissions Application/Update Form. Students may change their decision by providing a written statement to the Admissions and Records Office. Request for non-disclosure will be honored by the college for the current academic year.

Students who wish to restrict directory information should realize that their names will not appear in any College publications. Students shall be notified of their rights with respect to student records, including the definition of directory information contained, and that they may limit third party access to this information by contacting the Admissions & Records Office.

Release of Student Records

No District representative shall release the contents of a student record to any member of the public without the prior written consent of the student, other than directory information as defined in this policy and information sought pursuant to a court order or lawfully issued subpoena, or as otherwise authorized by applicable federal and state laws.

What is Non-Directory Information and Who Has Access to it?

With several exceptions provided by FERPA, Porterville College cannot release personally identifiable non-directory information in an education record without prior written consent from the student.

Some examples of non-directory information include:

- birth date
- religious affiliation
- citizenship
- disciplinary status
- ethnicity
- gender
- grade point average (GPA)
- marital status
- SSN/student I.D.
- grades/exam scores
- test scores (e.g., SAT, etc.)

KCCD protects the privacy of all enrolled students. If students choose to allow an individual permission to access to their education records, they must fill out an Authorization for Release of Student Records form which is valid for a school year.

The student's prior consent is not required to disclose non-directory information under the following circumstances:

- Access by parents of a student who is under 18 years of age as defined in Section 152 of the Internal Revenue Code of 1986. Parents must present evidence to the Admissions Records Office that they claim the student as a dependent.
- Access by school officials who the institution has determined to have a legitimate educational interest.
- Access by school officials at other schools where the student seeks to enroll.

A "school official" is any person employed by the College in an administrative, supervisory, academic, research or support staff position (including law enforcement unit, health staff, and student workers); a person or a company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; a person assisting another school official in performing his or her tasks. A school official has a "legitimate educational interest" if the official needs to review an education record in order to fulfill his or her professional responsibility.

- Access for the purpose of awarding financial aid.
Personally identifiable information may be required to determine eligibility for aid, the amount of the aid, the conditions for the aid, or to enforce the terms or conditions of the aid.
- Access by the Principal Designated School Official (PDSO) and/ or the Designated School Official (DSO) to international student information as defined in The Federal Register 8CFR Section 214.3(g).
The Bureau of Citizenship and Immigration Services requires the PDSO/DSO to update the federal SEVIS database every semester or every time a change occurs in an international student's record.
- Access for the purpose of responding to a subpoena or an ex parte order.
All subpoenas and ex parte orders must be delivered to and reviewed by the Kern Community College District Office before any information can be released.

What About a Health or Safety Emergency?

The U.S. Department of Education made a conscious decision in 1988 to allow colleges to determine whether there is, in fact, a health or safety emergency that justifies disclosing non-directory information without the student's written consent. Porterville College considers the following criteria in determining whether an emergency situation exists:

- Is the emergency a serious threat to the health or safety of the student or other individual(s)?
- Is the information to be disclosed necessary to meet the emergency?
- Are the parties to whom the information is to be disclosed in a position to deal with the emergency?
- Is time of the essence in dealing with the emergency?

Student's Right to Inspect, Review, and/or Correct His/Her Records

A student wanting to review his or her educational records must file a written request with the Director of Enrollment Services. The scheduled review will take place within 45 days of the date on which the request is received. An appropriate college staff member will be present when the records are reviewed. A student may challenge inaccurate or misleading information in a student record; the student must file a written challenge with the Vice President of Student Services within 20 days of the review of the record. The Vice President will decide whether corrective action will be taken and notify the student of this decision within 20 days of receipt of the challenge.

A student may not challenge grades assigned in courses of instruction via this method.

Kern Community College District's Annual Notification to Students

Consistent with its obligations under FERPA, KCCCD/Porterville College annually notifies students and their parents of the rights accorded them by FERPA. Students shall be advised of their rights regarding education records on the college application, class schedule and college catalog.

Comments/Questions

General questions and comments may be directed to the Admissions and Records Office at:

Porterville College
100 East College Avenue
Porterville, CA 93257
ATTN: Director of Enrollment Services

Filing a Complaint

If a student feels that the institution has not fully honored his or her privacy rights under FERPA, a written complaint may be filed with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave. SW, Washington, DC 20202-4605. The Family Policy Compliance Office investigates each timely complaint to determine whether the educational agency or institution has failed to comply with the provisions of FERPA. A timely complaint is defined as an allegation that is submitted within 180 days of the date of the alleged violation or of the date that the complainant knew or reasonably should have known of the alleged violation. Additional information regarding FERPA can be found on the following websites:

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

<http://familypolicy.ed.gov/faq-page>

ACADEMIC DISHONESTY

Students at Porterville College are expected to perform honestly and ethically in completing homework and class assignments. Academic dishonesty is defined by the college as any act (such as cheating on exams, quizzes, projects, plagiarism, fabrication, or falsifying documents) by any student that would gain that student or any other student an unfair advantage or disadvantage (sabotage) in grading, graduating from the college, or qualifying for entrance into any academic program. Students who are dishonest in the performance of classwork will be subject to disciplinary action.

Definitions

To assist students to understand what behavior is considered dishonest and unethical, the following definitions are provided.

Academic dishonesty or academic misconduct is any type of cheating that occurs in relation to a formal academic exercise. It can include the following:

- Utilizing or obtaining Teacher's editions or publications not intended for student use.
- **Plagiarism:** Plagiarism is defined as the act of using the ideas or work of another person or persons as if they were one's own, without giving credit to the source. Such an act is not plagiarism if it is ascertained that the ideas arrived at through independent reasoning or logic or where the thought or ideas is common knowledge.
 - Submitting a term paper, examination or other work written by someone else. This is a flagrant instant of plagiarism;
 - Failure to give credit in a footnote for ideas, statements of fact, or conclusions delivered by another;
 - Failure to use quotation marks when quoting directly from another, whether it be a paragraph, a sentence or even a part thereof;
 - Close and extended paraphrasing of another.

Students are cautioned that in, conducting their research, they should prepare their notes by (a) either quoting material exactly (using quotation marks) as 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 verbatim use of notes. Both quoted and paraphrased materials must be given proper citations.

- **Fabrication:** Faking the data in an academic exercise; presenting false information in an assignment; deliberately deviating from the truth.
- **Deception:** Giving fabricated information to an instructor in regard to academic work; providing a false reason for missing a deadline or lying about submitted work.
- **Forgery, alteration or misuse:** Misuse of campus documents, records, or identification or knowingly furnishing false or incomplete information to a campus; altering documents affecting academic records; forging a signature of authorization; or falsifying information on an official academic document, election form, grade report, letter of permission, petition, or any document designed to meet or exempt a student from an established college academic regulation.
- **Cheating:** Cheating is defined as the act of obtaining or attempting to obtain, or aiding another to obtain academic credit 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;

1. Discussion of answers or ideas relating to the answers on an examination or test unless such discussion is specifically authorized by the instructor;
 2. Giving or receiving copies of an examination without the permission of the instructor;
 3. 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;
 4. Allowing someone other than the officially enrolled student to represent the same.
- Sabotage: Stopping others from completing their work; a deliberate act of destruction to academic materials or disrupting an experiment or assignment.

All acts of academic dishonesty shall be reported to the Vice President of Student Services as a behavioral breach of conduct. In addition, faculty may report academic dishonesty to the Vice President of Student Services with a recommendation to suspend or remove the student from the course as a penalty for their behavior. If after reviewing the situation with the student, the Vice President concludes that a disciplinary action is appropriate, the administrator shall deliver one or more of the following types of disciplinary action.

1. Warning
2. Censure
3. Probation
4. Restitution
5. Temporary Removal
6. Suspension
7. Expulsion

The Vice President of Student Services keeps a record of all reported violations of academic dishonesty. Depending on the severity and/or frequency of reports for a given student, the Vice President of Student Services may recommend that these acts become a part of the student's permanent record. This record may be used as a basis for removing a student from the institution or barring a student from returning to the institution. The Vice President of Student Services reviews an alleged violation and determines if the report is fair and just, and if not, the Vice President can then act to establish fairness and due process for each case.

The student can appeal the Vice President's decision to the Student Conduct Hearing Panel. It is the goal of this policy to maintain the integrity of the educational process while also respecting students' rights of fair due process.

STANDARDS OF STUDENT CONDUCT

Introduction

Community college districts are required by law to adopt standards of student conduct along with applicable penalties for violation. (Education Code Section 66300) The purpose of this policy is to provide uniform procedures to assure due process when a student is charged with violation of these standards. This process 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.

This section specifies prohibited types of behavior and the sanctions that can be applied. Students may be accountable to both external authorities and to Porterville College for acts which constitute violations of law and the Student Code of Conduct.

STANDARDS OF STUDENT CONDUCT VIOLATIONS

Student Conduct: Since public education is furnished by the people, it is privilege. The Board of Trustees of the Kern Community College District, in support of public education and the exercise of general supervision of the campuses, requires that student conduct must reflect the standards of appropriate behavior as defined in pursuant sections. (Education Code Section 76037)

4F8A Students shall respect constituted authority. This shall include conformance to Federal and State laws, Board regulations, College regulations, and applicable provision of civil law.

4F8B The District expects students to conduct themselves in a manner consistent with the educational purposes of the College. Student conduct should reflect consideration for the rights of others, and students are expected to cooperate with all members of the College community (for specific guidelines regarding conduct, see Policy 4F8D of this handbook).

4F8C 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.

4F8D The Board of Trustees, the College President or designee may suspend a student for good causes or when the presence of the student causes a continuing danger to the physical safety of the student or others. The Board of Trustees may exclude from the attendance in regular classes any student whose physical or mental disability is such as to cause his or her attendance to be inimical to the welfare of other students. (Education Code Sections 76020 and 76030)

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

“Good cause” may be established by using appropriate investigation standards, such as:

- Interview of witnesses
- Review of Campus Security Report, if applicable
- Review of written statements, if applicable
- Review of pertinent documents, if applicable
- Review of any other evidence, if applicable

1. Persistent or gross acts of willful disobedience and/or defiance toward College personnel.
2. Assault, battery, or any other form of physical abuse of a student or College employee.
3. Verbal abuse of a student or College employee. This includes, but is not limited to: defamation, obscenity, or "fighting words." (Education Code Section 66301).
4. Any conduct that threatens the health or safety of the individual, or another, including any such action that takes place at an event sponsored or supervised by the College.
5. Theft of or damage to the property of the College, another student, or staff.
6. Interference with the normal operations of the College (e.g., disruption of teaching and administrative functions, disciplinary procedures, pedestrian or vehicular traffic, or other College activities, including its public service functions).
7. Use of personal portable sound amplification equipment and other electronic devices (radios, cell telephones, pagers, and tape players, etc.) in a manner that disturbs the privacy of other individuals and/or the instructional program of the College.
8. Unauthorized entry into, or use of, College facilities, equipment, materials, or supplies.
9. Abuse of and/or tampering with the registration process.
10. Forgery, falsification, alteration, or misuse of College documents, records, or identification.
11. Dishonesty such as cheating, plagiarizing, or knowingly furnishing false information to the College and its officials. See **Appendix 4F8D** of this Manual for Student Conduct Definitions of Plagiarism and Cheating.
12. Disorderly, lewd, indecent, or obscene conduct.
13. Extortion.
14. Breach of the peace on College property or at any College-sponsored or supervised function.
15. The use, sale, possession, or being under the influence of alcohol or any other controlled substance prohibited by law, on campus or at any function sponsored or supervised by the College.
16. Illegal possession or use of firearms, explosives, dangerous chemicals, or other weapons on College property or at College-sponsored activities.
17. Smoking and/or the use of tobacco products inside all campus buildings and other unauthorized campus areas.
18. Failure to comply with directions of College officials, faculty, staff, or campus security officers who are acting in performance of their duties.
19. Failure to identify oneself when on College property or at a College-sponsored or supervised event, upon the request of a College official acting in the performance of his/her duties.
20. Gambling.
21. Harassment (verbal or physical or sexual) of any student or member of the College community. (Harassment is defined as an activity which causes substantial emotional distress and serves no legitimate purpose.) (See **Policy 11C2** of this Manual for a definition of sexual harassment.)
22. Abuse of computer resources. (See **Policy 3E** of this Manual regarding Information Technology policies)
23. Abuse of or disruption to the student conduct and/or complaint process, including but not limited to:
 - a. Failure to obey the summons of a College official or appropriate committee.

- b. Falsification, distortion, or misrepresentation of information before a College official or appropriate committee.
 - c. Disruption or interference with the orderly conduct of an official College proceeding.
 - d. Attempting to influence the impartiality of a member of an official committee prior to and/or during the course of, an official College proceeding.
 - e. Harassment and/or intimidation of any person involved in the conduct and/or complaint process, prior to, during, and/or after the proceeding.
 - f. Failure to comply with the sanction(s) imposed under the Student Conduct Code.
 - g. Influencing or attempting to influence another person to commit an abuse of the conduct or complaint process system.
 - h. Repeated filing of frivolous and/or capricious complaints against College personnel.
24. Hazing. (See Education Code Sections 32050 and 32051)
 25. Violation of other applicable Federal, State, and local laws (e.g., hate crimes) and College rules and regulations.
 26. Persistent, serious misconduct where other means of correction have failed to bring about proper behavior.
 27. Assisting another person, or soliciting another person, in any of the offences listed in numbers 1 through 26 of this policy.

A detailed listing and definitions of the following student conduct standards can be found in the [KCCD Board Policies, 4F7](#).

STUDENT DISCIPLINE PROCEDURES

Sanctions (4F8E) in accordance with the provisions of the Education Code Sections 76031 and 76037, the Board of Trustees provides for the following sanctions for violations for the Code of Student Conduct, and more than one (1) of the sanctions listed below may be imposed for any single violation:

DEFINITIONS OF STUDENT DISCIPLINE TERMS

1. **WARNING** – Verbal notification of 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;
3. **PROBATION** – Prohibition of the student by the Administration from participating in designated privileges of College activities for a period of up to one (1) semester or other stipulated requirements to conform to specified standards or conduct;
4. **RESTITUTION** – Reimbursement to the College, as directed by the Administration, for repair or replacement of District property misused, misappropriated, or damaged by the student;

5. **TEMPORARY REMOVAL** – A faculty member may remove a student from his or her class for the day of the removal and the next class meeting. 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 or she was removed without the concurrence of the faculty member of the class.

Whenever a minor is removed from a class, the parent or guardian shall be notified in writing by the College President or designee. If the student removed from class by a faculty member is a minor, the College President or designee shall ask the parent or guardian of the student to attend a parent conference regarding the removal as soon as possible. If the faculty member or the parent or guardian so requests, a College administrator shall attend the conference. 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. **SUSPENSION** – Exclusion from any or all classes and activities of the College and from use of any District facilities. The College President or designee may suspend a student for good cause as follows:

- a. From one (1) or more classes for a period of up to ten (10) days of instruction.
- b. From one (1) or more classes for the remainder of the school term.
- c. 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 Designees. No student shall be suspended unless the conduct for which he/she 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 disposed of administratively by mutual consent, or the student sends a written notification to the President of the College or designee indicating that he/she does not want to proceed with the hearing. [See Procedure 4F7 of this Manual for Student Conduct Hearing Panel Procedures] If an immediate suspension is required in order to protect lives or property and/or to ensure the maintenance of order, a reasonable opportunity shall be afforded the suspended person 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 in writing by the College President or designee. The parent or guardian of the student shall be asked to a conference regarding the removal; and

7. **EXPULSION**– Termination of the student status by the Board of Trustees on the recommendation of the Chancellor. No student shall be expelled unless the conduct for which he/she is to be disciplined is related to College activity or campus attendance.

Expulsion of any student from the District shall be accompanied by a prompt hearing. [See Procedure 4F9(b) of this Manual for Student Conduct Hearing Panel Procedures]. If an immediate expulsion is required in order 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.

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.

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.

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 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.

4F7F 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)

4F7G 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. (See Appendix 4F7D of this Manual for the definitions of plagiarism and cheating.)

4F7H 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.

Student Conduct Hearing Panel Procedures

For the purposes of these Procedures, an Instructional Day is defined as any of the days noted on the official Academic Calendar of the College as an instructional day, excluding Saturdays and Sundays.

Student Conduct

The Student Conduct Hearing Panel shall only be convened to hear the following cases:

- Cases in which the College President or designee recommends suspension or expulsion of a student for violation of the Student Conduct Policy. (Education Code Sections 66017 or 76030)

Cases involving suspensions and expulsions in which a student requests a second hearing to appeal his/her alleged violation of the Student Conduct Policy, based on relevant new evidence which exists that was previously unavailable and that would substantially affect the findings of the Hearing Panel. The Hearing Panel Chair of the first hearing shall determine whether new evidence is substantial enough to warrant a second hearing.

Student Conduct Charges and Hearing

1. The College President will determine and publicize which administrative office will receive and administer the following issues:

- Student conduct charges
- Student complaints
- Complaints related to discrimination (see Policy 11C4)
- Complaints related to sexual harassment (see Policy 11C2)

2. Any employee and/or student of the Kern Community College District may file charges against any student(s) for misconduct. Charges shall be prepared in writing and directed to the College President or designee. Charges should be submitted within ten (10) instructional days after the event takes place. Charges may not be filed after six (6) months from the date of the offense, except under extenuating circumstances.

3. The College President or designee shall within ten (10) instructional days of receiving the charges, conduct an investigation to determine if the charges can be disposed of administratively by mutual consent of the parties involved. Such disposition shall be final, and there shall be no subsequent proceedings. All parties involved shall be notified in writing within ten (10) instructional days of the decision. If the charges cannot be disposed of by mutual consent, all parties involved shall be notified by the College President or designee of the intent to proceed to a hearing within ten (10) instructional days, and establish a timetable for convening the Student Conduct Hearing Panel.

4. All charges shall be presented to the accused student(s) in written form. A time shall be set for a hearing, within ten (10) instructional days after the student(s) has (have) been notified. For compelling reasons, maximum time limits for scheduling of hearings may be extended for ten (10) additional instructional days at the discretion of the College President or designee.

5. All cases of suspension or expulsion must be accompanied by a prompt hearing held by the Student Conduct Hearing Panel.

Student Conduct Hearing Panel and Hearing Process

Panel Composition

- One (1) or two (2) faculty members appointed by the Academic Senate President
- One (1) or two (2) classified staff members appointed by CSEA or Classified Senate President
- One (1) or two (2) administrators appointed by the College President
- One (1) or two (2) students appointed by the ASB President
- One (1) ad hoc chair appointed by the College President. This Chairperson shall be a non-voting member of the Panel except in the cases of a tie vote.

Appointments to the Hearing Panel will be made in accordance with established practices and procedures in effect at the colleges within the district.

Notification

In all student conduct cases before the Hearing Panel, the Chair of the panel or designee shall prepare and personally deliver or mail a written notice to the parties involved, including the Hearing Panel members, not less than ten (10) instructional days prior to the hearing. Notices personally delivered shall be evidenced by a signed receipt. Notices deposited in the United States mail, postage prepaid, return receipt requested, and sent to the last address available in college records, shall be presumed to have been received and read. The notice shall specify the time, date, and place of the hearing and shall include copies of the written complaint or incident report, the Student Conduct Policy, and the Hearing Panel Procedures. The notice shall also include a statement of the specific student conduct violation and the grounds which if proven, would justify sanctions, appraisal of the right to self-representation or representation by another student or staff member and appraisal of the right to present witnesses and to cross-examine witnesses presented. Finally, the notice shall contain a clear request for the student's response as to whether or not he/she wishes to proceed with the hearing, and a clear indication that no response from the student(s) within five (5) instructional days constitutes a waiver of the hearing option.

Preparation

The Chair of the Hearing Panel or designee shall be responsible for making the necessary arrangements for the hearing. Arrangements shall include: scheduling a room, providing for a tape recorder, providing notice to the parties as indicated above, and any other arrangements.

Challenge

The student(s) accused of misconduct may challenge any member of the Hearing Panel for cause. Grounds for cause include: any personal involvement in the situation giving rise to the charge(s), any statement or act indicating that the person could not serve in an impartial manner. Any challenge must be made not less than five (5) instructional days prior to the hearing. Challenges shall be considered by the Vice President of Student Services or designee. If a challenge is upheld by the College President or designee, he/she will direct that an alternate be appointed to the Hearing Panel.

Guidelines for Hearing

Hearings shall be conducted according to the following guidelines:

- The Chair of the Hearing Panel shall preside over the hearing and make decisions regarding procedures. The Chair's procedural decisions shall be final. In the hearing involving more than one (1) accused student the Chair may conduct separate hearings for each student.
- Hearings shall be closed and confidential. All witnesses shall be excluded from the hearing except when testifying. (Moved from Procedure 4F10(b))
- Admission of any person to the hearing shall be at the discretion of the Chair.
- The Chair shall call the hearing to order, introduce the parties, announce the purpose of the hearing, and read the alleged violation(s) aloud.
- The accused student(s) shall be given the opportunity to respond to all charges. He/she shall be provided an opportunity to present his/her own defense against the charges and to produce either oral testimony or written affidavits of witnesses on his/her behalf.
- The College, the accused, and the Hearing Panel shall have the privilege of presenting witnesses, subject to the right of cross-examination. Witnesses shall only be identified at the hearing.

- Formal rules of evidence shall not apply. All relevant evidence is admissible, including, but not limited to, statements of witnesses and relevant documents. The Chair shall decide on these matters.
- Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the Hearing Panel at the discretion of the Chair. Both parties shall be provided the opportunity during the hearing to refute or contest any evidence presented. The Chair will rule on the admissibility of evidence.

Right to Representation

The student(s) and the staff member(s) may represent themselves, or may be represented by another student or staff member.

Right to Advisor

The student(s) have the right to be assisted by any advisor they choose. However, the advisor, while permitted to attend the hearing, shall not be permitted to participate directly in the proceedings. In other words, the advisor shall not be allowed to address the Hearing Panel, cross-examine witnesses, or make arguments on behalf of his/her advisee.

Each party shall be afforded the opportunity to make a closing argument. After the hearing, the Student Conduct Hearing Panel shall deliberate in private for the purpose of determining whether the accused has violated the Student Conduct Code sections(s) as charged.

The Hearing Panel shall make its decision and/or recommendation(s) based on the preponderance of evidence presented at the hearing. In situations where a consensus cannot be achieved, the decision or recommendation(s) shall be made by a simple majority vote.

There shall be a single verbatim record, such as a tape recording, of all testimony before the Hearing Panel. The record shall be the property of the College and/or District. The hearing shall be held whether the accused attends or not so that the charges and supporting evidence become part of the official record.

Procedures Subsequent to Hearing

Notifications

Within five (5) instructional days of the hearing date, the Hearing Panel shall recommend action to the College President in writing.

Upon receipt of the Hearing panel recommendation(s), the College President shall render a decision within five (5) instructional days and communicate that the decision, in writing, to all parties involved.

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

In cases of expulsion, the Chancellor or designee shall recommend action to the Board of Trustees after receiving the College President's recommendation and support documentation, including the Hearing Panel's recommendation and the hearing record.

After Board action, the Chancellor or designee shall notify the student by registered mail and return receipt requested. The expulsion may be for a specified or unspecified time and shall be from the Colleges, programs, and activities of the District.

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 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.

Appeals

Under certain circumstances, the accused has the right to appeal the College President's decision. The appeal may be made on the following grounds only:

The Student Conduct Policy and/or Procedures were violated, and the violation resulted in demonstrable unfairness to the accused; or

Relevant new evidence exists which was previously unavailable and which would substantially affect the findings of the Hearing Panel.

Appeals must specify the grounds for the appeal and must be submitted in writing to the College President within:

Five (5) instructional days of written notification of the decision when delivered in person with a signed receipt, or Eight (8) instructional days of written notification of the decision when sent by registered mail and return receipt requested.

Following a review, the College President may affirm the findings or sanction(s), remand for a full or partial rehearing, modify the sanction(s), or dismiss the charge(s) against the student(s). Within ten (10) instructional days after receipt of the written appeal, the College President shall forward to the student(s) and to all parties involved a written notice of his/her decision regarding the appeal. The decision of the College President is final.

Confidential File

Establishment of Confidential File

A confidential file shall be established on all student(s) who have been found to be in violation of the Conduct Code.

All reports, records, transcripts, tapes, etc., that are made a part of the hearing shall be retained in the office of the appropriate Vice President and such reports, records, transcripts, tapes etc., made a part of the hearing shall be held confidential, except as required by law.

A confidential file shall be established on student(s) involved in District related incidents investigated by campus security and/or law enforcement personnel. Denial of specified privileges for a designated period of time.

STUDENT COMPLAINT PROCEDURES

The student is encouraged to pursue academic and occupational studies and other college sponsored activities that will promote his/her intellectual growth, career aspirations, or personal development. In pursuing these ends, the student should be free of unfair and improper action by any member of the academic community. When a student feels that he/she has been subjected to unfair and improper action or denied his/her rights by a member of the academic community, he/she can seek redress according to the following procedures. Student complaints may be initiated by a student against another student, an instructor, an administrator, or a member of the classified staff.

The procedure are established so that students can resolve difficulties/problems they encounter in College-related activities. The Student Complaint policy is designed to consider an alleged wrong against a student. Efforts will be made to resolve a complaint in a timely and fair manner. Students who contend they have been treated unfairly have the right, without fear of reprisal, to use a written procedure in their attempt to right an alleged wrong.

Student complaints are taken seriously; therefore, the complaint must be of a compelling, substantive, and verifiable nature. Repeated filings of the same complaint, filings of a frivolous nature, or capricious complaints against school personnel will be considered abuse of the student conduct and/or complaint process.

Such repeated filings will be referred to the College President for a decision.

These procedures apply to Student Complaints such as:

- Course content
- Access to classes
- Verbal or physical abuse by faculty, staff, or student(s)
- Faculty member refusal to confer with students
- Harassment

These procedures do not apply to student complaints which involve:

- Unlawful Discrimination (See policy 11D4)
- Sexual Harassment (See policy 11D2)
- Assignment of grades (See policy 4C4C for final grade changes)

Assignment of Grades

Title 5, Section 55760

1. The instructor of each course determines the grade to be awarded each student.
2. The determination of the student's grade by the instructor shall be final in the absence of mistake, fraud, bad faith, or incompetence.
3. A judgment to change or expunge a grade for reasons of fraud, bad faith, or incompetence shall be made by the appropriate Vice President after consultation with the student, the instructor, and the Division/Department Chair.
4. All parties noted above will be notified in writing of any changes.
5. Reasons for any grade change will be documented.

General Complaint Procedure

- Filing of complaint against any party is a serious undertaking.
- Prior to filing a written complaint, and within ten (10) days of the incident leading to the complaint, the student(s) should contact the staff member involved in an attempt to orally resolve the issue.
- If this attempt is not feasible or does not resolve the problem, the student(s) may initiate Level I action by contacting the appropriate administrator.
- Complaints may not be filed after ninety (90) instructional days from the date of the incident leading to the complaint.
- If a complaint is filed within the last thirty (30) instructional days of the semester or the last ten (10) instructional days of summer school, the appropriate administrator may delay any further action on the complaint until the next semester.
- In the event of a group complaint, at most two (2) students shall be chosen to carry the complaint forward.
- Notices sent to the last address in the College records and deposited in the United States mail, postage prepaid, shall be presumed to have been received and read. It is the student's responsibility to ensure that contact information is current at all times.
- All formal level proceedings are recorded using audio and/or video recorders by the appropriate administrator. To protect the integrity and confidentiality of the proceedings, no other recording or transcription is allowed.
- Recordings are confidential and the exclusive property of the College/District. Recordings become part of the complaint file and are maintained by the designated administrator.

Level I Complaint Procedure

1. The student(s) should contact the office of the staff member's immediate supervisor/designee. At the time of contact, the student(s) should complete and submit a Level I "Initial Student Complaint Form", which will be available in the supervisor's office. The student(s) will be given an appointment to meet with the immediate supervisor/designee at this time. The appointment to meet shall be within ten (10) instructional days of notice of the occurrence of the alleged incident.
2. At the time of the appointment, the student(s) and the immediate supervisor/designee will attempt to resolve the issue in a satisfactory manner. All Level I conferences may be tape recorded with the concurrence of both parties. (These recordings shall be the exclusive property of the College/District and shall become part of the complaint file.) If the complainant fails to appear for the scheduled appointment, the Level I complaint process shall be terminated and the complainant shall have no further recourse.
3. Subsequent to the student(s) meeting with the immediate supervisor/designee, the latter shall meet and confer with the staff member(s) involved in an effort to resolve the complaint. If possible, this meeting shall be within five (5) instructional days of the student(s) meeting with the immediate supervisor/designee.
4. After meeting with student(s) and staff member(s), the immediate supervisor/designee shall notify the parties involved of his/her suggestion for resolution. If this resolution is acceptable to the complainant(s), the immediate supervisor/designee shall complete the Level I "Information /Disposition Form" and submit copies of it to the complainant(s), the staff member(s) and maintain the original in a suitable file.

5. If the immediate supervisor/designee does not resolve the complaint to the complainant's satisfaction, the complainant may, within ten (10) instructional days of the decision, file with the appropriate administrator a request to move the complaint to Level II.
6. At the written request of the student(s), action on the complaint may be delayed until the term of the class is completed. In this event, the appropriate administrator may delay any further action on the complaint until the next semester.
7. In the event of a group complaint, at most (2) students shall be chosen to carry the complaint forward.

Level II Complaint Procedure

1. Under certain circumstances, and in the interest of fairness to all parties, the immediate supervisor/designee may refer the complaint to Level II immediately. The immediate supervisor/designee shall notify the student(s), staff member(s) and appropriate administrator when the referral has been made to Level II.
2. If the complainant(s) choose(s) to move the complaint to Level II, he/she/they must complete a "Request to Appeal from Level I Recommendation" form.
3. (Within ten (10) instructional days of receiving the request (either the immediate supervisor's/designee's referral or the student(s)' appeal), the appropriate administrator shall investigate the allegations and convene a conference of the student(s), the staff member(s), and the staff member(s)' immediate supervisor/designee.
 - All Level II conferences shall be tape recorded by the appropriate administrator. These recordings shall be the exclusive property of the College/District and shall become part of the complaint file.
 - If a complaint is filed within the last thirty (30) instructional days of the semester or the last ten (10) instructional days of summer school, the appropriate administrator may delay any further action on the complaint until the next academic term.
 - The student(s) bringing the complaint and the staff member(s) being complained against must be present at this conference. Under compelling circumstances, this meeting may involve teleconferencing. At this meeting, an attempt will be made to resolve the issue(s) and agree upon the remedy.
 - If a complaint is filed within the last thirty (30) instructional days of the semester or the last ten (10) instructional days of summer school, the appropriate administrator may delay any further action on the complaint until the next academic term.
4. Following this Level II conference, the appropriate administrator shall, within five (5) instructional days, provide his/her written decision and the basis for the decision. Copies of this decision shall be sent to the student(s), the staff member(s), the immediate supervisor/designee, and the appropriate Vice President.
5. The student(s) bringing the complaint and/or staff member(s) being complained against may challenge the Level II decision by proceeding to Level III.

Level III Complaint Procedure

1. If the student(s) and/or the staff member(s) challenge(s) the Level II decision, he/she/they must file a written appeal (See "Request to Appeal from Level II Recommendation" form) within ten (10) instructional days of notification of the Level II decision. This Level III appeal

shall be filed with the appropriate Vice President.

2. The appropriate Vice President must be provided with copies of all written materials, recordings, and any other documents generated regarding the complaint at Levels I and II.
3. The purpose of Level III is to make one last attempt to resolve the issues to the satisfaction of the parties involved. To that end, the appropriate Vice President shall, within ten (10) instructional days of receiving the referral, assemble the complainant(s), the staff member(s), the appropriate administrator from Level II, and the immediate supervisor/designee. (This meeting shall be tape recorded by the appropriate Vice President. These recordings shall be the exclusive property of the College/District and shall become part of the complaint file.)
4. If the appropriate Vice President is able to resolve the difference(s)/complaint(s), such resolution shall be established in written form and shall be validated by the signatures of all parties involved. This agreement shall become part of the file and copies of same shall be made available to the complainant(s), staff member(s), appropriate administrator, and immediate supervisor/designee.
5. If the appropriate Vice President is unable to resolve the differences/complaint(s), he/she shall assemble the Hearing Panel within ten (10) instructional days of that determination. He/she shall provide the Hearing Panel with the procedure to be used and answer any procedural questions which may arise.

[See Student Complaint Hearing Panel **Procedure 4F 10(b)**]

Student Complaint Hearing Panel Procedures

Basis for Hearing

The Student Complaint Procedures are established so that students can resolve difficulties/problems which they encounter in College related activities. Student complaints are taken seriously. Therefore, the complaint must be of a compelling, substantive, and verifiable nature. If the complaint cannot be resolved at Levels I, II or III, then a Hearing Panel shall be convened to hear the student complaints that reach Level IV.

The Hearing Panel

Each College shall appoint a Standing Committee from which a panel will be chosen to hear student complaint appeals beyond Level III of the Student Complaint Procedures. The College standing committee shall be composed of eight (8) members. Faculty and staff members are appointed for two years and student membership is appointed for one year:

- Two (2) faculty members appointed by the Academic Senate President
- Two (2) classified staff appointed by the CSEA or Classified Senate President
- Two (2) students appointed by the Associated Student Body President
- Two (2) administrators appointed by the College President

Composition of the Hearing Panel

The non-voting Chair of the Hearing Panel (not a Standing Committee member) shall be appointed by the College President. The Student Complaint Hearing Panel shall be composed of selected members of the Standing Committee and an ad hoc member as follows:

1. If the complaint is against a faculty member, the Hearing Panel shall consist of:

- Two (2) faculty members
- One (1) student member
- One (1) classified member
- One (1) administrator
- One (1) ad hoc voting member appointed by the Academic Senate President

2. If the complaint is against an administrator, the Hearing Panel shall consist of:

- Two (2) administrators
- One (1) student member
- One (1) faculty member
- One (1) classified member
- One (1) ad hoc voting member appointed by the College President

3. If the complaint is against a classified staff member, the Hearing Panel shall consist of:

- Two (2) classified members
- One (1) faculty member
- One (1) administrator
- One (1) student member
- One (1) ad hoc voting member appointed by the CSEA or Classified Senate
- President

Student Complaint Hearing Panel Procedures

Notifications

When a Student Complaint Hearing Panel is to be convened, the appropriate administrator shall prepare and personally deliver or mail a written notice to the parties involved, including the Hearing Panel members, not less than ten (10) instructional days prior to the hearing. Notices personally delivered shall be evidenced by a signed receipt. Notices sent to the last address available in the records of the College and deposited in the United States mail, postage prepaid, return receipt requested, shall be presumed to have been received and read.

The notice shall specify the date, time, and place of the hearing and shall include all data pertinent to the complaint from Levels I, II and III, the Student Complaint Policies and Procedures, and these Hearing Panel Procedures. The notice shall also include a statement apprising each party of his/her/their right to: (1) self-representation or representation by a member of the College staff or student body, (2) present witnesses, and (3) cross-examine witnesses presented by the opposing party.

Hearing Preparation

The appropriate administrator shall be responsible for making the necessary arrangements for the hearing. Arrangements shall include scheduling a room, providing for a tape recorder, providing notice to the parties as provided above; notifying members of the Hearing Panel, and any other arrangements.

Either the student(s) or the staff member(s) complained against may challenge any member of the Hearing Panel for cause. Grounds for cause include any personal involvement in the situation giving rise to the grievance, any statement made on the matters at issue, or any other act or statement indicating that a person could not act in an impartial manner. Any challenge must be made in writing, not less than five (5) instructional days prior to the hearing. Challenges shall be considered by the appropriate administrator. If a challenge is upheld, the appropriate administrator shall direct that an alternate be appointed to the Hearing Panel.

Right to Representation

The student(s) and the staff member(s) may represent themselves, or may be represented by another student or staff member. Neither the student(s) nor the staff member(s) may be represented by any person not in the College community. Neither the student(s) nor the staff member(s) may be represented by an attorney acting in the role of legal advocate.

Right to Advisor

The student(s) and the staff member(s) have the right to be assisted by any advisor they choose. The advisor may be an attorney. However, the advisor, while permitted to attend the hearing, shall not be permitted to participate directly. In other words, the advisor shall not be allowed to address the Hearing Panel, cross examine witnesses, or make arguments on behalf of his/her advisee.

Guidelines for Student Complain Hearings

Hearings shall be conducted by the Hearing Panel according to the following guidelines:

The Chair of the Hearing Panel shall preside over the Hearing and make decisions regarding procedure. The Chair's procedural decisions shall be final. In hearings involving more than one (1) accused student, the Chair may conduct separate hearings for each student.

All proceedings of the hearing shall be recorded using audio and/or audio video recorders. The recording of the Hearing shall be the exclusive property of the College and the Kern Community College District and shall be maintained by the appropriate administrative officers. To protect the integrity and confidentiality of the proceedings, no other recording or transcription shall be allowed. All hearings shall be closed. All witnesses shall be excluded from the hearing except when testifying. Admission of any person to the hearing shall be at the discretion of the Chair.

The Chair shall call the hearing to order, introduce the parties, and announce the purpose of the hearing, e.g., "This Hearing meets pursuant to **Level III of the Student Complaint Procedures** to hear a complaint brought by _____ against _____, and make findings of fact and recommendations for action to the College President.

The Chair shall distribute copies of the written complaint to the Hearing Panel members, read the

complaint aloud, and ask the parties if they have reviewed the allegations. The Chair shall explain the procedures to be followed during the hearing.

The Hearing Panel may consider only allegations filed by the student(s) at Levels I and II of the Student Complaint Procedures.

The complainant, the staff member(s) being grieved against, and the Hearing Panel shall have the privilege of presenting witnesses, subject to the right of cross-examination. Witnesses shall only be identified at the hearing. The panel Chair shall retain the right to limit the amount of time allowed for the complainant's case, rebutting evidence, argument, examination of witnesses and the number of witnesses. Each side must, however, be granted equal time to present their cases.

Each party shall be afforded the opportunity to make an opening statement. This statement may not exceed five (5) minutes in length. After the opening statements, each party shall have the opportunity to present relevant evidence and testimony.

Formal rules of evidence shall not apply. All relevant evidence is admissible, including, but not limited to, statements of witnesses and relevant documents. The Chair shall decide on these matters. The student(s) has (have) the burden of proving that the allegation(s) is (are) true. The student(s) will present evidence in support of the allegation(s) first. Subsequently, the staff member(s) may present evidence to refute the allegation(s).

Each party shall be afforded an opportunity to make a closing statement. This statement may not exceed five (5) minutes in length. The complainant shall close first. Subsequently, the Hearing Panel shall retire to deliberate with only the members of the panel and the panel chair present.

The Hearing Panel shall make its decision and/ or recommendation(s) based on the preponderance of evidence presented at the hearing and relevant to the allegations filed at Levels I and II of the Student Complaint Procedures. In situations where a consensus cannot be achieved, the decision or recommendation(s) shall be made by a simple majority vote.

Procedures Subsequent to the Student Complaint Hearing

Notifications

Within five (5) instructional days of the hearing, the Chair shall deliver to the College President the written recommendation(s) arrived at by consensus or by majority vote of the panel members. Minority opinion(s) may be attached to the majority report. The recommendations to the College President are advisory.

Within five (5) instructional days of receiving the Hearing Panel's recommendation(s), the College President shall render a decision. This decision shall be communicated, in writing, to the complainant(s), the parties grieved against, appropriate supervisor(s) and administrator(s), and the Hearing Panel Chair and members. The decision of the College President is final.

Confidentiality of Records

All reports, records, transcripts, tapes, etc., which are made a part of the hearing shall be retained in the office of the appropriate Vice President. All such reports, records, transcripts, tapes, etc., shall be held confidential except as required by law.

Complaint Process Notice

Most complaints, grievances, or disciplinary matters should be resolved at the campus level. This is the quickest and most successful way of resolving issues involving a California Community College (CCC). You are encouraged to work through the campus complaint process first before escalating issues to any of the following resources. Issues that are not resolved at the campus level may be presented:

- To the Accrediting Commission for Community and Junior Colleges (ACCJC) at <http://www.accjc.org/complaint-process> if your complaint is associated with academic program quality and accrediting standards. ACCJC is the agency that accredits the academic programs of the California Community Colleges.
- To the CCC Chancellor's Office by completing the web form, available at <http://www.californiacommunitycolleges.cccco.edu/complaintsForm.aspx#complaintForm>, if your complaint does not concern CCC's compliance with academic program quality and accrediting standards.

SEXUAL HARRASSMENT POLICY

The Kern Community College District is committed to providing an academic and work environment free of unlawful harassment that respects the dignity of individuals and groups. Sexual harassment is a violation of Title IX of the Education Act Amendment of 1972, Title VII of the Civil Rights Act of 1964, and California Education Code Sections 210 through 214, inclusive. The District strongly prohibits sexual harassment in any form, whether verbal, physical, visual, written, or environmental by someone from, or in, the work or educational setting.

Any student who engages in sexual harassment of someone from, or in, the work or educational setting may be subject to discipline, up to and including expulsion.

1. As used in this policy and regulation, "sexual harassment" consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of sexual nature made by someone from, or in, the work or educational setting when:
 - a) Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, progress, internship, or volunteer activity.
 - b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
 - c) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
 - d) Submission to, or rejection of, the conduct by the individual is used as the basis of or any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

1. For the purpose of further clarification, sexual harassment may include, but is not limited to, unsolicited verbal, physical, visual, written, and/or environmental conduct with sexual overtones.
 - a) Verbal may include, but is not limited to, inappropriate or offensive remarks, slurs, jokes, or innuendoes.
 - b) Physical may include, but is not limited to touching, assault, coercion, kissing, leering, or physical interference with free movement.
 - c) Visual or written may include, but is not limited to, display of sexually suggestive objects or pictures, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.
 - d) Environmental may include, but is not limited to, unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment that may alter, or unreasonably interfere with the learning or work environment and an individual's performance.
2. Continuing to express sexual interest in a pervasive and persistent manner after being informed that the interest is unwanted. Reciprocal attraction is not considered sexual harassment.
3. The District strictly prohibits retaliation or reprisal against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of policy. This policy applies to:
 - a) All aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity.
 - b) All terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

SEXUAL HARASSMENT PROCEDURE

Policy 11D2A

The Board of Trustees of the Kern Community College District and Porterville College will not tolerate any behavior which constitutes sexual harassment of staff or students. It is the policy of Kern Community College District and Porterville College that members of the college community, including visitors, guests and contractors, may not be sexually harass another person employed or contracted to do business by or on District property.

Sexual harassment is defined as:

Unwelcome sexual advances; requests for sexual favors; and/physical conduct or oral/written communication of an intimidating, hostile, or offensive sexual nature where:

Submission to such conduct is made wither explicitly or implicitly; a term or condition of employment or a student's status in a course, program, or activity;

Submission to or rejection of such conduct is used as a basis for employment decisions or as a basis for academic or other decisions affecting a student; or

Such conduct has the purpose or effect of substantially interfering with an employee's work performance or a student's educational experience, or creates an intimidating, hostile or offensive working or academic environment.

The Kern Community College District and Porterville College is committed to maintaining a working and educational environment free of sexual harassment. An employee or student may be subject to disciplinary action for violations of this policy.

Procedures

When an allegation of sexual harassment is brought to the attention of a supervisor, whether reported by the individual who is the subject of the alleged harassment, or by a witness, the supervisor shall report the allegation to the College Human Resources Manager. The College Human Resources Manager shall investigate the allegation according to Procedure 7D4A.

Any student who feels that he or she is being harassed is urged to notify any of the following responsible officers: Instructor, Counselor, Department/Division Chair, Dean, Vice President, or Title IX Coordinator.

Unlawful Discrimination

A complaint of alleged unlawful discrimination may be filed within one year of the alleged discrimination. For Complaint forms or additional information, contact one of the following:

Human Resources Manager

Title IX Investigator
100 E College Ave
Porterville, CA 93257
559-791-2215

Additional inquires pertaining to federal, state, and local equal opportunity laws, and the governing board policies of Porterville College or Kern Community College District (KCCD Board Policy Section 11-D) may be directed to the following office:

Vice Chancellor Human Resources

Title IX Coordinator
Kern Community College District
2100 Chester Avenue
Bakersfield, CA 93301
661-336-5140

STUDENT PARKING REGULATIONS

Students must purchase a parking permit to park on the Porterville College campus. Parking permits are available for purchase online at www.permitsales.net/PortervilleCollege.edu. One-day parking permits can be purchased at the parking kiosk in the Student Center for \$1.00. A current parking permit shall be displayed at all times in or on all vehicles parked in all Porterville College parking lots.

Parking permits are valid only when displayed in the proper manner in/on the vehicle. Proper posting of permits is on the driver's side, lower left side of the windshield. Vehicles parking at Porterville College must be in a designated parking stall, face forward, within the two painted lines and not over the front painted limit line. Limited time (30 minutes) visitor parking is provided at the front of the college. Porterville College staff and/or students are NOT visitors or guests. Guests/visitors using limited time parking do not require parking permits.

In case of extended visits, guest/visitor parking permits may be obtained at the Information Desk in the Academic Center. The completed guest/visitor parking permit shall be placed in plain view atop the left side of the dash.

All parking permits are the responsibility of the holder and/or purchaser and will not be replaced if lost or stolen. Report lost/ stolen permits to campus security and complete an incident report, available from campus security or the Information Desk.

No person shall drive, park or leave standing any motor vehicle, motorcycle, moped or motor-driven cycle upon any area not designated for motor vehicle use including any lawn, athletic field, practice area, or sidewalk.

Read and obey all traffic and parking signs and markings.

Anyone receiving a citation is allowed to file an appeal contesting the action. Information is listed on the back of the citation and on the college website. The decision from a written appeal is final. Minimum fine for citations issued is \$25.00.

Parking Defined: To park or leave standing any type of vehicle, whether occupied or not, other than the purpose of, or while actually engaged in, loading or unloading passengers and/or equipment. Vehicles shall not be parked or left standing, even though occupied by driver and/or passenger in a loading zone, disabled zone, limited-time zone or any other limited or restricted parking zone, other than that time specified by signs and/or curb markings, or areas not designed for use.

Parking Zones:

- Staff Only Parking: Staff parking zone is reserved for Porterville College staff with a valid staff or adjunct parking permit
- District Only Parking Zone: Reserved for campus fleet and KCCCD vehicles
- Law Enforcement Only Parking: Reserved for the exclusive use of public law enforcement vehicles.
- Orange Curbed Zone: District parking zone for "E" (exempt) district vehicles only.
- Yellow Curbed Zone: Reserved for the exclusive use of public carriers and/or school buses.
- Yellow Posted Zone: Reserved for the exclusive use of district vehicles; loading/unloading passengers (3 minutes); loading/unloading of materials only (30 minutes maximum). May be

- used by employees, students, visitors and/or vendors.
- Green Zone: For the exclusive use of guests and visitors only, limited to 30 minutes. Other special parking permits may be requested at the Office of Admissions and Records.
- Red Zone: No parking any time – tow away zone.
- Blue Zone: Reserved for the exclusive use of disabled parking.

STUDENT COMPUTER AND NETWORK USE

The Kern Community College District shall provide computing and network resources that benefit faculty, staff, and students and support the instructional and administrative activities of the Colleges and the District. The District is committed to policies which promote the mission of the Colleges and encourage respect for the rights of individuals. These policies shall apply to all individuals using College and District computing and network resources, regardless of access method.

Computing and network resources and all user accounts provided by the Kern Community College District are the property of the Kern Community College District. Access to College/District computing and network resources is a privilege that may be wholly or partially restricted by the Kern Community College District without prior notice and without the consent of the user if required by and consistent with policy or law, when there is substantiated reason to believe that violations of policy or law have taken place, or, in exceptional cases, when required to meet time dependent, critical operational needs.

Definition of Kern Community College District Computing and Network Resources includes, but is not limited to: Any computer, including a laptop computer, that is: Owned, leased, or rented by the Kern Community College District Purchased with funds from a grant awarded to the Kern Community College District. Borrowed by the Kern Community College District from another agency, company, or entity.

Any electronic device other than a computer that is capable of transmitting, receiving, or storing digital media and is: Owned, leased, or rented by the Kern Community College District; purchased with funds from a grant awarded to the Kern Community College District; borrowed by the Kern Community College District from another agency, company, or entity.

Electronic devices include, but are not limited to:

- Telephones
- Cellular Telephones
- Push-to-Talk Radios
- Pagers
- Radios
- Digital Cameras
- Personal Digital Assistants such as Palm Pilots and Smart Phones
- Portable storage devices such as USB thumb drives
- Portable media devices such as iPods and MP3 players
- Printers and copiers
- Fax machines

Any component that is used to build or support the Kern Community College District network including, but not limited to:

- Routers
- Switches
- Servers

- Enterprise Storage Systems
- Microwave Components
- Firewalls
- Cabling Infrastructure
- Wireless Access Points and Controllers
- Telephone Switches
- Voicemail Systems
- Network Management and Monitoring Systems

1. Inappropriate Use.

- a.) The use of computing and network resources for cheating, plagiarism, furnishing false information, other acts of academic dishonesty, or malicious behavior that interferes with meeting College/District educational mission is prohibited.
- b.) The use of computing and network resources shall not interfere with the world of employees or students nor disrupt the normal operation of the Colleges/District.
- d.) Computing and network use that monopolizes resources; network use that creates unnecessary network traffic; broadcast of inappropriate electronic mail and messages; transmission of electronic chain letters or other requests for money; and distribution or circulation of media known or suspected to contain computer viruses are prohibited.
- e.) Copying, distributing (either free or for money gain), or receiving copyrighted software or electronic information without paying the specified royalty (U.S. copyright laws) are prohibited.
- f.) Unauthorized computing and network account sharing is prohibited.
- g.) Attempts to gain unauthorized access to any computer or network resources are prohibited.
- h.) Unauthorized commercial or business use of Colleges/District computing and network resources for individual or private gain is prohibited.
- i.) Use of Colleges/District computing and network resources to intentionally transmit, receive, display or copy obscene, pornographic, discriminatory or harassing materials not related to coursework or research is prohibited.
- j.) Use of Colleges/District computing and network resources to access or attempt to access students or employee information for any purpose not specifically job-related violates state and federal laws and is prohibited.
- l.) The Electronic Communications Privacy Act (federal law) includes electronic mail and messages in the same category as U.S. mail and telephone calls, and defines unauthorized attempts to access another user's information as unlawful behavior. Such behavior is prohibited.

Acceptable Use Policy

By logging onto a computer on campus the user agrees to the Acceptable Use Policy. The computer system is the property of Porterville College and the Kern Community College District. It is for authorized use only. By using the system, all users acknowledge notice of, and agree to comply with, the District's Computing and Network Use Policy, available at <https://www.kccd.edu/aup>.

The District reserves the right to monitor all use of District network and computer systems and users have no expectation of privacy in the use of District network and computer resources.

Unauthorized or improper use of this system, may result in disciplinary action up to and including but not limited to: loss of computer/network privileges, disciplinary suspension, termination from employment, expulsion, or civil or criminal legal action. By continuing to use the system the user indicated awareness of and consent to the term and condition.

PROCEDURE FOR APPROVAL OF POSTING FLIERS ON CAMPUS

Anyone wishing to post or place a flier on Porterville College property shall first contact the Office of the Vice President of Student Services for approval *prior* to posting. Student Body Club postings may be approved by the Director of Athletics and Student Programs. Fliers are not to be placed in doorways, main entrances or exits to buildings and should only be placed on surrounding window areas with glass surfaces as appropriate. Please refrain from posting in all other locations (i.e. light poles in parking lots, metal columns, etc.), and promptly remove once flier has expired, including all tape and residue. Thank you for your assistance in keeping our campus safe and clean.

DRUG FREE CAMPUS

At Porterville College, it is recognized that an academic community is harmed in many ways by the abuse of alcohol and the use of other drugs. Decreased productivity of members of the community, serious health problems, and strained social interactions are all possible products of such abuse. Problems associated with the illicit use and abuse of substances have a pervasive impact upon an academic community and are not associated with a singular socioeconomic group or age level. The processes of education and learning are especially impaired by alcohol abuse and the use of illicit drugs.

The foundation of the philosophy concerning alcohol and drug abuse for Porterville College is a firm commitment to an educational program, which provides adequate information and counseling to make informed and responsible decisions concerning the use of any controlled substance. The college is committed to a healthy environment for learning and living.

HEALTH RISKS

Alcohol Abuse

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increases the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawals can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

Drug Abuse

The legal term for illegal drugs is “controlled substances.” These are drugs that may not be used without proper medical authorization. Some adverse effects of controlled substances are as follows:

Category	Types of Drugs/Trade Names Included in Category	Possible Effects
Narcotics	Opium, Morphine, Heroin	Drowsiness, Constricted Pupils, Nausea, Convulsions, Coma, Possible Death
Depressants	Barbiturates, Valium, Quaaludes	Slurred Speech, Disorientation, Dilated Pupils, Weak and Rapid Pulse, Possible Death
Stimulants	Cocaine, Amphetamines, Ritalin	Increased Pulse Rate and Blood Pressure, Insomnia, Loss of Appetite, Hallucinations, Convulsions, Possible Death
Hallucinogens	LSD, Mescaline, PCP	Illusions, Poor Perception of Time and Distance, Psychosis, Possible Death
Cannabis	Marijuana, THC, Hashish	Relaxed Inhibitions, Increased Appetite, Disoriented Behavior, Fatigue, Paranoia

Policy

A prohibition against illegal drugs and alcohol for all students is contained in the *Standards of Student Conduct* adopted by the Board of Trustees. This document lists the following violations for which students are subject to disciplinary action:

The use, sale, possession, or being under the influence of alcohol or any other controlled substance prohibited by law, on campus or at any function sponsored or supervised by the College.

Smoking and/or the use of tobacco products inside all campus buildings and other unauthorized campus areas.

Treatment Services

Narcotics Anonymous 1-(877)-629-6759 (Help line)

Alcoholics Anonymous (661) 765-2630 or (661) 322-7025

STUDENT-RIGHT-TO-KNOW

In compliance with the federal Student Right-to-Know (SRTK) Act of 1990 (Public Law 101-542), it is the policy of Porterville College (PC) to publish its student completion and transfer rates. These rates are based on a limited cohort (or group) of students which are tracked for a three-year period. The cohort is limited because it includes only students who entered PC in the fall term as first-time, full-time students

seeking a degree, certificate or transfer. Students included in the 2012 SRTK Cohort were tracked from Fall 2012 through Spring 2015 to determine their academic outcomes during the time period.

A student is included in the **Completion Rate** if they attained a certificate or degree or became ‘transfer prepared’ within the three-year period. Transfer-prepared is defined as having completed 60 transferable units with a GPA of 2.0 or better.

A student is included in the **Transfer Rate** if, within the three-year tracking period, they transferred to another postsecondary institution prior to receiving a certificate or degree or becoming ‘transfer-prepared’.

The table below compares Porterville College’s Completion and Transfer Rates to the statewide community college average.

2012 SRTK Cohort	Completion Rate	Transfer Rate
Statewide	29.5%	10.9%
Porterville College	24.2%	7.1%

These rates do not represent the completion and transfer rates of the entire student population at Porterville College nor do they account for student outcomes occurring after the three-year tracking period. For further information on SRTK methodology, interpretation and rates at other community colleges, you can visit the CA Community College Chancellor’s Office web site at <http://srtk.cccco.edu/index.asp>.

Campus Crime Awareness

The following statistics are presented to inform students, families, and employees of the incidence of various crimes on the campus and in the Porterville College vicinity.

Crime Statistics

Criminal Offenses	2014	2015	2016
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses - Forcible	0	0	0
Rape	0	0	0
Fondling	0	0	0
Sex offenses - Non-forcible	0	0	0
Incest	0	0	0
Statutory rape	0	0	0
Robbery	0	1	0
Aggravated assault	0	1	2
Burglary	2	4	2
Motor vehicle theft	1	5	4
Arson	0	0	0

Hate Crimes	2014	2015	2016
Murder/Non-negligent manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor Vehicle theft	0	0	0
Arson	0	0	0
Simple assault	0	0	0
Larceny-theft	0	0	0
Intimidation	0	0	0
Destruction/damage/vandalism of property	0	0	0
VAWA Offenses			
	2014	2015	2016
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	0	0
Arrests			
	2014	2015	2016
Illegal weapons possessions	0	0	0
Drug law violations	1	1	1
Liquor Law violations	0	1	0
Disciplinary Actions			
	2014	2015	2016
Illegal weapons possessions	0	0	0
Drug law violations	0	0	0
Liquor Law violations	0	0	0
Unfounded Crimes			
	2014	2015	2016
Total Unfounded crimes	0	3	0

**CALIFORNIA PENAL CODE SECTION
290.01 REGISTRATION REQUIREMENT**

- 1) Commencing October 28, 2002, every person required to register under Section 290 who is enrolled as a student of any university, college, community college, or other institution of higher learning, or is, with or without compensation, a full-time or part-time employee of that university, college, community college, or other institution of higher learning, or is carrying on a vocation at the university, college, community college, or other institution of higher learning, for more than fourteen (14) days, or for an aggregate period exceeding thirty (30) days in a calendar year, shall, in addition to the registration required by Section 290, register with the campus police department within five (5) working days of commencing enrollment or employment at that university, college, community college, or other institution of higher learning, on a form as may be required by the Department of Justice. The terms "employed or carries on a vocation" include employment whether or not financially compensated, volunteered, or performed for government or educational benefit. The registrant shall also notify the campus police department within five (5) working days of ceasing to be enrolled or employed, or ceasing to carry on a vocation, at the university, college, community college, or other institution of higher learning.
- 2) If the university, college, community college, or other institution of higher learning has no campus police department, the registrant shall instead register pursuant to subdivision (a) with the police of the city in which the campus is located or the sheriff of the county where the campus is located if the campus is located in an unincorporated area or in a city that has no police department, on a form as may be required by the Department of Justice. The requirements of subdivisions (1) and (2) are in addition to the requirements of Section 290.
- 3) A first violation of this section is a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000). A second violation of this section is a misdemeanor punishable by imprisonment in a county jail for not more than six months, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine. A third or subsequent violation of this section is a misdemeanor punishable by imprisonment in a county jail for not more than one year, by a fine not exceeding one thousand dollars (\$1,000), or both the imprisonment and fine.

**PROCEDURES FOR REPORTING CRIMINAL ACTIONS OR OTHER EMERGENCIES
OCCURRING ON CAMPUS**

Porterville College is an open campus filled with people who care about each other. Because of its open accessibility, all students, faculty and staff are encouraged to exercise a sense of personal responsibility for their own safety and well-being, and the safety and well-being of others. While crime can happen anywhere, when we act as a community that knows and cares about the safety of others, ourselves and our property, we lessen the likelihood of being victimized, and we showcase our Pirate Pride. Porterville College has security officers that have previous law enforcement experience and receives specialized training in campus police and safety operations. Also, the campus uses cadet student interns enrolled in criminology classes to aid in parking enforcement and security. The college receives additional support from the Porterville Police Department and other agencies. For more information on campus safety, reporting an incident, and resource providers please view the respective links from this page. You can also follow campus safety & security on Porterville College's social media. Officer on campus Why is

there an officer on campus? We're glad you asked. Porterville College has partnered with the Porterville Police Department to increase security on campus. The college is always looking for ways to improve the safety and security of students, staff, and community members

Report any criminal or suspicious activities or other emergencies that occur on campus to the Security Office at 559-791-2440 or Information Desk 559-791-2200.

STUDENT INJURY - Response Procedures

Serious injury/illness

- Call 9-911 for immediate medical attention.
- Contact the College Nurse
- Contact the appropriate dean or administrator ASAP and follow-up with an Incident Report.

Non-emergency injury/illness

- Contact or refer student to the College Nurse.
- Complete an Incident Report.

Serious Work Related Injury/Illness

- Call 9-911 for immediate medical attention.
- Contact the College Nurse.
- Contact the appropriate dean or administrator ASAP and follow-up with an Incident Report.
- Report the injury to Human Resources immediately, but no later than the start of the next business day. You will be asked to provide report details such as: the student's name, address, phone, birth date, social security number, date/time of injury, time the injury was reported, witness name/address/phone, and injury details.

Campus Safety Tips

- Lock your car doors anytime you leave the car. It takes only seconds to lock and unlock your car doors, and these seconds can save you from being victimized.
- Don't leave obvious valuables in plain view in your car. Sometimes, temptation and availability is all that is needed to cause a would-be thief to attempt and complete a theft.
- Walk with a friend when out late at night, and walk on designated pathways and well-lit areas. There is truly safety in numbers.
- Keep emergency numbers in your phone.
- If you see something, say something. Report any criminal or suspicious activities or other emergencies that occur on campus to the Security Office or Information Desk

PORTERVILLE COLLEGE IS A NON-SMOKING CAMPUS (EXCEPT IN DESIGNATED AREAS)

Porterville College is a smoke-free campus except for officially posted designated smoking areas. In addition, the use of electronic cigarettes and smokeless tobacco in any form shall not be permitted in any classroom, other enclosed facility, or at any college activity, except for designated smoking areas.

EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

In accordance with the requirements of the Civil Rights Act, Porterville College provides services and benefits to students regardless of race, color, national origin, ancestry, gender, age, religion, marital status, medical condition or disability. The lack of English language skills will not be a barrier to administration and participation in vocational education programs. (Title VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 503 and 504 of the Rehabilitation Act of 1973, as amended and the Americans with Disabilities Act of 1990.)

All persons have the right to seek admission to and complete an educational program at Porterville College. Interference with students' access and successful completion of their education by any person through unlawful discriminatory conduct will not be tolerated. The college will initiate disciplinary action against persons found to have interfered with a students' education through any means of illegal or immoral intimidation.

Kern Community College District will afford reasonable accommodations for applicants and employees to enable qualified individuals to perform essential job functions. Students with disabilities will be accommodated to ensure accessibility and full participation in educational programs. To request reasonable accommodations, applicants and employees should contact the Human Resources Manager at 559-791-2457. Students should contact Disability Resource Center (DRC) at 559-791-2215.

Porterville College recognizes its obligation to provide overall program accessibility throughout the college for disabled persons. Contact the Section 504 Coordinator to obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by disabled individuals.

Primavera Arvizu

Vice President of Student Services
Section 504 Coordinator
100 East College Ave
Porterville, California 93257
(559)-791-2218