



Catalog 2014–2015

Addendum No.3

PROHIBITION HARASSMENT & DISCRIMINATION No. 3430 AP

Administrative Procedure 3430 – Prohibition of Harassment and Discrimination

Please disregard the language for Administrative Procedure 3430 found in the 2014-2015 catalog as it was published before the changes incorporated in this addendum.

References: Education Code §§212.5, 44100, 66010.2, 66030, and 66281.5; Title IX, Education Amendments of 1972, (20 U.S.C. §1681); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794); Title VI of the Civil Rights Act of 1964, (42 U.S.C. §2000e); Government Code §§11135-11139.5 and 12950.1; Title 5, §§59320 - 59339, and 59300 et seq.; 34 Code of Federal Regulations §106.8(b) Americans with Disabilities Act of 1990 (42 U.S.C. §12100 et seq.) Age Discrimination Act (42 U.S.C. §6101).

I. UNLAWFUL DISCRIMINATION

The District is committed to providing an academic and work environment free of unlawful discrimination. "Unlawful discrimination" is defined as discrimination, including harassment, based on age, ancestry, color, ethnic group identification, national origin, religion, race, gender, sexual orientation, physical or mental disability, veteran status or on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. The definition of "sexual harassment" and other terms are set forth below. This procedure describes the process for the investigation and resolution of complaints of unlawful discrimination by or against any employee or student within the District.

Failure to report harassment and discrimination impedes the District's ability to stop discriminatory behavior; the District strongly encourages employees and students who believe they are being harassed or discriminated against to file a complaint. The District also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be reviewed promptly, delay in filing impedes the District's ability to investigate and remediate. The District further encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste and/or inappropriate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination; the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

The District is legally obligated to investigate when it discovers the possibility that discrimination, including harassment, is, or may be occurring, regardless of whether a complaint is filed. The Vice President for Human Resources is charged with receiving complaints of discrimination or harassment, and coordinating their investigation. The actual investigation of complaints may be assigned by the Vice President for Human Resources to other staff or to outside persons or organizations under contract with the District. Such assignment shall occur whenever the Vice President for Human Resources is named in the complaint or implicated by the allegations in the complaint. All

employees shall cooperate with a District investigation into allegations of harassment or discrimination.

District Policy and Procedure No. 3430, "Prohibition of Harassment & Discrimination," will be available to all students and employees in hard copy and electronic format. Beginning January 1, 2010, new employees shall be required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt will be placed in each new employee's personnel file. In addition, these policies and procedures shall be incorporated into the District's course catalogs and orientation materials for new students.

II. DEFINITIONS

Disability. A physical or mental impairment as defined in Government Code, section 12926 which limits (makes difficult) one or more major life activities. A person may be considered disabled who has a record of such an impairment, or is regarded as having such an impairment.

Environmental Harassment. A hostile academic or work environment is one permeated by insults or abusive comments directed at an individual or group; or gratuitous comments regarding any of the protected categories, which are not relevant to the subject matter of the class or activities of the job. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected characteristics. An environment may also be hostile toward anyone who witnesses unlawful discrimination in his or her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's ability to learn or perform work duties.

Gender. Sex, including a person's gender identity and gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment.

Physical Harassment. Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to any physical intimidation or assault directed at an individual or group.

Protected Categories are those characteristics contained within the definition of unlawful discrimination: age, ancestry, color, ethnic group identification, national origin, religion, race, gender, sexual orientation, physical or mental disability, veteran status.

Sexual Harassment. Sexually harassing conduct can occur between people of the same or different genders. Such conduct includes unwelcome sexual advances, requests for sexual favors, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures, and other conduct of a sexual nature when:

- (a) submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;

- (b) submission to, or rejection of, the conduct by the individual is used as a 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; or
- (d) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the District.

There are two types of sexual harassment:

- (1) "Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.
- (2) "Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. A hostile environment can arise from continual sexual innuendo, an unwarranted focus on sexual topics, or sexually suggestive statements in the classroom or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile.

Verbal Harassment. Inappropriate or offensive remarks, slurs, jokes or innuendoes based on one or more protected categories. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; verbal abuse, threats or intimidation; or demeaning, patronizing or ridiculing statements that convey derogatory attitudes based on one or more of the protected categories.

Visual or Written Harassment. The display or circulation of visual or written material that degrades an individual or group. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

III. UNLAWFUL DISCRIMINATION & HARASSMENT COMPLAINTS (Title 5 §59328-59339)

A. Filing a Complaint

- (1) The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination or by one who has learned of such unlawful discrimination in his or her official capacity as a faculty member or administrator.
- (2) This Title 5 process will also be used to investigate and resolve complaints filed by a peer, family member or another third party. In the case of such third party complaints filed on behalf of an individual, the College District will require written consent from the injured party on behalf of whom a complaint is filed, including the scope of disclosure made to the complainant filer acting in the place and stead of the injured party. The College District will not require written consent in the case of third-party complaints filed on behalf of a class of individuals.
- (3) The College District encourages complainants to submit the complaint using a form prescribed by the California

Community College Chancellor's Office. The form must be completed in its entirety. The form is available from the office of the Vice President for Human Resources and [here](#). If a complaint of unlawful discrimination is presented in another written form, such as a letter, the College District will request that the complainant complete the form. However, if the complainant chooses not to do so, a legitimate complaint will not be dropped or ignored solely based on the failure to file the complaint on this form.

- (4) Any complaint not involving employment shall be filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation of unlawful discrimination.
- (5) Any complaint alleging discrimination in employment shall be filed within 180 days of the date the alleged unlawful discrimination occurred, except that this period shall be extended by no more than 90 days following the expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

B. Where to File a Complaint

The Unlawful Discrimination Complaint must be filed with the Southwestern Community College District Vice President for Human Resources; or the Chancellor of the California Community Colleges at 1102 Q Street, Sacramento, California 95811.

Any District employee who receives a harassment or discrimination complaint shall immediately provide a copy to the Vice President for Human Resources.

C. District Response to Complaint

Upon receiving an unlawful discrimination complaint, the District shall take action as follows:

- (1) **Defective Complaint:** Determine whether the complaint is properly filed and/or whether an investigation is required. If the District finds the complaint to be defective, it shall notify the complainant within ten (10) working days that the complaint has been rejected and specify in what requirement the complaint is defective.
- (2) **Informal Resolution:** If the complaint is properly filed, undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing informal counseling and/or training, etc. The complainant shall be advised that he or she need not participate in an informal resolution of the complaint. When informal resolution is reached to the satisfaction of the parties, the matter will be closed and the Chancellor's Office shall be notified.
- (3) **Additional Notifications:** All properly filed complaints not informally resolved will be investigated. Notify complainant that he or she may file a complaint with the Office of Civil Rights of the U.S. Department of Education. Employee complainants shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH). The District shall also notify the Chancellor of California Community Colleges of the complaint.
- (4) **Investigation:** The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.

- (a) Commence an impartial fact-finding investigation of the complaint and inform the complainant and the Chancellor's Office of the name of the investigator. The investigation will include interviews with the complainant, the injured party (if not the complainant), the accused, and any other persons who may have relevant knowledge concerning the complaint. This may include alleged victims of similar conduct.
- (b) Set forth the results in a written investigation report, including a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether there is probable cause to believe that discrimination did or did not occur with respect to each allegation in the complaint, and any other appropriate information.

(5). **Administrative Determination:** Within ninety (90) days from the date the District received the complaint, the District shall complete its investigation and issue the administrative determination of the Vice President for Human Resources as to whether there is probable cause to believe that harassment or other discriminatory conduct did or did not occur with respect to each allegation in the complaint. The complainant shall also be provided with a copy or summary of the investigation report (at the District's discretion), a description of action taken, if any, remedy the effects of the harassment or other discriminatory conduct and to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of his or her right to appeal to the District's Governing Board. The results of the investigation and the determination as to whether harassment or other discriminatory conduct occurred shall also be reported to the accused, and the appropriate academic or administrative official(s). Information provided to the complainant and the accused shall be prepared so as not to violate any applicable privacy rights of the accused.

- **Extensions of Time:** The District may request an extension of time in which to complete its investigation if it is unable to comply with the 90-day requirement for reasons beyond its control. The request shall be submitted to the Chancellor's Office no later than ten (10) days prior to the expiration of the deadline and shall set forth the reasons for the request and the date by which the District expects to be able to complete its investigation and issue an administrative determination. A copy of the request for an extension shall be sent to the complainant, who shall be notified that he or she may file written objections with the Chancellor within five (5) days of receipt. The Chancellor may grant the request unless delay would be prejudicial to the investigation.

(6) **Appeals to Governing Board:** If the complainant is not satisfied with the results of the administrative determination, he or she may, within fifteen (15) days, file a written appeal to the Governing Board. The appeal must be in writing, and must bear the complainant's name, original signature, address and telephone number. The appeal must include the reasons the administrative decision is not acceptable to the complainant. The Board shall review the original complaint, the investigative report, the administrative determination, and the appeal. The Board shall issue a final District decision within forty-five (45) days after receiving the appeal. If the Governing Board does not act within forty-five (45) days the administrative determination shall be deemed approved and shall become the final District decision. The District shall notify the complainant and the Chancellor's Office of the final District decision.

D. Results of Complaint

If the final District decision concludes that harassment, discrimination and/or retaliation occurred, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense. Although disciplinary actions are, and must remain, confidential, the nature of the disciplinary action imposed may be communicated to the complainant in some instances, including where the sanction relates directly to the complainant (or injured party) or where otherwise necessary for the complainant to determine whether the College District's remedial actions are sufficient to resolve the complaint.

Disciplinary actions against faculty, staff and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to remedy the effects of the harassment or other discriminatory conduct on the complainant (or injured party), to protect the complainant (or injured party) from further harassment, and/or discrimination, and to protect the complainant, injured party, and witnesses from retaliation as a result of communicating the complaint and/or assisting in the investigation.

IV. MANDATORY TRAINING

The Southwestern Community College District shall provide sexual harassment training and education to each supervisory employee once every two years. All new supervisory employees must be provided with the training and education within six months of their assumption of a supervisory position.

The training and education required by this procedure shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of harassment and discrimination in employment. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

Participants in training programs will be required to sign a statement that they have either understood the policies and procedures, their responsibilities, and their own and the district's potential liability, or that they did not understand the policy and desire further training.

STUDENT RIGHTS AND GRIEVANCES No. 5530

Administrative Procedure 5530 – Student Rights and Grievances

This is the most current draft version of Administrative Procedure 5530. This procedure is working its way through the shared governance process at this time, however, so this draft version includes all changes made to date. The changes from the 2014-2015 catalog are highlighted below.

Grade and grading disputes are addressed within Administrative Procedure 5530. While this procedure is working its way through the shared consultation process, students should refer to the “Student Grade Dispute Procedure – Section II” found in this procedure, unless the student is alleging discrimination, harassment, or related retaliation in grading.

Students should file complaints alleging unlawful discrimination, harassment, or related retaliation under Administrative Procedure 3430: Prohibition of Harassment and Discrimination.

References: Education Code, Section 76224(a); Title IX, Education Amendments of 1972; Title 5, Section 51023.7

Note: Complaints under Section 504 and/or Americans with Disabilities Act are made to the Section 504 Coordinator in Office of Student Services. Complaints of sexual harassment and other forms of unlawful discrimination are made to the Human Resources Compliance Coordinator in the Office of the Vice President for Employee Services

The student is encouraged to pursue academic studies and other college-sponsored activities that will promote intellectual growth and personal development. In pursuing these ends, the student should be free of unfair and improper action by any member of the academic community. A grievance may be initiated by a student when he/she believes he/she has been subject to an unjust action or denial of rights as stipulated in college regulations and in the state education and administrative codes. Such action may be instituted by the student against another student, faculty, administrator or staff member. A grievance must be initiated no later than the end of the term during which the incident occurred. Where a student believes an injustice has taken place, the student may seek resolution through the following procedures.

I. Student Grievance Procedures

A grievance may be initiated by a student when he/she believes he/she has been subject to an unjust action or denial of rights as stipulated in college regulations and in the state education and administrative codes. Such action may be instituted by the student against another student, faculty, administrator or staff member. A grievance must be initiated no later than the end of the term during which the incident occurred. Where a student believes an injustice has taken place, the student may seek resolution through the following procedures.

Grievances may include, but are not limited to:

- Harassment/Intimidation
- Discriminatory actions
- Arbitrary action or imposition of sanctions by a college representative

Grade and grading disputes are addressed within this administrative procedure, unless the student is alleging discrimination, harassment, or related retaliation in grading. Students should refer to the “Student Grade Dispute Procedure – Section II” found in this procedure.

The procedure does not apply to:

- Student Disciplinary records covered by Standards of Student Conduct procedure No. 5500.
- Police citations; complaints about citations must be directed to the Campus Police or San Diego County Superior Court in the same way as any traffic violation.
- Complaints alleging unlawful discrimination, harassment, or related retaliation should be filed under AP 3430 Prohibition of Harassment and Discrimination.
- Appeals for residency determination. Residency appeals are filed with Admissions and Records.
- Evaluation of professional competence, qualifications or job performance of any College District employee. The Dean of Student Services reserves the right to transfer the student grievance to the Vice President for Employee Services when deemed appropriate.

A grievance exists when such an error of offense has resulted in an injury or harm that may be corrected through this grievance procedure. As noted, there may be other procedures applicable to various other alleged injuries or harms, and this grievance procedure may not be the sole or exclusive remedy, and it may not be necessary to exhaust this process before presenting allegations to other College District or government agencies.

The Superintendent/President shall appoint the Dean of Student Services or his/her designee to assist students in seeking resolution.

Informal meetings and discussion between persons directly involved in the grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought to avoid persons involved in the case becoming polarized, which could render a solution more difficult to achieve.

At no time shall any persons directly or indirectly involved in the case use the facts, the information which has been discussed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute for any other purpose other than the settlement of the grievance.

The determination of whether the Report of Student Grievance presents sufficient grounds for review shall be based on the following:

- The grievant must be a student, which include applicants and former students.
- The grievant is personally and directly affected by the alleged grievance.
- The grievance was filed in a timely manner.
- The grievance is not frivolous, clearly without foundation, or filed for the purpose of harassment.

The Report of Student Grievance must include the following:

- A clear and concise statement of the grievance Name(s) of the individuals against who the grievance is being filed.
- Identify the resolution, corrective action or remedy being sought.
- Summary of actions already taken to attempt to resolve the issue.

The Report of Student Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official.

Preliminary Action Procedure

1. The student who believes an injustice has occurred shall attempt to resolve the grievance by informal consultation with the student, staff, faculty or administrator concerned.
2. If this proves to be less than satisfactory, the student will inform the School/Center Dean or Supervisor of the area, who shall attempt to resolve the grievance by informal consultation with the student, staff, faculty concerned.

Formal Grievance

3. If the student still believes that the issue has not been resolved satisfactorily through the informal resolution process, the student shall submit a completed "Report of Grievance" to the Dean of Student Services. In cases in which the College District Police Department has been involved or in which the situation has become an issue of safety, the preliminary actions need not be adhered to.
4. During the preliminary meeting with the Dean of Student Services, he/she shall confer with the student for the purpose of reviewing the grievance and attempting to resolve the matter.
5. The Dean of Student Services or designee may also obtain information relating to the grievance from other parties involved.

The Dean of Student Services will notify each party of the following actions being considered:

- Dismissal of the grievance for lack of merit.
- Agreement among parties to work towards an equitable solution.
- Remand of the case to a formal hearing. (Guidelines for Due Process on page 6)
- Charges are filed against the student for misconduct. (Standards of Student Conduct procedure No. 5500)

From the date the student is notified of the Administrator Dean of Student Services' decision, any request for a hearing to the Grievance and Order Committee must be received postmarked or hand delivered in three (3) working days. Appeals shall be made in writing and delivered to the Office of Student Services.

The Dean of Student Services shall arrange a review of the case by formal hearing to consider the disposition. Please see Guidelines for Due Process in this procedure.

II. STUDENT GRADE DISPUTE PROCEDURES

If a student feels that an instructor has **given him/her** issued a grade based on **prejudiced or** capricious action in the evaluation of the student's academic performance, the student must be able to substantiate the claim by showing evidence of a mistake, fraud, bad faith, and/or incompetence. **If a student feels that an instructor has issued a grade based on unlawful discrimination, harassment, or related retaliation, the complaint is not covered by this procedure. The student should file with the Human Resources Compliance Coordinator in the Office of the Vice President for Employee Services under AP 3430 Prohibition of Harassment and Discrimination.**

California Education Code Section 76224 states:

When grades are given for any course of instruction taught in a community college district, the grade given to each student shall be the grade determined by the instructor of the course, and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith or incompetence, shall be final.

Students should note the following definitions which are taken from Black's Law Dictionary:

- **Mistake** - some unintentional act, omission, or error by the instructor,
- **Fraud** - an intentional perversion of the truth for the purpose of inducing another to part with something valuable or to surrender a legal right;
- **Bad Faith** - synonymous with fraud neglect, or refusal to fulfill some duty or contractual obligation, not prompted by an honest mistake as to one's rights or duties;
- **Incompetence** - lack of ability, legal qualification, or fitness to discharge a required duty.

If the student feels that an instructor has given a grade based on a mistake, fraud, bad faith, or incompetence, and the student has evidence to substantiate the claim, these steps must be followed:

1. The student must contact his/her instructor to discuss, clarify, and attempt to resolve the grade dispute in person, via electronic mail, or in writing within 30 working days of the time the official grade report was posted on WebAdvisor or on the official transcript. Grades are posted within one week after the end of a semester or term. If the concern is not resolved satisfactorily, then:
2. The student must discuss the matter with the School/Center Dean or Designee in person, via electronic mail or in writing within 10 working days. The School/Center Dean or Designee will try to resolve the dispute and will respond to the student in writing.
3. If the concern is still unresolved the student must within 10 working days after receiving written response from the School/Center Dean or designee, discuss the matter with the Vice President for Academic Affairs or designee in person, via electronic mail or in writing. The Vice President for Academic Affairs, in consultation with the Academic Senate President, will render a final decision in writing within 15 working days.
4. The decision made by the Vice President for Academic Affairs or designee, in consultation with the Academic Senate President, will be final. There will be no requests granted for a due process hearing.

GUIDELINES FOR DUE PROCESS

Procedural due process is the method established to resolve faculty, staff, and student conduct issues in a clear, fair, and orderly manner. These procedures apply to actions which interfere with or exert a harmful effect upon the function of the College District. Due process is intended to achieve an equitable solution that will resolve the issue with due regard for the rights of the accused, the protection of the student body, and the interest of the College District. Any action taken by a student under this due process procedure shall **not** preclude any further action.

The implementation of procedural due process on campus will consist of the following due process procedures and will take place within a reasonable length of time.

I. PRELIMINARY ACTION PROCEDURE

A. SUBMITTING OF OFFICIAL FORMS

The Dean of Student Services shall receive any charge of alleged student grievance. Charges may be made by a student against another student, faculty, staff or administrator. The complainant shall file a Report of Student Grievance form with the Dean of Student Services. **In the absence of the Dean of Student Services, there may be a designee, hereafter called "Administrator".**

B. NOTIFICATION OF CHARGES

Students, faculty, staff or administrators charged with a Student Grievance shall be notified of the grievance which they are accused and provided a brief written statement of the facts supporting the accusation. The student, faculty staff or administrator is that they are required to schedule an appointment with the Administrator Dean of Student Services to discuss such alleged violations. The notice will be mailed to the parties' student's official address on file with in the college District's Admissions Center by US Mail and Certified or FedEx mail. Staff, faculty and/or administrators may be contacted by College District email.

After the second attempt of notification, a student who does not report to the Office of Student Services to address a student grievance report will have an administrative hold placed on his/her records, in addition to possibly being dropped from his/her classes.

C. PRELIMINARY MEETING

The meeting with the Administrator Dean of Student Services shall consist of the following:

1. The alleged party is provided an A copy of the Student Rights and Grievances Procedure No. 5530. is given to the student.
2. The administrator and the alleged party will be provided with a brief written statement of the facts supporting review the alleged student grievance.
3. The administrator Dean of Student Services informs the student, staff, faculty and/or administrator of the process which will be followed.

D. ADMINISTRATOR ACTIONS

The Administrator Dean of Student Services will obtain information relating to the charge from the student and other persons.

The Administrator Dean of Student Services will notify each party regarding any of the following actions:

- Dismiss the grievance for lack of merit.
- Work towards an equitable solution.
- Remand the case to a formal hearing. (See Guidelines for Due Process in this procedure)
- Charge the student with misconduct. (Standards of Student Conduct procedure No. 5500)

A letter notifying the parties of the Administrator Dean of Student Services decision shall be sent by US Mail and certified or FedEx mail, specifying the mailing date of such letter. Staff, faculty and/or administrators may be contacted by College District email. The Administrator is deemed to have notified the student, faculty, staff and/or administrator of his or her decision on the date the mail receipt.

E. APPEAL TO GRIEVANCE AND ORDER COMMITTEE

From the date of the mail receipt, the parties are notified of the Administrator Dean of Student Services decision, any request for a hearing to the Student Grievance and Order Committee must be received postmarked or hand delivered in three (3) working days. Any appeal shall be made in writing and delivered to the Office of Student Services.

The Administrator Dean of Student Services will convene the Grievance and Order Committee to conduct the formal hearing within 30 calendar days during the fall and spring semesters. If the fall or spring semester ends before the hearing can be scheduled and held, both parties will be notified of any delay. when classes are school is in session

After the hearing date has been established and each party has been notified by US Mail, certified or FedEx mail, copies of the written case

materials will be available for each party to pick up from the Office of Student Services five working days prior to the hearing.

In addition to copies of the written case materials, the names of the Grievance and Order Hearing Panel members will be provided to each party. Each party involved in the Report of Student Grievance may challenge the participation of any member of the Grievance and Order Hearing Panel for cause. The person must submit their request in writing to the Office of Student Services no later than 48 hours prior to the hearing.

The grounds for cause shall be limited to any personal involvement in the situation or issue, or any other act or statement indicating that person could not act in a neutral manner. After submitting the written request to the Office of Student Services, the validity of any such challenges shall be determined by the Chairperson of the Hearing Panel. Five (5) panel members shall be the minimum number to conduct a hearing.

II. HEARING PROCEDURE

A. FORMAL HEARING PROCESS

The Formal Hearing Process is the College District's administrative due process to resolve student grievances that are not resolved by informal actions. Parties are allowed to present testimony and witnesses to support their positions. All communication and actions taken during this process are confidential. Disruptive behavior will not be tolerated and will result in exclusion of the person(s) from the proceedings. There will a sworn Campus Police representative present at all hearing regardless of the type of Student Grievance.

B. THE HEARING PANEL

Each academic year, the Dean of Student Services shall request and receive appointments of at least four members from each constituent group to serve on the Grievance and Order Committee and Hearing Panel pool(s) as necessary.

There shall be a standing Grievance and Order Committee from which the members are appointed to a Grievance and Order Hearing Panel, as needed. The Grievance and Order Committee Hearing Panel shall be comprised of at least one member from each of the following groups, in addition to the chairperson to consist of a minimum of a five member panel: When a Hearing Panel is required to be assembled, the Dean of Student Services will contact the President of each constituent group to appoint a member to a Hearing Panel pool.

1. Two students and two alternates (enrolled in 6 5 or more units) who shall be appointed by the ASO president and;
2. Two full-time tenured faculty and two alternates who are currently teaching shall be appointed by the Academic Senate president and;
3. Two full-time classified personnel and two alternates except those designated as management, who shall be appointed by the Classified Senate and/or Classified Union president and;
4. Two full-time management personnel and two alternates (who shall be appointed by the Superintendent/President) with the exception of the Vice President for Student Affairs and Dean of Student Services.

C. SCOPE OF THE STUDENT GRIEVANCE AND ORDER HEARING

The Grievance and Order Hearing Panel shall limit the scope of its appeal hearing to the following:

1. Determine if the evidence supports the findings of the Administrator Dean of Student Services.
2. Determine if the action levied by the Administrator Dean of Student Services is within range of student grievance actions delineated in

the Procedure 5530 Student Rights and Grievances.

3. Make recommendations to the Vice President for Student Affairs or designee.

D. RESPONSIBILITIES OF THE CHAIRPERSON

The Chairperson shall preside over the hearing and make rulings as to its conduct. Disruptive behavior will not be tolerated and will result in exclusion of the person(s) from the proceedings.

E. RIGHT TO REPRESENTATION

This is an internal due process hearing conducted by Southwestern College. Parties are allowed to present testimony and witnesses to support their positions. However, parties are not allowed to be represented by legal counsel at any time during the hearing process.

F. FORMAL HEARING ORDER OF PROCEEDINGS

1. Opening

The Chairperson shall call the hearing to order, introduce the participants, explain the hearing is being recorded and proceedings are confidential, and announce the purpose of the hearing, e.g., "The Committee meets to hear an appeal of grievance against (person's name) and/or to submit its findings to the Vice President for Student Affairs."

2. Evidence for hearing

Any and all evidence will be entered for the record. Irrelevant and unduly repetitious evidence shall be excluded.

~~3. Challenge of a Committee member Refer to Section J—Right to Challenge Committee Composition in this procedure.~~

~~3..4.Request for Open Closed Hearing Refer to Section K—Open and Closed hearings in this procedure. All hearings are confidential and closed to the general public, unless otherwise requested.~~

4. ~~5.~~ Identification of witnesses

Witnesses are to identify themselves and state for the record, the reason for their presence. Witnesses will be allowed to attend the hearing only during the time they provide testimony

5. ~~6.~~ Swearing in of both parties

Swear in both the complainant and defendant by the Administrative Secretary

6. ~~7.~~ Opening Statements

Both parties will make opening statements. Person who filed charges will make first opening statement. Each party will be given five minutes.

7. ~~8.~~ Questioning Protocol

Grievance and Order Hearing Panel members may ask questions of both parties. Parties may submit questions to the chairperson.

The Chairperson will pose questions to appropriate party. Rebuttal two minutes each.

8. ~~9.~~ Calling Witnesses

Witnesses are sworn in by the Administrative Secretary. Witnesses are questioned by committee members. Parties may submit questions to Grievance and Order Hearing chairperson.

9. ~~10.~~ Closing Statements

Both parties will make closing statements. Person who filed charges will make first closing statement. Each party will be given five minutes.

G. BURDEN OF PROOF AND OF PRODUCING EVIDENCE

The person seeking appeal has the burden of proving that the evidence filed in the Report of Student Grievance did not support the Administrator/Dean of Student Services findings. The student filing the grievance may present evidence in support of his or her position, and then the other person may present evidence to refute such evidence.

H. ARGUMENTS

Arguments will be presented first by the student filing the Report of Student Grievance. The student shall be afforded an opportunity to make or waive an opening statement. After the opening statements, the student filing the Report of Student Grievance shall have the first opportunity to present witnesses and other relevant evidence. Then the other person shall have the opportunity to present witnesses and other relevant evidence.

I. EVIDENCE

- Irrelevant and unduly repetitious evidence shall be excluded.
- All evidence will be submitted 24 hours (one working day) prior to hearing.

J. RIGHT TO CHALLENGE COMMITTEE COMPOSITION

~~The person charged in the Report of Student Grievance may challenge any member of the Grievance and Order Hearing Panel for cause. Grounds for cause shall be limited to any personal involvement in the situation giving rise to the disciplinary action, any statement made on the matters at issue, or any other act or statement indicating that person could not act in a neutral manner. Validity of any such challenges shall be determined by the Chairperson of the Hearing Panel. Five (5) panel members will be the minimum number to conduct a hearing.~~

J. K. OPEN/CLOSED HEARINGS

1. Hearings shall be confidential and closed to the general public. And witnesses shall be allowed to present at the hearing only when testifying unless the student requests an open hearing.
2. Both parties the student filing the Report of Student Grievance and the other party shall be entitled to call witnesses. Any questions directed to the witnesses shall be in writing and given to the chairperson.
3. Members of the Hearing Panel may ask questions to either party upon recognition by the Chairperson. Either party side may recall a witness, who again may be questioned by the Hearing Panel.
4. A brief caucus may be called by the Chairperson or any member, with all other person's excused except for the Grievance and Order Hearing Panel.
5. The hearing shall be recorded. The recording may be used by the Vice President for Student Affairs or the Superintendent/ President, in case of an appeal.

K. ABSENCE OF THE COMPLAINANT AND/OR THE DEFENDANT

It is imperative that all parties are be present during the hearing process. Disruptive behavior will result in removal of the person(s), and the hearing will continue in their absence. If the student(s) and/or the College District staff person(s) who are involved in the Report of Student Grievance do not appear, or leaves the hearing before its conclusion, the hearing shall proceed without the absent parties, and

the Hearing Panel shall reach a decision based on the evidence presented.

L. CONCLUSION

The opportunity to make or waive a closing argument will be made first by the student filing the Report of Student Grievance. The Hearing Panel shall recess to deliberate in closed session with all of the members. The Administrator Dean of Student Services and if appropriate the appointed college legal counsel, may be present to advise. The Hearing Panel shall reach its decision based upon the record of the hearing and shall not consider matters outside of that record.

Within one working day of the hearing, the Chairperson shall deliver to the Vice President for Student Affairs a written decision arrived at by majority vote of the Hearing Panel. The faculty Chairperson will vote, in case of tie.

The Hearing Panel's decision may include one of the following recommendations:

- Exoneration
- Written warning
- Any other recommendation(s) that the committee members deem necessary for a successful resolution.

M.N. FINAL ACTION

Upon receiving the findings and recommendations of the Hearing Panel, the Vice President for Student Affairs shall render a decision within three (3) working days and transmit in writing to the person, Grievance and Order Hearing Panel members and other appropriate administrative officers by US mail and Certified or FedEx mail. Staff, faculty and/or administrators may be contacted by College District email.

The Vice President for Student Affairs may do the following:

- Concur with the Hearing Panel findings and recommendations and the Administrator Dean of Student Services' decision.
- Revise the recommendation and/or actions of the Hearing Panel and the Administrator Dean of Student Services

III. APPEAL TO THE SUPERINTENDENT/PRESIDENT

From the date the person is notified of the Administrator's Vice President for Student Affairs decision, any request for an appeal to the Superintendent/President must be received postmarked or hand delivered in three (3) working days. Any appeal shall be made in writing and delivered to the Office of the Superintendent/ President.

The Superintendent/President may do the following:

- Concur with the Hearing Panel's findings and recommendations and the Vice President for Student Affairs decision.
- Revise the recommendation and/or actions of the Hearing Panel and the Vice President for Student Affairs. The letter rendering the Superintendent/President's decision shall be mailed to the student by US Mail and certified or FedEx mail. The Superintendent/President's action shall be final and binding on all parties.

IV. GLOSSARY OF TERMS

A. ADMINISTRATOR - The Dean of Student Services or Designee.

B.. PRESIDENT - The Superintendent/President of the District or Designee.

C. CAMPUS POLICE - Southwestern College District College Police Department.

D.. DAY - When the college is in regular session and regular classes are held.

E. REPORT OF STUDENT GRIEVANCE

Complainant - Student filing a Report of Student Grievance.
Defendant - Staff, faculty and/or administrator being charged

F. COLLEGE / COLLEGE DISTRICT- Southwestern Community College District.

The following information was inadvertently omitted from the Catalog 2014-2015. Please attach this addendum to your current catalog.

PROGRAM MODIFICATIONS

Replace on page 147

Computer Aided Design and Drafting

Associate in Science

Career/Technical * (Major Code: A2571)

Designed to provide students with the skills and technical knowledge requested by employers using CADD in a variety of disciplines. The program focuses on the development of CADD skills and problem solving strategies in the development of two- and three-dimensional models. Additional engineering options allow students to acquire advanced CADD skills in areas of special interest.

CAD 220	<i>Introduction to CADD/CAM Systems</i>	3
CAD 222	<i>CAD Mechanical Design I</i>	3
CAD 223	<i>CAD Detailing and Dimensioning</i>	3
CAD 224	<i>CAD Mechanical Design II</i>	3
CAD 230*	<i>Introduction to Solidworks</i>	2.5
ENGR 110	<i>Engineering Design and Graphics</i>	3
MATH 104	<i>Trigonometry</i>	3

Total units **20.5**

Recommended Electives

CAD 240	<i>CAM Numerical Control I</i>	3
CAD 272	<i>Solid Modeling II</i>	3
CAD 276	<i>Technical Computer Imaging and Animation I</i>	3

To earn an associate degree, additional General Education and Graduation Requirements must be completed.

NONCREDIT-- CERTIFICATES OF COMPLETION (ADDITIONS & MODIFICATIONS)

Replace on page 464

Marine Safety Service Advanced Certificate

Provides advanced training towards employment as a lifeguard, open water, and swift water rescuer and aquatic park rescuer.

NOTE: The Marine Safety Service Basic Certificate courses are required to complete this certificate.

NC 1063	Emergency Medical Technician for Marine
NC 1066	Careers in Marine Safety Service
NC 1081	First Responder Swift Water Rescue Training I
NC 1082	Fire - Marine Safety Service Automated External Defibrillator/Esophageal-Tracheal Airway Training
NC 1093	Fundamentals of Instructor Training for Recreation Assistants

Quality Home Care Provider Noncredit Certificate of Completion

Home care providers play a key role in delivering critical in-home supportive services to people with physical, psychological or emotional challenges. This sixty-hour certificate is designed to develop and enhance home care provider's skills and knowledge and provides the foundation to prepare for further training in related health careers.

NC 10	Budget and Home Energy Management
NC 33	Nutrition and Health Issues--Older Adults
NC 40	Basic First Aid and Adult CPR
NC 98	The Circle of Life Empowering Yourself
NC 1050	Community Resources for Older Adults
NC 2003 *	Home Care Client Excellence
NC 2004 *	Careers in Health Care

Recreation Assistant in a Marine Environment—Basic

NC 13	Teambuilding Training through Sand Castle Construction for Group Leaders
NC 15	First Aid for Public Safety Personnel - Title 22
NC 70	Lifeguard Training
NC 1007	CPR for the Professional Rescuer
NC 1014	Oxygen Administration for the Professional
NC 1046	Basic Boating and Water Safety
NC 1052	Basic Water Rescue
NC 1064	Boating Safety Paddle Sports Leader Training

Recreation Assistant in a Marine Environment—Advanced

NC 1000	Canoe Trip Leader Training
NC 1083	Leadership Training in Marine Aquatic Activities
NC 1093	Fundamentals of Instructor Training for Recreation Assistants
NC 1098	Lifeguard Training Instructor

Recreational Assistant

NC 40	Basic First Aid and Adult CPR
NC 1007	CPR for the Professional Rescuer
NC 1046	Basic Boating and Water Safety
NC 1064	Boating Safety Paddle Sports Leader Training
NC 1083	Leadership Training in Marine Aquatic Activities
NC 1085	Fundamentals of Instructional Evaluation and Training