

# Student Rights and Responsibilities



**AR 6110**

*Revised September, 2006*

*Cabrillo  
College*

---

## Cabrillo College Student Rights and Responsibilities

---



**CABRILLO COLLEGE** is committed to the California Community College mission to promote high quality learning and teaching in a supportive environment for all students. To this end, we produced the Student Rights and Responsibilities Handbook, entitled, "Working Together Toward Positive Solutions." The title represents the handbook's purpose. It was originally developed with students, faculty, staff and administration in mind, as a guide to protect the individual rights of all students when it is believed these rights may have been violated. This Handbook also outlines students' responsibilities to the Cabrillo College Community. As the needs of students change, we are committed to making sure we change with them. Therefore, the current edition was created to evolve with the updates to legislation and requests for clarification from our students and faculty.

I hope we can work together as partners in all of your educational challenges and successes.

**Dennis Bailey-Fougner**

Vice President of Student Services  
Cabrillo Community College District

---

# Table of Contents

---

<b>I Statement of Student Rights and Responsibilities</b> .....	3
<b>II Student Responsibilities</b>	
A. Student Conduct.....	4
B. Principles of Discipline .....	4
C. Prohibited Conduct.....	5
<b>III Disciplinary Procedures</b>	
A. Discipline Related to In-Class Misconduct.....	7
B. Referrals to the Dean of Student Services.....	7
C. Referrals to Sheriffs’ Office.....	8
D. Hearing Procedures for Suspension and Expulsion.....	8
E. Appeals.....	9
F. Suspension or Expulsion .....	10
<b>IV Grievance Procedures</b>	
A. Introduction .....	11
B. Rights .....	11
C. Timely Resolution to All Complaints.....	11
D. Pre-Grievance Problem Resolution Procedure.....	11
E. Formal Grievance Procedure .....	12
F. Appeals.....	13
<b>V Hearing Committee</b>	
A. Membership.....	14
B. Responsibilities .....	14
<b>Glossary of Terms</b> .....	15
<b>Forms</b> .....	16-20
Disruptive Student Behavior Report Form.....	16
Unlawful Discrimination Complaint Form .....	17
Student Grievance Form .....	18
Waiver of Right to Hearing.....	20
<b>Other Policies and Administrative Regulations</b>	
Non-Discrimination Policy.....	21
Sexual Harassment Policy .....	21
Smoke Free Campus Administrative Regulation .....	21
Drug Free Campus Policy.....	22
Administrative Regulation 5040 Nondiscrimination Policy Outline .....	23
<b>Student Grievance Procedure Outline</b> .....	24

---

## I Statement of Student Rights and Responsibilities

---

The Cabrillo College District is committed to the protection of the individual rights of all students and to the enforcement of District policies. Our District promotes a culture founded on academic integrity, mutual respect and a clear and fair application of regulations. The College strictly prohibits discrimination or harassment of students based on a student's sex, race, color, national origin, religion, age, disability or sexual orientation. The College has appointed the Dean of Student Services, whose responsibility is to receive and handle complaints for discrimination and/or harassment under the College's Non-Discrimination and Sexual Harassment Policy (AR 5040). All discrimination and harassment complaints should be referred to the Dean of Student Services. All other student complaints are addressed through the student grievance procedure which is contained in section IV of this Handbook.

Any questions about these policies or procedures should be addressed to the Dean of Student Services.

**Adopted:** June 6, 1988  
**Revised:** June 4, 1990  
**Revised:** January 3, 2006  
**Revised:** September 1, 2006





## II Student Responsibilities

---

### Student Conduct

Students are encouraged to access all services available for the purpose of achieving his/her personal and professional/career goals. At the same time, students are expected to conduct themselves in a manner compatible with the College's function as an educational institution and demonstrate the following:

1. Respect among all students, faculty, classified staff and administration.
2. Responsibility for reading and following Cabrillo College rules and regulations.
3. Professional conduct in the classroom by doing the following:
  - a. Reading and following the course syllabus.
  - b. Attending all classes and arriving to class on time.
  - c. Completing assignments, projects on time.
  - d. Doing your own work and never plagiarizing the work of others.
  - e. Meeting with your instructor during office hours as needed to clarify course requirements and/or resolve any issues not resolved in class.
4. Respect for all program guidelines and requirements such as those stated for:
  - a. Disabled Student Program Services (DSPS)
  - b. Extended Opportunity Program Services (EOPS)
  - c. Tutorial Center
  - d. Math Learning Center

e. Student Center

f. Library/Learning Resource Center

g. Computer Technology Center (CTC)

h. Student Employment Office

i. All other programs and support services available to students

5. Respect for College equipment, buildings and grounds.

### Principles of Discipline

As an institution of higher education, Cabrillo College is committed to providing an orderly and safe educational environment that is conducive to student learning. The College's policies and procedures are designed to preserve a healthy learning environment. Accordingly, the College will restrain student conduct and/or discipline students if their conduct interferes with a safe and healthy learning environment.

Cabrillo College students will be entitled to an impartial hearing in instances where College rules, regulations or procedures are violated. However, nothing in this section shall be construed to prohibit an immediate suspension where such a suspension is required in order to protect lives or property, or in conformance with applicable legal requirements. In instances where a student is deemed to be a minor, the student's parents or guardian shall have all of the rights and privileges set forth herein. Students may also be subject to civil authority.

## Prohibited Conduct

By enrolling in Cabrillo College, students agree to be responsible members of the College community, obey the law, comply with the published rules and regulations of the College, respect the rights, privileges and property of the other members of the College community, and not interfere with legitimate College affairs.

Students should be aware that the rules on student misconduct do not only apply when on campus or in class. Rather, students can be found to have engaged in misconduct:

- When on campus.
- When in a college-operated facility.
- When off campus, if acting as a student employee.
- When participating in College-related field trips, club activities, conferences or other college-sponsored events. This includes all hours of the day or night while the student is under the supervision of the College.

A student may be disciplined in accordance with the disciplinary procedures set forth in section III of this Handbook if he/she engages in any form of misconduct listed below. Discipline can include suspension or expulsion. The following misconduct is strictly prohibited:

1. Theft of, or non-accidental damage to, campus property, or property in the possession of, or owned by, a member of the College community.
2. Forgery, altercation, or misuse of campus documents, records, or identification or knowingly furnishing false information to the College.
3. Cheating or plagiarism in connection with an instructional program or any College activity. See definition of plagiarism in the Glossary of Terms of this handbook.
4. Failure to pay debts such as fines or loans, or failure to return borrowed property when reasonable attempts have been made to retrieve it. However, any violation(s) of law, ordinance, regulation or rule regulating or pertaining to the parking of vehicles, shall not be cause for the removal, suspension or expulsion of a student.
5. Failure to make good on returned checks cashed by the College.
6. Physical abuse on or off campus property, of the person or property of any member of the College community or of members of his or her family or the threat of such physical abuse.
7. Engaging in lewd, indecent or obscene behavior including the disrespectful and unprofessional use of profanity on campus property or at a College sponsored event, field trip, conference, etc.
8. Sale or possession of illegal drugs, restricted dangerous drugs, or narcotics as those terms are used in California statutes on campus property, or at any College sponsored event at any hour while the student is under the supervision of the College (this includes field trips—day and overnight—and conference travel), except when lawfully prescribed pursuant to medical or dental care, or when lawfully permitted for the purpose of research, instruction or analysis.
9. Possession or use of explosives, dangerous chemicals or deadly weapons on campus property or at a campus function or off campus while the student is under the supervision of the College, without prior authorization of the College President or designee. This includes guns, knives and all firearms.
10. Obstruction or disruption, on or off campus property, of the campus education process, administrative process, or other campus function such as field trips. This includes conference travel during all hours the student is under the supervision of the College.
11. Violation of any order of the College President or designee, notice of which had been given prior to such violation and during the academic term in which the violation occurs, either by publication in the campus newspaper, or by posting on an official bulletin board designated for this purpose, and which order is not inconsistent with any of the other provisions of this section.
12. Soliciting or assisting another to commit any act which would subject a student to expulsion, suspension, or probation pursuant to this section.
13. Abusive behavior, or use of vulgar language towards or around members of the College community.
14. Gambling on College property.
15. Violations of California Vehicle Code or local or district traffic violations that cause a serious threat to persons or property, or the orderly operation of the College by virtue of the nature or frequency of the violations.

16. False accusations or malicious charges against any other student or staff member of the District.
17. Unauthorized entry into, unauthorized use of, or misuse of campus property.
18. Violation of other state, federal or local statute ordinance, or district policy, rule or regulation while on College property and during all hours, off campus, while the student is under the supervision of the College.
19. Possession or use of alcoholic beverages or illegal drugs on College property or at College sponsored events, including field trips at all hours of the day and night while the student is under the supervision of the College, even during late and early morning hours when formal activities of the field trip or conference have ended. Under special circumstances, wine or beer may be served for educational purposes such as in the instructional use of the Culinary Arts program. Such use requires the permission of the Superintendent/President for each individual occasion.
20. Riding roller skates, skateboards, toy vehicles or other similar riding device on any roadway, path, service road, sidewalk, walkway of District property.
21. Smoking in non-designated areas of the campus.
22. Bringing dogs or other animals to school.  
Exceptions:
  - a. Service dogs assisting handicapped people.
  - b. When approved by college authorities when the presence of the animal is directly related to a class room assignment or other College program.
23. Sleeping in vehicles between the hours of 10 p.m. and 8 a.m. and all day Saturday and Sunday or whenever regular College classes are not in session; no person shall sleep in any vehicle when said vehicle is parked on campus. Special exceptions may be made by the Campus Sheriff's Office.
24. Riding bicycles on walkways, building perimeters and other restricted areas.
25. Violating the Sexual Harassment Policy.
26. Violating the Non-discrimination Policy.
27. Violating Examination Rules. Violations include:
  - a. Communicating or transferring information to another student.
  - b. Using any materials such as books or notes, other than those expressly allowed for the exam.
  - c. Looking at another student's exam.
  - d. Any other form of dishonesty in connection with the administration of an exam.
28. Hazing: hazing of students is expressly prohibited. Hazing includes any act that injures, degrades or disgraces a fellow student or another person associated with the College.
29. Willful misconduct which results in injury or death to a student or college personnel or which results in cutting, defacing other damage to any real or personal property owned by the District.
30. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.



---

## III Disciplinary Procedures

---

### Discipline Related to In-Class Misconduct

When a student is charged with plagiarism, cheating, or disruptive behavior related to a class, lab, or other instructional/student support services setting and the instructor or supervisor has reasonable proof or documentation and/or the student admits the violation, the instructor or supervising college authority must complete a clear and detailed Disruptive Student Behavior Report (see Appendix) which may include one or more of the following disciplinary actions taken by the instructor or supervisor:

1. Issue an oral or written notification and warn the student that further acts of this sort will result in additional disciplinary action.
2. Remove the student from the class for the remainder of class and the following meeting. The instructor must:
  - a. Complete a Disruptive Student Behavior Report form and send it to the Dean of Student Services.
  - b. Inform the appropriate Divisional Dean.
  - c. Inform the student. If the student is a minor, as defined by current law, the instructor shall ask the parent or guardian of the student to attend a parent conference regarding the removal as soon as possible. The Division Dean or Dean of Student Services shall attend the conference if the instructor or the parent so requests. The student shall not return to the class from which he/she was removed, during the period of removal, without the concurrence of the instructor of the class and the Division Dean. When in question, the Dean of Student Services or the Office of Admissions and Records can help determine the status of a minor.
3. Issue a failing grade ("F") for the assignment in question.
4. Issue a failing grade for the course. If this option is selected, the instructor must consult with the Division Dean.
5. Drop the student from the class and assign a withdrawal ("W") for the class, up to the last day to withdraw from that term. Students dropped after stated date will be assigned a failing grade ("F") for

the class, pursuant to the uniform grading policy.

If this option is selected, the instructor must consult with the Division Dean.

Note: Students have the right to appeal by following the procedures outlined in this Handbook.

### Referrals to the Dean of Student Services

A student may be referred to the Dean of Student Services by any member of the staff, faculty, or administration.

1. A Disruptive Student Behavior Report (see Appendix) shall be completed and submitted to the Dean of Student Services by the employee who wishes to report a student.
2. The person reporting the student must, if possible, inform the student that he/she is sending the report to the Dean of Student Services. If possible, the student must be given a copy of the report.
3. The Dean of Student Services may, depending upon how serious the referral is, speak with the student and other involved staff members and determine which of the following actions to take:
  - a. File the report for future reference.
  - b. Issue a reprimand and/or warning to the student that continued misconduct may result in serious disciplinary action.
  - c. Refer the student to a College or community agency for counseling or rehabilitative treatment.
  - d. Refer the student to the Disruptive Behavior Intervention Committee (DBIC).
  - e. Suspend the student immediately pending a hearing within ten (10) school days. This option may only be invoked where the College determines in its discretion that an immediate suspension is required in order to protect lives or property or to ensure the maintenance of order pending a hearing. In all other cases where disciplinary action is to be taken, the College shall follow the procedures for suspension and/or expulsion in section III.D. below.
  - f. Arrange for a hearing for suspension or expulsion as set forth in section III.D. below.

## **Referrals to Sheriff's Office, Cabrillo Division**

The scope of authority, nature of proper enforcement action, handling of records, and other aspects of the Campus Sheriff's Office are defined in state law or directed by the Campus Sheriff's Office or the Vice President of Business. The Vice President of Student Services and the Dean of Student Services are not part of the police chain of command.

The Campus Sheriff's Office staff shall keep a record of police actions in conformance with law and as directed by the Campus Sheriff's Office.

1. For violence and other emergencies, especially when the safety of personnel or campus property is in question, 911 should be called immediately.
2. All disciplinary matters in violation of the local, state or federal law may be referred to the campus Sheriff. In such a case, a student may receive legal consequences in addition to College disciplinary procedures.
3. All Crime Reports or Incident Reports that result from referrals to the Sheriff's office will be sent to the Dean of Student Services. These reports may serve as the basis for disciplinary action consistent with other procedures stated in this handbook.

## **Hearing Procedures For Suspension and Expulsion**

1. A student may be suspended immediately pending a hearing within ten (10) school days only if the Dean of Student Services, or other designee, determines in his/her discretion that an immediate suspension is required in order to protect lives or property or to ensure the maintenance of order pending a hearing. Otherwise, a hearing must take place before a suspension is issued. The hearing will take place before the Hearing Committee. The student may waive his/her right to a hearing by completing a Waiver of Right to Hearing (see appendix).
2. The Hearing Committee shall be chaired by one of the Hearing Committee members. For Hearing Committee membership, see section V.A.
3. The accused student shall be given the right to be represented by a person (advocate) of her/his choice. If the accused chooses to bring an attorney he/she must inform the District with ample time for the District to be represented by an attorney as well.

4. No committee member who is proved to be biased in favor of or against the accused student may sit in judgment of the student. The party alleging bias shall have the burden of establishing that bias exists. If such is the case, this could result in postponement of the Hearing if a Committee member needs to be replaced. By mutual agreement, this could also result in a Hearing proceeding without the full 4-member panel.
5. The Dean of Student Services shall cause to be delivered to the accused student, by personal service or via certified mail, a copy of all charges against her/him, all statements from adverse witnesses, and all other materials intended to be used against the student. All material shall be delivered at least two (2) days prior to the hearing. Documents submitted after this timeline can be considered. However, the student being charged may request postponement of the Hearing if he/she requests more time to review and respond to the documents.
6. The student being charged may submit documents for the Hearing Panel to review but must deliver these at least 2 days before the hearing to the Dean of Student Services. Documents may be submitted after this timeline; however, doing so may prevent the Hearing Committee from having ample time to thoroughly review the documents.
7. The person making the charge against the accused student shall have the burden of proof.
8. The Hearing Committee is charged with the responsibility of:
  - a. Conducting an orderly and expeditious deliberation.
  - b. Determining if the charges presented are adequately substantiated.
  - c. Making a recommendation for action to the administration based on its findings.
9. The charged student and his/her advocate shall be given the right to be present when testimony and other evidence are being presented to the Hearing Committee. The student and/or the advocate shall be given the opportunity to question adverse testimony.
10. The accused student shall be afforded the right to present his/her defense and to present witnesses and relevant evidence in his/her defense.

11. The final deliberation of the committee must be based solely on the evidence given. The accused shall not be present during the final deliberation. Deliberations of the committee will be held in closed session and the decision of the committee will be communicated to the student within three (3) working days of the hearing.
12. A tape recording shall be kept of the hearing committee proceedings by the Dean of Student Services for at least two (2) calendar years. Access to tapes shall be limited to the parties involved.
13. The decision of the Hearing Committee is advisory to the Dean of Student Services or other designee. The Administration (Dean of Student Services and/or other administrative Designee) will carefully consider the findings and recommendations of the Hearing Committee and make a final decision for disciplinary action.
14. All copies of all proceedings of the Hearing Committee shall be kept in a confidential file by the Dean of Student Services. All proceedings of the committee shall be closed and strictest confidentiality shall be maintained by all participants in the hearing process.



## Appeals

1. A student may appeal the decision of the Dean of Student Services or other administrative designee to the Superintendent/President within ten (10) working days of the date the student receives the decision for disciplinary action. The student's appeal must be presented in writing addressed to the President/Superintendent. The President/Superintendent will respond to the student in writing within ten (10) working days. The Superintendent/President may overturn the decision of the Hearing Committee if any of the following conditions can be substantiated satisfactorily:
  - a. the right of procedural due process had been denied to the student by any or all of the proceedings.
  - b. compelling new evidence warranting the exoneration of the student is presented.
  - c. the judgment of the hearing committee was arbitrary and capricious.
2. A student may appeal the Superintendent/President's decision to the Governing Board within 10 working days of the date the student received the Superintendent/President's decision. The Governing Board will review the appeal within 45 days after the next regularly scheduled board meeting and may request a hearing.
  - a. All deliberations must occur in closed session to protect the student's right to privacy.
  - b. The student must be notified of the date of the Board's intent of action in writing.
  - c. If the Board calls for a hearing, the student must be informed of his/her right to request that the Board Hearing be open to the public. He/she must make this request within 48 hours of the notification. The Governing Board must comply with this request.
  - d. Final action must be taken at a public meeting.
  - e. The decision of the Governing Board shall be final.

## Suspension or Expulsion

In addition to the conditions outlined above, a student may be suspended by the President, Dean or Vice President of Student Services or other President designee. The Governing Board may expel a student. Suspensions and expulsions may be issued for any of the following reasons related to College attendance or College activity at any time or place:

1. "Good cause" includes, but is not limited to:
  - a. Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, College personnel and demonstration of prohibited conduct as listed in Section II.C.
  - b. Assault, battery, or any threat of force or violence upon a student or college personnel.
  - c. Willful misconduct which results in injury or death to a student or College personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District.
2. Contagious illness, which creates a serious threat to the health of the student or other students and College personnel.
  - d. The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison unclassified as such by Schedule D, Section 4160 of the Business and Professional Code.
  - e. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the Governing Board.
  - f. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.



---

## IV Grievance Procedures

---

### A. Introduction

#### 1. General

This procedure is intended to ensure that any alleged violation of students' rights will be reviewed and appropriate action taken. Cabrillo College's goal is to ensure an equitable and fair resolution of the grievance. Except as set forth in section 2 of this Introduction below, this grievance procedure applies to any issue involving a student's rights at the College.

In the event that it becomes necessary to resolve a grievance under this policy, every effort shall be made to maintain confidentiality at each level of the procedure. However, complete confidentiality cannot be guaranteed.

The complaining party bears the burden of proving the facts of his/her grievance.

#### 2. Complaints Regarding the Non-Discrimination and Sexual Harassment Policy

Complaints for discrimination and/or harassment under the College's Non-Discrimination and Sexual Harassment Policy (AR5040) are not adjudicated under this grievance policy. Students should make every effort to refer such a complaint to the College's AR5040 administrator, the Dean of Student Services. If a student files a grievance that alleges unlawful discrimination, including harassment, the College shall immediately refer the grievance to the Dean of Student Services. The College will make the referral without a determination as to whether the discrimination/harassment claim is timely filed or states a claim.

If only a portion of a grievance involves a claim of discrimination or harassment, the College will refer those portions of the grievance concerning discrimination and/or harassment to the Dean of Student Services. If the determination of the discrimination/harassment claim is relevant to the other portions of the grievance, then the determination of the Dean of Student Services shall be provided to the Hearing Committee as part of the grievance process set forth below.

Forms for complaints of discrimination/harassment are in the appendix of this Handbook and are also available in the College's Human Resources Office and Student Affairs Office.

### B. Rights

To guard against disparate treatment and to ensure the right to due process:

1. Any party to a grievance may seek assistance of an advocate of his or her choosing.
2. Advocates may be present at any stage of the grievance process described herein. In the event that any party to a grievance is entitled by law to legal representation, and chooses to be represented by an attorney, all other parties to the grievance will also be entitled to representation by legal counsel.
3. Students, staff, or faculty having a visual, auditory, or communicative disability, (for students verified by the Disabled Student Services Department) may also seek a reader-interpreter to be present to assist the parties. Such an assistant must limit participation to the function of an interpreter.
4. Students who do not speak English as their native language may seek an interpreter to be present who speaks both English and their native language to assist the student. Such an assistant must limit participation to the function of an interpreter.

### C. Timely Resolutions to All Complaints

Students must respond to each relevant step in the grievance procedure within ten (10) school days, unless specified otherwise herein, or unless the timelines are extended by mutual agreement of the parties. In those cases where a portion of a student grievance involves a claim of discrimination and harassment under AR5040 and the determination of the discrimination/harassment claim is relevant to the other portions of the grievance, the grievance may be placed in abeyance by the Dean of Student Services pending the resolution of the discrimination harassment grievance pursuant to AR5040.

### D. Pre-Grievance Problem Resolution Procedure

The primary goal of this procedure is to produce a mutually acceptable solution to the student's complaint as soon as possible and at the lowest administrative level possible.

This pre-grievance dispute resolution procedure does not apply to complaints for discrimination and/or

harassment under the College's Non-Discrimination and Sexual Harassment Policy (AR5040). If such a complaint is made to the Program Chair, the Division Dean or another administrator, he/she shall immediately refer the complaint (or the relevant portions of the complaint) to the Dean of Student Services.

Experience has shown that most concerns which students have regarding support services and instructional matters are relatively easy to resolve through informal discussion. Students are expected to deal directly with the person(s) causing the alleged complaint to resolve such concerns. To initiate a grievance at the informal level:

**Step 1.** The student should discuss the problem directly with the person involved for a possible solution. This should be done as soon as possible but no later than the end of the semester following the school term in which the grievable offense occurred.

**Step 2.** If the problem cannot be resolved at the first step, the student shall discuss the problem with the Program Chair or immediate supervisor of the person against whom the complaint is directed. The Program Chair or immediate supervisor shall make every effort to resolve the problem with the student and the person being grieved. Upon receipt of the complaint from the student, the supervisor must respond within 10 working days, stating a decision to the student.

**Step 3.** If the problem cannot be resolved at the second step, the student shall make an appointment to discuss the grievance with the Division Dean or next level appropriate administrator within ten (10) working days of the step 2 decision. Complaints at this level must be submitted in writing at the time the appointment is being made. The written complaint shall contain the following information:

1. A statement describing the nature of the complaint.
2. A description of the general and specific grounds on which the grievance is based.
3. A listing of the names of all persons involved in the matter at issue and the times, places, and events in which each person so named was involved.

At any point during the pre-grievance problem-resolution level, a student may also informally and orally present the complaint to the Dean of Student Services. The Dean will attempt to resolve the issue informally, if requested by the student.

**Step 4.** If the problem cannot be resolved at the third step, repeat step 3 with the appropriate Vice President or next level administrator. The administrator will respond to the claimant, in writing, within ten (10) working days. After appealing to the level of the appropriate Vice President, if the grievance is still not resolved, the complainant may proceed to a formal procedure, except for academic matters.

Academic matters and grade disputes: Final authority to resolve grade disputes and other academic matters rests with the Vice President of Instruction. There are no exceptions.

### **E. Formal Grievance Procedure**

The Formal Grievance Procedure is only to be used by students who are unable to resolve their grievance through the Pre-Grievance Procedure set forth in section IV.D. above.

The Formal Grievance Procedure does not apply to complaints for discrimination and/or harassment under the College's Non-Discrimination and Sexual Harassment Policy (AR5040). If such a complaint is made to the Hearing Committee it shall immediately refer the complaint (or the relevant portions of the complaint) to the Dean of Student Services.

1. The student will receive an explanation of his/her rights to appeal and the procedure to appeal by the Dean of Student Services.
2. The offense with which the person is being charged must be one which is contrary to District policy or local, state or federal law.
3. The complainant and person charged in the grievance are entitled to a fair and impartial hearing.
4. To initiate a grievance at the formal level:
  - a. The complainant shall complete all steps in the informal grievance procedures prior to filing the written formal grievance.
  - b. The complainant must complete and submit a Student Grievance Form (see Appendix) within

ten (10) working days after receiving the decision of the appropriate Vice President.

- c. The remedy sought by the complainant must be included on the Student Grievance Form.
- d. The Dean of Student Services will retain the original Student Grievance Form and provide a copy to the complainant and one to the person against whom the grievance was directed.
- e. Within ten (10) working days after the filing date, the person against whom the grievance is directed (respondent) will submit a written response to the allegations to the Dean of Student Services.
- f. Within twenty (20) working days after receipt from the respondent, the Dean of Student Services will convene the Hearing Committee.

#### 5. Hearing Procedures

- a. The Hearing Committee shall be chaired by one of the Hearing Committee members. For Hearing Committee membership, see Section V.A
- b. The hearing shall be closed to everyone other than the Hearing Committee members, the complainant and the advocate selected by the complainant, the respondent and his/her advocate, any witnesses while they are presenting testimony, the Dean of Student Services or designee presenting on behalf of the District and the person designated to record the minutes.
- c. The Dean of Student Services or designee shall first make any further comments or answer questions regarding the procedures of the hearing.
- d. The complainant and respondent together with advocates and witnesses (called at the appropriate time) shall appear before the Committee to present evidence. Each party shall be allocated 30 minutes for his/her presentation with the complainant presenting first. Each party may ask to reserve 10 minutes of their 30 minutes allocated to provide rebuttal testimony.
- e. Deliberations of the committee will be held in closed session.
- f. The Hearing Committee will submit its findings and written recommendation on the grievance and the basis for its recommendation to the Dean of Student Services, the complainant, and the respondent within 5 school days of the hearing.

#### F. Appeals

If the complainant or respondent is not satisfied by the findings and recommendation of the Hearing Committee:

1. The complainant or respondent may, through the Vice President of Student Services, appeal to the College President within 10 school days of receipt of the committee's recommendation.
  - a. The student's appeal must be addressed to the Superintendent/President, in writing, and clearly state justification for the appeal and the desired outcome.
  - b. The appeal must be submitted to the Vice President of Student Services. The Vice President of Student Services will review all aspects of the case and refer it to the President.
  - c. The President will consider the appeal and respond, in writing, within 10 school days.
2. If not resolved through F1 above:
  - a. The complainant may prepare a written appeal addressed to the Board of Trustees within 10 working days.
  - b. The written appeal must state the reason for the appeal and the desired remedy.
  - c. The appeal must be addressed to the Board of Trustees and delivered to the Office of the President.
  - d. The Governing Board will review all documentation presented within 45 days after the next regularly scheduled board meeting and may request a hearing. The claimant and respondent will be sent a written notification of the final decision within 10 working days from the date of the Board's review.
  - e. The decision of the Governing Board will be considered the final decision on the grievance matter.

---

## V Hearing Committee

---

### A. Membership

The Hearing Committee is a standing college committee. Members shall serve a two-year term, except the Student Senate representative, who may serve for only one year. The committee shall consist of the following representatives:

1. One (1) administrator appointed by the Vice President of Student Services.
2. One (1) member of the faculty appointed by the Faculty Senate.
3. One Student Senator appointed by the ASCC Senate President except in the case where the complainant or respondent is a member of the ASCC Senate. In such a case, a non-ASCC Senate student member will be appointed by the Vice President of Student Services.
4. One (1) member from Classified staff appointed by the SEIU President.

If, for whatever reason, the President of the Faculty Senate, SEIU, and/or ASCC Student Senate cannot select their representatives for the hearing committee, then the Vice President of Student Services shall select them.

### B. Responsibilities

The Hearing Committee shall:

1. Hear and examine all supporting facts to determine whether the complainant's charges should be sustained.
2. Examine all written and oral statements presented that are relevant to the charges at hand. Any irrelevant prior knowledge or information concerning any of the parties involved shall not be discussed.
3. Conduct all proceedings with a high level of confidentiality to ensure the confidentiality rights of all parties.
4. Draw conclusions and make recommendations to the administration through the use of consensus whenever possible. When consensus is not possible, the Chairperson shall make a recommendation based on the deliberations of the committee and ask the committee to vote on the recommendation. The number of votes in favor and against, along with the recommendation shall be reported to the administration.



---

## Glossary of Terms

---

**ADVOCATE** One who provides support and assistance to the complainant or the party being grieved.

**COMPLAINANT** Any student or District employee who believes that he/she has been adversely affected by the violation of his/her rights. Any representative of the District charged with the responsibility for student rights and compliance may act as a complainant on behalf of a student.

**COMPLAINT** A statement of material facts establishing that the actions of another are in violation of local, state, or federal law, or district policies and regulations.

**DISPARATE** Unequal treatment resulting from the different application of written policy.

**EXPULSION** Permanent exclusion of a student from all College privileges including class attendance by action of the Governing Board resulting from continued and/or extremely serious violations of College rules and regulations, and/or for "good cause".

**GRIEVANCE** Any written complaint filed by the student who believes that a college policy or decision has violated his/her rights. However, a "grievance" does not include any matter for which a different appeals procedure is provided either by statutes, ordinances, resolutions, or agreements.

**MISCONDUCT** Improper behavior as defined by the District Disciplinary Policy.

**PLAGIARISM** The conscious or inadvertent failure to identify the contributions of others. It occurs when someone borrows any part of another's work and submits it, uncredited, as his or her own work. A failure to credit others may result in one or more of the following: a student receiving a failing grade for the course, or suspension from College enrollment. Students are expected to know how to credit sources, how to quote and paraphrase, and how to avoid plagiarizing the work of others. If you are unsure, ask your instructor for assistance before you submit your work for credit.

**PROCEDURAL DUE PROCESS** The right to receive a reasonable notification of all charges with ample opportunity to present a defense. Guaranteed protection of rights when accused of any college violation. This includes the right to face the accuser, the right to written documentation of any and all charges with ample opportunity to prepare a defense.

**REMOVAL** Temporary removal from a particular class. Instructors have the authority to remove a student for the remainder of a class and the following class. If the student is a minor (under 18 years of age), parents must be notified and invited to a conference. See section III.A.2.

**REPRIMAND** A written notification of specific violation(s) of College rules and regulations.

**RESPONDENT** Any faculty, staff or student against whom a complaint is lodged.

**RESTITUTION** Reimbursement for damage and/or loss or property.

**SCHOOL DAY** Any official day when classes or final examinations are in session as listed in the current academic calendar.

**SUBSTANTIVE DUE PROCESS** The right to protection from arbitrary, capricious, and unreasonable action; right to expect appropriate penalties for misconduct.

**SUPERVISOR** The person to whom the respondent reports.

### **SUSPENSION**

**Level I Suspension** - Temporary exclusion of students from attending any classes anywhere in the District for the duration of the suspension resulting from violation of College regulations

**Level II Suspension** - Temporary exclusion from all classes and all College privilege(s) for a specified period of time resulting from violation of College regulations. A student on Level II Suspension may not be present or participate in any way in College functions anywhere in the District. This includes evenings, weekends, holidays and all areas where College activities are offered on or off campus.

**WORKING DAY** Monday through Friday excluding school holidays.



# Disruptive Student Behavior Report Form

DISRUPTIVE STUDENT NAME \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_

STUDENT ID #: \_\_\_\_\_ CLASS/OFFICE INVOLVED \_\_\_\_\_

PERSON REPORTING: \_\_\_\_\_ PHONE: \_\_\_\_\_

**1. Describe clearly and in detail the type of disruptive behavior exhibited.** Include the **date, time, place** of the incident **and names** of those involved. If more space is required to complete the report, please attach your report to this form. If there are other witnesses to this interaction who may be contacted, please list their name(s).

NAME OF WITNESS \_\_\_\_\_ PHONE # \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2. Action taken by faculty or staff member:**

*(Check all that apply)*

- Conference and verbal warning issued. Date \_\_\_\_\_
- Removal from class for day of inappropriate behavior and next class meeting
- Required student to meet with Dean of Student Services before returning to class
- Issued a failing grade ("F") for assignment in question
- Issued a failing grade ("F") for the course
- Drop student from class and assign a withdrawal ("W") for the class, up to last day to withdraw from semester term courses
- Police contacted
- Other \_\_\_\_\_

**3. If possible, inform the student that this report will be sent to the Dean of Student Services and may result in further disciplinary action. If you can, give a copy of this report to the student.** Students are encouraged to make an appointment with the Dean of Student Services to discuss this report and receive information regarding student rights. For an appointment, call 477-3584.

**4. Signature of person reporting** \_\_\_\_\_

*(Check all that apply)*

- I discussed this matter with the student
- I notified the student that this report will be sent to the Dean of Student Services
- I have given a copy of this report to the student.

**PLEASE RETURN FORM TO THE DEAN OF STUDENT SERVICES**

**UNDER CONFIDENTIAL COVER**



# Unlawful Discrimination Complaint Form

NAME OF STUDENT \_\_\_\_\_

ADDRESS \_\_\_\_\_  
(STREET OR P.O. BOX) (CITY, STATE, ZIP)

TELEPHONE (\_\_\_\_\_) \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
(DAY) (EVENING)

I Am A:  Student  Employee  Other:

I Wish To Complain Against:

District: \_\_\_\_\_ College: \_\_\_\_\_

Date of Most Recent Incident of Alleged Discrimination: \_\_\_\_\_

*(Non-employment complaints must be filed within one year of the date of the alleged unlawful discrimination. Employment complaints must be filed within six months of the date of the alleged unlawful discrimination)*

I allege discrimination based on the following category protected under Title 5 (you must select at least one):

- Age  Retaliation\*\*  Race  National Origin
- Ethnic Group Identification  Ancestry  Sex (includes Harassment)  Religion
- Physical Disability  Mental Disability  Color  Sexual Orientation
- Perceived to be in protected category or associated with those in protected category

**Clearly state your complaint. Describe each incident of alleged discrimination separately. For each incident provide the following information: 1) date(s) the discriminatory action occurred; 2) name of individual(s) who discriminated; 3) what happened; 4) witnesses (if any); and 5) why you believe the discrimination was because of your religion, age, race, sex or whatever basis you indicated above.**

**\*\*If applicable, explain why you believe you were retaliated against for filing a complaint or asserting your right to be free from discrimination on any of the above grounds. (Attach additional pages as necessary.)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What would you like the District to do as a result of your complaint -- what remedy are you seeking?

\_\_\_\_\_  
\_\_\_\_\_

I certify that this information is correct to the best of my knowledge.

\_\_\_\_\_  
SIGNATURE OF COMPLAINANT DATE

Send **Original** to the District, or:

Chancellor's Office, California Community Colleges

(Revised 3/05) 1102 Q Street, Sacramento, California 95814-6511

Attention: Legal Affairs Division

Large Type Form available at <http://www.cccco.edu/divisions/legal/discrimination/discrimination.htm>



# Student Grievance Form

NAME OF STUDENT \_\_\_\_\_

ADDRESS \_\_\_\_\_  
(STREET OR P.O. BOX) (CITY, STATE, ZIP)

TELEPHONE (\_\_\_\_\_) \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
(DAY) (EVENING)

## Instructions to Student

You must be able to answer "Yes" to each question and complete the requested information in order to proceed with a formal Grievance.

1. Was a conference held with the College employee against whom this complaint is being filed?

\_\_\_\_ Yes    \_\_\_\_ No    Date of conference \_\_\_\_\_

2. Was a conference held with the supervisor of the College employee against whom the complaint is being filed?

\_\_\_\_ Yes    \_\_\_\_ No    Date of conference \_\_\_\_\_

3. Was a conference held with the appropriate V.P. regarding your complaint?

\_\_\_\_ Yes    \_\_\_\_ No    Date of conference \_\_\_\_\_

Outcome of this conference \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date on which incident occurred \_\_\_\_\_

Write a description of the general and specific grounds on which the grievance is based.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Specific remedy desired:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

List all documents that should be reviewed (attach legible copies).

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_

I believe that I have pursued all the necessary steps in order to resolve my complaint through the Informal Grievance Procedure and consider the issue of sufficient concern to file a written grievance with College officials.

Signature \_\_\_\_\_ Date Filed \_\_\_\_\_

Cc: Complainant, Respondent (Party against whom the grievance is filed) Original Copy: Student Services Office

# Cabrillo College **Waiver of Right to Hearing**

I understand that I am entitled to a hearing before the Hearing Committee for alleged violation(s) of prohibited student conduct in accordance with Board Policy 6110, the Student Rights and Responsibilities Handbook.

I also understand that such a hearing would include the right to present evidence on my own behalf, to have an advocate, to have the matter decided by a neutral hearing committee, and to appeal the committee's decision to a higher level within the College governance body.

I further understand that, pursuant to disciplinary procedures outlined in the Student Rights and Responsibilities Handbook, disciplinary sanctions, including expulsion, may be recommended to the Superintendent/President.

Initial one of the following:

\_\_\_\_\_ I voluntarily waive my right to a hearing as described in the Student Rights Responsibilities Handbook. I accept the identified disciplinary action. I am waiving all rights to further appeal.

\_\_\_\_\_ I waive my right to a formal hearing as described in the Student Rights & Responsibilities Handbook. I am requesting an administrative review by the Vice President and Dean of Student Services in lieu of a formal hearing. I am waiving all rights to further appeal.

This is to certify that I have read this form and understand it, and hereby agree to voluntarily waive my right to a formal hearing as outlined in the Cabrillo College Student Rights and Responsibilities Handbook.

\_\_\_\_\_  
Student's Name (Print)

\_\_\_\_\_  
Witness (Print)

\_\_\_\_\_  
Signature of Student

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Date

---

## Non Discrimination Policy

---

### AR5040

Cabrillo College does not discriminate on the basis of race, color, national origin, sex, sexual orientation, disability, or age in any policies, procedures, or practices. This nondiscrimination policy covers admissions and access to, and treatment and employment in, the college's programs and activities. To request more information about equal opportunity policies and the filing of grievance, contact the following:

**Director of Human Resources:**  
**(831) 479-6234, Room 902**

**Dean or Vice President of Student Services:**  
**(831) 479-6525**

**Disabled Student Programs and Services,**  
**Section 504 Officer: (831) 479-6379, Room 812.**

For more information, a copy of Administrative Regulation (AR) 5040 may be obtained from the Office of Human Resources, Office of Student Affairs or the Office of DSPS (Disabled Student Programs and Services).

---

## Sexual Harassment Policy

---

### AR5040

It is the policy of the Cabrillo Community College District to provide an educational, employment and business environment free of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communications constituting sexual harassment, as defined and otherwise prohibited by state and federal statutes. For additional information regarding this policy and the procedures involved, contact:

**Dean or Vice President of Student Services:**  
**(831) 479-6525**

For more information, a copy of Administrative Regulation (AR) 5040 may be obtained from the Office of Human Resources, Office of the Dean of Student Services or the Office of DSPS (Disabled Student Programs and Services)

---

## Smoke-Free Environment

---

### AR6120

In accordance with the Cabrillo College Smoke-Free Environment Policy, the following regulations are implemented:

1. Smoking is prohibited in all indoor areas of all public buildings on/off campus. No smoking signs will be posted at College entryways. Smoking is not permitted in the College theater except as may be required during the rehearsals and performances staged as a portion of a Theater Arts production.
2. Smoking is prohibited in the outside areas beside building doorways, windows and ventilation air intakes. This includes patios underneath building windows and walkways.
3. Smoking is prohibited in all College-owned vehicles including shuttles, automobiles, and all types of delivery, maintenance, and service vehicles.
4. Smoking is permitted in designated areas only. Receptacles are available for the disposal of cigarettes.
5. Cabrillo College will support and assist efforts to stop smoking by providing literature, referrals to community cessation programs and by sponsoring periodic campus smoking cessation programs.
6. Tobacco products will not be sold on campus either through vending machines or campus establishments.
7. Implementation of the campus smoke-free environment policy will be the responsibility of every student, faculty member, staff person and visitor on campus.

Legal Reference:  
Education Code Sections 76031 and 76033(e).

Adopted: March 1, 1993

Revised: June 4, 2001

---

## Drug Free Campus

---

### BP 6130

It is the policy of the Cabrillo Community College District to maintain a campus free of the unlawful manufacture, distribution, dispensing, possession or use of controlled substances as listed in Section 22 of the Drug Free Schools and Communities Act Amendment of 1989 (Public Law 101-226), which includes, but is not limited to, substances such as marijuana, heroin, cocaine, amphetamines, and alcohol.

For the purpose of this policy, "campus" shall mean those places where a student is involved in an authorized College activity. The campus includes, but is not limited to property owned or leased by the District; any place used by the District for student participation in a field trip; field study; athletic competition; study travel program; and in District or private vehicles being used for official District business.

In furtherance of this policy, all students shall be made aware of the danger of drug abuse and the College and community resources available for counseling and rehabilitation of those with drug-related problems. All students shall also be informed of the consequences of drug abuse violations.

These consequences shall include, but not be limited to student disciplinary action pursuant to Education Code and District policy.

As a condition of continued enrollment, students shall abide by the terms of this policy. Individuals on campus who are not Cabrillo College students are required to comply with this policy. Such individuals who unlawfully manufacture, distribute, dispense, possess or use controlled substances may be barred from Cabrillo College campuses.

Legal Reference: Section 22 of the Drug-Free Schools and Communities Act of 1989 (Public Law 101-226)

Adopted: September 10, 1990

**Student Rights  
and Responsibilities  
Cabrillo College  
1/06**



---

## Administrative Regulation 5040 Nondiscrimination Policy Outline

---

The following is only an outline of procedures. For complete procedures see AR 5040 located in the Human Resources Office or the Student Affairs Office.

### Informal Complaint Procedures

College Official will:

1. Undertake efforts informally to resolve charges, if appropriate.
2. Advise the complainant that he/she need not participate in informal resolution of the complaint;
3. Notify the person bringing the charges of his/her right to file a formal complaint and explain procedure for filing a formal complaint;
4. Advise the complainant that he or she may file a complaint with the Office for Civil Rights of the U.S. Department of Education (OCR); and
5. If the complaint is employment related, the complainant will also be advised that he or she may file a complaint with the State Department of Fair Employment and Housing (DFEH) and/or the U.S. Equal Employment Opportunity Commission.

### Formal Complaint Procedure

Complainant must file on a form prescribed by the State Chancellor, see the section on "Forms" of the Student Rights and Responsibilities Handbook.

The completed form must be filed with the Dean of Student Services or mailed directly to the State Chancellor's Office of the California Community Colleges.

When a formal complaint is filed an investigation will be initiated if the complaint meets the following requirements:

1. The complaint must allege unlawful discrimination or harassment.
2. The complaint must be filed by one who alleges that he/she has personally suffered unlawful discrimination or harassment or by one who has learned of such unlawful acts in his/her official capacity such as a faculty member or administrator.
3. The complaint must be filed within 1 year of the date of the alleged unlawful discrimination or harassment on which the complainant knew or

should have known the facts underlying the allegation of the unlawful discrimination or harassment.

4. Complaints alleging discrimination or harassment in employment must be filed within 6 month of the date the alleged unlawful employment discrimination occurred. This period can be extended by no more than 90 days following the expiration of the 6-month period if the complainant first obtained knowledge of the facts of the alleged violations after the expiration of 6 months.

Upon receipt of a formal written complaint, the responsible District Officer will conduct a full and impartial investigation and notify the State Chancellor's Office of the investigation.

Within 60 days of receiving the formal unlawful discrimination or harassment complaint, the investigation will be completed and the responsible District Officer will notify both the complainant and the accused regarding his/her determination based upon the investigation as to whether discrimination took or did not occur with respect to each allegation in the complaint.

If either the complainant or the respondent is dissatisfied with the District Officer's determination, that party may appeal to the District's Advisory Panel in writing within 5 working days of the notification of the determination.

After completing a review, the panel may recommend upholding or revising the District Official's conclusions.

If there is disagreement between the District Officer's determination and the Advisory Panel, the Superintendent / President shall make the final determination.

The complainant has the right to appeal the final administrative determination to the District's Governing Board.

The complainant has the right to file an appeal with the California Community College Chancellor's Office in any case not involving employment.

---

## Student Grievance Procedure Outline

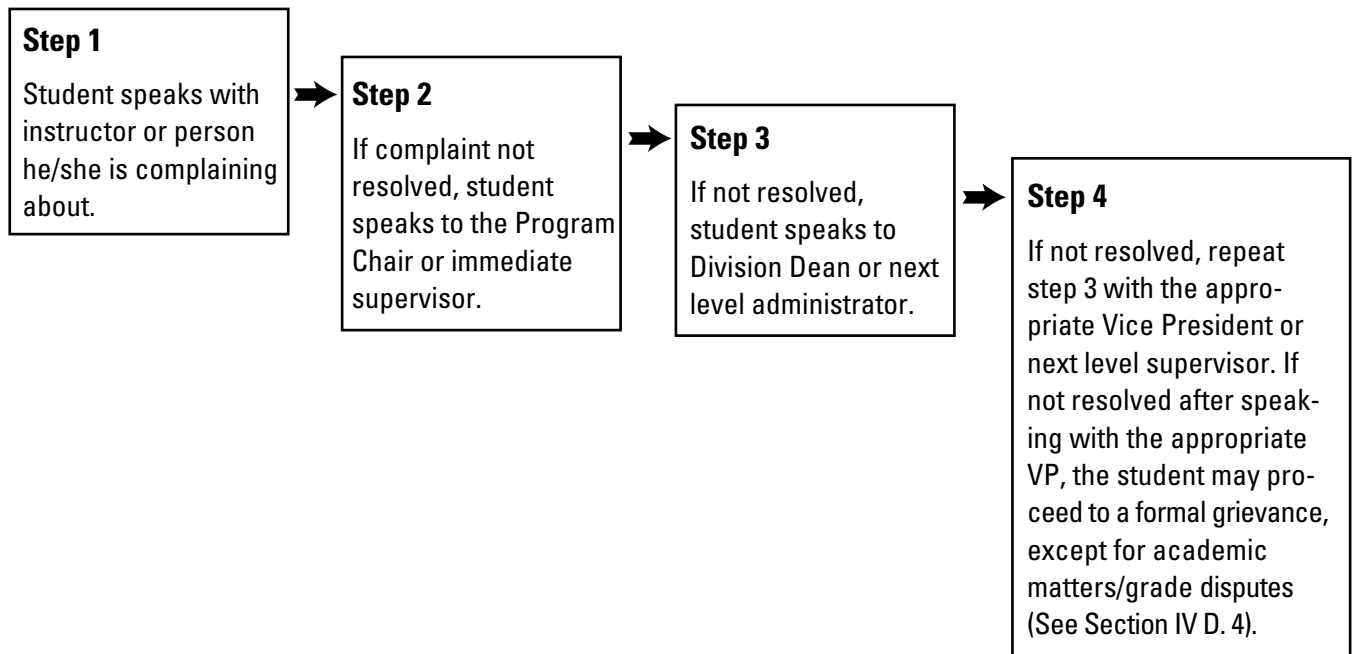
---

This is intended to serve only as an outline of the steps to follow to file a grievance. **Students must follow the detailed procedures and required filing time limits as stated in GRIEVANCE PROCEDURES, Section IV D. and E. of this handbook.**

---

### Pre-Grievance Procedure

---



### Formal Grievance Procedure

---

