The Student Rights and Responsibilities Handbook is an information resource for students, faculty, staff and administrators that outlines the individual rights of all students and the procedures followed when it is believed these rights may have been violated. This handbook also outlines students’ responsibilities as members of the Cabrillo College community and the behavior expectations required of them to ensure the quality learning environment that Cabrillo upholds.

Revised Summer 2018

Office of the Dean of Student Services and Title IX/Human Resources
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BP3410

SMOKE-FREE ENVIRONMENT

BP 3570

STUDENT GRIEVANCE PROCEDURE OUTLINE
I. 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 policies and regulations.

The College strictly prohibits discrimination or harassment of students based on a student’s sex identity, race, color, national origin, religion, age, disability or sexual orientation. The College has appointed the Title IX Coordinator / Compliance Officer, located in Human Resources-Building 1550, to receive and handle complaints against students regarding discrimination and/or harassment under the College’s Non-Discrimination and Sexual Harassment Policy (BP3410). Complaints regarding sexual harassment, sexual misconduct, or gender discrimination should be referred to the College’s Title IX Coordinator whether the complaints are student to student, or students to faculty/staff, or vice versa. All other student complaints are addressed through Grievance Procedures, outlined in this handbook.

Any questions about these policies or procedures should be addressed to the Office of the Dean of Student Services.
II. STUDENT RIGHTS – Students have a right to:

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

Our goal in Student Services is to empower students with knowledge regarding their rights as students and the due process system that has been established for which students could take advantage. All students have a right to a conducive learning environment in their classes and in any educational support program. When a student violates the right of another, the college carries out due process to hold that student accountable.

B. Privacy in regards to all College records.
Parents and other advocates may only access student records with the student’s written consent as per the Family Educational Rights and Privacy Act (FERPA). If the student is a minor, the student's parent or guardian shall also be provided notice of the due process procedures. Written consent can be submitted to Admission & Records with a copy at the DNSS office.

The Family Educational Rights and Privacy Act (FERPA) of 1974 protects the privacy of a student’s education records by placing limits on who may have access to the records, what information may be shared or disclosed, and how that information may be used.

Cabrillo College complies with FERPA and has strict policies and procedures in place governing student records. In general, the College does not access a student’s records or disclose information to anyone (including a student’s parents) without the student’s written consent.

For more information on FERPA regulations please visit the federal website: U.S. Department of Education FERPA website or http://www.ed.gov/policy/gen/guid/fpco/ferpa/

C. Request intervention/assistance to ensure a healthy, productive learning environment.
The Student Support Care Team (SSCT) is a group of Cabrillo administrators, faculty and staff who provide guidance, assistance and follow-up to faculty and staff who report issues of concern, disruption, and/or safety. The mission of the SSCT is to promote early identification and early intervention that support student success and a safe and healthy learning and working environment for everyone at Cabrillo College. SSCT encourages students to seek assistance from the following support services and programs:

1. Instructor
2. Department Chair
3. Division Dean
4. Accessibility Support Center (ASC)
5. Student Health Services
6. Campus Sheriff
7. Academic & Mental Health Counselors  
8. Dean of Student Services  
9. The HUB  
10. Learning Centers  
11. Guardian Scholars  
12. Student Senate  
13. Veterans Information Center  
14. Title IX Coordinator

Students who are seeking assistance from any one of the services/programs mentioned above can find contact information by going to: http://www.cabrillo.edu/ and selecting Directories A-Z at the top right corner of the Cabrillo homepage. Type the name of the Cabrillo faculty/staff member or the title of the program.

**D. The Student Right-to-Know and Campus Security Act of 1990.**

In compliance with the Student Right-to-Know and Campus Security Act of 1990 (Public Law 101-542), it is the policy of our College District to make available its completion and transfer rates and campus crime statistics to all current and prospective students. More information is available at the following links:

https://www.cabrillo.edu/services/sheriff/securityreport.html#chart
III. ACADEMIC INTEGRITY

A. Academic Honor Code

As a student at Cabrillo College, you join a community of scholars who are committed to excellence in teaching and learning. We expect students to pursue their studies with integrity and honesty. Therefore, all students should know that incidents of academic dishonesty are taken very seriously.

When students are caught attempting to obtain passing grades by fraudulent means, a process is begun that may result in severe consequences. It is important to your academic success that you know what constitutes academic dishonesty at Cabrillo College.

B. Academic Dishonesty

The two most common kinds of academic dishonesty are cheating and plagiarism.

Cheating is the act of obtaining or attempting to obtain credit for academic work through the use of dishonest, deceptive or fraudulent means (see examples below).

Plagiarism is representing the work of someone else as your own and submitting it for any purpose (see examples below).

It is your responsibility to know what constitutes academic dishonesty, which is typically covered in every class syllabus. Interpretations of academic dishonesty may differ among individuals and groups. However, as a student at Cabrillo College, you are expected to refrain from the behavior outlined below. If you are unclear about a specific situation, speak to your instructor. The following list exemplifies some of the activities defined as academic dishonesty:

1. Cheating
   a. Copying, in part or in whole, from someone else's writing, test, exam, project, or paper;
   b. Submitting work presented previously in another course, unless approved by the instructor;
   c. Altering or interfering with grading;
   d. During an exam or other class activity, using or consulting any sources, electronic equipment, including cell phones and PDAs, or materials unless approved by the instructor; or
   e. Committing other acts that defraud or misrepresent.

2. Plagiarism
   a. Incorporating the ideas, words, phrases, sentences, paragraphs or parts of another person's writings, without giving appropriate credit, and representing the product as your own;
   b. Representing another's artistic or scholarly works such as musical compositions, computer programs, photographs, paintings, drawings or sculptures as your own;
c. Submitting a paper purchased from a research or term paper service, including the internet; or
d. Undocumented Web source usage.

3. Other Specific Examples of Academic Dishonesty
   a. Purposely allowing another student to copy from your paper during a test;
   b. Giving or selling your homework, term paper or other academic work to another student to plagiarize;
   c. Having another person submit any work in your name;
   d. Lying or misrepresenting your work to an instructor or college official to improve your grade;
   e. Stealing tests; or
   f. Forging signatures on college documents.

C. Consequences of Academic Dishonesty
   Academic and/or administrative sanctions will be applied in cases of academic dishonesty.

1. First-Level Academic consequences may include:
   a. Receiving a failing grade on the test, paper or exam.
   b. Having your course grade lowered.
   c. Being dropped from the course.
   d. Being referred to the Dean of Student Services for conduct.

2. Second-Level Administrative consequences may include:
   a. Being placed on disciplinary probation.
   b. Completing a class on academic dishonesty.
   c. Being suspended or expelled.

The Office of the Dean of Student Services maintains a record of students who have engaged in academic dishonesty.
IV. STUDENT RESPONSIBILITIES

A. 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, administration, and community members.

2. Responsibility for reading and following Cabrillo College rules and regulations:
   a. Read Schedule of Classes and Cabrillo College Catalog for all appropriate deadlines and frequently asked questions.
   b. It is the responsibility of the student to drop a class. A student should not assume that he/she has been automatically dropped from any class, or that the student’s instructor has dropped the student from the class.

3. Professional conduct in the classroom by:
   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.
   e. Never plagiarizing the work of others.
   f. Meeting with your instructor during office hours as needed to clarify course requirements and/or resolve any issues not resolved in class.
   g. Seeking out assistance and help from academic support services such as tutoring, learning assistance, offered in The HUB when struggling with class requirements.

4. Respect for ALL program guidelines and requirements.

5. Respect for College equipment, buildings and grounds.

B. Principles of Discipline

Cabrillo College students are entitled to an objective 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, ensure safety 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.

C. Prohibited Conduct – Disruptive Behavior, Classroom and/or District

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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 of 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 on a college-sponsored athletic team, or other college-sponsored events.
- Any extension to off campus criminal behavior.
- Any extension to off campus tortious behavior.
  This includes all hours of the day or night while the student is under the supervision of the College.

The Superintendent/President shall establish procedures for the imposition of discipline on students in accordance with the requirements for due process of the federal and state law and regulations. The procedures shall clearly define the conduct that is subject to discipline, and shall identify potential disciplinary actions, including but not limited to the removal, suspension or expulsion of a student. The following is misconduct and 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, and off campus property under Cabrillo supervision.

2. Forgery, altercation, or misuse of campus documents, records, or identification, or knowingly furnishing false information to the College.

3. Violating academic integrity, cheating, and plagiarism in connection with an instructional program or any College activity.

4. Failure to pay College 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 (this includes indecent exposure) on campus property or at a college-sponsored event, field trip, conference, etc. This includes attire with offensive verbiage or symbols.

8. Possession, sales or use of explosives, dangerous chemicals, or deadly weapons on campus property, 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, including any imitation or replica weapons that might cause alarm to the College community.

9. Obstruction, disruption, or any disruptive behavior on or off campus property, of the campus educational process, administrative process, or other college functions such as field trips. This includes athletic teams and conference travel during all hours the student is under the supervision of the College.

10. Violation of any order of the College President or designee.

11. Soliciting or assisting another to commit any act which would subject a student to expulsion, suspension, or probation pursuant to this section.

12. Offensive use of profanity and/or vulgar language toward or around members of the College community. This includes statements that are swear words, expletives, curse, obscene, blasphemy, swearing, foul language, bad language, cursing; rude, indecent, offensive, distasteful, crude, suggestive, racy, profane, lewd, or pornographic.


14. 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.

15. False accusations or malicious charges against any other student or staff member of the District. This means an allegation that is completely false in that the events that were alleged did not occur; an allegation that describes events that did occur, but were perpetrated by an individual who is not accused, and in which the accused person is innocent. A malicious charge is one that is spiteful, malevolent, evil-intentioned, vindictive, vengeful, malign, mean, nasty, hurtful, mischievous, wounding, cruel, and unkind.

16. Unauthorized entry into, unauthorized use of, or misuse of campus property.
17. 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.

18. Possession, use of, sales, or being under the influence 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.

19. Sale or possession of 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 — athletic events, 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.

20. Riding roller skates, skateboards, toy vehicles, or other similar riding devices on any roadway, path, service road, sidewalk, or walkway of District property.

21. Riding bicycles on walkways, building perimeters, and other restricted areas.

22. Willful or persistent smoking, including vaporizing and chewing tobacco is prohibited by law and by regulation of the college.

23. Bringing dogs or other animals to school. Exceptions are:
   a. Service animals assisting people with disabilities (refer to AP3440).
      Service Animals are dogs or miniature horses that have been individually trained to do work or perform tasks for the benefit of an individual with a disability. Other animals, whether wild or domestic, do not qualify as service animals. Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are used purely for emotional support, are not service animals.
   b. The District may make two inquiries to determine whether an animal qualifies as a service animal: 1) whether the animal is required because of a disability; and 2) what work or task the animal has been trained to perform.
   c. The care and supervision of a service animal is the responsibility of the student.

24. Sleeping in vehicles between the hours of 10 pm and 8 am and all day Saturday and Sunday or whenever regular College classes are not in session. Special exceptions may be made by the Campus Sheriff’s Office.

25. Committing sexual harassment as defined by law or by District policies and procedures.
26. 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.

27. Bullying, including online interaction, and affecting any member of the College community on or off campus.

28. Flaming (very intense or strongly felt), bashing, or any abusive, threatening, coercive, or hostile behavior, including online interaction, affecting the person or property of any member of the College community on or off campus.

29. Willful misconduct which results in injury to or death of a student or College personnel or which results in cutting, defacing, or 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.

31. Behaviors that discriminate on the basis of race, color, national origin, religion, sex, sexual orientation, disability, or age in any policies, procedures, or practices. Violating the Non-Discrimination Policy. (Refer to Board Policy 3410.)

32. Attending school/classes with a contagious/infectious illness which creates a serious threat to the health of the student or other students and college personnel.

33. Sexual Assault or sexual exploitation regardless of the victim’s affiliation with the district.

D. Gender Discrimination and Sexual Misconduct

Prohibited Conduct and Definitions

Cabrillo College prohibits all forms of gender-based discrimination, harassment, and misconduct, including sexual assault, non-consensual sexual contact, intimate partner violence, sexual exploitation, and stalking. The College also prohibits retaliation against any person who reports or participates in an investigation relating to sexual misconduct. When adjudicating issues of sexual misconduct, the person reporting the conduct will be referred to as the “Reporting Party.” The person charged with engaging in the prohibited conduct will be referred to as the “Responding Party.”

a) Gender Based Discrimination

Gender based discrimination refers to the disparate treatment of a person or group because of that person’s or group’s gender, sex, sexual orientation, gender identity or gender expression.

“Gender” means sex, and includes a person’s gender identity and gender expression.
“Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

b) Gender Based Harassment

“Sexual Harassment” is any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, physical, graphic, or otherwise.

“Gender Based Harassment” is harassment based on sex, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, physical, graphic, or otherwise.

Harassment can be divided into two types of conduct:

1. **Quid Pro Quo Harassment.** 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.** A hostile environment exists 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. 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. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e. a sexual assault.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

c) Sexual Misconduct: Forms

The College prohibits the following specific conduct:

1. Sexual Assault;
2. Non-Consensual Sexual Contact;
3. Sexual Exploitation; and
4. Stalking.

1. Sexual Assault

“Sexual Assault” is having or attempting to have sexual intercourse with another individual:

- By force or threat of force;
- Without effective affirmative consent; or
- Where that individual is incapacitated.

Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.
2. Non-Consensual Sexual Contact

“Non-Consensual Sexual Contact” is having sexual contact with another individual:

- By force or threat of force;
- Without effective affirmative consent; or
- Where that individual is incapacitated.

Sexual Contact includes intentional contact with the intimate parts of another, causing an individual to touch their own intimate body parts, or disrobing or exposure of another without permission. Intimate body parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.

3. Sexual Exploitation

“Sexual Exploitation” occurs when an individual takes non-consensual or abusive sexual advantage of another for one’s own advantage or benefit, or to benefit anyone other than the one being exploited. Examples of Sexual Exploitation include, but are not limited to:

- Secretly observing another person’s nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- Non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity of the person being exploited, or distribution of such without the knowledge and consent of all parties involved;
- Exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances;
- Knowingly exposing another individual to a sexually transmitted disease or virus without their knowledge; and
- Making another person vulnerable to non-consensual sexual activity through the use of drugs or alcohol.

4. Stalking

“Stalking” occurs when a person engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Cyber-stalking is a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

Examples of Stalking include, but are not limited to:

- Non-consensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on web sites, written letters, gifts, or any other communications that are undesired and/or place another person in fear;
- Following, pursuing, waiting, or showing up uninvited at a workplace, home, classroom, or other locations frequented by a person;
- Surveillance and other types of observation, whether in person or by electronic means; and
- Gathering of information about a person from family, friends, co-workers, and/or classmates.
To qualify as stalking, the conduct is not required to be sexual in nature.

d) Intimate Partner Violence: Forms

“Intimate Partner Violence” includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, spousal, domestic, or other intimate relationship with the Reporting Party. The College will not tolerate Intimate Partner Violence of any form.

Intimate Partner Violence is often referred to as dating violence, domestic violence, or relationship violence. Intimate Partner Violence can encompass a broad range of behavior including, but not limited to, physical violence, sexual violence, psychological and/or emotional violence, and economic abuse. It may involve one act or an ongoing pattern of behavior. Intimate Partner Violence may take the form of threats, assault, property damage, violence or threat of violence to one’s self, one’s sexual or romantic partner, or to the family members or friends of the sexual or romantic partner. Intimate Partner Violence affects individuals of all sexes, sexual orientations, gender identities, gender expressions, races and social or economic backgrounds.

“Dating Violence” is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person subjected to such violence. Whether there was such a relationship will be determined based on, among other factors, the Reporting Party's and Responding Party's statements, and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the Parties involved in the relationship.

“Domestic Violence” is a felony or misdemeanor crime of violence committed by: (1) a current or former spouse or intimate partner of the victim; (2) a person with whom the victim shares a child in common; (3) a person who is cohabiting with, or has cohabitated with, the victim as a spouse or intimate partner; (4) a person similarly situated to a spouse of the victim under California law; or (5) any other person against an adult or youth victim who is protected from that person’s acts under California law.

e) Affirmative Consent

California law requires students to seek "affirmative consent" from partners at each stage of sexual activity.

“Affirmative Consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other(s) to engage in the sexual activity.

It shall not be a valid excuse to alleged lack of affirmative consent that the Responding Party believed that the Reporting Party consented to the sexual activity under either of the following circumstances: (a) Responding Party’s belief in affirmative consent arose from the intoxication or recklessness of the Reporting Party, or (b) the Responding Party did not take reasonable steps, in the circumstances known to the Reporting Party at the time, to ascertain whether the Reporting Party affirmatively consented.

The following are essential elements of affirmative consent:
**Informed and reciprocal:** All Parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.

**Freely and actively given:** Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.

**Mutually understandable:** Communication regarding consent consists of mutually understandable words and/or actions that indicate a mutually unambiguous willingness to engage in sexual activity. Consent may not be inferred from silence, passivity, lack of resistance, or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.

**Not indefinite:** Affirmative consent must be ongoing throughout the activity. Consent may be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity.

Withdrawal of consent can be an expressed “no” or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain, or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately and all Parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.

**Not unlimited:** Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant. Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

**Barriers to Consent**

Affirmative consent is not present when any of the following elements are present:

1. Force
2. Intimidation
3. Coercion
4. Incapacitation

1. Force

“Force” is the use or threat of physical violence to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by force is not valid.

For the use of force to be demonstrated, there is no requirement that a Reporting Party resist the sexual advance or request. However, evidence of resistance by the Reporting Party will be viewed as a clear demonstration of a lack of consent.
2. Intimidation

“Intimidation” is the use of implied threats to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by intimidation is not valid.

3. Coercion

“Coercion” is the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual’s will. Consent obtained through coercion is not valid.

Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity.

Examples of coercion include threatening to “out” someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity. When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive.

The College will evaluate the following in determining whether coercion was used: (a) the frequency of the application of pressure, (b) the intensity of the pressure, (c) the degree of isolation of the person being pressured, and (4) the duration of the pressure.

4. Incapacitation

“Incapacitation” is a state where an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand the “who, what, when, where, why, or how” of the sexual interaction) and/or is physically helpless.

For example, an individual is incapacitated, and therefore unable to give consent, if the individual is asleep, unconscious, or otherwise unaware that sexual activity is occurring. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to a mental or physical condition.

Incapacitation may result from the use of alcohol, drugs, or other medication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation.

The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual’s (1) decision-making ability; (2) awareness of consequences; (3) ability to make informed judgments; and (4) capacity to appreciate the nature and the quality of the act.

It shall not be a valid excuse that the Responding Party believed that the Reporting Party affirmatively consented to the sexual activity if the Responding Party knew or reasonably should have known that the Reporting Party was unable to consent to the sexual activity under any of the following circumstances: (a) the Reporting Party was asleep or unconscious; (b) the Reporting Party was incapacitated due to the influence of drugs, alcohol, or medication, so
that the Reporting Party could not understand the fact, nature, or extent of the sexual activity; (c) the Reporting Party was unable to communicate due to a mental or physical condition.

It is the responsibility of each party to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all Parties. If there is any doubt as to the level or extent of the other individual’s intoxication, it is safest to forgo or cease any sexual contact or activity.

**Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one’s responsibility to obtain consent.**

f) **Retaliation**

Retaliation includes adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this Policy. Adverse action includes conduct that threatens, intimidates, harasses, coerces or in any other way seeks to discourage a reasonable person from engaging in activity protected under this Policy. Retaliation can be committed by or against any individual or group of individuals, not just a Responding Party or Reporting Party. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of Prohibited Conduct.

The College will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting prohibited conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

**Cabrillo College’s Title IX Team**

The College’s Title IX team is comprised of Samantha Folb, the Title IX Coordinator/Compliance Officer, and Angela Hoyt, the Director of Human Resources and Labor Relations. The Title IX Coordinator/Compliance Officer and Director of Human Resources and Labor Relations can be contacted by telephone, email, or in person during regular office hours:

**Samantha Folb, J.D.**  
Title IX Coordinator / Compliance Officer  
Cabrillo College  
Human Resources Department Bldg. 1150  
6500 Soquel Drive  
Aptos, CA 95003  
831.477.3373  
Safolb@cabrillo.edu

**Angela R. Hoyt, J.D.**  
Director of Human Resources & Labor Relations  
Cabrillo College
The Title IX Coordinator monitors the College’s overall compliance with Title IX, ensures appropriate training and education, and oversees the College’s investigation, response, and resolution of reports made under this Policy. Upon receiving reports of Prohibited Conduct, the Title IX Coordinator ensures that appropriate action is taken to eliminate that conduct, prevent its recurrence, and remedy its effects. The Title IX Coordinator is available to advise all individuals—including individuals who have experienced misconduct, individuals who are alleged to be responsible for misconduct, and third-Parties—on this Policy and the College’s relevant administrative procedures.

The Title IX Coordinator reports to the Director of Human Resources & Labor Relations.

**Reporting Sexual Misconduct**

**The College strongly encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response.**

The College also strongly encourages all individuals to make a report to the College and to local law enforcement, although neither is required. These reporting options are not mutually exclusive. Both internal and criminal reports may be made simultaneously. Individuals can make a report at the College reporting page at http://www.cabrillo.edu/reportit/

The College has a strong interest in supporting survivors of sexual harassment, sexual violence, stalking, and intimate partner violence and strongly encourages all individuals or third party witnesses to report any incident to the College.

Making a report means telling a Responsible Employee what happened—in person, by telephone, in writing, or by email. At the time a report is made, a Reporting Party does not have to request any particular course of action, nor does a Reporting Party need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The College provides support that can assist each individual in making these important decisions, and will respect an individual’s autonomy in deciding how to proceed to the extent legally possible. In this process, the College will balance the individual’s interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

A Reporting Party has the right to notify or decline to notify law enforcement. A Reporting Party should contact the Santa Cruz Sherriff’s Department, Cabrillo Division to file a report of sexual misconduct by calling the dispatch number below at any time or visiting the Sheriff’s Department during business hours.

**Santa Cruz County Sherriff’s Department, Cabrillo Division**
The College will investigate and resolve all reports of sexual misconduct pursuant to the Grievance Procedure in Section VI of the Student Rights and Responsibilities handbook. The Reporting Party, the Responding Party and all individuals involved will be treated with dignity and respect. In response to all reports of Prohibited Conduct, the College will make an immediate assessment of any risk of harm to the Reporting Party, Responding Party, and to the broader campus community and will take the steps necessary to address those risks. These steps may include interim measures to provide for the safety of the individual and the campus community.

Throughout the course of an investigation the Reporting Party has the right to:

- Reasonable changes to the academic and living situations.
- Referrals to counseling, and assistance in notifying law enforcement.
- Same opportunity as Responding Party to have others present at the disciplinary hearing.
- Unconditional notification of outcomes of hearing, sanctions and terms of sanctions in place.
- Opportunities and assistance to speak (or choose not to speak) to anyone regarding the outcome.
- Name and identifying information kept confidential to the extent possible (FERPA).

Throughout the course of an investigation the Responding Party has the right to:

- All applicable due process protections.
- Referrals to counseling, and assistance in speaking with law enforcement to understand any criminal complaints that may have been filed against them.
- Same opportunity as the Reporting Party to have others present at the disciplinary hearing.
- Unconditional notification of outcomes of hearing, sanctions and terms of sanctions in place.
- Opportunities and assistance to speak (or choose not to speak) to anyone regarding the outcome.
- Name and identifying information kept confidential to the extent possible (FERPA).
V. DISCIPLINARY PROCEDURES

A. Procedures for Handling Challenging Student Issues

When a student is charged with 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 to the violation, the instructor or supervising college authority must a complete a clear and detailed report for the Student Support & Care Team through the college report process at http://www.cabrillo.edu/reportit/

For any submitted reports, instructors should make every effort to:

a. Conference with the student.
b. Inform the appropriate Division Dean.

The instructor or supervising College Authority has options to consider to hold the student accountable:

1. Removing the student from the class for one or two class sessions. In this case, the instructor must follow the reporting procedures as stated above in Disciplinary Procedures.

   If the student is a minor, as defined by current law (Education Code Section 76032); 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 may attend the conference if the instructor or the parent so requests. When in question, the Dean of Student Services or the Office of Admissions and Records can help determine the status of a minor.

   During the period of removal, a student shall not return to the class from which he or she was removed without the concurrence of the instructor of the class. The student has the right to return to class after two (2) class meetings, pending further disciplinary action, if any. Nothing herein will prevent the college administrator from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal. The Dean of Student Services shall provide the student a written notification of the decision and the type of disciplinary action being imposed. A record of the disciplinary action will be entered in the student's discipline file and will be maintained in the Office of the Dean of Student Services. If the student is a minor, then written notification of the decision will also be forwarded to the parent or guardian on record.

2. Dropping the student from the class with these required steps:
   a. Consult with the Division Dean before dropping a student.
   b. Drop the student through Web Advisor.
   c. To drop a student after the 75% mark of the semester, the instructor:
      i. must request an administrative drop through his/her administrator or the Dean of Student Services.
      ii. also has the option to issue a grade.
d. Complete the appropriate SSCT report.

Note: Students have the right to appeal by following the procedures outlined in this handbook. See Grievance Procedures.

B. Referrals to the Dean of Student Services AND the Process for Disciplinary Follow-up and Consequences

The college enacts a progressive disciplinary process in response to any disruptive behavior, depending on the severity. When a student is referred to the Dean of Student Services by any member of the staff, faculty, or administration for academic dishonesty or disruptive behavior reasons:

1. A report **MUST** be completed and submitted through the college reporting page at [http://www.cabrillo.edu/reportit/](http://www.cabrillo.edu/reportit/) by the employee who wishes to report a student for follow-up.

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 appropriate, the student can be given a copy of the report.

3. The Student Support Care Team (SSCT) reviews all reports to determine appropriate follow-up. Often more severe disruptive behavior is referred to the Dean of Student Services for a conduct meeting. Typically the Case Coordinator handles all lower-level behavior concerns.

4. If warranted, the Dean of Student Services may, depending upon how serious the referral is, meet with the student and other involved staff members.

5. The Office of the Dean of Student Services notifies the student that a meeting has been scheduled. It is the student’s responsibility to confirm the meeting. If a student ignores the meeting notification or “no shows” the Dean of Student Services has the ability to put a hold on a student’s record impeding the student’s ability to conduct any “enrollment transactions” with the college until they meet with the Dean of Student Services. The Dean also has the ability to make a decision based on the facts outlined in the report without the student’s input.

6. As a result of a conduct meeting, The Dean of Student Services can levy the following disciplinary follow-up and consequences:

   **Referral to College Resource** where the student benefits from a support service that promotes their success in and outside the classroom including the HUB, ASC, Student Health Services, Student Resource & Support Network (formerly Fast Track to Work), Student Employment, Veterans or Foster Youth Independence.
**Issuing a Written Warning** with a hold on the student’s record and the requirement of a completed homework assignment. This is a warning that further acts of disruptive behavior will result in additional disciplinary response.

**Disciplinary Probation** through the end of the academic year with a hold on the student’s record preventing the student from registering for classes and the requirement of a completed homework assignment.

**Restitution (Education Code Section 76031)** Restitution consists of the reimbursement for damages to or misappropriation of District property, the property of a member of the College community, or of a visitor on the campus. Reimbursement may take the form of appropriate personal services to repair, restore or otherwise compensate for the damage or injury done, and may be made a condition of continued attendance at the College. The Dean of Student Services or his/her designee shall inform the student in writing of the amount to be reimbursed to the college and the length of time provided for reimbursement. A copy of the restitution requirement will be placed in the student's discipline file maintained in the Office of the Dean of Student Services, and shall also be placed on the student's permanent record.

**Withdrawal of Consent to Remain on Campus (Penal Code Section 626.4)** The Sheriff’s Office-Cabrillo Division, working in conjunction with the Dean of Student Services may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. This includes threats of violence and other emergencies, especially when the safety of personnel or campus property is compromised, the Sheriff, under the direction of the Dean of Student Services will issue a “walk-off” notice (Penal Code 626) prohibiting a student from campus for up to a fourteen day period or until a disciplinary hearing is scheduled.

**Immediate Suspension** with a referral to the College Disciplinary Hearing Committee for long-term suspension from Cabrillo (up to 2 years). The student will have a hold placed on their student records and will not be able to enroll in classes for the duration of their suspension period.

**Expulsion.** The Dean of Student Services will prohibit the student from returning to campus and make a referral to the Board of Trustees to expel the student and not allow them to ever enroll in classes at Cabrillo indefinitely.

In addition to the Dean of Student Services, a student may be suspended by the President, 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 violations of the code of conduct or related to College attendance or College activity at any time or place (California Education Code Section 76033) based on the following:

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.
b. Assault, battery, or any threat of force or violence upon a student or College personnel.
c. Willful misconduct which results in injury to or death of a student or College personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District.
d. The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code.
e. Willful or persistent smoking on campus grounds.
f. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
g. Illness, contagious or otherwise, which creates a serious threat to the health of the student or other students and college personnel.

C. Referrals to Sheriff’s Office, Cabrillo Division
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 serious disruptive behaviors may be referred to the campus Sheriff. If such cases are violations of local, state, or federal law, a student may receive legal consequences in addition to College disciplinary consequences.
3. All Crime Reports or Incident Reports that result from referrals to the Sheriff’s office will be reported to the Dean of Student Services. These reports may serve as the basis for disciplinary action consistent with other procedures stated in this handbook.

D. Hearing Procedures
1. A student may be suspended immediately pending a hearing within ten (10) working/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 with the Hearing Committee. The student may waive his/her right to a hearing by completing a Waiver of Right to Hearing.
2. The Hearing Committee shall be chaired by one of the Hearing Committee members. For membership, see Hearing Committee section of this policy.
3. The accused student shall be given the right to be represented by a person (advocate) of her/his choice. The advocate is there only to support and talk with the student. The advocate does not contribute information or discuss the incident with members of the Hearing Committee. 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. Students being called to a hearing for possible suspension or expulsion may request postponement from the Dean of Student Services. Postponements will not be granted more than
twice. In the case of a student who is waiting to go on trial in city or county courts, upon request, postponement will be granted until the courts have concluded the case.

5. No Hearing 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 and extension of suspension if a Committee member needs to be replaced. However, the Hearing may proceed, by mutual agreement, without the full four-member panel.

6. The Dean of Student Services shall cause to be delivered to the accused student, by personal service, via certified mail, or in person, a copy of the concerns or complaints against her/him and all other available 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 accused may request postponement of the Hearing if he/she requests more time to review and respond to the documents.

7. The student being accused may submit documents for the Hearing Panel to review but must deliver these at least two (2) working/school 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.

8. The District shall have the burden of proof.

9. 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.

10. The accused 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. If the Dean of Student Services has determined that the safety of the college is in question, he/she may direct the student to remain off the campus and will arrange for him/her to participate via teleconference. The student and/or advocate shall be given the opportunity to question adverse testimony.

11. The accused student shall be afforded the right to present his/her defense and to present witnesses and relevant evidence in his/her defense.

12. 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 ten (10) school/working days of the hearing.
13. An audio recording shall be kept of the hearing committee proceedings by the Dean of Student Services for a minimum of two (2) calendar years. Access to tapes shall be limited to the parties involved.

14. 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.

15. 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.

E. Appeals

1. A student may appeal the decision of the Dean of Student Services or other administrative designee to the Superintendent/President or designee 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 or designee.

   The President/Superintendent or designee will respond to the student in writing within ten (10) school/working days. The Superintendent/President or designee 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 or designee’s decision to the Governing Board within ten (10) school/working days of the date the student received the Superintendent/President’s or designee’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.

F. Discipline Related to Online or Distance Education

A student’s conduct in an online learning environment must conform to those acceptable standards for all students as outlined in this handbook. Unacceptable conduct includes, but is not limited to the following:
1. The use of threatening, harassing, sexually explicit language, or discriminatory language or conduct that violates state and federal law and Cabrillo College policy on sexual harassment or discrimination.

2. Disruptive behavior online such as use of profanity, or disrespectful language used in course communication tools such as discussion forums, email, blogs, etc.

3. Unauthorized posting or transmitting content that violates state or federal law, or Cabrillo’s Academic Honor Code. This includes College policy on academic dishonesty.

4. Violation of the terms of service agreement for course software, including reconfiguring the software, or gaining unauthorized access.
VI. GRIEVANCE PROCEDURES

A. Introduction
This procedure is intended to ensure that any alleged violation of students’ rights will be reviewed and that appropriate action will be taken. Cabrillo College’s goal is to ensure an equitable and fair resolution of the grievance. Except as set forth in Complaints Regarding the Non-Discrimination and Sexual Harassment Policy, this grievance procedure applies to any issue involving a student’s rights at the College.

Students in the Allied Health programs must adhere to the guidelines stated in their respective handbooks.

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.

B. Complaints Regarding Gender Discrimination and Sexual Misconduct
All complaints regarding gender discrimination and/or sexual misconduct will be promptly, thoroughly, and impartially investigated. Upon receiving a report of sexual misconduct or gender discrimination, the Title IX Coordinator and/or Dean of Student Services will bring the report before the Student Success and Care Team (SSCT) for review. The SSCT will determine whether (i) the report, on its face, alleges act of prohibited conduct; and (ii) such conduct has a sufficient nexus with the college for it to intervene.

The SSCT shall make an immediate assessment concerning the health and safety of the individual making the report and the campus community, implement temporary remedies immediately necessary (including no contact directives), ensure the Reporting Party has received a written explanation of rights and reporting options (including the right to make reports to the police), and available campus and community resources.

If the SSCT determines the reported conduct is a potential violation of the College’s policies, the Title IX Coordinator will initiate an investigation. The Title IX Coordinator will provide notice of the investigation to the Responding Party as well as an explanation of his or her rights and obligations throughout the investigation process. Upon completion of the investigation, the Title IX Coordinator will render a finding of responsibility. That finding will be presented to the Hearing Committee and considered in determining whether the Responding Party is responsible for violating college policies.

C. 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 Accessibility Support Center) may also seek a reader-interpreter to be present to assist the parties. Such an assistant must limit the 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.

D. Timely Resolutions to All Complaints
Students must respond to each relevant step in the grievance procedure within ten (10) working/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 BP3410/AP5040 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 Title IX & Compliance Officer pending the resolution of the discrimination harassment grievance pursuant to BP3410.

E. 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 of discrimination and/or harassment under the College’s Non-Discrimination and Sexual Harassment Policy (BP3410/AP5040). If such a complaint is made to the Department 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 file a report at the college student grievance report page at http://www.cabrillo.edu/reportit/ and at the same time 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. If the student is not comfortable with Step 1, they may proceed directly to Step 2.

Step 2
If the problem cannot be resolved at the first step, the student shall discuss the problem with the Department Chair or immediate supervisor of the person against whom the complaint is directed. The Department 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 ten (10) school/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 10 school/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 description of the general and specific grounds on which the grievance is based.
2. 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.
3. Requested resolution desired by the student (i.e. what outcome does the student desire).

The Division Dean (or other appropriate administrator) must respond in writing to the student’s written complaint within ten (10) working/school days.

At any point during the informal 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 then the student has the right to repeat Step 3 with the appropriate Vice President or next level administrator. The administrator will respond to the claimant, in writing, within 15 school/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.

F. 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 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 (BP3410/AP5040). 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 Student Rights & Responsibilities) within ten (10) school/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) school/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) school/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 Student Rights and Responsibilities.
   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 ten (10) working/school days of the hearing.

G. 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 or designee within ten (10) working/school days of receipt of the committee’s recommendation.
   a. The student’s appeal must be addressed to the Superintendent/President or designee, in writing, and clearly state justification for the appeal and the desired outcome.
   c. 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 or designee.
   d. The President or designee will consider the appeal and respond, in writing, within 15 working/school days.

2. If not resolved through Grievance Procedures:
   a. The complainant may prepare a written appeal addressed to the Board of Trustees within ten (10) school/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 ten (10) school/working days from the Board’s review.
   e. The decision of the Governing Board will be considered the final decision on the grievance matter.
VII. 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 (1) student appointed by the ASCC Student Senate President except in the case where the complainant or respondent is a member of the ASCC Student Senate. In such a case, a non-ASCC Student Senate student member will be appointed by the Dean of Student Services.
4. One (1) member from classified staff appointed by the CCEU President.

If, for whatever reason, the President of the Faculty Senate, CCEU, and/or ASCC Student Senate cannot select their representatives for the hearing committee, then the Dean 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.
Campus SaVE Act

- The SaVE Act addresses sexual violence on campus.
- It expands the College’s obligations to report instances of sexual violence that occur on or near campus.
- The Campus SaVE Act requires schools to:
  1. Identify the institution’s Campus Security Authority personnel.
  2. Create a Campus Sexual Assault Victim Bill of Rights.
  3. Expand sexual crime reporting on campus.
  4. Ensure the college has standard operating procedures for handling incidents of sexual violence.

Who is a Campus Security Authority at Cabrillo?
- The Santa Cruz Sheriff’s Department, Cabrillo Division
- The Vice President of Student Services
- The Dean of Student Services
- The Director of Human Resources
- The Title IX Coordinator
- Faculty or staff advisors to the ASCC (Associated Students of Cabrillo College) and authorized clubs
- Your Coaches and/or the Athletic Director

Jeanne Clery Act Colleges/Universities must provide students with the following:
- The College’s Annual Security Report
- Statements of policy
- Campus crime statistics
- Campus Sexual Assault Victim Bill of Rights
- SaVE Act statistics
- Ongoing disclosures
- Emergency notifications
- Timely warnings
- Access to the Public Crime Log

Campus Sexual Assault Victim Bill of Rights

Reporters of sexual assault will have the right to the following:
- Reasonable changes to their academic schedule.
- Referrals to counseling, and support services.
- Assistance notifying law enforcement.
- The same opportunity as accused to have others present at a disciplinary hearing.
- Unconditional notification of outcomes of hearing, sanctions and terms of sanctions in place.
- Opportunities and assistance to speak (or choose not to speak) to anyone regarding the outcome.
- Name and identifying information kept confidential (FERPA) to the extent possible.
Any student or employee who reports to an institution of higher education that she/he has been a victim of these crimes, whether it has occurred on or off-campus, shall be provided with a written explanation of his or her rights and options.

**Crime Reporting on Campus**

- Cabrillo College reports crime statistics every year in its Annual Security Report. This report is available online at [https://www.cabrillo.edu/services/sheriff/crime.html](https://www.cabrillo.edu/services/sheriff/crime.html)

**How to Report a Crime to local law enforcement**

- If you have experienced or witnessed a crimes on campus, you may file a report with the Santa Cruz County Sheriff’s Department, Cabrillo Division.
- If the crime includes sexual assault, stalking, or dating or domestic violence, you may remain anonymous when you make your report. When asked for your name, if you want to remain anonymous, identify the call as a SaVE Act call.
- The Sheriff can be contacted by calling 9-1-1 or any of the following numbers:
  - Sheriff Department, Cabrillo College Division: (831) 212-8464
  - Dispatch: (831) 471-1121
  - Watsonville Campus Deputy: (831) 471-1151

**What happens when you report a crime to our Sheriff on campus?**

- The campus Sheriff’s Department will write a report and inform the proper on-and off-campus authorities, including the Title IX Coordinator and Human Resources in cases of sexual assault, stalking, and dating or domestic violence.
- The Sheriff Department will investigate the claim in cooperation with the District attorney and other appropriate agencies.
- If you are a current student at Cabrillo College, the Sheriff Department will report the conduct to the Dean of Student Services (DNSS) and/or the Title IX Coordinator as appropriate. If another student is involved, the DNSS will follow appropriate disciplinary procedures. If it the claim involves a staff member or faculty member, Human Resources will handle the case.
- After you file a report, the Title IX Coordinator or Dean of Student Services will need to meet with you and obtain your statement. The DNSS and/or Title IX Coordinator will work with the Sheriff’s Department to investigate the reported crime.
- The Dean of Student Services and/or Title IX Coordinator will provide you information about appropriate support services and resources, in partnership with Student Health Services.
- You will be highly encouraged to reach out to the College’s Student Health Services professional staff.
- The Student Health Services staff will follow up and ask to meet with you.

**Disciplinary procedures**

- All reports of sexual violence are adjudicated according to “Section V. Disciplinary Procedures” of the Student Rights and Responsibilities Handbook.
You have the right to know that your case will be handled appropriately. This means other off-campus authorities may be involved.

All investigations and proceedings must be conducted by officials who receive annual training on issues related to:

- Domestic violence, dating violence, sexual assault, stalking.
- How to conduct an investigation that protects the safety of victims and promotes accountability.
- How to conduct a hearing process that protects the safety of victims and promotes accountability.

**Prevention and Awareness**

- As an institution of Higher Education, Cabrillo College must engage in ongoing prevention and awareness campaigns for students and faculty pertaining to sexual violence and victims support services.
- Contact the Dean of Student Services or the Title IX Coordinator to learn more about the events and trainings offered.

**Checklist for Prevention**

Ask yourself the following questions to help stay safe:

- Do you know and trust the person before entering in a dating relationship?
- Are you extra cautious when meeting people on-line?
- When you go out, do you make a habit of telling your friends, parents or someone you trust where you are going, with whom and when you expect to be back?
- Do you know your limits and express them?
- Do you avoid drugs and alcohol?
- Do you know and understand the characteristics of a healthy relationship?
- Do you know where to go for on campus support and assistance?
NON-DISCRIMINATION AND SEXUAL HARASSMENT POLICY
BP3410

It is the policy of the Cabrillo Community College District to provide an environment free of unlawful discrimination or discriminatory harassment, including sexual harassment.

Discrimination or harassment on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, pregnancy or pregnancy disability, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or because he or she is perceived to have one or more of the foregoing characteristics in the District’s programs, activities and work environment are prohibited.

Retaliation against any individual who makes a complaint of discrimination or harassment or who participates in an investigation of discrimination or harassment is prohibited whether or not the allegations are eventually found to be true. If the District determines that retaliation has occurred, it will take all reasonable steps to stop such conduct.

Individuals who engage in discriminatory acts or harassment, or retaliatory conduct are subject to disciplinary action up to and including expulsion from the College or termination from employment.

The Superintendent/President shall establish procedures for students, employees, and other members of the campus community that provide notice of how to make complaints of unlawful discrimination or harassment, and for the investigation and resolution of such complaints. Such procedures shall include posting and dissemination of this policy to students and employees.

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The Superintendent/President shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private
organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics, or because of his/her association with a person or group with one or more of these actual or perceived characteristics.

Approved by:
Cabrillo Board of Trustees 06/19/2017
Cabrillo Planning Council 06/13/2017

To request more information about equal opportunity policies and the filing of grievance, contact the following:

Title IX Coordinator: (831) 477-3373, Bldg 1550
Director of Human Resources: (831) 479-6234, Bldg 1550
Dean of Student Services: (831) 477-3584, Building 900, Room 909M
Accessibility Support Center, Section 504 Officer: (831) 479-6379, Room 1073

For more information, refer to AP3410
SMOKE-FREE ENVIRONMENT
BP 3570
It is the policy of the Cabrillo College Governing Board to promote a safe and healthy campus environment by reducing the health risks associated with smoking.

To meet this obligation, Cabrillo College District has a smoke-free environment policy that covers all individuals on the Cabrillo College locations but not limited to students, faculty, staff and visitors. This policy applies to all College buildings, vehicles or facilities where College programs or services are provided.

For more information, refer to AP3570

DRUG FREE CAMPUS
BP 3550
Cabrillo College shall maintain a campus free from the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all facilities under the control and use of the District.

Any student or employee who violates this policy will be subject to disciplinary action (consistent with local, state or federal law), which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion or dismissal.

The Superintendent/President shall ensure that the District distributes annually to each student and employee the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

For more information, refer to AP3550
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 Administrative Procedure 5500, 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 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)

_________________________________________  __________________________________________
Student’s Signature                        Signature of Witness

_________________________________________
Address
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 VI.D. and VI.E. of this handbook.

Informal Grievance Procedure

Step 1
Student files at http://www.cabrillo.edu/reportit/ and discusses grievance/issue with instructor/person

Step 2
If complaint not resolved, student speaks to the Department Chair or immediate supervisor.

Step 3
If not resolved, student speaks to Division Dean or next level administrator.

Step 4
If not resolved, repeat step 3 with the appropriate Vice President or next level supervisor. If not resolved after speaking with the appropriate VP, the student may proceed to a formal grievance, except for academic matters/grade disputes (See Section VI.D, Step 4.)

Formal Grievance Procedure

Formal Grievance filed

Hearing Committee is convened.

Student may appeal Hearing Committee results to the President/Superintendent or designee.

Student may appeal President/Superintendent or designee’s decision to the Board of Trustees. Decision of Trustees is the FINAL DECISION.