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

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**AP 5110 Counseling**

**Accreditation Related**

**References:**

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

**Note: This procedure is legally advised**

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

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

**Confidentiality of Counseling Information:**

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

- Disclosure as to report child abuse or neglect;

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

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

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**AP 5120    Transfer Center**

**References:**

Education Code Sections 66720-66744;  
Title 5 Section 51027

**Note: This procedure is legally required**

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

Plan components include, but are not limited to:

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

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

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**AP 5140 Disabled Student Programs and Services**

**References:**

Title 5 Sections 56000 et seq.

**Note: This procedure is legally required**

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

**Such plan shall include:**

- The District maintains a plan for the provision of programs and services to disabled students designed to assure that they have equality of access to District classes and programs. ~~This including:~~ es the following:
  - Procedure for timely response to accommodation requests involving academic adjustments which, at a minimum, provides for an individualized review of each such request, and permits interim decisions on such requests pending final resolution by the appropriate administrator or designee;
  - Long-range goals, short-term measurable objectives, and student learning outcomes which are part of ~~the End of the Year Report and the~~ aAnnual Unit-unit Reportreport;
  - Definitions of disabilities and students' eligibility ~~criterion~~ criteria are taken directly from Title 5;
  - Accommodations and support services may include, but are not limited to: priority registration, note-taking, ~~test~~ test-taking accommodations, reader services, adaptive computer technology, adaptive equipment loans, academic advising, disability related counseling, career counseling, electronic textbooks, captioned videos, communication services for deaf and hard of hearing;

- Disability verification is to be provided by the student and must be from an appropriate certified licensed professional and/or physician. Learning disability verification is provided by the Learning Disability Specialist through the California Community College Learning Disabilities Eligibility Model;
- The Disabled Student Programs and Services (DSPS) Student Handbook provided to all DSPS students clearly states their rights and responsibilities as they relate to DSPS and to the college;
- Every DSPS student has an Academic Accommodation Plan (AAP) in their DSPS file which was developed by the DSPS counselor in conjunction with the student;
- Based on the verified disability(sies) each DSPS student has the appropriate academic adjustments, auxiliary aids and services included in their AAP; ~~-which is~~
- Board Policies and Procedures have been approved for course substitutions and waivers for students with disabilities; and
- All DSPS staff meet and/or exceed the minimum qualifications set forth in Title 5, Section 56048; ;

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



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**AP 5150 Extended Opportunity Programs and Services**

**References:**

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

**Note: This procedure is legally required**

**Staffing and Program Management:**

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

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**Documentation and Data Collection:**

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

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**EOPS/CARE Advisory Committee:**

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

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**Full-time Director:**

- ~~The CE~~Each college will support and maintain an approved (by waiver) full-time director position entitled EOPS/CARE ~~d~~Director ~~paid 100% by District funds.~~

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**The Eligibility Criteria for EOPS:**

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

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**Student Responsibility Requirements:**

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

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**Recruitment and Outreach Services:**

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

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**AP 5200 Student Health Services**

**References:**

Education Code Section 76401

**Note: This procedure is legally advised**

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

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

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

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

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

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



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

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**AP 5203 Lactation Accommodation**

**References:**

Education Code Section 66271.9

**Note: This procedure is legally advised**

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

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

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

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



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**AP 5210 Communicable Disease - Students**

**References:**

Education Code Section 76403

**Note: This procedure is legally advised**

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

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

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

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

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

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

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

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**AP 5220 Shower Facilities for Homeless Students**

**References:**

Education Code Section 76011

**Note: This procedure is legally advised**

The colleges of the ~~district~~ District ~~may shall~~ maintain shower facilities for student use on campus that may be used by any homeless student who is actively enrolled ~~in a minimum number of one~~ ~~(1) unit of coursework~~, has paid enrollment fees, and is in good standing with the district.

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

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

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

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**AP 5300 Student Equity**

**References:**

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

**Note: This procedure is legally required**

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

The production of the Student Equity Plan should entail:

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

The Student Equity Plan shall address:

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

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

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



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**AP 5400 Associated Students Organization**

**References:**

Education Code Section 76060

**Note: This procedure is legally advised**

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

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

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

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

~~The students of each College of the District are authorized to organize a student body association(s). The Board of Trustees hereby recognizes those association(s) as the Associated Students Organizations of the Colleges:~~

- ~~1. Associated Students of Porterville College~~
- ~~2. Bakersfield College Student Government Association~~
- ~~3. Student Government of Cerro Coso~~

~~The Associated Students Organizations are recognized as the official voice for the students in District decision-making processes. It may conduct other activities as approved by the respective College President, or designee. The Associated Students Organizations' activities shall not conflict with the authority or responsibility of the Board or its officers or employees.~~

~~The Associated Students' Organizations shall conduct themselves in accordance with~~



~~state laws and regulations and administrative procedures established by the District Chancellor.~~

~~The Associated Students Organizations shall be granted the use of District premises subject to such administrative procedures as may be established by the respective Colleges. Such use shall not be construed as transferring ownership or control of the premises.~~

A simple majority of the elected voting members of the ~~Associated Students Organization~~student body association's respective governing body shall constitute a quorum.

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

~~The~~Each colleges shall establish procedures to ensure students have the opportunity to express their opinions, ~~and~~ to ensure that these opinions are given every reasonable consideration, and have the right to participate effectively in District and cCollege governance. The ~~associated student bodies~~student body associations may engage in any activities, including fundraising activities, which have been approved by the College President or designee. ~~No h~~Hazing activities are strictly prohibited, and may not be practiced by any organization or its members.

### **Student Clubs and Organizations**

Student cClubs and organizations will be organized in conformity with procedures established by each ~~College~~college. Student clubs and organizations ~~Clubs~~ will be supervised by an advisor, and ~~Clubs~~ shall establish aims which are educational and compatible with College-college and/or community interest. Exploitation of the name of the ~~College-college~~ or District shall not be permitted. ~~There shall be no secret~~Secret fraternities, sororities, or clubs are strictly prohibited.

### **Student Political Club Activity**

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

### **Student Events**

~~No c~~Classes, clubs, or organizations sponsored by the ~~College-college may~~shall not hold-organize or host parties, picnics, or dances off the campus except with specific permission from the College President or designee. Insofar as possible, all student activities shall be held on the cCollege campus.

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**AP 5410 Associated Students Elections**

**References:**

Education Code Section 76061

**Note: This procedure is legally required**

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

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

- The student shall be enrolled at the elected ~~c~~College at the time of election and throughout the term of office, with a minimum of five (5) ~~six~~ semester units or the equivalent.
- The student shall maintain above a 2.25 GPA at the time of election and throughout the term of office.
- The student shall meet and maintain the minimum standards of scholarship ~~(see BP 4220 titled Standards of Scholarship and related administrative procedures).~~
- Any student elected as an officer in the ~~Associated Students~~student body association shall meet the requirements in board policy.



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**AP 5420 ~~Associated Students~~ Student Body Association Finances**

**References:**

Education Code Section 76063-76065

**Note: This procedure is legally required**

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

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





AP 5500

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**AP 5500 Standards of Student**

**Conduct References:**

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

~~Note: This procedure is legal required.~~

~~The **College President or designee** 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 Board of Trustees shall consider any recommendation from the **College President or designee** for expulsion. The Board shall consider an expulsion recommendation in closed session unless the student requests that the matter be considered in a public meeting. Final action by the Board on the expulsion shall be taken at a public meeting.~~

~~The procedures shall be made widely available to students through the college catalog and other means.~~

~~The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension, or expulsion of a student, except for conduct that constitutes sexual harassment under Title IX, which shall be addressed under BP 3433 Prohibition of Sexual Harassment under Title IX:~~

- ~~1. Causing, attempting to cause, or threatening to cause physical injury to another person.~~
- ~~2. Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife, or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a District employee, which is concurred in by the college president.~~

- ~~3. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.~~
- ~~4. Committing or attempting to commit robbery or extortion.~~
- ~~5. Causing or attempting to cause damage to District property or to private property on campus.  
— Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.~~
- ~~6. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.~~
- ~~6. Sexual assault or sexual exploitation regardless of the victim's affiliation with the District.~~
- ~~6. Committing sexual harassment as defined by law or by District policies and procedures.~~
- ~~6. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.~~
- ~~6. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.~~  
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- ~~6. Willful misconduct which results in injury or death to a student or to college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.~~
- ~~6. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.~~
- ~~6. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.~~
- ~~6. Dishonesty, forgery, alteration or misuse of college documents, records or identification; or knowingly furnishing false information to the District.~~  
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- ~~6. Unauthorized entry upon or use of college facilities.~~
- ~~6. Lewd, indecent, or obscene conduct on District-owned or controlled property or at District-sponsored or supervised functions.~~
- ~~6. Engaging in expression which is obscene; libelous, or slanderous; or which so incites students as to create a clear and present danger of the commission of unlawful acts on college premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.~~
- ~~6. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.~~

- ~~7. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any District policy or administrative procedure.~~
- ~~8. Breach of the peace on College property or at any College sponsored or supervised function.~~
- ~~9. Failure to identify oneself when on College property or at a College sponsored or supervised event, upon the request of a College official acting in the performance of his/her duties.~~
- ~~—Abuse of computer and technology resources.~~

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

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

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

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

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

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

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

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~~3. PROBATION: Prohibition of the student by the Administration from participating in designated privileges of College or District-sponsored events, functions, and activities for a minimum period of up to one (1) semester or other stipulated requirements to conform to specified standards of conduct~~

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~~semester or other stipulated requirements to conform to specified standards of conduct;~~

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3. RESTITUTION: Reimbursement to the ~~cCollege, as directed by the Administration,~~ for repair or replacement of District property misused, misappropriated, or damaged by the student;

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4. ~~Remediation~~ Remediation Measures: Corrective actions, risk assessments, trainings, or activities can be imposed to remedy ~~offensives to ensure student is in proper conduct (for example, reflective papers, community service, workshop attendance).~~

5. TEMPORARY REMOVAL: A faculty member may remove a student from ~~his or her~~his/her/their class for the day of the removal and the next ~~consecutive class meeting or within one week of instruction, whichever is lesser.~~ The faculty member shall immediately report the removal to the College President or designee for appropriate action. During the period of removal, a student shall not be returned to the class from which ~~he or she~~he/she/they was removed without the concurrence of the faculty member of the class. ~~Whenever a minor is removed from a class, the parent or guardian shall be notified in writing by the College President or designee. If the student removed from class by a faculty member is a minor, the College President or designee shall ask the parent or guardian of the student to attend a parent conference regarding the removal as soon as possible. If the faculty member or the parent or guardian so requests, a College administrator shall attend the conference.~~ During the period of removal, a student shall not be returned to the class from which he/she was removed without the concurrence of the faculty member of the class.

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

6.7. SUSPENSION: Exclusion from any or all classes and activities of the College and from ~~the~~ use of any District facilities. The College President or designee may suspend a student for good cause as follows:

- ~~• From one (1) or more classes for a period of up to ten (10) days of instruction,~~
- ~~• From one (1) or more classes for the remainder of the academic school term,~~
- ~~• From all classes and activities of the College for one (1) or more terms,~~

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

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

Suspensions of any student from the College shall be accompanied by a prompt hearing unless the charges have been administratively disposed ~~of administratively~~ by mutual

consent, or the student sends a written notification to the ~~President of the College~~ President or designee indicating that he/she/they does not want to proceed with the hearing. If an immediate temporary suspension is required ~~in-order~~ to protect lives or property and/or to ensure the maintenance of order, a reasonable opportunity shall be afforded the suspended ~~person-student~~ for a hearing within ten (10) days of the suspension.

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

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

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

~~7-8.~~ 8. EXPULSION: Termination of the student status by the Board of Trustees on the recommendation of the Chancellor.

- ~~e.~~ e. ~~No-A~~ student shall not be expelled unless the conduct for which he/she/they is to be disciplined is related to College activity or campus attendance.
- ~~a.~~ a. Expulsion of any student from the District shall be accompanied by a prompt hearing.
- ~~b.~~ b. If an immediate expulsion is required ~~in-order~~ to protect lives or property and/or to ensure the maintenance of order, a reasonable opportunity shall be afforded the expelled person for a hearing within ten (10) days of the expulsion.
- ~~c.~~ c. In cases of expulsion, the Chancellor or designee shall recommend action to the Board of Trustees after receiving the College President's recommendation and supporting documentation, including the hearing panel's recommendation and the hearing record.
- ~~d.~~ d. After Board action, the Chancellor or designee shall notify the student by registered mail, return receipt requested. The expulsion may be for a specified or unspecified time and shall be from all Colleges, programs, and activities of the District.
- ~~e.~~ e. In expulsion for an unspecified time, the student may, after a reasonable time, request the College President to remove the expulsion. If the College President approves the request, he/she/they shall make that recommendation to the Chancellor or designee who may recommend to the Board that the expulsion be removed. The Chancellor or designee shall notify the student of the Board's action.

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

At a minimum, an instructor who determines that a student has cheated or plagiarized has the right to assign an "F" grade for the assignment or examination. However, each

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~~College-college~~ may impose additional penalties as appropriate to their respective ~~College-college~~ discipline procedures.

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

## DEFINITIONS OF PLAGIARISM AND CHEATING

1) Definition of Plagiarism--~~Plagiarism is defined as the act of using the ideas or work of another person or persons as if they were one's own, without giving credit to the source.~~ Plagiarism is defined as the act of using the ideas or works as one's own without giving credit to the source, including artificially-generated content. Plagiarism also includes the unauthorized use, and misrepresentation of, artificially-generated content without express permission from the instructor of record, or without duly crediting the source of the content. - or Plagiarism is defined as the act of using the ideas or works as one's own without giving credit to the source. Such an act is not plagiarism if it is ascertained that the ideas were arrived at through independent reasoning or logic or where the thought or idea is common knowledge.

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

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

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

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defined, and altering or interfering with the grading procedures.

~~It is often appropriate for students to study together or to work in teams on projects. However, such students should be careful to avoid the use of unauthorized assistance, and to avoid any implication of cheating, by such means as sitting apart from one another in examinations, presenting the work in a manner that clearly indicates the effort of each individual, or such other method as is appropriate to the particular course.~~





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Kern Community College District  
Administrative Procedure  
Chapter 5 – Student Services

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**AP 5510 Off-Campus Student Incidents**

**References:**

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

**Note: This procedure is legally required**

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

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Kern Community College District  
Administrative Procedure  
Chapter 5 – Student Services

Governance Process: Information Only

Reason for Revision: To Amend District Procedure

**AP 5520 Student Discipline Procedures**

**References:**

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

**Note: This procedure is legally required**

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

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

Procedural fairness and due process are basic to the proper enforcement of all District regulations. Accordingly, ~~no~~ disciplinary action shall not be imposed against students or student organizations until they have been notified in writing of the charges against them, as well as ~~and~~ their rights under the Student Code of Conduct, and have given the opportunity to be heard, ~~with the exception that a~~ hold status ~~(may, shall, or will)~~ may be placed on student records until the specific complaints have been resolved, ~~and except in cases where~~ interim suspensions is may be warranted ~~for to protect~~ the health and safety of the District community.

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

impose disciplinary sanctions or other recommendations in the name of the District.

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

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

#### **A. Definitions and Guidelines Governing These Procedures**

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

##### **Definitions:**

**District** – The Kern Community College District.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

#### Hearing Procedures – Request for Hearing.

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

- **Hearing Panel** – The ~~hearing-Hearing panel-Panel~~ for any disciplinary action shall be composed of one administrator, one faculty member, and one student.
- The **College President**, the president of the Academic Senate, and the ~~Associated Student Government-student body association~~ president shall each, at the beginning of the academic year, establish a list of at least four (4) persons who will serve on ~~student-Student disciplinary-Disciplinary hearing-Hearing panels-Panels~~. The College President shall appoint the ~~members of the hearing-Hearing panel-Panel~~ from the names on these lists. However, ~~no-an~~ administrator, faculty member, or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall ~~not~~ serve on a ~~hearing-Hearing panel-Panel~~.
- **Hearing Panel Chair** – The members of the ~~student-Student disciplinary-Disciplinary hearing-Hearing panels-Panels~~ will appoint one member of the ~~panel-Panel~~ to serve as the ~~chair-Chair~~. The decision of the hearing panel ~~chair-Chair~~ shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the ~~panel-Panel~~ to the contrary.

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### Conduct of the Hearing

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

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

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

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#### College President Decision:

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

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the College President or designee, modifies, or rejects the ~~hearing~~ Hearing  
~~panel's~~ Panel's

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

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- **Expulsion** – Within five (5) days following receipt of the hearing panel's recommended decision, the College President or designee shall render a written recommended decision to the Chancellor and the Board of Trustees. The College President or designee may accept, modify, or reject the findings, decisions and recommendations of the ~~H~~hearing ~~panel~~Panel. If the College President or designee, modifies or rejects the ~~hearing~~ ~~Hearing panel's~~ ~~Panel's~~ decision, he/she/they shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The College President or designee's decision shall be forwarded to the Chancellor and the Board of Trustees.

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- **Board of Trustees Decision:** The Board of Trustees shall consider any recommendation from the ~~College President~~College President or designee for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

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

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

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

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

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

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

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- **Immediate Interim Suspension** (Education Code Section 66017): The College President or designee may order the immediate suspension of a student where he/she/they concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.
  
- **Removal from Class** (Education Code Section 76032): Any instructor may order a student removed from his/her/their class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the College President or designee. The College President or designee shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the College President or designee shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the College President or designee from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.
  
- **Withdrawal of Consent to Remain on Campus:** The College President or designee may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she/they must promptly leave or be escorted off campus. If consent is withdrawn by the College President or designee a written report must be promptly made to the College President or designee.
  - ◆ The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven (7) days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.
  
  - ◆ In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn.
  
  - ◆ Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code Section 626.4).
  
- **Time Limits:** Any times specified in these procedures may be shortened or lengthened if there is by mutual concurrence consent by of all parties.

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No Disciplinary Action against Complainants or Witnesses in Sexual Assault Investigations  
 An individual who participates as a complainant or witness in an investigation of sexual

assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's ~~student~~ Student conduct ~~Conduct policy~~ Policy at or near the time of the incident, unless the District determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.





Kern Community College  
District Administrative  
Procedure Chapter 5 – Student  
Services

**AP 5530 Student Rights and Grievances**  
~~Grievances~~ **References:**

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

**Note: This procedure is legally advised**

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

~~When students believe an injustice has been done to them, they may seek redress through the following procedures:~~

~~The purpose of t~~This procedure ~~is to provide~~s a prompt and equitable means of resolving student grievances. ~~This procedure is available to any student who reasonably believes a decision or action has adversely affected his or her status, rights, or privileges as a student.~~

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

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

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- The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.

A grievance is not:

- Student disciplinary actions, ~~which are covered under separate Board addressed in BP/AP 5520~~ Policies and Administrative Procedures.
- Police citations (i.e. "tickets"); ~~complaints-Complaints~~ about citations must be directed to the ~~County-county Courthouse-courthouse~~ as with any traffic violation.

**Grievant** – A student who has filed a grievance.

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

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

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

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

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

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

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

Informal meetings and discussions between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use

the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute, or for any purpose other than the settlement of the grievance.

Any student who believes they have a grievance shall file a Statement of Grievance with the Grievance Officer within ~~fourteen five (14)5~~ calendar days of the incident upon which the grievance is based), or ~~fourteen five (514)~~ calendar days after the student learns of the basis for the grievance), whichever is later. The Statement of Grievance must be filed ~~whether or not the student has~~ ~~regardless of having~~as already initiated efforts at an informal resolution if the student wishes to make the grievance official. Within ~~seventwo (27)~~ calendar days following receipt of the Statement of Grievance Form, the Grievance Officer shall advise the student of his/her/their rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form.

Within ~~fourteen (14)~~ calendar days following the student's first meeting with the Grievance Officer, if ~~an if an~~ informal resolution of the complaint is not achieved to the satisfaction of the grievant, the student shall have the right to request a grievance hearing.

**Grievance Hearing Committee:** The College President or designee, shall, at the beginning of each academic year, establish a standing panel of members of the college community, ~~a minimum of including six three (36)~~ students, ~~threesix (63)~~ faculty members, ~~three (3) classified~~classified members, and ~~sixthree (63)~~ administrators, from which one or more Grievance Hearing Committees may be appointed. The panel will be established with the advice and assistance of the Associated Students Government, California School Employees Association, and the Academic Senate, who shall each submit ~~two four (42)~~ names to the College President, or designee, for inclusion on the panel. A Grievance Hearing Committee shall ~~be comprised of following:~~

- ~~It shall bBe~~ comprised of three members, each member representing a different constituency group (include ~~one (1)~~ student, ~~one (1)~~ faculty member, and ~~one (1)~~ college administrator, or ~~classified~~classified member) selected from the panel described above.

- ~~No A~~ person shall not serve as a member of a Grievance Hearing Committee if that individual has been personally involved in any matter giving rise to the grievance, has made any statement on the matters at issue, or could otherwise not act in a neutral manner. Any party to the grievance may challenge for cause any member of the hearing committee prior to the beginning of the hearing by addressing a challenge to the College President or designee, who shall determine whether cause for disqualification has been shown. If the College President or designee, believes that sufficient grounds for removal of a member of the committee has been presented, the College President or designee, shall remove the challenged member(s) and substitute a member(s) from the panel described above. This determination is subject to appeal as defined below.

- The Grievance Officer shall be present with the Grievance Hearing Committee during the hearing but shall not serve as a member of the Hearing Committee nor cast a vote. The Grievance Officer shall coordinate the scheduling of hearings, shall serve to assist all Parties parties and the Hearing Committee to facilitate a

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full, fair, and efficient resolution of the grievance. The Grievance Officer shall avoid ~~taking~~ an adversarial approach to the grievance proceedings.

**Request for Grievance Hearing** – Any request for a grievance hearing shall be filed on a Request for a Grievance Hearing form within ~~fourteen~~ (104) calendar days after filing the Statement of Grievance as described above.

Within ~~fourteen~~ (104) calendar days following receipt of the request for grievance hearing, the College President, or designee, shall appoint a Grievance Hearing Committee as described above. The Grievance Hearing Committee shall meet ~~in~~ privately and without the parties present to select a Chair, and to determine whether sufficient grounds for a hearing have been presented on the basis of the Statement of Grievance.

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

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

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

If the Request for Grievance Hearing satisfies each of the requirements, the College Grievance Officer shall schedule a ~~Grievance~~ grievance hearing. The hearing will commence within ~~fourteen~~ (104) calendar days following the decision to grant a ~~Grievance~~ Hearing hearing. All parties to the grievance shall be notified given not less than at least three (3) calendar days: ~~notice of their~~ advance with information pertaining to the date, time, and place of the hearing.

### Hearing Procedure

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

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The Grievance Officer will provide members of the Grievance Hearing Committee with a copy of the grievance and any written response provided by the respondent before the hearing begins.

Each party to the grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

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

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

Each party to the grievance may represent themselves and have the right to be represented by a person of their choice; ~~except in the event unless~~ a representative is an attorney or licensed to practice law. If a party wishes to be represented by an attorney, a request must be presented not less than sevenfive (57) days prior to the date of the hearing. If one party is permitted to be represented by an attorney, any other party shall have the right to be represented by an attorney. The ~~hearing-Hearing committee~~ Committee may also request legal assistance through the College President, or designee. Any legal advisor provided to the ~~hearing-Hearing committee-Committee~~ may be present during the hearing in an advisory capacity to provide legal counsel, but shall not be a member of the panel nor vote.

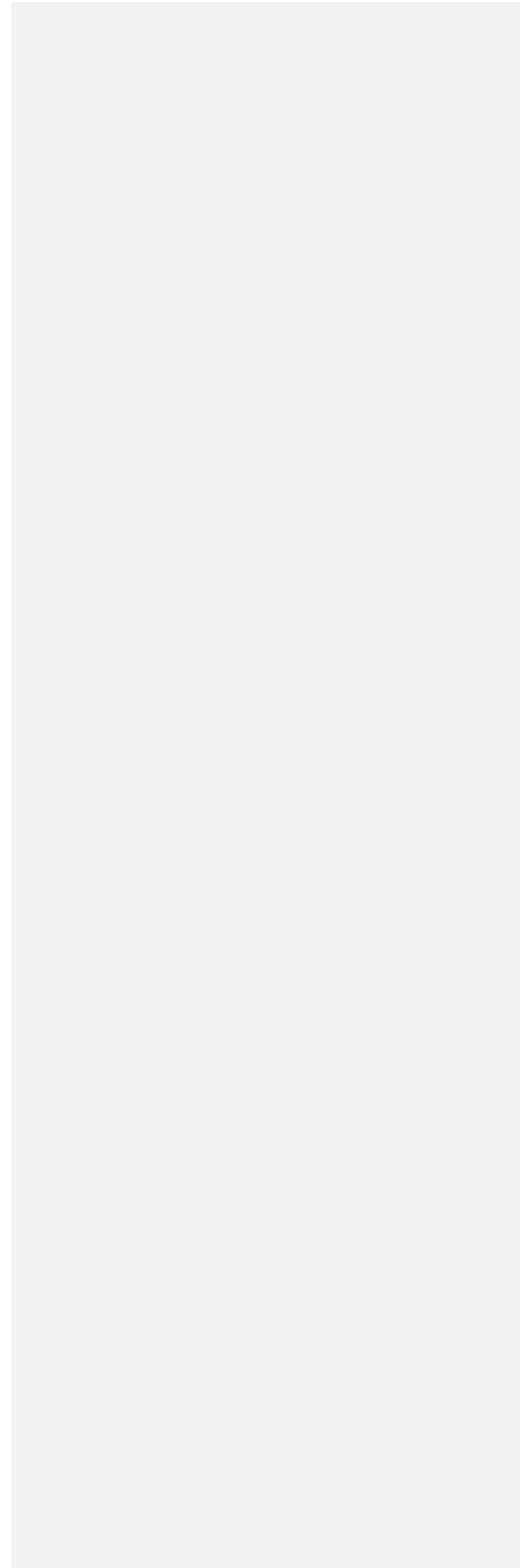
Hearings shall be closed and confidential unless all parties request that it be open to the public. Any such request must be made no less than sevenfive (57) days prior to the date of the hearing.

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

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

Within ~~five-seven (7)(5)~~ days following the close of the hearing, the Grievance Hearing Committee shall prepare and ~~send-submit the Committee's to the College President~~ ait a written ~~communication-finding(s) and recommendation(s)~~ to the ~~College-appropriate Vice President, or designee,~~ which shall include factual findings regarding the grievance, as well

as specific conclusions and recommendations based upon the facts,



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

~~**Appeal:** Any appeal relating to the findings of a Grievance Hearing Committee shall be made in writing to the College President within five (5) days of the Committee's report. The College President shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a grievance provided in these procedures but shall not consider any other matters. The College President's decision to grant or deny a Grievance hearing shall be final and not subject to further appeal.~~

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

~~**Appeal:** Any appeal relating to the findings of a Grievance Hearing Committee shall be made in writing to the ~~College~~ College President within ~~five~~ ~~seven~~ (7) ~~(5)~~ days of the Committee's report. The College President shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a grievance provided in these procedures but shall not consider any other matters. The College President's decision to grant or deny a ~~g~~rievance hearing shall be final and not subject to further appeal.~~

**Time Limits:**

Any times specified in these procedures may be shortened or lengthened by mutual ~~concurrence by consent of~~ all parties.

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

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**AP 5570 Student Credit Card Solicitations**

**References:**

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

**Note: This procedure is legally advised**

Locations on campuses ~~Sites~~ at which student credit cards are marketed ~~should~~ must be registered with the ~~campus-college~~ administration.

The number of sites allowed on campus may be limited.

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

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

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

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

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



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

Credit card company representatives who, ~~without prior approval, appear or arrive on~~ campus for the purpose of marketing "student credit cards" ~~without prior approval~~ will be immediately ~~expelled-removed~~ from the campus, and their firm will be denied subsequent access for up to a five-year (5-year) period.

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

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**AP 5610 Voter Registration**

**References:**

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

**Note: This procedure is legally advised**

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

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

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

The ~~c~~Colleges of Kern CCD allows students to coordinate with the California Secretary of State during the class registration process to receive voter information.

The Director of Admissions ~~and &~~ Records serves as the ~~district's~~ designated contact person at each college to be contacted by for the Secretary of State for distribution of voter registration cards



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

**AP 5700 Intercollegiate Athletics**

**Accreditation Related**

**References:**

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

**Note: This procedure is legally advised**

**Name, Image, Likeness, and Athletic Reputation:**

**Prospective Student Athlete:**

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

**Student Athletes:**

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

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

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

A student athlete's scholarship eligibility will not be impacted as a result of the student

earning compensation for their name, image, likeness, or athletic reputation.

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



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

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**AP 5800 Prevention of Identity Theft in Student Financial Transactions**

**References:**

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

**Note: This procedure is legally advised**

**I. The Purpose of the Identity Theft Prevention Program**

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

**II. Definitions**

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

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

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

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

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

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

**III. Detecting “Red Flags” For Potential Identity Theft**

1. Risk Factors for Identifying “Red Flags”

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

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

#### Sources of "Red Flags":

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

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

#### Categories of "Red Flags":

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

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

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

#### **Suspicious Documents:**

1. Documents provided for identification appear to have been forged or altered;
2. The photograph or physical description on the identification is not consistent with

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the appearance of the applicant or customer presenting the identification;

3. Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification;
4. Other information on the identification is not consistent with readily accessible information that is on file with the District, such as a signature card or a recent check; and
5. An application appears to have been altered or forged or gives the appearance of having been destroyed or reassembled.

### Suspicious Personally Identifying Information:

- ~~1.~~ Personal identifying information provided is inconsistent when compared against external information sources used by the District.

For example:

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

- ~~1.2.~~ Personal identifying information provided by a person is not consistent with other personal identifying information provided by the person. For example, there is a lack of correlation between the SSN range and date of birth.

- ~~2.3.~~ Personal identifying information is associated with known fraudulent activity as indicated by internal or third-party sources used by the District. For example:

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

- ~~1.4.~~ Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the District. For example:

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

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~~4-5.~~ 4-5. The Social Security Number is the same as that submitted by other persons currently being served by the District.

~~2-6.~~ 2-6. The address or telephone number provided is the same or similar to the account number or telephone number submitted by an unusually large number of other persons being served by the District.

~~3-7.~~ 3-7. The person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

~~4-8.~~ 4-8. Personal identifying information provided is not consistent with personal identifying information that is on file with the District.

~~5-9.~~ 5-9. The person opening the covered account cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

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

1. A new covered account is used in a manner that is commonly associated with known patterns of fraud patterns. For example, a person makes a first payment, but there are no subsequent payments made.

2. A covered account is used in a manner that is not consistent with established patterns of activity on the account. For example, there is:

- (a) Nonpayment when there is no history of late or missed payments; or
- (b) A material change in electronic fund transfer patterns in connection with a payment.

~~4-3.~~ 4-3. A covered account that has been inactive for a reasonably lengthy period of time is suddenly used or active.

~~2-4.~~ 2-4. Mail sent to the person holding the covered account is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the person's covered account.

~~3-5.~~ 3-5. The District is notified that the person is not receiving paper account statements.

~~4-6.~~ 4-6. The District is notified of unauthorized transactions in connection with a person's covered account.

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

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

#### **IV. Measures to Detect "Red Flags"**

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

~~4.~~ When a new covered account is open, the District shall obtain identifying information about, and information verifying the identity of, the student or other person seeking to open a covered account. Two ~~(2)~~ forms of identification shall be obtained (at least one of which must be a photo identification).

The following are examples of the types of valid identification that a person may provide to verify the identity of the person seeking to open the covered account: ~~valid~~ Valid state-issued driver's license, valid state-issued identification card, current passport, a Social Security Card, current residential lease, or copy of a deed to the person's home or invoice/statement for property taxes.

~~4.2.~~ Persons with covered accounts who request a change in their personal information on file, such as a change of address, will have the requested changes verified by the District.

The person shall provide at least one ~~(1)~~ written form of verification reflecting the requested changes to the personal information. For example, if an address change is requested, then documentation evidencing the new address shall be obtained. If a phone number change is requested, then documentation evidencing the new phone number, such as a phone bill, shall be obtained.

#### V. Preventing and Mitigating Identity Theft

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

1. Monitor the covered account for evidence of identity theft;
2. Contact the person who holds the covered account;
3. Change any passwords, security codes, or other security devices that permit access to a covered account;
4. Reopen the covered account with a new account number;
5. Not open a new covered account for the person;
6. Close an existing covered account;
7. Not attempt to collect on a covered account or not sell a covered account to a debt collector;
8. Notifying law enforcement;
9. Where a consumer reporting agency provides an address for a consumer that substantially differs from the address that the consumer provided, the District shall take the necessary steps to, for a reasonable belief that the District knows the identity of the person for whom the District obtained a credit report, and reconcile the address of the consumer with the credit reporting agency, if the District establishes a continuing relationship with the consumer, and regularly, and in the course of business, provides information to the credit reporting agency; or

~~10.~~ Determine that no response is warranted under the particular circumstances.

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## VI. Updating the ITPP

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

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

## VII. Methods for Administering the ITPP

### ~~1. Oversight of the ITPP~~

Oversight by the District's designated officer shall include:

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

### Reports

1. ~~In General—~~ Staff responsible for the development, implementation, and administration of this ITPP shall report to the ~~Governing Board~~ of Trustees on an annual basis.
2. Contents of Report—~~The~~ report shall address material matters to the ITPP and evaluate the following issues: ~~the~~ effectiveness of the policies and procedures in addressing the risk of identity theft in connection with opening new covered accounts and with respect to existing covered accounts; service provider arrangements; significant incidents involving identity theft and management's response; and recommendations for material changes to the ITPP.
3. Oversight of Service Provider Arrangements—~~Whenever~~ the District engages a service provider to perform an activity in connection with one or more covered accounts the District shall take steps to ensure that the activity of the service provider is conducted in accordance with reasonable policies and procedures

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designed to detect, prevent, and mitigate the risk of identity theft. To that end, the District shall require ~~our~~ service contractors, by contract, to have policies and procedures to detect relevant "Red Flags" that may arise in the performance of the service provider's activities, and either report the "Red Flags" to the District, or to take appropriate steps to prevent or mitigate identity theft.