

Student Affirmative Action

1. The College will provide equal educational opportunity for all students, regardless of race, religion, color, national origin, ancestry, disability, medical condition, marital status, age (over 40), gender, sexual orientation, or status as a Vietnam-era veteran, who have met admission qualifications and course/program prerequisites.
2. The College will aggressively pursue affirmative action goals and objectives by continuing leadership and programs to provide the educational opportunities available to all historically underrepresented groups in all areas of instruction.
3. Through adoption of a Student Equity Plan, the College will establish and continually revise goals for recruitment of historically underrepresented groups.
4. The California Community Colleges Board of Governors has determined that, on a statewide basis, ethnic minorities, women, and persons with disabilities are historically underrepresented groups. (Title 5 #53001)

Non-Discrimination and Harassment Policy

It is the policy of the San Joaquin Delta Community College District to provide equal employment opportunity, equal educational opportunity, and affirmative action in the provision of educational and other services to the public, including bidding and awarding contracts for construction, goods and services. The District operates in compliance with the Civil Rights Act of 1866, Title VI of the Civil Rights Act of 1964, as amended by the Civil Rights Restoration Act of 1987, Title VII of the Civil Rights of 1964, as amended by the Civil Rights Act of 1991, Title IX of the Education Amendments of 1972, the Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, as amended by the Older Workers Benefit Protection Act of 1990, and by the Civil Rights Act of 1991, the Age Discrimination Act of 1975, as amended by the Civil Rights Restoration Act of 1987, the California Fair Employment and Housing Act, the Unruh Civil Rights Act, the Sex Equity in Education Act, California Labor Code Section 1102.1, Government Code Sections 11135 et seq., and all other applicable laws, and regulations, and applicable requirements related to the receipt of federal and/or state funds. In so doing, the District does not discriminate, and prohibits harassment on the basis of race, color, religion, ancestry, national origin, sex, age, mental disability, physical disability (including HIV and AIDS), medical condition (Cancer), or marital status, or sexual orientation.

Persons who seek information and/or resolution of alleged acts of discrimination or harassment are directed to contact: Vice President of Human Resources Employment Relations Kim Myers, 954-5012.

For information regarding student's rights or regulations related to the following areas, please contact: Section 504/ADA Coordinator, Karen Andersen, 954-5330 (V/TDD); Gender Equity Coordinator, Kim Myers, 954-5012; Student Advocate, Mark Mekjvich, 954-5650.

The policy and procedures for filing a complaint are described in the San Joaquin Delta College District Board of Trustees Policies and Procedures Manual, and copies may be obtained from persons previously stated.

Sexual Harassment Policy

It is the policy of the San Joaquin Delta Community College District to provide, for all students and employees, an educational environment and workplace free from sexual harassment. Therefore, the District expressly forbids sexual harassment of its students and employees by faculty, managers, supervisors, other students or members of the general public. Sexual harassment is in violation of state and federal statutes and will not be tolerated. Where evidence of harassment is found, appropriate personnel or student disciplinary action shall be taken, which may include a letter of warning/reprimand, suspension (of a faculty, non-faculty, employee or student), expulsion (of a student), or termination of employment, in accordance with the California Education Code.

Definition of Sexual Harassment

1. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting, under any of the following conditions:
 - a. Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
 - b. Submission to, or rejection of, the conduct by the individual is used as the basis of employment or an academic decision affecting the individual.
 - c. The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
 - d. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution
2. For the purpose of further clarification, sexual harassment includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list:
 - a. Making unsolicited written, verbal, or physical contact with sexual overtones. Some examples are: making or using derogatory comments, epithets, slurs and jokes of a sexual nature; verbal sexual advances or propositions; verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations; leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters; touching, assault, impeding or blocking movements.
 - b. Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment.)
 - c. Within the work environment, engaging in explicit or implicit coercive sexual behavior which controls, influences, or affects the career, salary and/or work environment or any other term or condition of employment; within the educational environment, engaging in explicit or implicit coercive sexual behavior which controls, influences, or affects the educational opportunities, grades and/or learning environment of the student.
 - d. Making reprisals, threats of reprisals, or implied threats of reprisal following a negative response to a sexual advance. For example, within the work environment, either suggesting or actually withholding support for an appointment,

promotion, or change of assignment; suggesting a poor performance report will be prepared, or suggesting probation will be failed. Within the educational environment, either suggesting or actually withholding grades earned or deserved; or suggesting a scholarship recommendation or college application will be denied.

- e. Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

Complaint Procedures

Any individual who believes that he or she has been sexually harassed and wishes to file a complaint or has questions about this policy should contact the Human Resources and Employee Relations Department at 954-5012. Every effort will be made to ensure that confidentiality is maintained and that due process is followed with respect to both parties. If evidence indicates that a complainant intentionally made false allegations, or made them maliciously, or that vexations or other wise unwarranted use of the complaint procedures took place, the District shall take appropriate disciplinary action. Procedures for filing an informal or formal complaint of sexual harassment is maintained and that due process is followed with respect to both parties. If evidence indicates that a complainant intentionally made false allegations, or made them maliciously, or that vexations or other wise unwarranted use of the complaint procedures took place, the District shall take appropriate disciplinary action. Procedures for filing an informal or formal complaint of sexual harassment are described in Procedure 1411 of the San Joaquin Delta Community College District Board of Trustees Policies and Procedures Manual. Copies of this procedure, any necessary forms, and the policy may be obtained from the Student Advocate or the Human Resources/Affirmative Action Office at San Joaquin Delta College.

Student Right To Know Report

Student Right to Know is a federal-mandate for colleges to publicly disclose graduation and transfer rates. These rates track first-time freshmen in a Fall cohort who are self-identified as being degree, certificate, or transfer-seeking. Students must be enrolled full-time in for-credit, degree-applicable courses. The cohort is, on average, a very small portion of the entire student population. Student outcomes (completion, transfer) are tracked over a three-year period. Please note these rates are by no means an all-encompassing measure of the college's success.

Fall 1999 Student Right to Know Cohort Report:

- Total student enrollment Fall 1999 = 17,800
- Total first-time freshman Fall 1999 = 3,688
- Total students in Fall 1999 Student Right to Know Cohort* = 886
- Percent of students in Fall 1999 Student Right to Know Cohort completing degree or certificate within 3 years (including students who transferred after receiving a degree or certificate = 32.3%
- Percent of students in Fall 1999 Student Right to Know Cohort transferring within 3 years without completing a degree or certificate = 17.3%

- * The cohort includes only first-time freshmen who were enrolled full-time in the Fall 1997 semester and who declared an intent to complete a degree or certificate and/or an intent to transfer. The cohort does not include students who enrolled part-time or those not declaring degree, certificate, or transfer as a goal.

Campus Security

The Campus Security Act of 1991 requires colleges and universities that receive federal funds to report to the public the occurrence of murder, sex offenses (forcible and non-forcible), robbery, aggravated assault, arson, burglary (including auto burglary) and motor vehicle theft. The Act also mandates that these colleges and universities report arrests for liquor law violations, drug abuse violations and weapons possession violations. This information must cover a period of time of three years including the most recent full calendar year of operation. To view this information please contact the San Joaquin Delta College Campus Police web site at: www.deltacollege.org/dept/police/, or contact Campus Police at (209) 954-5000.

Campus Police Services

Police Cottage

(209) 954-5000

San Joaquin Delta College provides law enforcement services through the Campus Police Department twenty four-hours a day, seven days a week. Campus Police enforce federal, state, and local laws, including criminal laws and vehicle code violations as well as handling the investigation of all criminal and traffic cases that occur on the campus. To facilitate the reporting of crimes or calling for assistance, a series of direct-dial telephones are located on every floor in every center, along the pathways and at the entrances to the parking lots. These phones have been placed in blue boxes for easy identification. This system provides direct and immediate contact with personnel of the Campus Police Department.

For Campus Police Assistance

Blue Emergency Phone

OR

Dial 5000 On Campus

OR

Dial (209) 954-5000 from Off Campus

San Joaquin Delta Community College Police Officers are vested with full law enforcement powers and responsibilities, identical to the local police or sheriff. Campus Police Officers are certified by and meet the selection of training requirements set forth by the Commission on Peace Officers Standards and Training for the State of California Penal Code Section 13510(a).

Crime Prevention & Crime Reporting

One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of San Joaquin Delta College to inform students and staff, in a timely manner, of any criminal activity or security problems which may pose a reasonable threat to their physical safety. Such information will normally be distributed to students, faculty and staff through several campus publications. The Impact and the Mustang Bulletin are two student publications. Staff are informed through The Staff Notes newsletter, in-house memos or bulletins and electronic mail.

Another critical element of a campus safety program is education. Campus Police, the Student Activities Office, and the Counseling Department sponsor programs on various topics.

Finally, all effective crime prevention programs include some measure of people watching out for one another. All staff and students are asked to be security conscious and involved.

Lost and Found

Several hundred items of found property are turned in each year, most of which are never claimed by the rightful owners. One reason is that the property cannot be traced back to the owner. The other reason is that persons who lose property do not always check with the Campus Police to learn if their property has been found. Property that is marked with a name, phone number, or driver's license can be returned to the owner if found and turned in to Campus Police. Owners of property with no identification should check with the Campus Police in case it has been found.

Lockouts

Vehicle owners who are locked out of their vehicles may request assistance from Campus Police to gain entry into the locked vehicle.

Victims of Crime

Students who become the victim of a crime or witness a crime being committed should contact the Campus Police as soon as possible. Time is essential when a crime has been committed. The quicker the police department is notified, the quicker the response. Persons who believe that a crime may be occurring, or are suspicious that something is wrong, should contact the Campus Police. The police would rather respond to an innocent situation than not be notified when an actual crime has been committed. Always be on the safe side and call.

Fire Alarms

If a fire alarm sounds in any classroom or building on campus, exit the structure using the nearest stairwell and exit doors. DO NOT USE ELEVATORS. Persons between buildings should immediately walk to an open area, such as one of the parking lots. When exiting any location, always be alert for emergency vehicles which may be responding to the area.



AP 5530 Student Rights and Grievances

Reference:

Title IX, Education Amendments of 1972; Education Code Section 76224(a)

Purpose

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. These procedures shall be available to any student who reasonably believes a college decision or action has adversely affected his or her status, rights or privileges as a student. The procedures shall include, but not be limited to, grievances regarding:

- Sex discrimination/complaints as prohibited by Title IX of the Higher Education Amendments of 1972 shall be resolved using the procedure described in Procedure 1411.
- Sexual harassment complaints shall be resolved using the procedure described in Procedure 1411.
- Financial Aid
- Illegal discrimination shall be resolved using Policy 1400/ Procedure 1401.
- Course grades, to the extent permitted by Education Code Section 76224(a), which provides: “When grades are given for any course of instruction taught in a community college district, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student’s grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetence, shall be final.” Student concerns regarding the awarding of grades (except as a result of actions described above as grounds for student grievance), shall be resolved through petitions for a change of grade, AP4231. Grade change petitions are available from the Vice President of Student Services.
- The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.
- One or more acts of intimidation, harassment, or physical aggression, or a reasonably perceived threat of same.
- Arbitrary, capricious, or improperly discriminatory action affecting the evaluation of, or impeding the progress of, the student’s academic performance or achievement.
- Improper or unwarranted imposition of discipline
- Infringement of any right specifically granted to the student by a duly established College rule or regulation.

Students with concerns regarding professional/clinical issues within programs which have specialized grievance procedures must follow the procedures listed in the specific program handbook (See Below).

- Associate Degree and Vocational Nursing Program
- Radiologic Technology Program
- Law Enforcement Police (POST) Academy

The following are not grounds for use of the student grievance procedure:

- Student disciplinary actions, which are covered under separate Board policy and Administrative Procedure.
- Challenges of course or program prerequisites or corequisites, which shall be resolved through the procedure described in AP 5052.
- Appeals of citations issued for campus parking violations, which shall be resolved through the procedure described in Procedure 9641.

Definitions:

Day: Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays and Sundays.

Non-Participating Member: A person designated by either party to the grievance to attend the hearing. May not participate in hearing discussions.

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 the Grievance Hearing Committee or the Student Grievance Coordinator.

Respondent: Any person claimed by a grievant to be responsible for the alleged grievance.

Senator for Student Advocacy: Associated Student Body (ASB) appointed student may assist in advisement on grievance policy and in organization of documents, grievance hearing presentation and related materials.

Student: A currently enrolled student, a person who has filed an application for admission to the College, 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(a).

Student Grievance Coordinator: The Superintendent/President’s designee, the Student Grievance Coordinator shall coordinate scheduling of all grievance hearings, shall serve to assist all parties and the hearing committee to facilitate a full, fair and efficient resolution of the grievance and shall avoid an adversary role.

Grievance Hearing Committee:

A formal hearing panel, comprised of two managers appointed by the Management Senate; two faculty members appointed by the Academic Senate; two classified staff members appointed by the Classified Senate and two students appointed by the Associated Study Body, is established each academic year to hear student grievances.

- No person shall serve as a member of a grievance hearing committee if that person 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 Student Grievance Coordinator who shall determine whether cause for disqualification has been shown. If the Student Grievance Coordinator feels that sufficient ground for removal of a member of the committee has been presented, the Student Grievance Coordinator shall remove the challenged member or members and substitute a member or members from the panel described above.
- The Student Grievance Coordinator shall, and the Associated Student Body Senator of Student Advocacy may, sit with the grievance hearing panel, but shall not serve as a member nor vote.

A. GENERAL CONSIDERATIONS

1. Failure to Observe Time Limits

- (a) In the event the grievant fails to exhaust all remedies under the grievance procedure provided herewith, or to abide by the time limits with respect to each step, the grievance shall be presumed to be abandoned and the matter shall be considered settled, in accordance with the College’s last answer thereto.

- (b) In the event that the College fails to give its answer at any step within the time limited prescribed, the grievant shall have the right to proceed immediately to the next step.
- (c) Any time limit may be extended by written mutual agreement of both parties.
- (d) The time limitation that a student may begin a grievance is within twenty (20) days of the occurrence. However, if there are extenuating circumstances to cause the grievant to miss the time limitation, the Vice President of Student Services will judge the validity of the extenuating circumstances and may extend the time limitation.

2. Effect of Settlement

- (a) Nothing in this policy shall prohibit the student and the employee from meeting, conferring, and resolving the grievance at any time during the process.
 - (b) Any settlement of a grievance at the informal level shall not be binding for the disposition of the grievance to continue at the formal level.
3. When a member of the College staff, charged by policy with responsibility for resolution of grievances, is an immediate party to a grievance, the Superintendent/President shall designate an alternate staff member to implement grievance policy. If the Superintendent/President is an immediate party to a student grievance, the Board President shall designate an alternate administrator to discharge his/her grievance related responsibilities.
4. Each party to the grievance may have the right to a non-participating representative present at a formal hearing; except that a party shall not be represented by an attorney unless, in the judgment of the hearing committee or the Vice President of Student Services, complex legal issues are involved. If the student consults with an attorney, it shall be at their own expense.

If a party wishes to be represented, a request in writing must be presented to the Student Grievance Coordinator five (5) days prior to the date of the hearing. If one party is permitted to be represented by an attorney, the other party shall have the same right of representation. The hearing committee may also request legal assistance through the Superintendent/President's office any legal advisor provided to the hearing committee may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

5. Access to Grievance Materials

The employee and the grievant shall have access to all complaint related materials upon request through the Student Grievance Coordinator. All such materials are deemed confidential and subject to Board Policy.

B. INFORMAL GRIEVANCE RESOLUTION

STEP 1

When a student feels there is a grievance, that student shall, within twenty (20) days of occurrence, first attempt to resolve it through the following preliminary actions:

- (a) Confer (when possible) with the person against whom the student has the grievance.
- (b) Confer with the immediate administrative supervisor who will notify the person grieved against. The supervisor shall attempt to arrange a meeting with the employee and the student within five (5) days of notification, in order to attempt to resolve the problem.

- (c) The immediate administrative supervisor will write a letter within five (5) days of the conference, or within ten (10) days of notification of the grievance, stating the outcome of the meeting and his or her recommendations, and send a copy to the grievant, the employee, and Student Grievance Coordinator.
- (d) Every effort shall be made to resolve the grievance by informal discussion by the parties involved in this step.
- (e) The Student Grievance Coordinator will assist students by providing information about the grievance process, and exploring with students other methods of solving the problem. The student may also seek procedural consultation from the Associated Student Body (ASB) Senator of Student Advocacy.

STEP 2

If, within five (5) days of receipt of the letter from the immediate administrative supervisor, a student feels they have not obtained resolution at Step 1 of the Informal Grievance Resolution and wishes the grievance to become official, the student must submit an official Student Grievance Petition to the Vice President of Student Services. The petition is available from Associated Student Body Office or from the office of the Director of Guidance and Counseling (the Student Grievance Coordinator) and requires his/her signature. It is recommended that a written statement be included with the Student Grievance Petition. The statement should specify the time, place, nature of the event or events leading to the grievance, and the proposed actions.

STEP 3

The Vice President of Student Services shall make a determination as to whether a prima facie case of an eligible student grievance has been presented by the student.

The determination of whether the statement of grievance presents sufficient grounds for a hearing shall be based on 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 include applicants and former students;
- The grievant is personally and directly affected by the alleged grievance;
- The grievance was filed in a timely manner;
- The grievance is not frivolous, without foundation, or filed for purposes of harassment.

If the Vice President of Student Services determines that an eligible grievance has not been presented the Vice President of Student Services shall so notify the student in writing within five (5) days, setting forth the reasons for the determination.

A student may appeal to the Student Personnel & Conduct Committee the ruling by the Vice President of Student Services by requesting a review within ten (10) days of the Vice President's decision.

If an eligible grievance has been presented, the Vice President of Student Services shall, within ten (10) days after receiving the signed statement of grievance, refer the matter to the Student Personnel and Conduct Committee.

C. FORMAL GRIEVANCE RESOLUTION

STEP 1

The Student Personnel and Conduct Committee shall serve as the hearing panel for all student grievances.

STEP 2

The Student Personnel and Conduct Committee shall, within fifteen (15) days after receiving a signed grievance statement, conduct its proceedings as follows:

- (a) The hearing shall be closed to the public unless the Student Grievance Coordinator has determined at least two (2) days in advance that a public hearing is desired by both parties.
- (b) The Student Grievance Coordinator shall be present at the hearing. The Associated Student Body (ASB) Senator of Student Advocacy or a person of the student's choice may attend the hearing as a non-participant at the invitation of the grievant.
- (c) A person of the student's choice may present on behalf of the student at the hearing if the student has provided to the Student Grievance Coordinator, at least two (2) days in advance of the hearing, evidence which clearly demonstrates his or her inability to represent him or herself.
- (d) A tape recording of the proceedings and evidence shall be kept in a confidential file by the Vice President of Student Services and shall be available to either party.
- (e) The Committee shall discuss, hear testimony, examine witnesses, and consider all available evidence pertaining to the charge(s). No new charges may be made at the hearing.
- (f) Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.
- (g) Both parties shall have the right to be present and to present written or oral statements, testimony, evidence, and witnesses.
- (h) The Committee shall judge the relevancy and weight of testimony and evidence and make its findings of facts limiting its investigation to the formal charge. The Committee shall also make recommendations for the disposition of the charge. The Committee may recommend support, modification, or denial of the relief sought.
- (i) The Committee shall, within five (5) days, submit its findings of facts and recommended action to the Vice President of Student Services with a copy to each party and the Student Grievance Coordinator.
- (j) Committee member votes shall be entered into the record. Minority viewpoints may be submitted as addenda to the majority opinion/ recommendation.

STEP 3

Final Grievance Action. If either party is dissatisfied with the Student Personnel and Conduct Committee's decision, that person must submit in writing to the Superintendent/President, within five (5) days of receipt of the Committee's decision, a request for a review by the Superintendent/ President. This request shall detail the basis for appeal.

The Superintendent/President or his or her designee shall review the proceedings of the Committee, conduct such investigation as is deemed appropriate and within five (5) days after receiving the request to review the decision, shall, in a written decision, revoke, support, or modify the decision of the Student Personnel and Conduct Committee. The decision of the Superintendent/President shall be final.

Administrative Procedure 5500 A

Definition of Academic Dishonesty

Academic dishonesty consists of any deliberate attempt to falsify, fabricate or otherwise tamper with data, information, records, or any other material that is relevant to the student's participation in any course, laboratory, or other academic exercise or function. Most, although not all, such attempts fall into one or more of the following three categories:

1. **Plagiarism:** Deliberately presenting work, words, ideas, theories, etc. derived in whole or in part from a source external to the student as though they are the student's own efforts. Examples of plagiarism include, but are not limited to the following:
 - a. Failing to use proper citations as acknowledgment of the true source of information included in a paper, written or oral examination, or any other academic exercise.
 - b. Presenting any work completed in whole or in part by any individual or group other than the student, as though the work is the student's own, in any academic exercise.
 - c. Buying, selling, bartering, or in any other fashion obtaining or distributing material to be used fraudulently as part of any academic exercise.
2. **Cheating:** Disseminating or receiving answers, data, or other information by any means other than those expressly permitted by the instructor as part of any academic exercise. Examples of cheating include, but are not limited to the following:
 - a. Copying answers, data, or other information (or allowing others to do so) during an examination, quiz, laboratory experiment, or any other academic exercise in which the student is not expressly permitted to work jointly with others.
 - b. Assuming another individual's identity or allowing another person to do so on one's own behalf for the purpose of fulfilling any academic requirement or in any way enhancing the student's grade or academic standing.
 - c. Using any device, implement, or other form of study aid during an examination, quiz, laboratory experiment, or any other academic exercise without the faculty member's permission.
3. **Other Academic Misconduct:** Falsifying or fabricating data, records, or any information relevant to the student's participation in any course or academic exercise, or tampering with such information as collected or distributed by the faculty member. Examples of academic dishonesty include, but are not limited to the following:
 - a. Falsifying, or attempting to falsify, attendance records, graded exercises of any kind, or any information or document intended to excuse the student from participation in any academic exercise.
 - b. Inventing, fabricating, or falsifying data as part of the completion of any academic exercise.
 - c. Knowingly furnishing false information (or facilitating the furnishing of false information) to a faculty member.

The foregoing list of offenses is not intended to be fully exhaustive of all potential instances of academic dishonesty. Faculty and administrators may identify cases of academic dishonesty not herein contemplated.