

Student Code of Conduct

I. Overview

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance and admonition. At the same time, educational institutions have a duty and the corollary disciplinary powers to protect their educational purpose through the settings of standards of scholarship and conduct for the students who attend them and through the regulation of the use of institutional facilities.

The purpose of these procedures is to provide a prompt and equitable means to address violations of the Student Code of Conduct, as set forth in Administrative Procedure AP 5510, which guarantees the student or students involved the due process rights entitled to them by state and federal constitutional protections. These procedures will be used in a fair and equitable manner, and not for purposes of retaliation. They are not intended to substitute for criminal or civil proceeds that may be initiated by other agencies.

Foothill and De Anza colleges consider the following principles essential to their educational mission and community life:

1. Mutual respect between students, faculty and staff;
2. Pursuit of studies with honesty and integrity;
3. Respect for college and personal property; and
4. Compliance with all rules and regulations.

These standards are intended to promote responsible student conduct and fair play.

II. Definitions

College—Foothill College, De Anza College and their respective programs.

District—The Foothill-De Anza (FHDA) Community College 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.

President—The college president or a designated representative of the college president.

Student—Any person currently enrolled as a student at any college or in any program offered by the district.

Student Discipline Officer—The official designated by the college to be responsible for reviewing and processing student discipline matters.

III. Student Code of Conduct & Grounds for Disciplinary Action

Students shall be subject to college discipline (as outlined in Administrative Procedure AP 5520: Student Due Process & Discipline) for any of the following misconduct that occurs at any time on campus or at any off-campus facility, including Internet-based courses held on the World Wide Web, or college-approved or college-sponsored functions:

1. Academic dishonesty, such as cheating, plagiarism (including plagiarism included in student publications), or knowingly furnishing false information to the colleges, or district;
2. 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;
3. Dishonesty, forgery, alteration or misuse of college or district documents, records or identification;
4. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other college or district activities, including its public service functions, or of other authorized activities;
5. Physical or verbal abuse of any person or conduct which threatens or endangers the health or safety of any such person;
6. Committing or attempting to commit robbery or extortion;
7. Causing or attempting to cause damage to college or district property or to private property on campus;

8. Stealing or attempting to steal college or district property or private property on campus, or knowingly receiving stolen college or district property or private property on campus;
9. Willful misconduct that results in injury or death to a student or to college or district personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the college or district or on the campus;
10. Unauthorized entry to or use of college or district facilities;
11. Violation of college or district policies or of campus regulations, including those concerning registration of student organizations, use of college or district facilities, or the time, place and manner of public expression;
12. Unlawful possession, use, sale, offer to sell, or furnishing or being under the influence of, any controlled substance as listed in California Health & Safety Code Section 11053 et seq., 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 & Safety Code Section 11014.5;
13. Use, possession, or sale of any firearm, knife, explosive, or other object that could be classified as a weapon (unless the student has specific authorization from a college or district official);
14. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of authority, or persistent abuse of college or district personnel;
15. Gambling on college or district property;
16. Hazing or any act that injures, degrades, or disgraces or tends to injure, degrade, or disgrace any fellow student or other persons;
17. Disorderly conduct or lewd, indecent or obscene behavior, conduct or expression on district-owned or district-controlled property, or at district-sponsored or district-supervised functions;
18. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or district;
19. Theft or abuse of computer time, including but not limited to:
 - a. unauthorized entry into a file, to use, read or change the contents or for any other purpose;
 - b. unauthorized transfer of a file;
 - c. unauthorized use of another person's identification and password;
 - d. use of computing facilities to interfere with the work of another student, faculty member or college official;
 - e. use of computing facilities to send obscene or abusive messages, or to defame or intentionally harm other persons;
 - f. use of computing facilities to interfere with normal operation of the college computing system;
 - g. use of computing facilities for student's personal benefit;
20. Committing sexual harassment as defined by law or as set forth in Board Policy 4640;
21. Engaging in harassing or discriminatory behavior based on race, sex, religion, age, national origin, disability, or any other status protected by law.
22. 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 or district premises, or the violation of lawful college or district regulations, or the substantial disruption of the orderly operation of the college or district;
23. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

IV. Types of Disciplinary Action

The following are the usual types of discipline the college imposes for violations of its rule or California laws. The following topics are listed in alphabetical order.

Admonition—An administrative, verbal warning to the student to cease and desist from conduct determined to violate the Student Code of Conduct.

Day—Day(s) during which the district is in session and regular classes are held, excluding Saturdays and Sundays.

Disciplinary Probation—Exclusion from participation in privileges or extracurricular activities set forth in the notice of disciplinary probation for a specified period of time.

Expulsion—Exclusion of the student by action of the Foothill-De Anza Community College District (FHDA) Board of Trustees from all colleges in the district for one or more terms, or permanently.

Removal from Class—Exclusion of the student by an instructor for the day of the removal and the next class meeting.

Restitution—Financial liability for damage to or misappropriation of property. Restitution may take the form of appropriate service to repair or otherwise compensate for damages.

Summary Suspension—Any student who has willfully disrupted the orderly operation of the campus may be promptly suspended pending a hearing, where such immediate suspension is required in order to protect lives or property and to ensure the maintenance of order, provided, however, that a reasonable opportunity must be afforded the suspended person for hearing within 10 days. In all other cases, where disciplinary action is to be taken in response to willful disruption of the orderly operation of the campus, discipline shall be imposed only after a prompt hearing by a campus body resulting in a finding that the student willfully disrupted the orderly operation of the campus.

Suspension—Exclusion of the student for good cause from one or more classes for a period of up to 10 days of instruction, or the remainder of the school term, or from all classes and activities for one or more terms. The suspended student is prohibited from being enrolled in any other college in the district for the period of suspension.

Withdrawal of Consent to Remain on Campus—Withdrawal of consent by the student discipline officer for any person to remain on campus in accordance with California Penal Code Section 626.4 where the student discipline officer has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Written Warning—Written notice to the student that continuation or repetition of specific conduct found wrongful within a period of time stated in the warning, may be cause for more severe disciplinary action. Written reprimands may become part of a student's permanent record at the college.

V. Discipline & Due Process Procedures at Foothill College

Except in cases where immediate discipline pending a hearing is authorized, the following procedures will apply before disciplinary action is taken to suspend or expel a student.

The student discipline officer will determine if there are sufficient grounds to warrant discipline. If the student discipline officer determines sufficient grounds exist to warrant discipline, the student will be provided with written notice of that determination. The written notice will include the following:

1. The specific section of the Student Code of Conduct that the student is charged with violating;
2. A short statement of the facts supporting the accusation; and
3. The nature of the discipline that is being considered.

The following topics are listed in chronological order.

Time Limits—The notice must be provided to the student within 10 days of the date on which the conduct took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within 10 days of the date on which conduct occurred which led to the decision to take disciplinary action.

Pre-Hearing Meeting—If the student chooses to meet with the student discipline officer, the meeting must occur no sooner than 10 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.

Schedule of Hearing—The formal hearing shall be scheduled within 10 days after the pre-hearing meeting with the student discipline officer.

Campus Disciplinary Hearing Board—The Campus Disciplinary Hearing Board shall be comprised of members of the faculty and administration. The student discipline officer and the president of the Academic Senate shall each, at the beginning of the academic year, establish a list of persons who will serve on student disciplinary hearing panels. The student discipline officer shall appoint the hearing panel from the names on these lists. The administrator on the hearing panel shall serve as chair. However, no administrator or faculty member 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 serve on a hearing panel.

Conduct of the Hearing—The members of the hearing 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 student discipline officer shall present the facts supporting the accusation.

The student discipline officer 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 student discipline officer and the student shall each be permitted to make an opening statement. Thereafter, the student discipline officer shall make the first presentation, followed by the student. The student discipline officer may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the student discipline officer to prove by substantial evidence that the facts alleged are true.

The student may represent him or herself, and may also have the right to be represented by a person of his or her choice. An attorney shall not represent the student unless, in the judgment of the hearing 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 days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the student discipline officer may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel 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.

Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than five 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 district shall record the hearing either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask people present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording 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 tape recording.

All testimony shall be taken under oath; the hearing panel chair shall administer the oath. 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 considered "unavailable." Within 10 days following the close of the hearing, the hearing panel shall prepare and forward to the student discipline officer a written recommendation. The recommendation 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. The student discipline officer will forward the recommendation to the president.

Immediate Summary Suspension—The president may order immediate interim suspension pending a hearing of a student where he/she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order, provided that a reasonable opportunity be afforded the suspended person for a hearing within 10 days. This procedure complies with Education Code Section 66017.

Removal from Class—Any instructor may order a student removed from his/her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the student discipline officer. The student discipline officer shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the student discipline officer 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 student discipline officer from recommending further disciplinary procedures in accordance with these procedures based on the facts that led to the removal. This procedure complies with Education Code Section 76032.

Withdrawal of Consent to Remain on Campus—Also review Penal Code Section 626.4. The student discipline officer may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If the student discipline officer withdraws consent, a written report must be promptly made to the college president and the district police.

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 10 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 10 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.

President's Decision for Suspension—Within 10 days following receipt of the hearing panel's recommended decision, the college president shall render a written decision. The college president may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the president modifies or rejects the hearing panel's decision, the college president shall review the record of the hearing, and shall prepare a new written decision that contains specific factual findings and conclusions. Written notice of the college president's decision shall be provided to the student. The notice will include the right of the student to request an appeal of the decision within 30 days of receipt of the decision. The college president will review the appeal and any additional information provided by the student, and render a decision on the appeal. The decision of the college president shall be final. The college president shall notify the district chancellor of the decision to suspend a student.

President's Decision for Expulsion—Within 10 days following receipt of the hearing panel's recommended decision, the president shall render a written recommended decision to the board of trustees. The college president may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the college president modifies or rejects the hearing panel's decision, the college president shall review the record of the hearing, and shall prepare a new written decision that contains specific factual findings and conclusions. The college president's recommendation shall be forwarded to the district board of trustees.

Board of Trustees Decision—Once received, the college president's recommendation will be placed on the agenda of the next regularly scheduled district board meeting. The district board of trustees shall determine whether to expel a student for cause following hearing before the board. 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).

The student shall be notified in writing, by registered or certified mail or by personal service, at least three days prior to the meeting, of the date, time, and place of the board's meeting.

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

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. The board may accept, modify or reject the findings, decisions and recommendations of the college president and/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 that contains specific factual findings and conclusions. The decision of the board shall be final. 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.

For More Information

The Foothill College Judicial Affairs Office manages liability issues that arise on the Foothill College campus. The dean of Student Affairs & Activities is the Foothill College grievance officer who oversees discipline and due process.

To schedule an appointment with the dean, get answers to your questions, obtain reference material or discuss an issue, call Bill Frankeberger in the Student Affairs Office at (650) 949-7241.

Various college agencies and policies work to assure due process. Such agencies and procedures include:

Academic Council

E-mail or call Foothill Evaluation Specialist Stephanie Franco at FrancoStephanie@foothill.edu or (650) 949-7231;

ASFC Student Rights Advocate

Call the Associated Students of Foothill College President at (650) 949-7062; or For information and procedures for De Anza College, call the dean of Student Development & EOPS at (408) 864-8828.

Obtaining Copies of Policies

All board and administrative policies are available for review in the Foothill-De Anza Community College District Chancellor's Office located on the Foothill College campus. These policies are also available online at www.fhda.edu.

In addition, reference resources are available online at www.foothill.edu under Student's Right to Know; in print in the Foothill College Student Grievance Procedures publication available at the Student Affairs & Activities Office, or call (650) 949-7241; and in this brochure.

For Further Reference

Foothill-De Anza Community College District Board of Trustees, Board Policy, Administrative Procedure 5510—Student Code of Conduct;

Foothill-De Anza Community College District Board of Trustees, Board Policy, Administrative Procedure 5520—Student Due Process & Discipline;

Foothill-De Anza Community College District Board of Trustees, Board Policy, Administrative Procedure 5530—Student Grievances;

Foothill-De Anza Community College District Board of Trustees, Board Policy, 5500—Student Rights & Responsibilities; and

14th Amendment of the U.S. Constitution as interpreted by *Tinker v. Des Moines Independent School District*, United States Supreme Court, 1969, 21 LIED 2d 731.

Foothill College Student Grievance Procedures

This is the Foothill College Student Grievances Procedures Booklet. So that you are fully aware of student rights and responsibilities, you should also review the Foothill College Student Conduct & Due Process Booklet. The administrative and board policies referred to in this document are also available online at www.fhda.edu. Printed versions of both booklets are available from Student Affairs & Activities (Room 2002), the dean of Faculty & Staff (Room 1905), and the Foothill-De Anza Community College District Chancellor's Office located on the Foothill College campus.

I. Purpose

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. This procedure is for student grievances only. Faculty and staff with complaints regarding students should refer to Administrative Procedure 5510: Student Code of Conduct and Administrative Procedure 5520: Student Due Process & Discipline. The student grievance 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 grievances regarding:

1. 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."
2. Act or threat of intimidation or harassment. These procedures do not apply to sexual harassment or illegal discrimination. Sexual harassment or complaints on the basis of race, color, national or ethnic origin, age, gender, sexual orientation, marital status, or physical or mental disability should be directed to the dean of Student Affairs & Activities at Foothill College, the dean of Student Development & EOPS at De Anza College or the Foothill-De Anza Community College District Human Resources Office.
3. Act or threat of physical aggression.
4. Arbitrary action or imposition of sanctions without proper regard to academic due process specified in the college procedures, unrelated to disciplinary actions.
5. The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.

This procedure does not apply to:

1. Student disciplinary actions, which are covered under separate board policies and administrative procedures. (See Administrative Procedure 5520: Student Due Process & Discipline.)

2. Police citations (i.e. "tickets"). Complaints about citations must be directed to the Santa Clara County Superior Court Parking Violations Office in the same way as any traffic violation.
3. Sexual harassment. Complaints of sexual harassment should be directed to the dean of Student Affairs & Activities at Foothill College or the dean of Student Development & EOPS at De Anza College.
4. Illegal discrimination. Complaints of discrimination on the basis of race, color, national or ethnic origin, age, gender, sexual orientation, marital status, or physical or mental disability filed against an employee of the district should be directed to the dean of Student Affairs & Activities at Foothill College or the dean of Student Development & EOPS at De Anza College.
5. Residence determination. Student should contact the associate registrar at Foothill College or the director of Admissions & Records at De Anza College.
6. Dismissal from college for academic reasons. Student should consult a Foothill counselor. If there are extenuating circumstances, the student may appeal the dismissal to the Academic Council after consulting a Foothill counselor.

II. Definitions

Grievant—A student alleging that a college decision or action has adversely affected his or her status, rights or privileges as a student, or alleges that another student has violated the student's rights.

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 college grievance officer.

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 college, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission.

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

Work Day—A work day shall mean days during which the district is in session and regular classes are held, excluding Saturdays and Sundays. All time deadlines shall be measured by work day, unless otherwise specified as calendar days.

III. Informal Resolution of Grievances

Each student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing, and shall attempt to solve the problem with the person with whom the student has the grievance, that person's immediate supervisor, or the vice president who oversees that division.

The college president has appointed an employee who shall assist students in seeking resolution by informal means. This person shall be called the grievance officer.

Informal meetings and discussion 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 tend to 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 he or she has a grievance shall file a Statement of Grievance Form with the grievance officer within 30 calendar days of the incident on which the grievance is based, or 30 calendar days after the student could have reasonably discovered the basis for the grievance, whichever is later. The Statement of Grievance Form must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Within two work days following receipt of the Statement of Grievance Form, the grievance officer shall advise the student of his or her rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance Form.

If at the end of 10 work days following the student's first meeting with the grievance officer, there is no informal resolution of the complaint which is satisfactory to the student, the student shall have the right to request a grievance hearing.

Steps in the Informal Process Involving College Employees

- Step 1: The student shall confer with the faculty member, administrator or classified staff person directly involved in the facts giving rise to the grievance.
- Step 2: If unresolved after Step 1, the student shall confer with the faculty member's division dean, or the supervisor of the administrator or classified staff person.
- Step 3: If unresolved after Step 2, the student shall confer with the vice president of that dean's or supervisor's division.
- Step 4: Within the 30-calendar-day time limit as previously outlined, if the student does not feel that the matter can be resolved after completing Steps 1, 2 and 3, an official Statement of Grievance Form may be filed with the grievance officer. The grievance officer will advise the student of his/her rights and assist the student, if necessary, in the final preparation of the Statement of Grievance Form.
- Step 5: If after 10 work days from the first meeting with the grievance officer there is no informal resolution, the student may request a grievance hearing.

If the complaint involves a grievance against another student, grievant shall confer directly with the grievance officer, who will advise the grievant of his/her rights and assist the grievant in preparing the Statement of Grievance Form.

IV. Formal Grievance Process

A. Grievance Hearing Committee

The college president or his/her designee shall at the beginning of each quarter, including any summer session, establish a standing panel of members of the college community, including faculty members and administrators, from which one or more grievance hearing committees may be appointed. The panel will be established with the advice and assistance of the Academic Senate, who shall submit names to the president or his/her designee for inclusion on the panel. A grievance hearing committee shall include three members from the panel described above. The administrator on the hearing panel shall serve as chair.

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.

The grievance officer shall sit with the grievance hearing committee but shall not serve as a member nor vote. The grievance officer shall coordinate all scheduling of 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.

B. Request for Grievance Hearing

Any request for a grievance hearing shall be filed on a Request for a Grievance Hearing Form in writing within 30 calendar days after discovery of the grievable action and after completing steps 1-3 of the informal process previously outlined.

Within 10 work days following receipt of the Request for Grievance Hearing Form, the grievance officer shall convene a grievance hearing committee as described above, and the grievance hearing committee shall meet in private and without the parties present to determine on the basis of the Statement of Grievance whether it presents sufficient grounds for a hearing.

The determination that the Statement of Grievance presents sufficient grounds for a hearing shall be made if the following are found to be true:

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

If the grievance does not meet each of the requirements, the hearing committee chair 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 seven work days of the date the decision is made by the grievance hearing committee.

If the Request for Grievance Hearing satisfies each of the requirements, the college grievance officer shall schedule a grievance hearing. The hearing will begin within 30 calendar days following the decision to grant a grievance hearing. All parties to the grievance shall be given not less than 10 work days notice of the date, time and place of the hearing.

C. Hearing Procedure

The grievance hearing committee chair is responsible for making sure that administrative procedures are followed and for maintaining decorum at the hearing.

The members of the grievance hearing committee shall be provided 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. 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 or grievants shall make the first presentation, followed by the respondent or respondents. The grievant(s) may present rebuttal evidence after the respondent(s)' evidence. The burden shall be on the grievant or grievants 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 himself or herself, and may also have the right to be represented by a person of his or her choice; except that a party shall not be represented by an attorney unless, in the judgment of the grievance hearing committee, complex legal issues are involved. If a party wishes to be represented by an attorney, a request must be presented not less than 10 work 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 committee may also request legal assistance; 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.

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 five work 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 hearing shall be recorded by the grievance officer either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, 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 tape 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 tape recording.

All testimony shall be taken under oath; the oath shall be administered by the grievance hearing committee 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 shall be considered to be unavailable.

The grievance hearing committee shall prepare and send a decision to the grievance officer. The decision will be forwarded by the grievance officer to the grievant within 14 work days. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall also include a specific recommendation regarding the relief to be afforded the grievant, 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 grievance, any written response, and the oral and written evidence produced at the hearing.

D. Appeal & President's Decision

A student prejudiced by a decision of the grievance hearing committee shall be entitled to appeal that decision to the college president. The appeal shall be made in writing to the college president within 30 calendar days of receipt of the grievance hearing committee's decision. The college president shall review the appeal and the grievance hearing committee's findings and conclusions, and will render a decision. Within seven work days following the receipt of the request for appeal, the college president shall prepare and send a decision to the grievant. The decision of the college president shall be final.

E. Time Limits

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

Crime Awareness & Campus Security

Summary Report

In compliance with Section 201 Public Law 101-542 as amended by Public Law 102-26, Foothill College provides the following Crime Awareness & Campus Security Act Summary Report for students, faculty and staff:

| Crime | Year 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
|--------------------|-----------|------|------|------|------|------|
| Aggravated Assault | 4 | 6 | 1 | 0 | 0 | 0 |
| Arson | 0 | 0 | 0 | 0 | 0 | 0 |
| Burglary | 11 | 8 | 6 | 26 | 5 | 5 |
| Homicide | 0 | 0 | 0 | 0 | 0 | 0 |
| Rape | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|--------------------|-----------|------|------|------|------|------|
| Robbery | 0 | 1 | 1 | 1 | 0 | 0 |
| Vehicle Theft | 1 | 2 | 0 | 1 | 0 | 0 |
| Arrests | Year 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
| Alcohol Violations | 1 | 0 | 1 | 0 | 0 | 0 |
| Drug Violations | 0 | 1 | 1 | 3 | 4 | 2 |
| Other | 9 | 8 | 20 | 1 | 2 | 0 |

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