



Student Rights & Responsibilities

Campus and District Policies..... 205-214

Student Rights and Responsibilities

Student's Right to Know

Moorpark College endorses and supports Public Law 101-524, the Student Right-to-Know and Campus Security Act as amended by Public Law 102026. The College makes available to any interested person, upon request, information on policies regarding the use of campus facilities, as well as the reporting of criminal actions and/or emergencies that have occurred on campus. This information can be obtained from the Campus Police (Office in Lot G1; 805-378-1455). The entire text of this Act is available upon request from the Office of Student Learning in the Administration Building.

Privacy Rights Governing Student Records

The colleges in the Ventura County Community College District establish and maintain information on students relevant to admission, registration, academic history, career, student benefits or services, extra-curricular activities, counseling and guidance, discipline or matters related to student conduct, and shall establish and maintain such information required by law.

Right of Access

Any currently enrolled or former student has a right of access to any or all student records relating to the student maintained by this District. The editing or withholding of such records is prohibited except as provided by law.

Requests for access shall be in writing, addressed to the Executive Vice President, Student Learning at the college of attendance. Requests by students to inspect and review records shall be granted no later than 15 days following the date of request. The inspections and review shall occur during regular school hours. The Executive Vice President, Student Learning shall notify the student of the location of all official records which have been requested and provide personnel to interpret records where appropriate.

Student records are maintained in a manner to ensure privacy of all such records and the colleges in this district shall not, except as authorized, permit any access to or release of any information therein.

Access to student records may be permitted to any person for whom the student has executed written consent specifying the records to be released and identifying the party to whom the records may be released. Information concerning a student shall be furnished in compliance with a lawfully issued subpoena. The College shall make a reasonable effort to notify the student in advance of such compliance if lawfully possible within the requirements of the judicial order. Students may request copies of records for review. A fee of \$3 will be charged.

One exception, which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the College or District in an administrative, supervisory, academic or research, or support staff position (including law enforcement personnel and health staff); a person or company with whom the College or District has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Directory Information

The colleges in this District maintain directory information which may be released: student's name, address, telephone number, and place of birth, major field of study, class schedule, participation of officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous public and private school attended by the student.

Students may indicate that directory information shall not be released by providing written notification to the Executive Vice President, Student Learning at the college of attendance at the time of enrollment or earlier if the activity occurs prior to the opening of school.

Challenge

Any student may file a written request with the President of the college or the designee to remove student records which the student alleges to be: (1) inaccurate, (2) an unsubstantiated conclusion of inference, (3) a conclusion or inference outside of the observer's areas of competence, (4) not based on personal observations of the named person with the time and place of the observation noted.

Students filing a written request shall be provided a hearing and receive, in writing, a decision either sustaining or denying the allegations. Allegations which have been denied by the college may be further appealed to the Chancellor of the Ventura County Community College District or his designee. Allegations which have been denied by the Chancellor may be further appealed to the Governing Board of the Ventura County Community College District who shall meet with the student, within 30 days of receipt of such appeal, to determine whether to sustain or deny the allegations. All decisions of the Governing Board shall be final.

Statement of Nondiscrimination

The Ventura County Community College District and its three colleges -- Moorpark College, Oxnard College, and Ventura College -- are committed to providing an equal opportunity for admissions, student financing, student support facilities and activities, and employment regardless of race, color, religion, sex, national origin, handicap, age, marital status or Vietnam veteran status, in accordance with the requirements of Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Opportunity Act of 1972), sections 503 and 504 of the Rehabilitation Act of 1973 and the Rehabilitation Act Amendments of 1974, Executive Order 11246 (as amended by Executive Order 11375), and the Federal Age Discrimination Employment Act of 1967 and the Age Discrimination Employment Act Amendments of 1978 and the Americans with Disabilities Act of 1992. Eva Conrad, Moorpark College's Title IX Facilitator, can be reached at (805) 378-1403. The Title 504 Coordinator, is the Executive Vice President and can be reached at (805) 378-1403.

Maintaining an Environment of Mutual Respect

Moorpark College takes all steps necessary to provide a positive educational and employment environment that encourages the full range of equal educational opportunities noted above. The College actively seeks to educate staff members and students on the deleterious effects of expressions of hatred or contempt based on race, color, national or ethnic origin, age, gender, religion, sexual orientation or physical or mental ability. A more detailed review of expected respectful behavior is provided in the Student Conduct Code.

To better ensure appropriate, respectful behavior across campus, the College will take immediate, appropriate steps to investigate com-

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plaints of discrimination in order to eliminate current discrimination and to prevent further discrimination. The College prohibits retaliation against any individual who files a complaint or who participates in a discrimination or discriminatory harassment inquiry. If you feel you have experienced discrimination at Moorpark College, initiate the Complaint Procedure outlined in the Sexual Harassment Policy later in this section. If you have any questions on how to proceed with your concerns or complaints, contact the Office of Student Learning at (805) 378-1403.

Equal Opportunity Act

The Ventura County Community College District subscribes to and promotes the principles and implementation of Equal Opportunity and Diversity.

Inquiries regarding related laws and regulations, and the corresponding Board policies may be directed to the District Diversity Facilitator –c/o District Office, 333 Skyway Drive, Camarillo, California 93010, phone: (805) 384-8300.

Sexual Harassment Complaint Procedure

I. Introduction

It is the Policy of the Ventura County Community College District to provide an educational, employment and business environment free of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communications (including voice and e-mail telecommunications, fax machines, etc.) constituting sexual harassment as defined and otherwise prohibited by state and federal statutes.

It shall be a violation of this policy for anyone (employee, student, or contractor) to engage in sexual harassment. Within the Ventura County Community College District, sexual harassment is prohibited, regardless of the status and/or relationship of the affected individuals.

Disciplinary action, up to and including termination or expulsion, may be instituted for behavior described in the definition of harassment set forth in this policy.

Any retaliation against a student or employee for filing a harassment charge, making a harassment complaint or otherwise being involved in a harassment investigation is prohibited. Any persons found to be retaliating against another employee or student shall be subject to disciplinary action up to and including termination or expulsion.

Any student or employee who receives a harassment complaint, observes, or otherwise learns of harassing behavior in the educational/business environment or workplace, must direct the concerns to the appropriate Sexual Harassment Intake Facilitator or to the Vice Chancellor of Human Resources at the District Office. Students are encouraged to follow the same procedure.

II. Complaint Procedure

Any student, employee, job applicant, or contractor who believes he/she has been harassed should direct his/her concerns to either of the following:

- The Office of Student Learning: (805) 378-1402.
- Vice Chancellor of Human Resources, Ventura County Community College District: (805) 384-8308.

Anyone who receives a harassment complaint, observes, or otherwise learns of harassing behavior in the work place may direct the complaint or complainant to either Sexual Harassment Intake Facilitators

at Moorpark College or to the Vice Chancellor of Human Resources at the District Office.

III. Investigative Procedure

The Sexual Harassment Intake Facilitator or Vice Chancellor of Human Resources will initiate a sexual harassment investigation that shall include, but may not be limited to:

- Interviews with 1) the complainant; 2) the alleged harasser; and 3) any other persons the investigator has reason to believe have relevant knowledge concerning the complaint.
- Review of the factual information gathered during the investigation to determine whether the alleged conduct occurred and whether such conduct constitutes harassment under this policy, based on the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incident(s) occurred.
- Using the District Reporting Form as a guide, the Intake Facilitator will prepare a written report setting forth the results of the investigation. The findings shall be reported to the Vice Chancellor of Human Resources.
- Final disposition shall be reported back to the complainant and the alleged harasser in a timely manner and will also be filed with the State Chancellor's office in Sacramento.

IV. Remedial Action

- If it has been determined that a violation of this policy has occurred, prompt and effective corrective action shall be taken.
- Reasonable steps shall be taken to protect the complainant from further harassment and/or retaliation.

V. The Definition of Sexual Harassment

Sexual Harassment has been defined by the Equal Employment Opportunity Commission Guidelines (29 C.F.R. 1604.11) and the California Education Code (212.5), and includes unwelcome sexual advances, requests for sexual favors, or any other visual, telecommunications, verbal or physical conduct of a sexual nature made by someone from or in a work or education setting, under any of the following conditions:

Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.

Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.

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.

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 District.

Examples of behavior which could constitute sexual harassment include but are not limited to:

- Verbal: repeated sexual innuendoes or sexual epithets, derogatory slurs, off-color jokes, propositions, threats, or suggestive or insulting sounds;
- Visual/Non-verbal: derogatory posters, cartoons or drawings; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;

- Physical: unwanted physical contact including touching, interference with an individual's normal work movement, such as blocking; or assault.

VI. Additional State and Federal Procedures

In addition to the District's procedure for reporting sexual or other prohibited types of harassment, both the State of California and the federal government have established processes by which student and employee claims of sexual harassment may be reported.

Department of Fair Employment and Housing

1-800-884-1684.

Equal Employment Opportunity Commission

(213) 894-1000.

Chancellor's Office of the California Community Colleges

(916) 445-8752.

California Department of Education

(916) 657-2451.

Department of Education

(415) 556-4275.

If you feel you are a victim of sexual harassment, please report the incident immediately. Keep records to track dates, places, times, witnesses, and the nature of the harassment.

A FINAL PRECAUTION

Consensual sexual relationships between faculty and student, or between supervisor and employee, while not expressly forbidden, are generally deemed unwise. Although such relationships may be appropriate in other settings, they are not appropriate when they occur between members of the teaching staff and students or between a supervisor and an employee.

Student Rights & Responsibilities

I. Associated Students

The Governing Board of the Ventura County Community College District recognizes the need for and authorizes the operations of the Associated Students in accordance with Education Code sections 10701 to 10705, inclusive.

II. Privileges of Student Organizations

A. To use the name of one of the colleges or to use college facilities for regular meetings or special events, student organizations must be chartered by the Associated Students.

B. Recognized student organizations shall not use District facilities for the purpose of planning or implementing off-campus political or social events, nor use the name of the colleges in conducting such off-campus events, unless authorized by the Associated Students.

C. A chartered student organization shall have a faculty advisor who shall be chosen by the members of that organization and approved by the Executive Vice President, Student Learning. Institutional recognition shall not be withheld or withdrawn solely because of the inability of a student organization to secure an advisor.

D. Chartered student organizations shall be open to all students without respect to race, creed or national origin.

III. Off-Campus Affiliations

Any organization (whether official or unofficial) of students on the college campuses which, in its constitution or method of operation, vests control of its policies in an off-campus organization,

shall not be recognized as an official college organization and shall not be allowed to use the facilities of the District.

IV. Advocacy and Free Expression

A. *Purpose.* The primary purpose of a college is the advancement and dissemination of knowledge. Free inquiry and expression are indispensable to the attainment of this purpose. The colleges of the Ventura County Community College District have the responsibility to establish and maintain general conditions conducive to an orderly and open examination of ideas and issues relevant to the primary purpose referred to above.

B. *Registered Students.* Students of the Ventura County Community College District have the right of free expression and advocacy and may exercise this right within the framework outlined below:

1. That the cause or issue being advocated is legal.
2. That the District's outside speaker policy is observed.
3. That college rules regulating time, place, and manner, developed by a student/faculty/administrator committee at each college and approved by the college President or his designated representative are respected.
4. That if, in the judgment of the President of the college or his designated representative, an activity or event is disruptive or incompatible with the educational objective of the college, he may order individual students or chartered student organizations, to discontinue the activity or event pending due process by either college and/or civil agencies. Due process is defined by a student/faculty/administrator committee at each college and approved by the college President.

C. *Non-Students.* The colleges of the Ventura County Community College District are provided for the purposes commonly ascribed to higher education. Non-students who wish to pursue these purposes at one of the colleges of the District are encouraged to enroll as registered students. However, in regard to any event or activity that takes place on one of the college campuses of the Ventura County Community College District, non-students are governed by the same rules that apply to registered students.

D. *Maintenance of Order.* It shall be the policy of the Governing Board of the Ventura County Community College District to cooperate with all established governmental agencies in the maintenance of order on and about its properties. This cooperation shall in no way infringe upon or limit the use of these properties for the purposes historically and legally reserved for them. The President of the Board, as appropriate, shall convene a special meeting for the purpose of taking proper action to support the District and college administrations in carrying out the policy referred to in this section.

V. Dress Code

The dress of persons appearing on the campuses of the Ventura County Community College District shall comply with generally accepted standards of hygiene and good taste. Clothing that is worn shall be such as to avoid interference with the educational responsibilities of the District, or with any other approved activities taking place within the District's jurisdiction.

VI. Solicitation

The solicitation, selling, exposing for sale, offering to sell, or

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endorsing any goods, articles, wares, services or merchandise of any nature whatsoever for the purpose of influencing lease, rental or sale at a college is prohibited except by written permission of the District Chancellor, President of the college or the President's designee. This policy applies to all students, staff and citizens.

Nothing in this policy shall be construed to revoke the rights and privileges of students and staff as specifically granted by Education Code sections and board policy with regard to fund raising activities (EC 76062), examination of instruction materials (EC 78904, 78905), or other activities sanctioned by federal, state and local regulations.

VII. Notices & Posters

Student and other college developed posters and flyers may be distributed or displayed as follows:

Any posters, flyers or other materials which advertise instructional programs, student activities or any other events that can be CLEARLY IDENTIFIED as having Moorpark College sponsorship may be circulated and posted without bearing the "approved for posting" stamp.

VIII. Use of College Facilities

A. The purpose of these policies is to assure the full effective use and enjoyment of the facilities of the college campus as an educational institution. Orderly procedures are necessary to promote the use of facilities by students and college personnel, to conserve and protect facilities for educational use and to prevent interference with college functions.

B. Available college facilities may be used and shall be reserved in advance for meetings and other events related to their purpose by:

1. chartered student organizations
2. certificated personnel
3. organizations of college employees
4. the associated students
5. groups of ten or more students
6. community organizations and groups under the Civic Center Act. (Education Code, 16551-16556).

C. Reservation of college facilities shall be made in the Office of Auxiliary Services a reasonable time in advance of the event to arrange a schedule. Reservations will be granted in the order of application, unless considerations of format, room size or equitable distribution of special facilities will require adjustments. Student groups should also seek approval from the Advisor to Student Activities.

D. The college may make reasonable charges for the use of college facilities by community groups in accordance with the civic center charges as published by the Ventura County Community College District.

E. Outdoor Meetings and Events

1. Students and college personnel may gather at reasonable places and times on the campus consistent with the orderly conduct of college affairs and the free flow of traffic. Interference with entrances to buildings and college functions or activities, disturbance of offices, classes and study facilities and harm to property are prohibited.
2. The campus center patio is available as a discussion area. The Executive Vice President, Student Learning may approve other areas if unusual circumstances require.

3. Voice amplification will be permitted in the above areas between 11:30 a.m. and 12:30 p.m. on Fridays. Voice amplification equipment will be provided by the college upon request and without charge. No other voice amplification equipment may be used. The Executive Vice President, Student Learning may arrange for voice amplification at other times or places on the campus if unusual circumstances require it to implement the purposes of these regulations. The volume and direction of voice amplification will be adjusted to reach no farther than the audience present. Specific stipulations have been established by the Moorpark College Academic Senate.

F. Tables

1. Student organization and groups cited may maintain a table in the following areas: Foyer of the campus center, patios of the campus center or mall.
2. Tables shall be staffed at all times. The name of the sponsoring organization shall be displayed at each table.
3. Tables shall be furnished by the Associated Students. Posters shall be attached to the tables.
4. Tables may be used to distribute and exhibit, free of charge, non-commercial announcements, statements and materials and for fund raising. Distributing or soliciting by means of accosting individuals or by shouting is prohibited.

Student Grievance

I. Purpose

Students are encouraged to pursue academic studies and other college-sponsored activities in order to promote intellectual growth and personal development. In seeking these ends, students should be free from improper interference by other members of the college community.

A grievance may be initiated by a student whenever the student believes that she or he has been subject to unjust actions or denied normal rights as stipulated in college regulations and in the State Education and Administrative Codes. A grievance may be initiated by a student against any other student or employee of the college.

II. Definition

A grievance is an allegation of unjust action or denial of student rights. A grievance exists only when a specific educational wrong has occurred to a single student. This wrong must involve an unjust action or denial of student rights as defined in a specified college, college district or superior legal covenant or judgment. A grievance exists only when such an error or offense has some demonstrably correctable result. The outcome of a grievance must produce a tangible benefit to the student complaining or an actual redress of the wrong rather than a punishment for the person or persons found in error.

III. Procedures

A. Informal Processes

When a student believes that a personal injustice has been sustained, an attempt should first be made to resolve the concern by informal means. Consultation should be made with the student, faculty member, administrator or classified person involved in order to seek direct resolution. If this process fails or, for some reason, cannot be accomplished, the aggrieved student should confer with the direct supervisor of the person allegedly causing the problem. If both of these steps are unsuccessful, the aggrieved student should discuss the

problem with the Executive Vice President, Student Learning (for all other college programs and services).

B. Formal Processes

If the aggrieved student believes that the informal consultation processes mentioned in III.A. have failed, the procedures and rules described below must be followed by both the student and the college. This process represents the formal grievance procedure of the college. However, the entire formal grievance process shall be discontinued at any time the parties can informally agree on a mutually satisfactory result. All formal records will be destroyed in this instance.

Resolution of grievances may not abrogate state or federal laws and applicable Governing Board rules and policies.

1. A college Grievance Committee shall be established by the College President at the opening of each academic year. This committee shall be composed of one faculty member, one enrolled student and one administrator. The chairperson will be designated by the President. Committee members are appointed by and serve at the pleasure of the President. If, in the judgment of either participant in a formal grievance or the President, a conflict of interest or bias exists with any committee member, that member will be excused and a substitute appointed for the case in question only.

A formal grievance must be filed with the Executive Vice President, Student Learning within 90 calendar days of the final event in a sequence of events if any. The 90-day period shall commence on the day of the event or on the day of first knowledge of the event by the complaining party. Proof of the latter delayed date is the responsibility of the complaining party.

2. A formal grievance exists when the Executive Vice President, Student Learning receives a signed written charge specifying the time, place and nature of the injury from the aggrieved student. This written charge should be dated and must be on behalf of an individual student only. Group or class action grievances are not permitted. This charge must also clearly specify the informal consultation attempts made and described in Section A.
3. The Executive Vice President, Student Learning will verify the completeness of the written charge and present the charge to the Grievance Committee within ten working days of receipt.
4. The Grievance Committee will review the charges made (Section B.2.) within five working days and request a response in writing from the person accused. This person must reply within ten working days. Upon receipt of this response, the committee shall meet and recommend to the President that (a) the case be dismissed or (b) the reasonable cause for a hearing exists. This action must take place within five working days.
5. The President will then either dismiss the case with the reasons set out in writing to both parties or request that the Grievance Committee hold a formal hearing. The President must take this action within five working days of receipt from the committee (Section B.4.).
6. Formal hearing procedures:
 - a. A hearing will be called by the chairperson within fifteen working days of receipt of the President's request (Section B.5.).

- b. Both parties will be asked to attend the hearing and will be given sufficient notice in writing as to the time and place. Notice shall be given by certified mail at least five working days prior to the hearing date.
- c. At the time of the hearing, the chairperson shall state the charge. The committee shall hear testimony, examine witnesses and receive all evidence pertaining to the charge.
- d. Both parties shall have the right to present statements, testimony, evidence and witnesses. Each party shall have the right to be represented by a single advisor but not a licensed attorney.
- e. The accused person and/or representative may be present as well as the aggrieved person and/or his/her representative. No other persons except scheduled single witnesses and the Grievance Committee members shall be present.
- f. The person making the charge shall assume the burden of proof. The rule of confidentiality shall prevail at all stages of the hearing.
- g. The committee shall judge the relevancy and weight of testimony and evidence. It shall make its findings on fact and limit investigation to the formal charge. It shall also make a recommendation for disposition of the charge to the college President. Actions in this procedure shall be completed within five working days.
- h. The committee shall submit its findings of fact and recommend action to both parties and to the President of the college. Upon receipt of the findings and recommendations, the President of the college shall:
 - (1) concur with the committee's recommendation.
 - (2) not concur with the committee's recommendation.
 - (3) take alternative action.
 - (4) state in writing the reasons for the action taken on the committee's recommendation. The President shall act within ten working days.
- i. If either party does not agree with the decision of the college President at this time, an appeal may be made to the Chancellor of the Ventura County Community College District.
- j. If he/she is still dissatisfied with the decision, an appeal may be made to the Governing Board who shall render the final decision.
- k. Records of all proceedings shall be maintained by the college President in accordance with rules of confidentiality and board/state/federal laws, rules, regulations and contracts. Insertion of information regarding a case in employee's personnel records will only be made in compliance with board/state/federal laws, rules, regulations and contracts.

Sexual Assault

California Education Code Section 67385 requires that community college districts adopt and implement procedures to ensure prompt response to victims of sexual assault which occur on campus or during official campus events, as well as providing the victims with information regarding treatment options and services.

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Ventura County Community College District exercises care to keep its campuses free from conditions which increase the risk of crime. Crimes of rape and other forms of sexual assault are violations of VCCCD standards and will not be tolerated on campus. California statutes and the VCCCD Standards of Student Conduct prohibit sexual assaults. Where there is cause to believe the District's regulations prohibiting sexual assault have been violated, the District will pursue strong disciplinary actions including suspension or dismissal from the college.

Ventura County Community College District is committed to providing prompt, compassionate services to those individuals who are sexually assaulted, as well as follow-up services, if needed.

Administrative Regulations and Procedures Concerning Incidents of Sexual Assault on Campus

I. Introduction

Education Code Section 67385 requires that the governing board of each community college district adopt and implement clear, consistent, and written procedures to ensure that specific victims of sexual assault which occurred on campus property or during college sponsored events shall receive information regarding available treatment options and services, both on and off campus, as well as to ensure that the colleges will promptly respond to the option selected by the victim.

II. Definitions

For the purpose of the legislation, the following definitions are offered:

1. "Specific population" and "specific victim" include students, faculty and staff.
2. "Sexual assault" is any kind of sexual activity which is forced upon a person against his or her will. The definition includes, but is not limited to: rape (including "date" or "acquaintance rape"), forced sodomy, forced oral copulation, rape by a foreign object, or sexual battery or threat of sexual assault.
3. "On campus" is defined quite broadly to include: 1) any building or property owned or controlled by the District within the same reasonable contiguous geographic area and used by the District in direct support of, or related to, its educational purposes; or 2) any building or property owned or controlled by student organizations recognized by the institution.
4. "Official college sponsored events" include, but are not limited to, all classes off campus, field trips, or any event on the college calendar.
5. "Victim" of sexual assault is generally referred to here as being female, but could also include a male.

III. College Policy

Moorpark College exercises care to keep the campus free from conditions which increase the risk of crime. Crimes of rape and other forms of sexual assault will not be tolerated on campus.

The Ventura County Community College District Code of Student Conduct prohibits sexual assaults, as do California criminal statutes.

The Board of Trustees commits the college to taking prudent action to prevent sexual assaults from occurring and to ensure that students, faculty and staff are not adversely affected for having brought forward a charge of rape or other forms of sexual assault. Where there is cause to believe the college's regulations prohibiting sexual assault have been violated, Moorpark College will pursue strong disciplinary actions which include the possibility of suspension or dismissal from the college.

In addition, a student, faculty, or staff member charged with sexual assault can be prosecuted under California criminal statutes in addition to being disciplined under the Code of Student Conduct or Education Code, as applicable. Even if prosecution does not take place, the campus may pursue disciplinary action.

The Board of Trustees is also committed to provide prompt, compassionate services to those individuals who are sexually assaulted and to provide follow-up services as needed.

IV. Guidelines, Procedures and Personnel Responsible for Responding to a Sexual Assault Incident

The INDIVIDUAL INITIALLY NOTIFIED about the sexual assault will provide a secure setting for the victim. (This could be an unoccupied office or classroom, a well-lighted area or, ideally, the Student Health Services Office.) The Campus Police Office and the HEALTH SERVICES COORDINATOR should be notified, if possible.

The involved college personnel should then:

1. Listen to the victim's needs.
2. Assess the situation. Determine the seriousness of the victim's injuries; call "911" if injuries are severe and transportation is needed by ambulance to a hospital.
3. Ask the victim what she/he wants to do. A consent form (available in English or Spanish) may be completed by the victim for any of the following options:
 - a) Does the victim want to be taken to a hospital or private doctor's office? Does the victim want to contact a friend or family member? If the victim does not want to contact anyone, a campus police officer may take the victim to the hospital. If possible, a female should accompany the victim if the officer is male.
 - b) Does the victim want to have the Ventura County Coalition Against Domestic and Sexual Violence contacted? The mission of the Coalition is to coordinate and implement services to the victim of sexual assault.
 - c) Does the victim want to report the incident to police? NOTE: If the victim is younger than 18, the sexual assault must be reported to the police. If the victim is 18 years or older, it is the victim's decision whether or not to involve the police. (California law requires hospitals to report injuries by criminal act to a law enforcement agency.)

If the victim of a sexual assault decides to involve the police, the CAMPUS POLICE LIEUTENANT will notify the appropriate police department and may request an officer of like gender of the victim for the report. The officer will take a police report, transport, accompany or meet the victim at an appropriate medical facility for the evidentiary examination, may conduct a follow-up interview, and may transport the victim home with consent.

The COORDINATOR OF HEALTH SERVICES will notify the parent, guardian, spouse or friend, if appropriate and with the consent of the victim.

Upon consent of the victim, the COORDINATOR OF HEALTH SERVICES may arrange for college personnel or a RASAC advocate to accompany the victim, if appropriate, through hospital procedures and encounters with law enforcement agencies.

The CAMPUS POLICE LIEUTENANT will complete a confidential incident report and keep records of the incident for statistical purposes.

As early as possible in the process outlined above, the EXECUTIVE VICE

PRESIDENT OF STUDENT LEARNING or the administrator on duty at the college should be notified. That individual should go to the victim's location and assist in the administration of these procedures, as well as notifying other campus and/or District officials, as appropriate.

IN THE EVENT THE SEXUAL ASSAULT INCIDENT OCCURS WHEN THE CAMPUS IS NOT OPEN ("AFTER HOURS"), THE INDIVIDUAL INITIALLY NOTIFIED about the sexual assault will notify the campus police by calling on any campus phone (ext 1455); the CAMPUS POLICE LIEUTENANT will follow the same procedures as described above.

IN THE EVENT THE SEXUAL ASSAULT INCIDENT OCCURS AT AN OFF-CAMPUS EVENT and it is not possible to contact the CAMPUS POLICE, then the INDIVIDUAL INITIALLY NOTIFIED will contact the LOCAL LAW ENFORCEMENT AUTHORITY if the victim is under 18 years old (if 18 or over, if the victim wishes).

FOLLOW UP PROCEDURES BY COLLEGE STAFF:

The EXECUTIVE VICE PRESIDENT OF STUDENT LEARNING and CAMPUS POLICE LIEUTENANT will do a follow-up interview with the victim to inform her/him of the legal options available for filing a civil suit or a criminal action. If she/he wants to pursue criminal action, the appropriate police department will conduct the follow-up criminal investigation.

The COORDINATOR OF HEALTH SERVICES will provide the victim with information on the treatment and counseling of sexual assault and provide referrals for appropriate assistance such as the COLLEGE PSYCHOLOGIST (or alternative counseling services) and the COLLEGE PHYSICIAN. The EXECUTIVE VICE PRESIDENT OF STUDENT LEARNING will explain disciplinary procedures and actions available. The ASSOCIATE VICE CHANCELLOR OF PERSONNEL SERVICES, if appropriate, will explain disciplinary procedures and actions available in cases involving faculty or staff. The EXECUTIVE VICE PRESIDENT OF STUDENT LEARNING will be responsible for ensuring that all follow-up procedures are completed.

V. Legal Reporting Requirements and Procedures

The reporting of rape and other forms of sexual assault follows the same procedures as the reporting of any crime. No special information is required, but the report needs to include certain standard information such as where the incident occurred, to whom (identified by name and age) and exactly what happened.

Once a victim of sexual assault has chosen to notify authorities about the assault and chooses to pursue prosecution, a medical-legal examination should be performed as soon after the assault as possible and within hours for evidence.

VI. List of Campus Services and Personnel Available to Assist with Incidents of Sexual Assault.

Campus Police, ext 1455; Campus Health Center, ext 1413; Extended Campus Office, ext 1406.

VII. Procedures for Ongoing Case Management

Follow-up intervention may be provided with the victim's consent and as needed by the COLLEGE PSYCHOLOGIST for psychological counseling. The EXECUTIVE VICE PRESIDENT OF STUDENT LEARNING will track the victim's academic progress and will assist, when requested, by arranging academic counseling, tutoring, and other services deemed appropriate. ACADEMIC COUNSELORS may assist with developing an education plan. The EXECUTIVE VICE PRESIDENT OF STUDENT LEARNING or VICE CHANCELLOR OF PERSONNEL SERVICES will initiate disciplinary procedures and inform the victim of the status of any

disciplinary actions and the EXECUTIVE VICE PRESIDENT OF STUDENT LEARNING will keep the COLLEGE PRESIDENT informed.

The following individuals may also be contacted, as appropriate, on a need-to-know basis by the aforementioned administrators: Coordinator, Disabled Student Services, Division Directors, Instructors, Chancellor, Vice Chancellor, Personnel Services, Public Information Officer.

VIII. Procedures to Guarantee Confidentiality

In all associations with the public, the media, family and friends of the victim, and in accordance with the Family Rights and Privacy Act and the Buckley Amendment, the name of the victim and/or specific details of the assault will be released only when essential to the health and safety of the individual assaulted or that of other members of the campus community. The PUBLIC INFORMATION OFFICER will be kept informed and will interface with the media, general public, students and staff. Other campus personnel dealing with the incident should refer any inquiries to the public information office.

In addition, and in full accordance with Chapter 593 of the Education Code, no person, persons, agency or organization permitted access to student records (including security records about incidents involving the college's students) shall permit access to any information obtained from those records by any other person, persons, agency or organization WITHOUT THE WRITTEN CONSENT OF THE STUDENTS INVOLVED.

However, the victim of any sexual assault which is the basis of any disciplinary action taken by the community college shall be permitted access to that information in compliance with the Buckley Amendment. Access to this information shall consist of a notice of the results of any disciplinary action taken by the college and the results of any appeal. This information shall be provided to the victim within three days following the said disciplinary action or appeal.

IX. Information Regarding Other Options

Criminal Actions: Once an incident of sexual assault has been reported to the appropriate police department by college personnel, it is up to the police department to collect information, including the legal/medical exam, and to investigate the matter. The information is then turned over to the District Attorney's office to determine if criminal prosecution is appropriate. The District Attorney's office has the ultimate responsibility to determine whether the incident is a criminal offense and to bring it before the courts for punitive action against the assailant. Punitive consequences can include fines, probation and incarceration. If there is not sufficient evidence for the case to be passed on to the District Attorney, the police may decide to initiate an investigation to gather the necessary information which could lead to a prosecution.

Civil Actions: If the victim of the sexual assault decides that she/he wants to pursue a civil action for damages against the perpetrator, then the victim should consult with an attorney for the civil legal action. The District Attorney's office is reluctant to refer to any particular civil attorney, but the Ventura County Coalition Against Domestic and Sexual Violence has a complete referral list of local attorneys with whom they have had experience. In addition, the names of attorneys may be obtained through the Ventura County Bar Association.

Disciplinary Process through the College: Various forms of discipline may be imposed on a student who is guilty of misconduct ranging from reprimand, probation, and suspension, to expulsion. The student disciplinary procedures of the college are described in this catalog. They are initiated by the EXECUTIVE VICE PRESIDENT OF STUDENT LEARNING. Faculty and staff are subject to the college's disciplinary action policies.

Student Rights and Responsibilities

Mediation Services: Mediation between any of the “specific population” involved in a sexual assault incident at the college is available and may be arranged through the EXECUTIVE VICE PRESIDENT OF STUDENT LEARNING.

Academic Assistance Alternatives: Academic assistance for victims of sexual assault includes tutoring, switching to different sections or classes, academic counseling receiving a grade of, “Incomplete” or “Withdrawal”, or assistance in transferring.

Harassment Restraining Order: Under California law (section 527.6 of the Code of Civil Procedure), courts can make orders to protect people from being harassed by others. These orders are enforced by law enforcement agencies. A victim who desires to obtain such an order must file an action in the Superior Court. Simplified procedures for obtaining such orders have been established by the courts. An instructional booklet that tells what court orders a victim of harassment can obtain and how to get them is available from the Clerk of the Ventura County Superior Court, Hall of Justice, 800 South Victoria Avenue, Ventura, CA 93009.

Student Conduct Code

Standards of Student Conduct (E.C.S. 66300)

In joining the academic community, the student enjoys the right and shares the responsibility in exercising the freedom to learn. Like members of the academic community, the students are expected to conduct themselves in accordance with the standards of the college that are designed to perpetuate its educational purposes. Students shall respect and obey civil and criminal law, and shall be subject to legal penalties for violation of laws of the city, county, state, and nation. A charge of misconduct may be imposed upon a student for violating provisions of college regulations and the State Education and Administrative Codes. Where a student is subject to a charge of misconduct, such charge shall be processed in accordance with the following policy and procedure.

Disciplinary action may be imposed upon a student by an instructor, an administrator or the Governing Board for proven misconduct or actual violation of specified college rules and state regulations. Instructors and administrators may place students on probation or temporary exclusion with respect to actions in a classroom, on campus or at a college-sponsored activity within the procedures specified in this document. The Executive Vice President, Student Learning shall have the power to impose suspension and to recommend expulsion.

Students are subject to charges of misconduct for any of the following acts on college-owned or controlled property or at a college-sponsored activity:

1. Willful disobedience to directions of college officials acting in performance of their duties.
2. Violation of college rules and regulations including those concerning student organizations, the use of college facilities, or the time, place and manner of public expression or distribution of materials.
3. Dishonesty, such as cheating, or knowingly furnishing false information to the college.
4. Unauthorized entry to or use of the college facilities.
5. Forgery, alteration, or misuse of college documents, records or identification.
6. Obstruction or disruption of classes, administration, disciplinary procedures, or authorized college activities.

7. Theft of or damage to property or possession of stolen property belonging to the college, a member of the college community, or a campus visitor.
8. Disorderly, lewd, indecent, or offensive conduct.
9. Obscene, libelous or slanderous expression, or expression which so incites students as to create a clear and present danger of the commission of unlawful acts on the college's campus, the violation of lawful college regulations or the substantial disruption of the college's orderly operation.
10. Assault or battery, abuse, or any threat of force or violence directed toward any member of the college community or campus visitor engaged in authorized activities.
11. Use, possession, distribution of alcoholic beverages, narcotics, hallucinogenic drugs, marijuana, or other dangerous drugs, or presence on campus while under the influence of alcoholic beverages, narcotics, hallucinogenic drugs, marijuana, or other dangerous drugs, except as expressly permitted by law.
12. Possession, while on the college campus or at an on- or off-campus college-sponsored function, of any of the following weapons (except persons given permission by the college President or his/her designated representatives or members of the law enforcement agencies, as police officers); any instrument or weapon of any kind commonly known as blackjack, sling shot, fire bomb, billy club, sand club, sandbag, metal knuckles; any dirk, dagger, firearm (loaded or unloaded), as pistol, revolver, rifle, etc.; any knife having a blade longer than five inches, any switchblade longer than two inches, any razor with an unguarded blade; any metal pipe or bar used or intended to be used as a club; or any item used to threaten bodily harm.

Student Conduct: Disciplinary Action

Student conduct must conform to the Student Rules of Conduct established by the Governing Board of the Ventura County Community College District in collaboration with college administrators and students. Violations of such rules are subject to the following types of disciplinary actions which are to be administered by appropriate college authorities against students who stand in violation. The Ventura County Community College District has established due process for the administration of the penalties enumerated here. Penalties are listed in degree of severity. College authorities will determine the appropriate penalty(ies):

1. WARNING* -- Notice to the student that continuation or repetition of specified conduct may be cause for other disciplinary action.
2. REPRIMAND* -- Written reprimand for violation of specified rules. A reprimand serves to place on record that a student's conduct in a specific instance does not meet the standards expected at the college. A person receiving a reprimand is notified that this is a warning that continued conduct of the type described in the reprimand may result in a formal action against the student.

**Note: Warnings and reprimands may be appealed directly to the President. They are not subject to a student conduct hearing.*

3. DISCIPLINARY PROBATION -- Exclusion from participation in privileges or extracurricular college activities set forth in the notice of disciplinary probation involves notification in writing of the reason for disciplinary probation to the student(s) or president of the student organization involved.

4. **RESTITUTION** -- Reimbursement for damage or for misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damage.
5. **SUMMARY SUSPENSION** -- A summary suspension is for the purposes of investigation. It is a means of relieving the tension of the student body or individual class due to a serious infraction of student behavior standards, removing a threat to the well-being of the students, or removing for the good order of the college a student or students whose presence would prevent the continued normal conduct of the academic community. Summary suspension is limited to that period of time necessary to ensure that the purpose of the summary suspension is accomplished and in any case, no more than a maximum of five school days. Summary suspension is a type of suspension other than that ordinarily invoked by the instructor for disciplinary reasons in the classroom. The college President, Executive Vice President, Student Learning, or other staff member designated by the President may summarily suspend a student when he or she deems it necessary for the safety and welfare of the college.
6. **DISCIPLINARY SUSPENSION** -- Disciplinary suspension follows a hearing based on due process. It shall be invoked by the college President, appropriate administrator, or other staff member designated by the President, upon the student for misconduct when other corrective measures have failed or when the seriousness of the situation warrants such action.
7. **EXPULSION** -- An expulsion is a long term or permanent denial of all campus privileges including class attendance. The Governing Board may expel a student who has been convicted of a crime arising out of a campus disturbance, or after a hearing by a campus body, and has been found to have willfully disrupted the orderly operation of the campus.

Student Conduct: Due Process

A. Preliminary Action

1. The Executive Vice President, Student Learning shall receive and may issue any charge of alleged misconduct made against a student by another student, faculty member, administrator, or classified personnel. Such person shall sign and submit a written statement specifying the time(s), place(s), and nature of the alleged misconduct.
2. The Executive Vice President, Student Learning shall confer with the student for the purpose of advising the student of the charge, possible sanctions imposed upon him/her and his/her rights under college regulations, state and federal laws.
3. The Executive Vice President, Student Learning may also procure information relating to the charge from the student and other persons or sources. Whenever appropriate, the Executive Vice President, Student Learning shall assess, or cause to have assessed, damage to property and injury to persons or other forms of misconduct.
4. At this point, the Executive Vice President, Student Learning may take any of the following actions:
 - a. Dismiss the charge for lack of merit.
 - b. Issue a warning or letter of reprimand.
 - c. Place the student on disciplinary probation, require restitution, place on summary or disciplinary suspension.
 - d. Recommend expulsion.
 - e. Remand the case to a Student Conduct Hearing.

5. At this time, if the student does not accept the Executive Vice President, Student Learning's decision, the Executive Vice President, Student Learning shall arrange for the meeting of the Student Conduct Hearing Committee, following the procedures outlined in Sections B and C of this document.

B. Composition of Student Conduct Hearing Committee

1. The Student Conduct Hearing Committee, hereafter referred to as the Hearing Committee, shall be set up as follows:
 - a. One student, one faculty member, and one administrator (other than the Executive Vice President, Student Learning and his/her immediate staff). These persons are appointed by the college President.
 - b. The President shall designate the chairperson of the Hearing Committee.
 - c. A minimum of one committee shall be selected annually.
 - d. Upon notification of the committee composition, each party is allowed one preemptory challenge, excluding the chairperson.
 - e. A quorum shall consist of all three members of the committee.
 - f. The chairperson will allow any proposed member of the committee to decline participation in the hearing.

C. Formal Hearing Procedures

1. A hearing will be called by the chairperson within fifteen working days of the receipt of the Executive Vice President, Student Learning's request.
2. Both parties will be asked to attend the hearing and will be given sufficient notice in writing as to the time and place. Notice shall be given by certified mail at least five working days prior to the hearing date.
3. At the time of the hearing, the chairperson shall state the charge. The committee shall hear testimony, examine witnesses and receive all evidence pertaining to the charge.
4. Both parties shall have the right to present statements, testimony, evidence and witnesses. Each party shall have the right to be represented by a single advisor but not a licensed attorney.
5. The accused person and/or representative may be present as well as the aggrieved person and/or his/her representative. No other persons except scheduled single witnesses and the Hearing Committee members shall be present.
6. The person making the charge shall assume the burden of proof. The rule of confidentiality shall prevail at all stages of the hearing.
7. The Hearing Committee shall judge the relevancy and weight of testimony and evidence. It shall make a recommendation for disposition of the charge to the college President. Actions in this procedure shall be completed within five working days.
8. The Hearing Committee shall submit its findings of fact and recommend action to both parties and to the President of the college. Upon receipt of the findings and recommendations, the President of the college shall:
 - a. concur with the committee's recommendation.
 - b. not concur with the committee's recommendation.
 - c. take alternative action.

Student Rights and Responsibilities

- d. state in writing the reasons for the action taken on the committee's recommendations. The President shall act within ten working days.
9. If either party does not agree with the decision of the college President at this time, an appeal may be made to the Chancellor of the Ventura County Community College District; if he/she is still dissatisfied with the decision, an appeal may be made to the Governing Board who shall render the final decision.

Drug Free Campus Policy

Standards of Conduct

A student enrolling in Moorpark College assumes an obligation to conduct him/herself in a manner compatible with the college's function as an educational institution.

Student conduct at Moorpark College must conform to established rules and regulations. Violations of such rules and regulations, for which students are subject to disciplinary action, include, but are not limited to the following:

Possession, use or distribution of alcoholic beverages, narcotics, or other dangerous drugs on campus or at any off-campus sponsored college activity (except for legally prescribed for personal use).

Any act, defined as a felony or misdemeanor under the laws of the State of California or which violates adopted college rules or regulations.

Section 10603 of the Education Code provides: "The governing board of any school district may make and enforce all rules and regulations needful for the government and discipline of the schools under its charge. Any governing board shall enforce the provisions of this section by suspending, or if necessary, expelling a pupil who refuses or neglects to obey any such rules or regulations."

The Dangers of Drug Use

Drug and alcohol use produces a range of negative effects, ranging from decreased performance and poor judgment to serious conditions, including damage to the development of an unborn fetus. Physical and psychological addiction to these substances is a very real risk. For more specific information, visit the Student Health Center (Admin. Bldg., 805-378-1413) to pick up a wealth of pamphlets, or to make an appointment with a health professional.

If you or someone you know has a problem with drug or alcohol use, confidential and non-punitive help is available through the Student Health Center (Admin. Bldg., 805-378-1413), including referrals to the College Psychologist and/or to community resources. Moorpark College can provide the information and assistance needed to help students make healthy, positive decisions.

Penalties for Campus Drug Use Warning

The College is required by federal law to take disciplinary action up to and including suspension or expulsion from school for students convicted of a campus drug offense.

Students who have been convicted of certain drug-related Federal or State offenses may have their eligibility for Federal benefits, including financial aid, suspended. Students with three or more drug-related convictions may permanently lose eligibility for Federal financial aid.

State and Federal penalties apply to anyone convicted of the manufacture, distribution, dispensation, possession or use of controlled substances

Misdemeanor convictions for campus drug use can result in a fine and incarceration of up to a year in a County jail. Relatively few drug-related infractions may be considered misdemeanor offenses, however. Most drug use convictions are defined as felony acts.

Felony convictions for campus drug use can result in a substantial fine and a lengthy jail sentence in state prison. Convictions for manufacturing or possession for sale or use of substances are felony offenses.

Moorpark College is committed to being a drug-free campus. Remember confidential and non-punitive help is also available in the Student Health Center.

VCCCD Smoking Policy

In the interest of the health and welfare of students, employees, and the public, smoking is banned during any instructional, programmatic, or official district or college function, in all District vehicles, in all District buildings, and within twenty feet of the exit or entrance of any building. Individual colleges may adopt a more restrictive policy.

Moorpark College Smoking Policy

- A. In the interest of the health and welfare of students, employees and the public, smoking is not permitted anywhere on the Moorpark College campus, except in parking lots only. Smoking is not allowed in college-owned vehicles.
- B. Smoking shall be allowed only in the specific areas described as follows:
 - ALL PARKING LOT AREAS ONLY. (Must be in compliance with AB846, CA State Law - 20' Rule)
- C. All smoking in and on Moorpark College facilities is expressly prohibited.
- D. Violators shall be subject to appropriate disciplinary action – SEE STUDENT CONDUCT CODE
- E. Questions regarding this policy shall be directed to the President or his/her designee.

