

**RIO HONDO COMMUNITY COLLEGE DISTRICT  
PLANNING FISCAL COUNCIL MINUTES  
Tuesday, November 11, 2014, 2:30 p.m., Board Room**

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**Members Present:** Dr. Kenn Pierson (Co-Chair and VPAA), Dr. Vann Priest (Co-Chair and President AS), Myeshia Armstrong (VPFB), Katie O'Brien (2<sup>nd</sup> VP, AS), Dr. Kevin Smith (Secretary, AS), Sheila Lynch (Parliamentarian, AS), John Frala (ASCCC Rep, AS), Dr. Adam Wetsman (Past President, AS), Dr. Gisela Spieler-Persad (Faculty), Julius B. Thomas (Faculty), Jeannie Liu (Faculty), Sandra Rivera (President, CSEA), Suzanne Frederickson(CSEA), René Tai (CSEA), Janira Colmenares (ASRHC)

**Members Absent:** Henry Gee (VPSS), Robert Bethel (1<sup>st</sup> VP, AS), Kathy Pudelko (President RHCFA), Jeannie Liu (Faculty), Don Mason (Mgmt., AA), Dyrell Foster (Mgmt. SS), Alex Ramirez (President, ASRHC), Andrew Carpeña (ASRHC)

- I. **Call to Order** – Kenn called the meeting to order at 2:30 p.m. Kenn welcomed the new VP of Finance and Business, Myeshia Armstrong, who will be serving on PFC. Members introduced themselves.
- II. **Acceptance of Minutes** – Kenn reported that the minutes of October 14 and October 28, 2014 were delayed to allow Vann and Kenn time to proofread. Both sets will be presented at the next meeting.
- III. **Co-Chairs Report** – Kenn provided an update on the two-year schedule that many have been working on since last April. It was one of the recommendations that came out of the Institutional Planning Retreat, which emerged as Academic Affairs' top priority strategic direction. A two-year schedule will enable students, counselors, deans, "just about everyone" to view a tentative schedule up to two years in advance of courses that will be offered. A sub-committee was formed in the summer that broke into nine multi-faceted work groups. The goal is to alleviate bottlenecks in the registration process for students and to improve our Scorecard's completion rates. Everyone benefits from this effort. Along the way, a two-year schedule is smarter than one year for long-term planning purposes.

We did not know how to go about this "daunting task." We created a "sandbox" environment as a technical means to look at our options with the ongoing scheduling process. There are some districts that are doing registration early, such as at West Hills College, which allows students to register for classes several semesters in advance. Students register for classes but don't pay until the semester approaches. West Hills is still working out the bugs, especially with pre-requisites. We are not that ambitious thus far in wanting to have registration early, only a viewable tentative schedule. We have focused on Spring 2015 - Spring 2017 tentative schedules. Kenn has worked closely with René Tai, Monica Francis, and Mike Slavich on the Instructional Operations timeline. Many different aspects will be tentative during this process. This process was done in concert with the pending faculty ratification of the academic calendar. It demonstrates a spirit of collaboration and cooperation among all involved. All deans and secretaries will meet tomorrow to look at the production schedule. Judy Pearson is retiring and is working on the roll overs of all affected schedules. Between January 20 and February 2, the first day of spring semester, the Deans and Kenn will look at bottlenecks closely. We will be identifying classes that are in demand. We will be looking at this process in a new way, increasing sections here, reducing there, and looking more strategically at sequencing of courses.

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Kenn fielded the following questions and comments regarding the two year schedule:

1. Will there be a disclaimer that this schedule is subject to change or won't be final until a month prior to the beginning of the semester (Sheila)?
2. Schedules are sometimes driven by faculty convenience not student demand. If you have a dean who accommodates requests, how much flexibility will there be if classes that are in demand are those sections that need to be offered in the evenings, etc. to capture those students who are available to take classes (Gisela)? From her observation there is no full time faculty teaching in the evenings. If we keep this habit, we will only attract students in the daytime.
3. How does having the times aid the students in planning? Students don't want to know their work schedules two years in advance (Kevin).
4. What is the impact of this change on Curriculum (Sheila)? This is a concerted effort that everyone should understand what we are doing here. This should have very clear cut process and timelines.
5. Can students change their ed plans? Speaking of the secretaries, have they expressed any needs? It is a stressful time inputting the schedule and having to complete two years is a lot of pressure on them (Sandra).

Kenn responded that adjustments will be necessary. The bigger goal is to identify obstacles for students. The data flow from the Educational Master Plan will feed down student needs data as never before, showing what our students need two years down the road. It also gives the deans the ability to look at scheduling MW or TR course offerings. We can adjust and more evenly distribute sections across the board. We have to get this off the ground first and then we will tackle the curriculum issues. Kenn has already spoken to Fran Cummings to keep her in the loop on this initiative.

To address the needs of the secretaries, Kenn will be sitting down tomorrow with all the secretaries and division deans in a joint meeting to explain the new process. This represents a paradigm shift, and we all expect issues to pop up.

Judy will have all the tables rolled and built before she leaves. Yes, there is a lot of work to be done up front, but then the secretaries can go back to "business as usual" after the initial intensive period as this will be an ongoing process. We have to be more strategic and efficient when offering sections, and a two-year schedule will assist us in the process and benefit everyone. Kenn did not make any commitments regarding registration, since that falls under the purview of Student Services.

Janira reported that, from the student perspective, when they sit down with a Counselor and plan semester by semester, if Anthropology 103 is not offered down the road then it becomes complicated for students to complete. She and other students are very pleased that the College is working to turn an institutional planning outcome into reality!

Julius reported that from a Counseling perspective, for the student who is working or has a family, this change to scheduling will be very beneficial. He believes that, as we get better at this, we can better predict what the absolutes are. It will be helpful on so many levels.

Sheila reported that she thinks this is a great idea. This initiative should assist students, counselors with programming schedules, and deans to retain employees. This will also help us

take a look interdepartmentally to see where the needs are as we look at degree requirements. If classes are not offered on a two year cycle then students can't graduate. That is a problem.

Rene reported that it is a big shift in how we do things. One of the benefits is also regarding faculty who are on release time. It is helpful for planning and staffing classes.

Julius reported that Counselors have heard from many students regarding Intersession offerings. There are slim pickings targeted to daytime students only. Is there any possibility of offering some sections from 4-7 p.m. in the future? Just some food for thought. Kenn responded that only daytime classes were permitted during the upcoming Intersession as we carefully evaluate the need for Intersession classes.

#### IV. New Business

- **Sub-committee on Instructional Equipment** - Kenn reported that the subcommittee will meet on Thursday, November 13. Howard has been sharing past information from the planning software. Some members reported that they did not receive a meeting notice. Vann reported that the ASRHC President's email is bouncing back and he needs to contact IT for assistance. Howard is estimating about \$200,000 in equipment requests for 2015-16, but this is a guess at this point in that he has not reviewed all requests in their entirety.

Vann reported that we have been planning since 2008. It seems like it was just yesterday when he opened this "can of stewed tomatoes." Vann was the first IEC chair with Howard, and they were instrumental in getting the planning process here at Rio Hondo. Vann came up with suggested improvements. If there is a request for \$50,000 in funding, the requestor should be able to justify what this will be spent on to support the request. The Deans look at the budget requests but not the plan as whole. Deans have to write to an audience to get the point across to someone that has budgetary control.

Howard and Vann chatted about some of them. IEC talked about some improvements, one being different software. One day Vann hopes that this discussion will take place.

Adam asked how the College is going to move forward in regards to the Accreditation Leadership Team. He hopes that this discussion is held soon. Vann reported that he, President Dreyfuss, and Kenn have met on this matter. They are holding off until the report comes back from ACCJC specifying the direction we need to go in writing a response. After receiving the report, we will have a team in place and develop a timeline and plan.

Howard reported that we already have a timeline in the works for the follow up and mid-term reports. This is based on the six-year accreditation cycle. We need to see the recommendations that are going forward to ACCJC. We have yet to receive them. To date, Will Llewellyn was asking for clarification on some facts so he is finishing up the report.

- Review of 4-year degree proposal

#### **Four Year Degree Program**

Kenn reported that this summer the idea of a four-year degree was discussed openly due to pending legislation (SB850) that would permit a pilot in the Community College System. This was driven to assist in support of Nursing programs that have to compete aggressively with BA programs. When the legislation came down, it specified that degrees could not

compete with UCs and CSUs. That eliminated Nursing as a possible BA degree at Rio Hondo College. Since then, we were given one submission date at the end of the month from the state, and now that date moved up to tomorrow. Kenn read directly from the Intent to Apply form that was provided. Three proposals emerged. Game Art, Automotive Technology, and Homeland Security. The form requires the signature of the Superintendent/President, Academic Senate President, and the three Vice Presidents. We were informed that there will be up to 15 degrees awarded statewide. There are no funds for this pilot from the state thus far.

Gisela asked who voted in terms of putting forward one degree. What happens if 20 colleges have proposals? Will the state impose the limited 15 and then select from the pool? She read the proposals and compared all three. The Automotive seems the most viable because of the small class size and is similar to what is already happening in that area.

Vann reported that, as a 10+1 item, the Academic Senate had a lengthy and fruitful discussion on this item. One senator called it her most favorite Senate meeting. The difficulty with the pros and cons is not knowing the criteria the state will be using. We had to select one and move forward for the Intent to Apply stage of the process.

Kenn reported that he also had a lot of discussions at the Fall CIO Conference. There is a possibility that we may work collaboratively with other Districts. Nothing is set in stone at this point because there are so many unknowns here. Some CIOs reported that they will not participate because it does not support the community college mission.

The submission form gives the Chancellor's Office an idea of what is going on out here and is conceptual at this point. We do not have to pursue this if it is not cost effective. We did not have a template. We have devoted a lot more attention than many other Colleges have at this point. We had to project without knowing very much. Kenn asked the deans for curriculum components. We knew Senate would be involved right out of the gate. The final decision will be made on December 19, which is the due date for proposals to the Chancellor's Office. The external review team will forward their recommendation to the Board of Governors. The BOG will announce in January 2015 the recipients to be awarded a pilot. The pilot program will start no later than Fall 2017.

Vann reported that Senate talked about two things. We needed to decide which program to forward and a request for more information on the fiscal impacts. Vann shared the responses from the three deans, which Senate did not have when they initially ranked the proposals. Senate did not vote but wanted to send their preference. Senators have until Friday noon to respond to a survey. Game Art and Automotive Technology received similar ranking. They essentially tied. Automotive Technology rose to the top as the preferred program to forward on earning the broadest base support across 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> choices among Senators. In his role as Senate President, Vann interpreted this as Senate's intent to support Automotive Technology for this opportunity.

Kevin suggested that when more information is available from the Chancellor's Office, PFC should review the proposal along with costs of the program. Will this come back to the PFC if we are selected?

Kenn reported that we can return this item once more information becomes available.

John reported that the state does not have a format on upper degree classes. There will be more information and discussion on this topic at the Fall Plenary this month. Cost estimates that are going around now are estimated at \$80 per unit.

Sheila wanted clarification on what PFC was to do here today on this item?

Vann responded that we have to be careful here because the Senate President will be uncomfortable if PFC makes a different recommendation here, overriding the desires of the Senate. Senate held a Q and A during our last meeting. They requested no presentations. Even though the rankings were close, the recommendation was to forward Automotive Technology.

Sheila voiced her concern that is not Senate's decision alone, and while the Senate's voice is very important there are other constituent groups represented at PFC. Kenn reiterated that the choice of which program to submit is a mutually agreed upon decision, which is why PFC is involved.

Katie reported that Song had prepared questions, and among counselors there was no one program that everyone rallied around.

Kenn responded that the one thing we do know for sure is that we cannot compete with CSU and UC degrees. Russell and Kenn met with Dr. Baca. He looked at the proposals and gave his opinion. Manuel felt Game Art was interesting but felt that it may be an existing threat to nearby four-year schools such as Chico State. The Homeland Security degree may not be as competitive; however, the least disruptive is the Auto Technology.

Adam knows this is not an easy decision. Senate was evenly divided. Perhaps we should go with the Auto Technogu because that is the one Senate went to, so we have a consistent voice? We can debate this here forever.

Sandra recommended setting some parameters. We have to trust here today. We cannot sincerely recommend things that do not give clear costs. There will need to be support and cost projections so we can see what the value is institutionally. There may be different issues in regards to faculty and classified staff impacts.

Rene reported that having been the Secretary for Automotive for a time, she knows that the program is extremely organized, the faculty is committed to students, they have a plan in placem, and the program is prospering. She has watched them do this over the years, and they have done a "bang-up job."

Adam is greatly concerned about the costs. To be truly honest he doesn't like any of these proposals. To spend thousands of dollars for a few students is his overarching concern. He would rather see 20 more sections of Math 50 to help students here complete their degrees and to align with the mission of the college. This is going to go forward no matter what we decide here at PFC. There is existing crossover now with Auto as it stands.

Katie suggested that we explore the Automotive Technology now with the understanding that it is purely conceptual at this point. This is not to say that PFC endorses this pilot. We will do so when it returns to PFC when there are cost analysis available. [PFC consensed to this recommendation.](#)

## V. Unfinished Business

- Student Equity Plan Budget

Kenn reported that Dyrell sent out the Student Equity Budget on November 7<sup>th</sup> to Vann and Kenn. Two items to point out is the campus wide writing center and tutoring that will be funded from these dollars.

Adam reported that there is a lot of work that has gone on here. There are students who are not performing so the challenge is that it would be great to link resource allocations to students doing better. Are we going to lift up everyone? That would be great, but it is necessary to have some linkage or outcome as to why we are doing this so it helps the targeted populations. Think of equity. We think of ethnicity. One of the big things was older students—where does this help that population? He recommended making some mention of the link in the introduction to identify who we are trying to help and why is important.

Henry reported that there are six skill set areas that are identified. All will have data outcomes. When Dyrell was here, we did not pose these kinds of questions. The Student Equity Plan is going to the Board tomorrow for approval.

Myeshia reported that most Districts are required to submit expenditure reports to the state in terms of areas where funds are spent. The Student Equity Plan should demonstrate what groups will receive funds and align those with program objectives. It's very similar to the way EOPS operates.

Julius reported that there are specific pots of money that can only be spent on specific things. He believes that Dyrell spoke to this when he presented at PFC. This money has to be spent by the end of fiscal year 2014-15.

Sandra asked if there is a possibility to modify the proposed budget. With the current situation in Financial Aid, students call over there and have to wait weeks and weeks for a response, which seems very inefficient. Yet there are only 10 hours allotted to assist in this area. Will 10 hours really alleviate the need in that office? We should look at the gaps and address them. How did the committee arrive at the number of 10 hours per week?

Several members of PFC voiced their concern in not receiving the SE budget in a timely manner.

Vann reported that the push to get this to the Board was to do so before Dyrell leaves Rio Hondo. In searching his memory, Vann is not 100% certain if Senate has to formally approve this plan. It was proposed that the budget portion return to PFC on 11/25. We can formulate questions at that time and Dyrell should be here to answer these questions at the next meeting.

In the meantime, [PFC consensed to the Student Equity Plan and not to the budget component as there is a need for further clarification.](#)

## VI. Information Items

- Unit Plan due date – December 12, 2014
- Area Plan due date – January 23, 2015

## VII. Committee Reports

- Basic Skills – No report.
- Facilities – No report.
- IEC – No report.
- Program Review – No report.
- Safety – No report.
- SLOs – No report.
- Accreditation – No report.
- Staff Development – Shelia reported that the retreat went great. It was a lot of fun for all.
- Staffing – No report.
- Information Technology – No report.
- Technology – No report.

## VIII. Announcements – No announcements.

## IX. Public Comment – None.

- X. Adjournment – The meeting adjourned at 4:01 p.m. The next PFC meeting will be held on November 25, 2014, 2:30 – 4:00 p.m., Board Room.

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## RIO HONDO COMMUNITY COLLEGE DISTRICT PLANNING FISCAL COUNCIL MINUTES Tuesday, November 25, 2014, 2:30 p.m., Board Room

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**Members Present:** Dr. Kenn Pierson (Co-Chair and VPAA), Dr. Vann Priest (Co-Chair and President AS), Henry Gee (VPSS), Myeshia Armstrong (VPFB), Robert Bethel (1<sup>st</sup> VP, AS), Katie O'Brien (2<sup>nd</sup> VP, AS), Dr. Kevin Smith (Secretary, AS), Sheila Lynch (Parliamentarian, AS), John Frala (ASCCC Rep, AS), Dr. Adam Wetsman (Past President, AS), Kathy Pudelko (President RHCFA), Dr. Gisela Spieler-Persad (Faculty), Julius B. Thomas (Faculty), Jeannie Liu (Faculty), Sandra Rivera (President, CSEA), Suzanne Frederickson (CSEA), René Tai (CSEA), Alex Ramirez (President, ASRHC), Janira Colmenares (ASRHC), Don Mason (Mgmt., AA), Dyrell Foster (Mgmt. SS)

**Members Absent:** Andrew Carpeña (ASRHC)

**Staff Members Present:** Howard Kummerman (Dean, IRP), Renee Gallegos (Recorder), Russell Castaneda-Calleros (Director, GCR), and Chris Guptill (Dean, Arts & Cultural Programs)

- I. **Call to Order** – Kenn called the meeting to order at 2:32 p.m.
- II. **Acceptance of Minutes** – Kenn reported that the minutes of October 14 and October 28, 2014 were

**2 Sets of draft minutes are accessible by clicking the link below:**

[http://www.flipdocs.com/showbook.aspx?ID=10006268\\_421381](http://www.flipdocs.com/showbook.aspx?ID=10006268_421381)

Some members reporting having difficulty with viewing flip docs on their I-pads, not receiving the attachments, or accessing embedded files when links are placed within the PFC agenda. It was also reported that using a flip doc is not ADA compliant.

- III. **Co-Chair's Report** - Vann and Kenn wished everyone a safe and happy Thanksgiving holiday.

#### IV. **Information Items**

- Rio Hondo Adult Education Consortium – Russell Castaneda-Calleros & Chris Guptill presented and fielded questions at the end of their update. An informational handout was shared with the members present (attached).

Russell framed the brief presentation into three parts.

1. Preparation for the consortium.
2. Multiple districts are participating.
3. Vision was agreed to by members of the consortium.

Rio Hondo, El Rancho Unified School District, Whittier Union High School District, Whittier Adult School, and El Monte Union High School are the member districts. The next layer is the partner districts which includes Tri-Cities ROP, Basset Unified District and Hacienda La Puente School District. There are seven members /partners in the consortium. Montebello decided to join the LA District partnership. The goal here is to inventory all of the Adult Ed programs.

Chris gave a brief history. The entire process was kicked off by AB86 that authorized a planning process to form consortiums centered around community college districts to explore and create

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plans to address the needs of adult learners. Efficiency in the delivery of services is a key driver. We also need to work on identifying and addressing gaps. The plan is updated quarterly. Several recommendations have bubbled up, one being the need for adult learners to complete educational plans. The future of this initiative is yet to be determined but we do need to come up with a concrete plan.

Our consortium is going to submit a plan which is built from the same template. Each consortium is allowed to customize to their needs and resources of each district. The plan is submitted to a joint council of the California Community Colleges and the Department of Education. As near as we can tell, the council will put all the plans in the mix and come up with a model. There are 72 consortiums.

Julius reported that he wonders what we are doing here at RHC when it comes to Adult Ed? Is there going to be a briefing to Student Services and Counseling so staff are better informed and understand what is going on in the process and also with articulation. Counselors should be involved throughout the development of the plan.

Chris responded that Counseling is a big portion of Adult Ed. The continuum of Counseling is a high priority at every consortium. There is general acknowledgement of this at the Adult Ed level. As far as briefing everyone, when we are ready to submit the plan in March we will present to the communities. To date we have had several workshops with people from the designated service areas including specific fields including CTE and Apprenticeship. We took input from the working meetings and worked through the Deans and Directors to invite staff to participate.

Russell reported that members of the consortium would appreciate it if staff were included in the ongoing dialogue. If any groups wish for Chris or Russell to give an update please let them know when and where. Staff are the subject matter experts and have a lot of knowledge to share with the K-12 experts. We have to have defined strategies in the five priority areas including:

- Adult Basic Education (ABE)
- Short-term Career & Technical Education
- Adults with Disabilities
- Apprenticeship
- Classes for Immigrants including ESL

The consistent theme across the board is counseling. We want to be able to plan accordingly.

Adam asked if RHC would eventually be offering classes. If a class is taught at a partner school who is responsible for the transcripts? What evidence will there be that a student took a class? Do the instructors meet minimum qualifications? Will they be considered unit members and will they be responsible for SLOs? Who evaluates them? These are some of the questions.

Chris responded that no this is not the case. Again, we want to debunk the myth that Community Colleges are taking over Adult Education. The partners are coming to the table who are the experts in this area. That being said, we imagine the K-12 partners will continue to offer Adult Ed and that it compliments what we are offering here without the overlap. We need to create a bridge so there is a pathway to non-credit ESL, to credit English classes and onward to degree completion.

Chris responded that the certification of faculty is more stringent at the K-12 level than it is here. Records will definitely be kept. We are still discussing that aspect along with the pathways. It is very early on and these are all good questions to ask. We are looking to create a regional data

base so we can see what level a student has assessed at. The goal here is not what school a student enrolls in but that they are prepared and this gets you into RHC. That is the model that we are approaching to pathways.

Julius reported that he worked on a similar program at PCC. There was an offsite campus where they Continuing Ed was and then students transitioned to the main campus. North Orange CCD has a similar program. His next point is have we not gotten to that planning part yet? Faculty had to go through the process and meet minimum qualifications. That is our expertise and the articulation has to happen with the college and the K-12 so the transition is smooth for the students to move on to ENLA, Math and English classes. Adam and Julius are on a state board and these are some of the questions that have come up.

Russell reported that we have a consultant and we can gather questions and information via interviews. That would be very helpful.

Chris reported that if a student takes a non-credit course, just to be clear, our instructors meet the minimum qualifications and students receive transcripts. There is discussion at the state level for the Credentialing Section to create uniform requirements to teach ESL so faculty can teach Adult Ed ESL classes. That is in the works now. Chris is also working with Mike Munoz and Counseling staff regarding non-credit students. In closing, no one that is involved in the consortium is interested in centralizing Adult Ed under one umbrella. The current Adult Ed providers do not want to give up what they are delivering. This is an attempt to realign services. The budget cuts that Adult Ed took were far more draconian than what we saw at the community college level. There are big gaps that need to be addressed.

Shelia asked Dyrell in the Student Equity Plan for the group over 40, will this be a dovetail to any of the Adult Ed. items?

Dyrell reported that in terms of this specific population yes it can.

Kenn gave accolades to Russell and Chris who have been very involved in this project as well as watching legislation. They have both been instrumental in guiding us through this strange process that began a year and a half ago. Kenn reminded PFC members that Chris is also the Interim Director of Continuing Ed. so that stands to reason that he would be a part of this initiative. Maria Elena Martinez Interim Director of the Grants Office is also involved in this workgroup along with some classified staff.

Russell reported that he and Chris welcome any input that is offered. Meetings have been held on Tuesdays and we have a rotating chairmanship. We will now be meeting on Wednesdays at El Rancho at the District Office. These meetings are also open to the community.

V. **New Business** – No Items

VI. **Unfinished Business**

- Instructional Equipment – Sub-Committee Report

Kenn reported that the sub-committee has been doing a fine job in pursuing the request from President Dreyfuss. To date we have met three times. Kenn acknowledged the committee members Suzanne, Gisela, Howard, Robert, Sheila, Alex and our dynamo Jeannie who has done a stupendous job collecting the information and dazzling us all. Howard has also been instrumental in gathering part and current resource requests from the planning software.

The committee looked at resource requests for 14-15 year. Some unfunded requests were funded. PFC asked that Kenn query the Deans for input on immediate needs in classrooms. The Deans provided an itemized list and Jim Poper was consulted on furniture. We also looked at the program plan requests for 15-16 that came in as of October 27<sup>th</sup>. Each committee member took one division and followed up with questions. The list was prioritized with the top three requests from each division. It was a very good exercise as it educated others in what goes on in other divisions. President Dreyfuss asked that we put this off for two weeks and hold a special PFC meeting. We are proposing to meet on December 9 at 2:30 for a brief meeting to look at the final outcome of the work of the committee. By that time, we will also have two APs in the 4,000 level ready for review. We will keep the meeting short.

Katie reminded all that this is a sub-committee of the PFC. This is our assumption that nothing will be changed in the work that has been done.

Robert asked what the purpose of another meeting is.

Kenn replied that he was asked to delay it for two weeks and can't answer any further on the matter. He anticipates that there will not be changes made. The committee functioned very well and it was a collaborative process.

Vann reported that he will be meeting with President Dreyfuss tomorrow and will follow up.

**Consensus was reached** to meet on December 9, 2014 at 2:30 p.m. for a brief meeting.

- Student Equity Budget

The Student Equity Budget was returned to PFC for review.

Gisela reported some errors in Item 5.5

Dyrell clarified that the two adjunct Counselor's salaries were transposed. He will make that correction. Adjunct Counselor costs are \$67,000.

Adam reported that his general concern with is that the Student Equity Plan is supposed to help students particularly to help students over 40, Veterans and students who are not doing well. It would be nice to help students that are targeted. The idea behind this is how are you going to identify students that are not performing well?

Dyrell responded that tracking outcomes is going to be our biggest challenge. This has been identified and we will have to work closely with the committee, IRP and IT. We can pass this on to Juana Mora who is the co-chair of this committee. We have built in some costs for research and IT support.

Henry responded that yes we will have to evaluate annually, however, he doubts that will be the case during the first year. We still have some hiring of staff to complete.

Sandra questioned the role of a facilitator/coordinator. This position would fall under the unrepresented positions under the AP. Sandra will follow up with Gisela who has a similar set up for the MESA program.

Henry acknowledged Dyrell's work since this is his last PFC meeting. Tomorrow will be his last day here at RHC. As for Student Conduct issues, Sandra Salcedo will be the intake person who will forward to Mark Matsui who is assuming this duty. For compliance issues, Sandra will take complaints and forward to Henry.

#### VII. Committee Reports

- Basic Skills – No report.
- Facilities- No report.
- IEC – No report.
- Program Review – No report.
- Safety – No report.
- SLOs- Adam reported that the SLO committee met last week and is addressing the concerns that came from the ACCJC. They will be working on those for the next several months as we await the ACCJC report in late January. The committee is on a good path to have things worked out in the next couple of months. RHC is hosting an SLO work shop on campus on March 6<sup>th</sup>. Alyson Cartagena has been working with this committee and various faculty from community colleges.
- Accreditation – Kenn reported that the evaluation report was received after our last PFC meeting. There are more details in the report and it was configured a little differently. The team wrote recommendations on GE SLOs, how RHC assesses SLOs, SLOs on syllabi and development of non-credit SLOS.
- Staff Development - Katie reported that the FLEX Committee enhancing Basic Skills Across the Curriculum did not receive a lot of workshop geared to theme for the spring FLEX Day. Staff Development is open to other workshops. The Teaching Learning Institute will host a workshop "Enhancing Basic Skills across the Disciplines on January 27, 2015 from 8:30 – 3:00 p.m. in LR 128. The evaluations from the all staff retreat were very positive which is what President Dreyfuss was going for.
- Staffing – No report.
- Information Technology – No report.
- Technology – No report.

#### VIII. Announcements

Unit Plan due date – December 12, 2014

Area Plan due date – January 23, 2015

IX. Public Comment – No comments were made.

X. Adjournment – 3:30 p.m. Special meeting December 9, 2015, 2:30 – 4:00 p.m., Board Room

PERSPECTIVE AND EXPECTATIONS FOR THE  
RIO HONDO REGION ADULT EDUCATION CONSORTIUM

A consortium is defined in Merriam Webster Dictionary as “group of people, companies, etc., that agree to work together.” That would be my vision for the Rio Hondo Region Adult Education Consortium, a group of independent local agencies agreeing to work together to expand and improve services to adult learners—not a *merger* of agencies.

- Each agency would bring its resources and expertise to the table.
  - The strengths of each agency could be used to enhance services to learners in other agencies.
  - The strength of each educational “system” ( K-12 adult schools, community colleges) can be used to enhance services regionally. (For example, flexibility of programming and scheduling in adult schools and additional support resources such as research and development, marketing, etc. available through community colleges)
  - The strengths/expertise of some agencies could fill a “gap” identified in another agency.
  - Strategies will be developed to create seamless transitions into postsecondary education or the workforce, address gaps in programs or services, accelerate a student’s progress toward academic or vocational goals, enhance professional development, and leverage resources that will benefit adult learners.
- Information sharing among agencies would allow agencies to learn from each other and therefore improve services within an agency and among agencies.
- Common needs would be determined, leading to shared professional development, curriculum sharing, coordinated counseling services, etc.
- As information is shared, it will be determined whether an alignment of assessment, curriculum, data systems, etc. is needed, or whether an awareness and coordination of current assessment, curriculum, systems, etc. is sufficient.
- In order to serve adult learners, collaboration needs to take place among K-12 school districts as well as between K-12 and community college.
- Joint professional development, by program area or support service, could be used to introduce new concepts and strategies to all agencies, maintaining a level of quality throughout the region. This is also an important component to information sharing and awareness among agencies.
- System level resources could also be shared in order to provide comprehensive services and professional development—OTAN, CalPRO, cccc.edu, etc.
- Additional stakeholders should participate in collaborative efforts in order to add expertise, resources, services, and a broader view of adult learner needs.

Funding/governance implications:

- Adult schools and community colleges need to be funded separately in order to maintain their base program and be able to act as independent agencies with expertise and resources with which to share and collaborate.
- Local control needs to be maintained—use of funding, personnel, program focus should be determined by local school administration and locally elected school boards.



OFFICE OF THE PRESIDENT

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December 5, 2014

**TO:** President's Council  
Administrative Council  
Planning Fiscal Council

**FROM:** Sandy Sandello

**SUBJECT:** Revision of APS

Attached are the Administrative Procedures that have been revised:

AP 4101	Independent Study / Directed Study
AP 4260	Prerequisites and Corequisites

This will begin the review process for the above policies and procedures.

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/SS

INDEPENDENT STUDY/DIRECTED STUDYAP No.  
4101

Board Reviewed: 8/15/07; 12/12/12

Page 1 of 1

**This procedure is legally required.**

- I. Independent Study/Directed Study is intended for students who have the ability to assume responsibility for independent work and to prepare written or oral reports and/or appropriate projects. To enroll in an independent study/directed study course, students must possess a 2.5 overall grade point average, a 3.0 grade point average in the discipline of study being requested, or receive an exception from the instructor.
- II. Directed Study paperwork is sent from the Dean, ~~Library, and~~ Office of Instructional Support **Operations** to all division areas to be completed by the instructor of record and the student requesting the independent study course. This paperwork must be signed by the division dean and then submitted to the Dean of ~~Library and~~ Instructional Support **Operations** who is responsible for verifying the necessary requirements and then forwarding the paperwork to the Office of Admissions and Records and the Office of Human Resources. The paperwork shall include the number of units and hours of study required the arrangements for consultation with the instructor, **as well as** the work product to be evaluated. (Title V, Section 58051)
- III. Independent Studies/Directed Studies may be developed from any topic arising from or related to a course of study that will result in developing depth and breadth in that subject area.
- IV. Students will be expected to meet on a regular basis with their faculty sponsor and submit a final report or project, and student progress shall be evaluated at regular intervals. Academic standards for Independent Studies/Directed Studies shall be the same as those for other courses.
- V. Units are awarded in accordance to **with** Title V regulations **with allowing** one unit of credit awarded for 54 hours of Directed Studies, six (6) hours of which must be with an instructor. The instructor is responsible for monitoring student progress through the semester.
- VI. Students may take directed study courses for a maximum of ~~four (4)~~ **three (3)** units within a discipline, and may not accumulate more than a total of ~~twelve (12)~~ **nine (9)** units college-wide. **Independent Study/Directed Study courses are not repeatable.**
- VII. Hours for Independent Study/Directed Study are reported to the State Chancellor's Office according to the Student Attendance Accounting Manual.
- VIII. Reference:  
Title 5, Sections 55230, 58051 et seq.

## AP 4101 Independent Study

### References:

Title 5 Sections 55230 et seq.

**Note:** *This procedure is legally required. Local practice may be inserted here, but must include the following:*

- Procedures for approval of independent study programs
- Academic standards for independent study that are the same as those applied to other credit courses or noncredit courses.
- Procedures for evaluation of student progress
- Access to the instructor at least equivalent to that commonly available to students in courses conducted by other instructional methods

Revised 9/05, 2/08



PREREQUISITES AND COREQUISITESAP No.  
4260

Board Reviewed: 3/10/10

Page 1 of 4

- I. This procedure implements Board Policy 4260, Prerequisites **and** Corequisites, and recommended preparation.
- II. The faculty, acting through discipline areas within the academic divisions and through the Curriculum Committee, shall be responsible for establishing standards of preparation for courses offered by the College as follows:
  - A. A prerequisite indicates the preparation or previous course work considered necessary for success in the course or program.
  - B. A corequisite indicates another course that must be taken concurrently in order to enroll and succeed in ~~another course~~ **the course or program**.
  - C. An advisory indicates that if students have the designated preparation or previous course work, they are likely to perform better academically in the course **or program** because of that experience or preparation. Advisories are only recommendations.
- III. The Curriculum Committee shall establish standards of preparation, using a two-step process: (1) approval of content review and (2) approval of prerequisites, corequisites, and advisories.
- IV. Content Review
  - A. The members of the Curriculum Committee shall vote to approve the content review of a particular course before approving a prerequisite, corequisite, or advisory.
  - B. Faculty members shall complete and submit a "Course Revision" or "New Course" form outlining the content of the course to the Curriculum Committee.
    - ~~1. All faculty who teach a particular course for which a prerequisite, corequisite, or advisory is to be established shall be invited to participate in the process of content review.~~
    1. Faculty shall determine common entrance and exit criteria for each of the levels within a course sequence or for individual courses.
    2. Faculty shall review entry-level, degree applicable courses to see if they require a basic skills prerequisite, corequisite, or advisory in English, English as a ~~Second~~ **New** Language, reading, and/or mathematics.

PREREQUISITES AND COREQUISITESAP No.  
4260

Board Reviewed: 3/10/10

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3. The Curriculum Committee member from the appropriate academic division shall review and sign the Course Revision or New Course Form prior to its submission to the Curriculum Committee.
- V. Approval of Prerequisites, Corequisites, and Advisories
- A. The members of the Curriculum Committee shall vote to establish a prerequisite, corequisite, or advisory for a particular course, using the following criteria:
    1. Prerequisites and Corequisites
      - a) Adopting a course as a prerequisite or corequisite means that a student will be highly unlikely to succeed in a course (earn a C) if the student does not have the skills, knowledge, and/or concepts provided by the prerequisite or corequisite.
      - b) A prerequisite or corequisite without a validation study, if it is required by statute or regulation, is part of a closely related lecture-laboratory course pairing within a discipline, is required by four-year institutions, is a sequential course within or across disciplines, or is necessary to protect the health or safety of a student or the health and safety of others.
      - c) Prerequisites or corequisites required as part of a state or occupational board accreditation must be indicated and do not require statistical validation after being established at Rio Hondo College.
      - d) ~~Prerequisites or corequisites in communication or computation skills may not be established across the curriculum unless established on a course by course basis as stipulated in Title 5, Section 55003(e).~~
      - d) Prerequisites or corequisites may be established in reading, written expression, or mathematics for degree-applicable courses not in a sequence using content review. The process shall include the following:**
        - i. The Curriculum Committee Chair, the faculty originator of the course, and a faculty member with appropriate expertise in the subject matter of the proposed prerequisite/corequisite shall meet.**
        - ii. The course outline of record (COR), a course syllabus, and any other instructional related materials should be**

PREREQUISITES AND COREQUISITESAP No.  
4260

Board Reviewed: 3/10/10

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**examined, and the body of knowledge and/or skills which are deemed necessary at the entry and/or deemed necessary for concurrent enrollment shall be identified.**

**iii. Identification and review of the prerequisite or corequisite that develops the body of knowledge and/or measures the skills required of the target course shall take place.**

**iv. Documentation that the above steps were taken shall be maintained.**

2. Advisories

a) Adopting a course as an advisory means that if a student takes the advisory course, the student is likely to perform better in the selected course. However, the student will not be blocked from taking the course if they desire not to complete the advisory.

b) Advisories do not require statistical validation.

B. Faculty members shall identify appropriate preparation courses on the Course Revision or New Course Form.

1. Signatures of faculty teaching in the discipline are required.

2. The signature of the division dean is required.

VI. Prerequisites, corequisites, and advisories on recommended preparation must be identified in-college publications available to students, as well as the course outline of any course for which they are established.

VII. The determination of whether a student meets a prerequisite shall be based on successful completion of an appropriate course or on an assessment using multiple measures.

VIII. A student desiring to challenge a prerequisite or corequisite must file a "Prerequisite/Corequisite Challenge" form with the appropriate division dean prior to the first day of the semester or session.

A. Reasons for challenging a prerequisite may include one or more of the following:

1. A prerequisite/corequisite is not reasonably available (must be made prior to the first week of the semester),

PREREQUISITES AND COREQUISITESAP No.  
4260

Board Reviewed: 3/10/10

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2. The student believes the prerequisite/corequisite is not valid or necessary for success in the course for which it is required,
  3. The student believes the prerequisite/corequisite is discriminatory or being applied in a discriminatory manner, or
  4. The student has the documented knowledge or ability to succeed in the course without meeting the prerequisite/corequisite.
- IX. All students have the right to challenge any prerequisite or corequisite. A prerequisite or corequisite challenge requires written documentation that should include an explanation of alternative course work and/or background or abilities that adequately prepare the student for the course. Students may obtain a "Prerequisite/Corequisite Challenge Form" from the **Offices of Academic Affairs Services Office**, the ~~Student Services Office~~, the ~~Admissions and Records Office~~, the **Counseling and Student Success, Office** or **Disabled Students Program and Services** (if appropriate).
- X. Upon filing the "Prerequisite/Corequisite Challenge" form, the student may enroll in the challenged class. If the challenge is not upheld, the student will be required to drop the class.
- XI. The District will ensure that the challenge process is finished, and the student is notified in writing within five (5) working days using the following process:
- A. The division dean shall convene a committee of faculty members (excluding the faculty member whose course prerequisite or corequisite is being challenged, if possible) to evaluate the documentation.
  - B. The faculty committee shall forward to the dean its recommendation whether or not the challenge should be upheld.
  - C. The division dean shall inform the student challenging the prerequisite or corequisite of the faculty committee's recommendation and the dean's decision.
  - D. **Disabled Students Program and Services** faculty shall make the recommendation regarding the challenge of a disabled student.
  - E. Students wishing to appeal this decision should contact the Dean of Instructional **Operations Support** or designee, whose decision shall be final.
- XII. References: Title 5 Section 55200, 55003(e)

## AP 4260 Prerequisites and Co-requisites

### References:

Title 5 Sections 55000 et seq.

**NOTE:** *This procedure is legally required. Districts may insert their local practice here. The following example was developed by the California Community Colleges Chancellor's Office Task Force in conjunction with the State Academic Senate. Districts should consult with local counsel before deviating from this example.*

Prerequisites, co-requisites, advisories, and limitations are necessary to ensure that students succeed in their coursework and have access to the courses they require. It is important to have prerequisites in place where they are a vital factor in maintaining academic standards. It is also necessary to ensure that prerequisites, co-requisites, advisories, and limitations do not constitute unjustifiable obstacles to student access and success. Therefore, to foster the appropriate balance between these two concerns, the Education Code requires that prerequisites, co-requisites, advisories, and limitations be established based solely on content review or content review with statistical validation.

### 1. Information in the Catalog and Schedule of Courses.

The college shall provide the following explanations both in the college catalog and in the schedule of courses:

- A. Definitions of prerequisites, co-requisites, and limitations on enrollment including the differences among them and the specific prerequisites, co-requisites, and limitations on enrollment that have been established.
- B. Procedures for a student to challenge prerequisites, co-requisites, and limitations on enrollment and circumstances under which a student is encouraged to make such a challenge. The information about challenges must include, at a minimum, the specific process including any deadlines, the various types of challenge that are established in law, and any additional types of challenge permitted by the college.
- C. Definitions of advisories on recommended preparation, the right of a student to choose to take a course without meeting the advisory, and circumstances under which a student is encouraged to exercise that right.
- D. Definitions of contract course, co-requisite, noncredit basic skills course, non-degree-applicable basic skills courses, prerequisite and satisfactory grade.

### 2. Challenge Process

- A. Any student who does not meet a prerequisite or co-requisite or who is not permitted to enroll due to a limitation on enrollment but who provides satisfactory evidence may seek entry into the course as follows:
  1. If space is available in a course when a student files a challenge to the prerequisite or co-requisite, the District shall reserve a seat for the student and resolve the challenge within five (5) working days. If the challenge is

upheld or the District fails to resolve the challenge within the five (5) working-day period, the student shall be allowed to enroll in the course.

2. If no space is available in the course when a challenge is filed, the challenge shall be resolved prior to the beginning of registration for the next term and, if the challenge is upheld, the student shall be permitted to enroll if space is available when the students registers for that subsequent term.

B. Grounds for challenge shall include the following:

1. Those grounds for challenge specified in Title 5 Section 55201(f).
2. The student seeks to enroll and has not been allowed to enroll due to a limitation on enrollment established for a course that involves intercollegiate competition or public performance, or one or more of the courses for which enrollment has been limited to a cohort of students. The student shall be allowed to enroll in such a course if otherwise he or she would be delayed by a semester or more in attaining the degree or certificate specified in his or her educational plan.
3. The student seeks to enroll in a course that has a prerequisite established to protect health and safety, and the student demonstrates that he/she does not pose a threat to himself/herself or others.
4. The student has the obligation to provide satisfactory evidence that the challenge should be upheld. However, where facts essential to a determination of whether the student's challenge should be upheld are or ought to be in the college's own records, then the college has the obligation to produce that information.

C. Curriculum Review Process

The curriculum review process shall at a minimum be in accordance with all of the following:

1. Establish a curriculum committee and its membership in a manner that is mutually agreeable to the college administration and the academic senate.
2. Establish prerequisites, co-requisites, and advisories on recommended preparation (advisories) only upon the recommendation of the academic senate except that the academic senate may delegate this task to the curriculum committee without forfeiting its rights or responsibilities under Title 5 Sections 53200-53204 and within the limits set forth in Title 5 Section 55003. Certain limitations on enrollment must be established in the same manner.
3. Establish prerequisites, co-requisites, advisories on recommended preparation, and limitations on enrollment only if:
  - a) The faculty in the discipline or, if the college has no faculty member in the discipline, the faculty in the department do all of the following:
    - (1) Approve the course; and,
    - (2) As a separate action, approve any prerequisite or co-requisite, only if:
      - (a) The prerequisite or co-requisite is an appropriate and rational measure of a student's readiness to enter the

course or program as demonstrated by a content review including, at a minimum, all of the following:

- (i) involvement of faculty with appropriate expertise;
  - (ii) consideration of course objectives set by relevant department(s). The curriculum review process should be done in a manner that is in accordance with accreditation standards.
  - (iii) be based on a detailed course syllabus and outline of record, tests, related instructional materials, course format, type and number of examinations, and grading criteria;
  - (iv) specification of the body of knowledge and/or skills which are deemed necessary at entry and/or concurrent with enrollment;
  - (v) identification and review of the prerequisite or co-requisite which develops the body of knowledge and/or measures skills identified under iv.
  - (vi) matching of the knowledge and skills in the targeted course (identified under iv.) and those developed or measured by the prerequisite or co-requisite (i.e., the course or assessment identified under v.); and
  - (vii) maintain documentation that the above steps were taken.
- (3) Approve any limitation on enrollment that is being established for an honors course or section, for a course that includes intercollegiate competition or public performance, or so that a cohort of students will be enrolled in two or more courses, and, in a separate action, specify which.
  - (4) Approve that the course meets the academic standards required for degree applicable courses, non-degree applicable courses, non-credit courses, or community service respectively.
  - (5) Review the course outline to determine if a student would be highly unlikely to receive a satisfactory grade unless the student had knowledge or skills not taught in the course. If the student would need knowledge or skills not taught in the course itself, then the course may be approved for degree applicable credit only if all requirements for establishing the appropriate prerequisite have been met excepting only approval by the curriculum committee.
  - (6) Review the course outline to determine whether receiving a satisfactory grade is dependent on skills in communication or computation. If receiving a satisfactory grade is sufficiently dependent on such skills, then the course may be approved for degree applicable credit only if all requirements have been met for establishing a prerequisite or co-requisite of not less than

eligibility for enrollment to a degree-applicable course in English or mathematics, respectively.

- b) A course which should have a prerequisite or co-requisite as provided in (5) or (6) but for which one or more of the requirements for establishing a prerequisite have not been met may only:
    - (1) Be reviewed and approved pursuant to the standards for non-degree applicable credit, non-credit, or community service; or
    - (2) Be revised and reviewed as required to meet the criteria for establishing the necessary prerequisites or co-requisites.
  - c) The curriculum committee also reviews the course and prerequisite in a manner that meets each of the requirements specified above.
  - d) If the District chooses to use content review as defined in Title 5 of the Code of California Regulations section 55000(c) to define prerequisites and co-requisites in reading, written expression, or mathematics for courses that are degree applicable and are not in a sequence, it must adopt a plan consistent with Title 5 of the Code of California Regulations section 55003(c).
4. Program Review. As a regular part of the program review process or at least every six years, except that the prerequisites and co-requisites for vocational courses or programs shall be reviewed every two years, the college shall review each prerequisite, co-requisite, or advisory to establish that each is still supported by the faculty in the discipline or department and by the curriculum committee and is still in compliance with all other provisions of this policy and with the law. Any prerequisite or co-requisite that is still supported shall be reviewed promptly thereafter to assure that it is in compliance with all other provisions of this policy and with the law.
5. Implementing Prerequisites, Co-requisites, and Limitations on Enrollment. Implementation of prerequisites, co-requisites, and limitations on enrollment must be done in a consistent manner and not left exclusively to the classroom instructor. Every attempt shall be made to enforce all conditions a student must meet to be enrolled in the course through the registration process so that a student is not permitted to enroll unless he/she has met all the conditions or has met all except those for which he/she has a pending challenge or for which further information is needed before final determination is possible of whether the student has met the condition.
6. Instructor's Formal Agreement to Teach the Course as Described. Each college shall establish a procedure so that courses for which prerequisites or co-requisites are established will be taught in accordance with the course outline, particularly those aspects of the course outline that are the basis for justifying the establishment of the prerequisite or co-requisite. The process shall be established by consulting collegially with the local academic senate and, if appropriate, the local bargaining unit.

## Review of Individual Courses

If the student's enrollment in a course or program is to be contingent on his or her having met the proposed prerequisite(s) or co-requisite(s), then such a prerequisite or co-requisite must be established as follows. If enrollment is not blocked, then what is being established is not a prerequisite or co-requisite but, rather, an advisory on recommended preparation and must be identified as such in the schedule and catalog. Establishing advisories does not require all the following steps.

### 1. Advisories on Recommended Preparation

The college may recommend that a student meet a standard of readiness at entry only if recommended by the faculty in the discipline or department and by the curriculum committee as provided in above. This process is required whether the college used to describe such recommendations in its catalog or schedule as "prerequisites," or "recommended," or by any other term.

### 2. Limitations on Enrollment

The types of limitation on enrollment specified below may only be established through the curriculum review process by the discipline or department faculty and the curriculum committee specified above including the requirement to review them again at least every six years; for example, as part of program review. The following requirements must also be met in order to establish these particular limitations on enrollment.

A. Performance Courses. The college may establish audition or try-out as a limitation on enrollment for courses that include public performance or intercollegiate competition such as but not limited to band, orchestra, theater, competitive speech, chorus, journalism, dance, and intercollegiate athletics provided that:

1. For any certificate or associate degree requirement which can be met by taking this course, there is another course or courses which satisfy the same requirement; and
2. The college includes in the course outline of record a list of each certificate or associate degree requirement that the course meets and of the other course or courses which meet the same requirement.

Limitations on enrollment established as provided for performance courses shall be reviewed during program review or at least every six years to determine whether the audition or try-out process is having a disproportionate impact on any historically under-represented group and, if so, a plan shall be adopted to seek to remedy the disproportionate impact. If disproportionate impact has been found, the limitation on enrollment may not be printed in subsequent catalogs or schedules nor enforced in any subsequent term until such a plan has been endorsed by the department and the college administration and put into effect.

- B. Honors Courses. A limitation on enrollment for an honors course or an honors section of a course may be established if, in addition to the review by the faculty in the discipline or department and by the curriculum committee as provided above, there is another section or another course or courses at the college which satisfy the same requirements. If the limitation is for an honors course and not only for an honors section, the college must also include in the course outline of record a list of each certificate or associate degree requirement that the course meets and of the other course or courses which meet the same associate degree or certificate requirement.

Blocks of Courses or Sections. Blocks of courses or blocks of sections of courses are two or more courses or sections for which enrollment is limited in order to create a cohort of students. Such a limitation on enrollment may be established if, in addition to review by the faculty in the discipline or department and by the curriculum committee as provided above, there is another section or another course or courses that satisfy the same requirement. If the cohort is created through limitations on enrollment in the courses rather than limitations on specific sections of courses, then the college must include in the course outline of record a list of each certificate or associate degree requirement that the course meets and of the other course or courses which satisfy the same associate degree or certificate requirement.

**Revised 8/07, 7/11, 3/12, 9/12, 6/13**

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**From:** Dyrell Foster  
**Sent:** Wednesday, November 26, 2014 6:53 PM  
**To:** Henry Gee  
**Cc:** Rachel Garcia; Kenn Pierson; Vann Priest; Teresa Dreyfuss; Renee Gallegos; Sandy Sandello  
**Subject:** FW: Follow up - OCR

Hi Henry,

I received a follow up call from Julie Baenziger from the Office of Civil Rights today regarding our progress in fulfilling our resolution agreement; unfortunately, I informed her that I was not able to report any further progress at this time.

Ms. Baezinger reminded me that, based on our signed agreement, the college has failed to fulfill the terms of the agreement, and the college is long overdue in our compliance with federal regulations. She advised me of the following statement, which is the last paragraph of the agreement, "The College understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the College written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach." She further stated that since the college has failed to reach a settlement, the next step would be for the OCR to initiate enforcement action, which may lead to Rio Hondo College losing all federal funds:

"If OCR is unable to negotiate a settlement with the recipient OCR will initiate enforcement action. OCR will either: (1) initiate administrative proceedings to suspend, terminate, or refuse to grant or continue and defer financial assistance from or, with respect to the Boy Scouts Act, funds made available through the Department to the recipient; or (2) refer the case to Department of Justice (DOJ) for judicial proceedings to enforce any rights of the United States under any law of the United States."  
[http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html#III\\_4](http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html#III_4)

Since I am transitioning, she has asked that you contact her during the first week of December to inform her of a specific date of when she can expect the complete fulfillment of the agreement.

Her email address is: [Julie.Baenziger@ed.gov](mailto:Julie.Baenziger@ed.gov). If I can be of any further assistance regarding this issue, please don't hesitate to contact me.

Dyrell

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**From:** Baenziger, Julie [mailto:Julie.Baenziger@ed.gov]  
**Sent:** Wednesday, October 15, 2014 2:37 PM  
**To:** Dyrell Foster  
**Cc:** Henry Gee  
**Subject:** RE: Follow up

Good afternoon Dyrell,

Thank you for the update. Can you please advise me of the location of the modified AP5530 on the website? Under the R.A., it is also supposed to be included in electronic student publications such as the Student Handbook, Catalog, and Schedule of Classes---please confirm that this has occurred and provide links to AP5530 in those documents. The R.A.

also requires that notice of the modified procedure be included in printed student publications in the next regular printing cycle after it was finalized. Has that occurred?

With respect to AP3435, I will need to consult with management here to determine next steps. Please note that the R.A. required AP3435 to be modified, finalized, and distributed by April 26, 2013---almost a year and a half ago. The compliance concerns OCR identified regarding various provisions of AP3435, unfortunately, remain in place. Hopefully, you can report some progress prior to your departure in November.

Best regards,  
Julie

**I. Purpose**

~~Unlawful discrimination and sexual harassment as covered under state and federal laws (see Legal References) is a matter requiring prompt attention by the District because failure to act may cause damage to the alleged victim. Since this District recognizes the delicate nature of such situations, each step in the complaint procedure must be conducted with discretion in order to maintain confidentiality. It is the intent of this procedure to result in prompt recourse and to ensure fairness and equity to both the individual alleging unlawful discrimination or sexual harassment and to the person accused of such behavior.~~

~~The District recognizes that confidentiality is important to all parties involved in an alleged unlawful discrimination or sexual harassment complaint investigation. To the extent possible, the confidentiality of the complainant, respondent and witness will be protected except as may be required or permitted by law, which includes the policies and procedures of the District. Employees and/or students interviewed in accordance with these procedures shall assist in maintaining such confidentiality.~~

~~The District recognizes that it is in the best interest of all parties to a complaint for resolution to occur expeditiously. To that end, and to the extent feasible, it is the District's intent that all complaints be resolved in the least amount of time possible and at the lowest level possible.~~

~~Nothing in this procedure shall affect the right of the complainant to pursue the matter with any state or federal enforcement agency. Complaints may be filled concurrently with an external agency.~~

*Rio Hondo Community College District is to provide an educational and employment environment in which no person shall be unlawfully denied full and equal access to, the benefits of, or be unlawfully subjected to discrimination, in whole or in part, on the basis of national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, military and veterans status, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics, in any program or activity. Such discrimination is prohibited by California Government Code sections 11135 through 11139.5, the Sex Equity in Education Act (Ed. Code, § 66250 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), section 508 of the Rehabilitation*

*Act of 1973 (29 U.S.C. § 794d), the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12100 et seq.) and/or the Age Discrimination Act (42 U.S.C. § 6101).*

*Rio Hondo Community College District is to provide an educational and employment environment free from unwelcome sexual advances, requests for sexual favors, sexual favoritism, or other verbal or physical conduct or communications constituting sexual harassment.*

*Rio Hondo Community College District is to comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973 in the development, procurement, maintenance, or use of electronic or information technology and respond to and resolve unlawful discrimination complaints regarding accessibility. Such complaints will be treated as complaints of discrimination on the basis of disability.*

## II. District Compliance Officer

### Definitions

~~The District Compliance Officer is the responsible officer designated by the district to receive and process complaints and to coordinate investigations of unlawful discrimination or sexual harassment under this procedure.~~ The District Compliance Officer **also** serves as the Title IX, ADA, and Section 504 Coordinator. The Compliance Officer is the "responsible District officer" charged with receiving *all complaints of unlawful discrimination or harassment complaints filed pursuant to Title 5, section 59328,* and coordinating their investigation. The actual investigation of complaints may be assigned to a *third party investigator* (outside persons or organizations) ~~under contract with the District.~~ *Such delegation procedures will be used whenever the District Compliance Officer is named in the complaint or is implicated by the allegations in the complaint. The District Compliance Officer (or third party investigator) shall disclose any real or perceived conflicts of interest and may be required to delegate the responsibility to investigate to another impartial investigator.*

~~**Complainant:** An individual who believes s/he has been unlawfully discriminated or sexually harassed.~~

~~**Respondent:** The individual who allegedly unlawfully discriminated or sexually harassed the complainant.~~

~~**Days:** As used in this procedure means calendar days. Administrators, faculty members, other District employees, and students shall direct all complaints of unlawful discrimination to the~~

~~responsible District officer.~~

### III. Filing a Timely Complaint

Since failure to report harassment and discrimination impedes the District's ability to stop the behavior, the District strongly encourages ~~employees and students~~ *anyone* who believes ~~they are~~ *he/she is* being harassed or discriminated against to file a complaint. The District also strongly encourages the filing of such complaints *as soon as possible following an* ~~within 30 days of the~~ alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

~~Complaints not involving employment shall be filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation of unlawful discrimination.~~

~~Complaints alleging discrimination in employment shall be filed within 180 days of the date of the alleged unlawful discrimination, except that this period should be extended by no more than 90 days following the expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.~~

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination; the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

### IV. ~~Communicating that the Conduct is Unwelcome~~ *Communicating Unwelcome Conduct*

The District ~~further~~ encourages *anyone* ~~students and staff to the extent they are comfortable doing so,~~ to ~~let~~ *inform* the offending person ~~know~~ immediately and firmly ~~that the~~ *when* conduct or behavior is unwelcome, offensive, in poor taste and/or inappropriate.

### V. *Who May File a Complaint*

*A complaint may be filed by anyone who believes he/she has been discriminated against or harassed by a student, employee, or third party in violation of Board Policy 3410, Board Policy 3430, or this procedure. In addition, under federal civil rights laws referenced in Section I. (Purpose) complaints of ~~Allegations of unlawful discrimination or harassment~~ may be filed ~~made by parties who have not~~*

*personally suffered unlawful discrimination or harassment.*

## **VI. Where to File a Complaint**

*Anyone who believes he/she has been discriminated against or harassed in violation of Board Policy 3410, Board Policy 3430, or this procedure may make a complaint orally or in writing within one year of the date of the alleged discrimination or harassment, or the date on which the complainant knew or should have known of the facts underlying the complaint. The District Compliance Officer is located in the Student Services Building, Room SS-204, and can be reached at (562) 908-3498.*

## **VII. Informal/Formal Complaint Procedure**

*When a person brings a charge(s) of unlawful discrimination or harassment to the attention of the District's Compliance Officer, that officer will:*

- (1) Undertake efforts to informally resolve the charges;*
- (2) Advise the complainant that he/she need not participate in informal resolution;*
- (3) Notify the person of his or her right to file a formal complaint and explain the procedure for doing so;*
- (4) Assure the complainant that he/she will not be required to confront, or work out problems with the person accused of unlawful discrimination or harassment;*
- (5) Advise the complainant that he/she may file a non-employment based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction.*
- (6) If the complaint is employment-related, the complainant should also be advised that he or she may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the Department of Fair Employment and Housing (DFEH) where such a complaint is within that agency's jurisdiction.*

*Efforts at informal resolution need not include any investigation unless the District Compliance Officer determines that an investigation is warranted by the seriousness of the charges. Selecting an informal resolution does not extend the time limitations for filing a formal complaint. Efforts at informal resolution may continue after the filing of a formal written complaint, but after a complaint is filed an investigation is required to be conducted pursuant to Title 5, section 59334, and will be completed unless the matter is informally resolved and the complainant dismisses the complaint in writing. Even if the complainant does dismiss the complaint, the District Compliance Officer may require the investigation to continue if he/she determines that the allegations are serious*

*enough to warrant an investigation. Any efforts at informal resolution after the filing of a written complaint will not exceed the 90-day period for rendering the administrative determination pursuant to Title 5, section 59336.*

*In employment-related cases, if the complainant also files with the Department of Fair Employment and Housing or with the U.S. Equal Employment Opportunity Commission, a copy of that filing will be sent to the State Chancellor's Office requesting a determination of whether further investigation under Title 5 is required. Unless the State Chancellor's Office determines that a separate investigation is required, the District will discontinue its investigation under Title 5 and the matter will be resolved through the Department of Fair Employment and Housing or the U.S. Equal Employment Opportunity Commission.*

*The District will allow for representation where required by law or collective bargaining agreement and may allow for representation in other circumstances on a case-by-case basis.*

**V. Informal Complaint**

~~The purpose of this informal complaint process is to allow an individual who believes s/he have been sexually harassed to resolve the issue through a mediation process rather than the more formal process provided by the District. If it is determined that unlawful discrimination or sexual harassment has taken place, resolution may require nothing more than an apology from the respondent and an assurance that the offending behavior will cease. It is not a requirement for an individual to communicate or confront the individual whose conduct is discriminatory or offensive. The District Compliance Officer or designee shall promptly investigate all potential violations of the college policy against discrimination, of which he or she becomes aware. Such an investigation may be initiated on the basis of an informal complaint, a referral from a supervisor or employee, or any other source of information indicating a potential violation of the college policy against discrimination.~~

~~The steps of the informal complaint process are as follows:~~

~~A. If an individual believes s/he has been unlawfully discriminated or sexually harassed by another whose conduct or behavior is believed to be discriminatory or offensive, s/he may file an informal complaint with the District Compliance Officer.~~

~~B. The District Compliance Officer will counsel the complainant regarding the unlawful discrimination or sexual harassment policy and complaint procedure.~~

*Purple font represents recommended language from Chancellor's Office (Model Policy)*

*Blue font represents recommended language/legal wording from CCLC*

*Red font represents omissions based on recommendations from Chancellor's Office and CCLC*

~~C. The District Compliance Officer will advise the complainant that he or she;~~

- ~~1. Need not participate in the informal resolution;~~
- ~~2. May file his or her non-employment-based complaint with the U.S. Department of Education, Office of Civil Rights;~~
- ~~3. May file his or her employment-based complaint with the U.S. Equal Employment Opportunity Commission and/or the California Department of Fair Employment and Housing;~~
- ~~4. May file a formal complaint pursuant to Title V, 5932~~

~~D. The complainant's allegation of unlawful discrimination or sexual harassment shall be kept confidential and used only to provide a factual basis for resolving the complaint, except as may be required or permitted by law, which includes policies and procedures of the District. The District Compliance Officer will explain to the complainant the nature and extent of the confidentiality provided by this process.~~

~~E. Within 10 calendar days of receipt of the informal complaint, the District Compliance Officer shall contact the respondent in an attempt to resolve the matter informally. The respondent will be asked to provide a response to the allegations.~~

~~F. Within 10 calendar days of discussing the matter with the respondent, the District Compliance Officer will review the statements made by both the complainant and the respondent and meet individually with each party in an attempt to resolve the matter.~~

~~G. If the matter cannot be resolve, the District Compliance Officer will convey this information to both parties. The complainant will be informed of his/her right to file a formal complaint under this procedure or to file a complaint with any appropriate state or federal enforcement agency.~~

~~H. The informal process must be completed within a maximum of thirty (30) calendar days.~~

### **VIII. *Filing a Formal Written Complaint***

~~A student or employee who believes he or she has been discriminated against or harassed in violation of these policy and procedures may make~~

## DISCRIMINATION AND HARASSMENT INVESTIGATIONS

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~~complaint orally or in writing. Any complaint not involving employment shall be filed within one year of the date of the alleged discrimination/harassment or the date on which the complainant knew or should have known of the facts underlying the complaint.~~

~~Any complaint alleging discrimination/harassment in employment shall be filed within 180 days of the date of the alleged discrimination/harassment occurred, except that this period should be extended by no more than 90 days following the expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.~~

If a complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, he or she should be advised, *but not required*, to file the complaint on a form prescribed by the Chancellor's Office. The approved form is available from the District Compliance Officer, *at the Rio Hondo College Website, and also at the State Chancellor's Office website.*, ~~at the following URL:~~

~~<http://www.cccco.edu/ChancellorsOffice/Divisions/Legal/Discrimination/tabid/294/Default.aspx>~~

The completed form must be filed with the District Compliance Officer *or mailed directly to the* State Chancellor's Office of the California Community Colleges.

*If a complaint of unlawful discrimination or harassment is presented in another written format, such as a letter, the District may request that the complainant complete the form. Every effort should be made to have the complaint filed on this form and to obtain the complainant's signature. However, where a complainant has indicated that he or she wishes to pursue the formal complaint process, a complaint should not be rejected solely based on the failure to file the complaint on this form. If there is a delay in obtaining a completed form, or the complainant refuses to transfer the information or otherwise complete the form but wishes to pursue the formal complaint process, the District will attach the letter to the form and open a formal investigation. While a complaint filed in an improper form is still procedurally defective under title 5 standards, the merits of the complaint itself may still be valid and must be addressed.*

*Once a complaint is filed, the individual(s) accused of engaging in unlawful discriminatory or harassing conduct should be advised of that filing and the general nature of the complaint. The District will take appropriate and reasonable action to ensure that the alleged behavior does not continue while the investigation is being conducted. This should occur as soon as*

*possible and in a manner that is appropriate under the circumstances. The District will also advise the accused that an assessment of the accuracy of the allegations has not yet been made, that the complaint will be investigated, that the accused will be provided an opportunity to present his/her side of the matter, and that any conduct that could be viewed as retaliatory against the complainant or any witnesses must be avoided.*

~~Employee complainants shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH).~~

~~Complaints filed with the EEOC and/or the DFEH should be forwarded to the Chancellor's Office. Any District employee who receives a harassment or discrimination complaint shall notify the District Compliance Officer immediately.~~

## ~~VII. Intake and Processing of the Complaint~~

~~Upon receiving notification of a harassment or discrimination complaint, the District Compliance Officer shall:~~

- ~~• Undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing informal counseling and/or training, etc.~~
- ~~• Advise the complainant that he or she need not participate in an informal resolution of the complaint, as described above, and that he or she may file a complaint with the Office of Civil Rights of the U.S. Department of Education. The Compliance Officer shall also notify the Chancellor of California Community Colleges of the complaint.~~
- ~~• Authorize the investigation of the complaint and supervise and/or conduct a thorough, prompt and impartial investigation of the complaint, as set forth below. Where complainants opt for informal resolution, the designated officer will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. In the case of a formal complaint, the investigation will include interviews with the complainant, the accused, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.~~
- ~~• Review the factual information gathered through the investigation to~~

~~determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.~~

- ~~• Set forth the results of the investigation in a written report. The written report shall include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint, and any other appropriate information.~~
- ~~• In any case not involving employment discrimination, within 90 days of receiving a complaint, the district shall complete its investigation and forward a copy of the investigative report to the Chancellor and a copy or summary of the investigative report to the complainant. The Chancellor, complainant and accused shall also be provided with a written notice setting forth the determination of the [CEO or designee] as to whether harassment or other discriminatory conduct did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the parties' rights to appeal to the District's Board of Trustees and the state Chancellor's Office. The results of the investigation and the determination as to whether harassment or other discriminatory conduct occurred shall also be reported to the accused, and the appropriate academic or administrative official(s). Reports to the complainant shall be prepared so as not to violate any applicable privacy rights of the accused. In any case involving employment discrimination, within 90 days of receiving a complaint, the district shall complete its investigation and forward a copy or summary of the investigative report to the complainant and a written notice setting forth the determination of the [CEO or designee] as to whether harassment or other discriminatory conduct did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the parties' rights to appeal to the District's Board of Trustees and to file a complaint with the Department of Fair Employment and Housing. The results of the investigation and the determination as to whether harassment or other discriminatory conduct occurred shall also be reported to the accused, and the appropriate academic or administrative official(s). Reports to the complainant shall~~

~~be prepared so as not to violate any applicable privacy rights of the accused.~~

**IX. Threshold Requirements Prior to Investigation of a Formal Complaint**

*When a formal written complaint is filed it will be reviewed by the District Compliance Officer to determine if the complaint meets the following requirements:*

- *The complaint must allege unlawful discrimination or harassment prohibited under Title 5, section 59300.*
- *A complaint under Title 5<sup>1</sup> must be filed by one who alleges that he or she has personally suffered unlawful discrimination or harassment or by one who has learned of such unlawful discrimination or harassment in his or her official capacity as a college employee.*
  - *In addition, under the federal civil rights laws referenced in Section I (Purpose), ~~on page 1 above~~ this procedure also covers complaints of discrimination or harassment filed by someone, such as a representative, a family member, or other third party, on behalf of an individual or group of individuals alleged to have suffered unlawful discrimination or harassment.*
- *In any complaint not involving employment, the complaint must be filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the specific incident or incidents of alleged unlawful discrimination or harassment.*
- *In any complaint alleging unlawful discrimination or harassment in employment, the complaint shall be filed within 180 days of the date the alleged unlawful discrimination or harassment occurred, except that this period will be extended by no more than 90 days following the expiration of that 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of 180 days.*

**X. Defective Complaint**

*If a complaint is found to be defective it will be immediately returned to the*

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<sup>1</sup> *The portions of this procedure that pertain to communication with the State Chancellor's Office, and the appeal to that Office, do not apply unless the complainant meets the definition of complainant contained in Title 5, section 59328(a).*

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*complainant with a complete explanation of why an investigation will not be initiated under California Code of Regulations, Title 5, section 59300 et seq. The notice will inform the complainant that the complaint does not meet the requirements of section 59328 of Title 5, and shall specify in what requirement the complaint is defective. A copy of the notice to the complainant will also be sent to the State Chancellor's Office.*

**XI. Notice to State Chancellor or District**

*A copy of all formal complaints filed in accordance with the Title 5 regulations will be forwarded to the State Chancellor's Office immediately upon receipt, regardless of whether the complaint is brought by a student or by an employee. Similarly, when the State Chancellor's Office receives a complaint a copy will be forwarded to the District immediately.*

**XII. Investigation of the Complaint**

*Rio Hondo Community College District recognizes the importance of and is therefore committed to completing investigations and resolving complaints as quickly as possible, consistent with the requirements for a thorough investigation.*

The District shall promptly investigate every complaint of discrimination or harassment. No claim of ~~workplace or academic~~ *unlawful discrimination or harassment shall remain unexamined. The District shall investigate complaints involving acts that occur off campus if they are related to an academic or work activity. This includes complaints involving activities in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, on a District bus, or at a class or training program sponsored by the District at another location.* As set forth above, where the complainant opts for an informal resolution, the Compliance officer may limit the scope of the investigation, as appropriate. ~~The District will keep the investigation confidential to the extent possible, but cannot guarantee absolute confidentiality because release of some information on a "need-to-know-basis" is essential to a thorough investigation.~~

- Investigation Steps. The District will fairly and objectively investigate unlawful discrimination and harassment complaints utilizing the following steps, *but not limited to:* interviewing the complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses *and evidence identified by each party*, if any; *identifying and interviewing any other witnesses, if necessary*; reminding all individuals

interviewed of the District's no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved parties; reach a conclusion as to the allegations and **any-**take appropriate disciplinary and remedial action, *if necessary*; and see that all recommended action(s) **is** are carried out in a timely fashion.

- **Timeline for Completion.** The District will undertake its investigation promptly and swiftly as possible. To that end, the *District Compliance Officer (or third party investigator)* shall complete the above steps, and prepare a written report within 90 calendar days of the District receiving the complaint.
- **Cooperation Encouraged.** All employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment or discrimination is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.

**XIII. Administrative Determination**

*When the District evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred.*

*In any case not involving employment discrimination or harassment, within 90 days of receiving an unlawful discrimination or harassment complaint filed under Title 5, sections 59300 et seq., the District Compliance Officer (or third party investigator) will complete the investigation and forward a copy of the investigative report to the State Chancellor, a copy of the summary of the report to the complainant, and written notice setting forth all the following to both the complainant and the State Chancellor<sup>2</sup>:*

*(a) the determination of the District Compliance Officer (or third party investigator) as to whether there is probable cause to believe unlawful*

<sup>2</sup> For non-employment complaints filed under the federal civil rights statutes referenced in Section I, a copy of the summary report and written notice shall be forwarded only to the complainant.

*Purple font* represents recommended language from Chancellor's Office (Model Policy)

*Blue font* represents recommended language/legal wording from CCLC

*Red font* represents omissions based on recommendations from Chancellor's Office and CCLC

- discrimination or harassment occurred with respect to each allegation in the complaint;*
- (b) a description of actions taken, if any, to prevent similar problems from occurring in the future;*
- (c) the proposed resolution of the complaint; and*
- (d) the complainant's right to appeal to the District governing board and, for Title 5 complaints, to the State Chancellor.*

*In any case involving employment discrimination, within 90 days of receiving an unlawful discrimination or harassment complaint filed under Title 5, sections 59300, et seq., the District Compliance Officer (or third party investigator) will complete the investigation and forward a copy of the summary of the report to the complainant, and written notice setting forth all the following to the complainant:*

- (a) the determination of the District Compliance Officer (or third party investigator) as to whether there is probable cause to believe discrimination or harassment occurred with respect to each allegation in the complaint;*
- (b) a description of actions taken, if any, to prevent similar problems from occurring in the future;*
- (c) the proposed resolution of the complaint; and*
- (d) the complainant's right to appeal to the District governing board and to file a complaint with the Department of Fair Employment and Housing or the U.S. Equal Employment Commission.*

*The District will keep these documents on file for a period of at least three years after closing the case, and make them available to the State Chancellor upon request.*

**XIV. Discipline and Corrective Action**

If harassment, discrimination and/or retaliation occurred in violation of *Board Policy 3410, Board Policy 3430, or this procedure*, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense. *Remedies for the complainant might include, but are not limited to:*

- *ensuring that the complainant and alleged perpetrator do not attend the same classes or work in the same work area;*
- *providing counseling services;*

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- *arranging for a student-complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record;*
- *reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the discrimination or harassment and the misconduct that may have resulted in the complainant being disciplined; and*
- *preventing offending third parties from entering campus*

If discipline is imposed, the nature of the discipline will generally not be communicated to the complainant. *However, the District may disclose information about the sanction imposed on an individual who was found to have engaged in discrimination or harassment when the sanction directly relates to the complainant; for example, the District may inform the complainant that the harasser must stay away from the complainant. A victim of discrimination or harassment who is informed of disciplinary action must keep that information confidential.*

*Employees, students, or other persons acting on behalf of the District who engage in unlawful discrimination or harassment as defined in this policy or by state or federal law may be subject to discipline, up to and including discharge, expulsion, or termination of contract.*

Disciplinary actions against faculty, staff and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to protect the complainant from further unlawful harassment, and/or discrimination, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint and/or assisting in the investigation. *The District will ensure that complainants and witnesses know how to report any subsequent problems, or any retaliation, or new incidents of discrimination or harassment.* The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.

#### **XV. Complainant's Appeal Rights**

*Complainants have appeal rights they may exercise if they are not satisfied with the results of the District's administrative determination. At the time the*

*administrative determination and summary is mailed to the complainant, the District Compliance Officer or his/her designee shall notify the complainant of his or her appeal rights as follows:*

- First level of appeal: The complainant has the right to file an appeal to the District's governing board within 15 days from the date of the administrative determination. The District's governing board will review the original complaint, the investigative report, the administrative determination, and the appeal.*
- The District's governing board will issue a final District decision in the matter within 45 days after receiving the appeal. Alternatively, the District's governing board may elect to take no action within 45 days, in which case the original decision in the administrative determination will be deemed to be affirmed and shall become the final District decision in the matter. A copy of the final decision rendered by the District's governing board will be forwarded to the complainant and for Title 5 complaints, to the State Chancellor's Office.*
- Second level of appeal: The complainant has the right to file an appeal with the California Community College Chancellor's Office in any Title 5 case not involving employment-related unlawful discrimination or harassment within 30 days from the date that the governing board issues the final District decision or permits the administrative determination to become final by taking no action within 45 days. The appeal must be accompanied by a copy of the decision by the governing board or evidence showing the date on which the complainant filed an appeal with the governing board, and a statement under penalty of perjury that no response was received from the governing board within 45 days from that date. In any case involving employment discrimination or harassment, the complainant has the right to file a complaint with the Department of Fair Employment and Housing (DFEH) where the case is within the jurisdiction of that agency.*

*Complainants must submit all appeals in writing. The Title 5 process provides no corresponding appeal rights to any other parties aside from the complainants. If the District imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the disciplinary decision using the procedure for appealing a disciplinary decision. The complainant will be notified if such an appeal is filed, and will be given an opportunity to respond.*

**X. Appeals**

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~~If the complainant is not satisfied with the results of the administrative determination, he or she may, within fifteen (15) days, submit a written appeal to the Board of Trustees. The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the complainant and to the State Chancellor's Office. The complainant shall also be notified of his or her right to appeal this decision.~~

~~If the Board does not act within forty five (45) days the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.~~

~~The complainant shall have the right to file a written appeal with the state Chancellor's Office within thirty days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Section 59350 of Title 5 of the California Code of Regulations.~~

~~In any case involving employment discrimination, including workplace harassment, the complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the Department of Fair Employment and Housing. In such cases, the complainant may also file a petition for review with the state Chancellor's Office within thirty days after the governing board issues the final decision or permits the administrative decision to become final.~~

~~Within 150 days of receiving a formal complaint, the District shall forward to the state Chancellor's Office the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Board or indicating the date upon which the decision became final, and a copy of the notification to the complainant of his or her appeal rights. If, due to circumstances beyond its control, the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.~~

## **XVI. Extensions**

*If for reasons beyond its control, the District is unable to comply with the 90-day or 150-day deadlines specified above for submission of materials to the*

*complainant and the State Chancellor's Office, the District Compliance Officer will file a written request that the State Chancellor grant an extension of the deadline. Where an extension is deemed necessary by the District, it must be requested from the State Chancellor regardless of whether or not the case involves employment discrimination. The request will be submitted no later than 10 days prior to the expiration of the deadlines established by Title 5 in sections 59336 and/or 59340 and will set forth the reasons for the request and the date by which the District expects to be able to submit the required materials.*

*A copy of the request for an extension will be sent to the complainant, who will be advised that he or she may file written objections with the State Chancellor within 5 days of receipt.*

*The State Chancellor may grant the request unless delay would be prejudicial to the investigation. If an extension of the 90-day deadline is granted by the State Chancellor the 150-day deadline is automatically extended by an equal amount.*

#### **XVIII. Confidentiality of the Process**

*The District will keep the investigation confidential to the extent possible, but cannot guarantee absolute confidentiality because release of some information on a "need-to-know-basis" is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors: the seriousness of the alleged discrimination or harassment; the complainant's age; whether there have been other discrimination or harassment complaints about the same individual; and the accused individual's rights to receive information about the allegations if the information is maintained by the District as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15. The District will inform the complainant if it cannot maintain confidentiality.*

*If a complainant insists that his or her name not be revealed, the District Compliance Officer (or third party investigator) should take all reasonable steps to investigate and respond to the complaint consistent with the complainant's request as long as doing so does not jeopardize the rights of other students or employees.*

*Complainants, witnesses, and those accused of discrimination or harassment shall be informed of the possibility that they may be charged with allegations of defamation if they circulate the charges outside of the District's process. Persons who discuss their claims with persons outside of the process may*

*expose themselves to tort charges. Complainants, witnesses, and those accused of discrimination or harassment will be asked to sign a confidentiality acknowledgement statement.*

**XIX. Retaliation**

*It is unlawful for anyone to retaliate against someone who files an unlawful discrimination or harassment complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of the District's unlawful discrimination and harassment policy.*

If an individual believes *she/he* has been subject to retaliation, the individual may file an additional or amended complaint with the District Compliance Officer. The District Compliance Officer (*or third party investigator*) shall investigate the claim of retaliation in accordance with these procedures.

If the District Compliance Officer (*or third party investigator*) determines that the complaint of retaliation is valid, in addition to any other remedies which may be appropriate (such as disciplinary action), the appropriate District administrator/manager shall take all necessary steps to end the retaliatory behavior as quickly as possible and shall provide counseling to the person performing the retaliation regarding the rights of complainants to be free from retaliation.

**XX. Academic Freedom**

*Rio Hondo Community College District Governing Board reaffirms its commitment to academic freedom, as defined in BP 4030, but recognizes that academic freedom does not allow any form of unlawful discrimination. Nothing in these policies and procedures shall be interpreted to prohibit bona fide academic requirements for a specific community college program, course or activity.*

*When investigating unlawful discrimination or harassment complaints containing issues of academic freedom, the District will consult with a faculty member appointed by the Academic Senate with respect to contemporary practices and standards for course content and delivery.*

*Reference: Cohen v. San Bernardino Valley College (1995) 883 F.Supp. 1407, 1412-1414, affd. in part and revd. in part on other grounds, (1996) 92 F.3d 968; Cal. Code Regs., tit. 5, § 59302*

**XXI. Dissemination of Policy and Procedures**

*All college employees will be provided with a copy of the District's written policy on unlawful discrimination and harassment at the beginning of the fall semester of each new academic year.*

*District policy and procedures related to harassment will include information that specifically addresses sexual violence. District Policy and Procedures related to harassment will be made available in the college catalog, emailed provided to all students and college employees, ~~faculty members, members of the administrative staff and members of the support staff~~ and will be posted on the District's website.*

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file.

**XXII. Notice, Training, and Education for Students and Employees**

*Rio Hondo Community College District's Compliance Officer, or designee, shall make arrangements for or provide training to employees and students on the District's unlawful discrimination and harassment policy and procedures.*

*A workshop or informational session will be made available to all District employees at least once annually. Because of their special responsibilities under the law, supervisors will undergo mandatory training within six months of assuming a supervisory position and every two years thereafter. In years in which a substantive policy or procedural change has occurred all District employees will attend a training update and/or receive a copy of the revised policies and procedures.*

*A workshop or informational session will be made available to all students at least once annually. The student workshop or informational session will include an explanation of the policy, how it works, and how to file a complaint. The session will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate District and law enforcement authorities. In addition, a copy of the District's written policy on unlawful discrimination and harassment, as it pertains to students, will be distributed to all students through the student portal at the beginning of each fall semester.*

~~By January 1, 2006, The District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees who are employed as of July 1, 2005. All new supervisory employees must be provided with the training and education within six months of their assumption of a supervisory position. After January 1, 2006,~~

~~the District shall provide sexual harassment training and education to each supervisory employee once every two years.~~

The training and education required by this procedure shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of discrimination and harassment on all bases covered by this procedure, and the remedies available to victims of discrimination and harassment ~~in employment.~~

**XXIII. Definitions**

*Definitions applicable to nondiscrimination policies are as follows:*

- *"Accused" means the individual who allegedly unlawfully discriminated against or harassed the complainant*
- *"Appeal" means a request by a complainant made in writing to the Rio Hondo Community College District governing board pursuant to title 5, section 59338, and/or to the State Chancellor's Office pursuant to title 5, section 59339, to review the administrative determination of the District regarding a complaint of discrimination.*
- *"Association with a person or group with these actual or perceived characteristics" includes advocacy for or identification with people who have one or more characteristics of a protected category listed under "Unlawful Discrimination Policy" and title 5, section 59300, participation in a group associated with persons having such characteristics, or use of a facility associated with use by such persons.*
- *"Complaint" means a written and signed statement meeting the requirements of title 5, section 59328<sup>3</sup> that alleges unlawful discrimination in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges, as set forth at title 5, sections 59300 et seq.*
- *"Complainant" means anyone who alleges that he or she has personally suffered unlawful discrimination in violation of these policies and procedures, or a person who has learned of such unlawful discrimination, including a faculty member, administrator, student, family member, or other third party who files on behalf of an individual or group alleged to have suffered discrimination or harassment.*
- *"Days" means calendar days.*
- *"Gender" means sex, and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.*

<sup>3</sup> See section VIII., Filing a Formal Written Complaint.

*Purple font represents recommended language from Chancellor's Office (Model Policy)*

*Blue font represents recommended language/legal wording from CCLC*

*Red font represents omissions based on recommendations from Chancellor's Office and CCLC*

- *"Mental disability" includes, but is not limited to, all of the following:*
  - (1) *Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:*
    - (A) *"Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.*
    - (B) *A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.*
    - (C) *"Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.*
  - (2) *Any other mental or psychological disorder or condition not described in paragraph (1) that requires specialized supportive services.*
  - (3) *Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the District.*
  - (4) *Being regarded or treated by the District as having, or having had, any mental condition that makes achievement of a major life activity difficult.*
  - (5) *Being regarded or treated by the District as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2). "Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.*
- *"Physical disability" includes, but is not limited to, all of the following:*
  - (1) *Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:*
    - (A) *Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.*
    - (B) *Limits a major life activity. For purposes of this section:*
      - (i) *"Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself*

*limits a major life activity.*

*(ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.*

*(iii) "Major life activities" shall be broadly construed and include physical, mental, and social activities and working.*

*(2) Any other health impairment not described in paragraph (1) that requires specialized supportive services.*

*(3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the District.*

*(4) Being regarded or treated by the District as having, or having had, any physical condition that makes achievement of a major life activity difficult.*

*(5) Being regarded or treated by the District as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).*

*(6) "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.*

- *"District" means Rio Hondo Community College District or any District program or activity that is funded directly by the state or receives financial assistance from the state. This includes the District Personnel Commission and any other organization associated with the District or its college(s) that receives state funding or financial assistance through the District.*
- *"Respondent" means the individual who allegedly unlawfully discriminated or sexually harassed the complainant.*
- *"Responsible District Officer" means the officer identified by the District to the State Chancellor's Office as the person responsible for receiving complaints filed pursuant to title 5, section 59328, and coordinating their investigation.*
- *"Sex" includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. 'Sex' also includes, but is not limited to, a person's gender, as defined in section 422.56 of the Penal Code. Discrimination on the basis of sex or gender also includes sexual harassment.*
- *"Sexual harassment" is unlawful discrimination in the form of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the workplace or in the educational setting, and*

includes but is not limited to:

- (1) Making unsolicited written, verbal, physical, and/or visual contacts with sexual overtones. (Examples of possible sexual harassment that appear in a written form include, but are not limited to: suggestive or obscene letters, notes, invitations. Examples of possible visual sexual harassment include, but are not limited to: leering, gestures, display of sexually aggressive objects or pictures, cartoons, or posters.)
  - (2) Continuing to express sexual interest after being informed that the interest is unwelcomed.
  - (3) Making reprisals, threats of reprisal, or implied threats of reprisal following a rebuff of harassing behavior. The following are examples of conduct in an academic environment that might be found to be sexual harassment: threatening to withhold, or actually withholding, grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
  - (4) Engaging in explicit or implicit coercive sexual behavior within the work environment which is used to control, influence, or affect the employee's career, salary, and/or work environment.
  - (5) Engaging in explicit or implicit coercive sexual behavior within the educational environment that is used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
  - (6) Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.
  - (7) Awarding educational or employment benefits, such as grades or duties or shifts, recommendations, reclassifications, etc., to any student or employee with whom the decision maker has a sexual relationship and denying such benefits to other students or employees.
- "Sexual orientation" means heterosexuality, homosexuality, or bisexuality.
  - "Unlawful discrimination" means discrimination based on a category protected under title 5, section 59300, including retaliation and sexual harassment.

#### **XXIV. Record Retention**

*Unlawful discrimination and harassment records that are part of an*

*employee's employment records may be classified as permanent records and retained indefinitely in accordance with Title 5, California Code of Regulations, section 59022.*

**Reference:**

*In so providing, Rio Hondo Community College District hereby implements the provisions of California Government Code ~~Such discrimination is prohibited by California Government Code~~ sections 11135 through 11139.5, the Sex Equity in Education Act (Ed. Code, § 66250 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12100 et seq.) and the Age Discrimination Act (42 U.S.C. § 6101).*

Education Code Section 66281.5; Government Code 12950.1; Title 5, Sections 59320, 59324, 59326, 59328, and 59300 et seq.; 34 C.F.R. Section 106.8(b)