ACADEMIC FREEDOM POLICY

Institutions of higher learning exist for the common good and not to further the interest of either the individual instructor or the institution as a whole. The common good depends on the uninhibited search for truth and its open expression, and to this end both faculty and students must hold the right of full freedom of inquiry and expression.

Academic freedom is equally essential to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom is fundamental to the protection of the rights of the instructor in teaching and to the student in learning.

Academic freedom cannot be separated from academic and professional responsibility.

Instructors have the right to study and investigate, to interpret their findings, and express conclusions. Instructors may present views that are controversial and may evaluate opinions held by others, while respecting the right of free expression.

Academic freedom does not include use of discriminatory, discourteous, offensive, abusive conduct or language toward students, supervisors, other employees, or the public while in performance of District employment.

ACADEMIC SENATE

The Academic Senate at Evergreen Valley College represents the faculty on academic and professional matters. It plays a key role in the college’s quadripartite governance structure. The Academic Senate is represented at all Board of Trustees meetings, and its members serve on numerous campus committees, which it either initiates or to which it provides faculty representation.

As the faculty’s official representative, and in accordance with Assembly Bill 1725, the Academic Senate is involved in all academic matters affecting instruction. In this regard, the Senate is an important part of the governance structure of the college and an equally important source of information to the campus and outside community.

By representing the widest possible cross section of the faculty, the Academic Senate is an important source for information and opinion gathering. The Academic Senate wants to be informed of all academic problems, concerns, projects, proposals, and activities throughout the campus. Academic Senate meetings are scheduled twice a month (normally, the first and third Tuesdays of the month, 3-5 p.m.).

Academic Senate office is located in A3-205; hours are Monday through Thursday, 9 a.m. to 5 p.m., and Fridays, 9 a.m. to 4 p.m. Telephone (408) 274-7900, ext. 6533.
CHAPTER 8: CAMPUS AND DISTRICT POLICIES

STUDENT-RIGHT-TO-KNOW ACT

In accordance with the Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542), the Student Right to Know and Campus Security Act, Evergreen Valley College will collect as of August 1, 1991, and distribute an annual crime report as required by this legislation. Student-Right-to-Know requires all colleges to publish annual transfer and completion rates along with Campus Crime Rates & Security Report. The report is made available to the community by September 1st of each year.

Federal Regulations

In compliance with the federal Student-Right-to-Know Act of 1990, Evergreen Valley College collects and reports statistics regarding criminal activity on campus. The incident report is available at http://www.sjeccd.edu/district-services/district-police/the-jeanne-clery-act. This information contains daily incidents police personnel are involved in and are called to. The Student-Right-to-Know information is available at each of the police stations on campus for viewing.

Transfer & Completion Rates

In conformity with Student-Right-to-Know Act, EVC makes available its completion & transfer rates to all current perspective students. Fall 2011 Cohort, Completion Rate is 23.60% and Transfer Rate is 13.87%.

DRUG-FREE WORKPLACE POLICY

In accordance with the Drug-Free Workplace and the Drug-Free Schools and Communities Acts, it is the policy of the San José/Evergreen Community College District to provide a drug-free campus community and workplace. The unlawful manufacture, possession, distribution, or use of a controlled substance is prohibited on the campuses and District facilities. Violation of this standard may result in dismissal under the applicable regulations of Title V of the California Code of Regulations and will be subject to civil and criminal penalties.

For more explicit information on this policy and its sanctions, contact:

District Human Resources Director
San José/Evergreen Community College District Offices
(408) 270-6406

EVC Director of Student Life
(408) 274-7900, ext. 6867

ALCOHOL AND DRUG ABUSE PREVENTION AND TREATMENT INFORMATION

A resource list of available community resources and health education materials are located in Health Services, along with psychological services for intervention and support. Students who need information regarding substance abuse are encouraged to visit Student Health Services located at SC124, or call us at 408-270-6480.

NON-SMOKING POLICY

Evergreen Valley College is a smoke free campus. Smoking is permitted in the designated areas within the parking lots only.

STATEMENT OF NONDISCRIMINATION

It is the policy of the San Jose/Evergreen Community College District to provide an educational and employment environment in which no person shall be unlawfully denied in whole or in part full and equal access to, the benefits of, or be subjected to discrimination in any program or activity of the District. This policy prohibits discrimination on the basis of legally protected categories which include ethnic group identification, race, color, language, accent, immigration status, ancestry, national origin, age, sex or gender, gender identity, religion, sexual orientation, marital status, medical condition, veteran status, physical or mental disability, or on the basis of these perceived characteristics or based on association with a person or group with one or more of these actual or perceived characteristics. Conduct need not arise to the level of a violation of law in order to violate this policy.

Zero Tolerance

It is the highest priority of the San José/Evergreen Community College District to maintain a working and learning environment for every student, District employee and campus visitor that is free from discrimination and harassment. Every District employee and student should be treated with dignity and respect. To achieve this goal the District will have zero tolerance against behavior that amounts to discrimination or harassment. Zero tolerance means that in all instances where discrimination or harassment is found, corrective action will be taken in accordance with state law, the District’s collective bargaining agreements and policies. All supervisory personnel will be responsible for maintaining an environment that is free of prohibited discrimination and harassment.

Discrimination

Discrimination is defined as unfavorable or unfair treatment, or preferential treatment of a person or class of persons, or treatment that has an adverse impact on persons or class of persons, on the basis of any of the above referenced legally protected categories. This policy pertains to all board actions, to all employment practices, to all student related matters, and to the community’s ability to access the District’s programs, services and use of campus facilities.

Harassment

Harassment is a form of discrimination and is therefore also prohibited. Harassment means verbal, written, graphic or physical conduct relating to an individual’s membership in any of the above referenced legally protected categories that has the purpose or effect of:

a) Creating an intimidating, hostile or offensive working or learning environment; or,

b) Substantially or unreasonably interfering with an individual’s work or academic performance; or,

c) Otherwise adversely affecting an individual’s employment or academic opportunities.

Harassment can include any unwelcome verbal, written or physical conduct, which offends, denigrates, or belittles any individual because of any of the characteristics described above. Such conduct includes, but is not limited to unsolicited derogatory remarks, jokes, demeaning comments or behavior,
slurs, mimicking, name calling, graffiti, gestures, physical contact, stalking, threatening, bullying, extorting or the display or circulation of offensive written materials or pictures.

**Sexual Harassment**

“Sexual harassment” is defined in College policy as follows: “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or status in a course, program or activity; 2) submission to or rejection of such conduct by an individual is used as a basis for employment or academic (grades, academic progress, internships, etc) decisions affecting the individual; or 3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance, academic (grades, academic progress, internships, etc.) decisions affecting the individual; or 3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance, academic performance, or creating an intimidating, hostile, or offensive work environment.”

For details on new sexual assault legal action & procedures, please see the Administrative Procedures section at http://www.sjeccd.edu/discover-sjeccd/board-of-trustees/board-policies.

**Discipline**

Any individual who is found to have engaged in discriminatory or harassing behavior will be subject to appropriate corrective and/or disciplinary action.

**Complaint Process**

The District shall maintain a discrimination complaint procedure for employees, students and campus visitors who believe they have been discriminated against or have suffered some form of harassment.

**Confidentiality**

The District recognizes that confidentiality is important to all parties involved in a discrimination or harassment investigation. Confidentiality will be maintained to the extent possible.

**Retaliation Prohibited**

The District will not tolerate retaliation against any individual for initiation, pursuit or assistance with a lawful complaint of discrimination or harassment.

**Where To File An Informal Harassment Or Discrimination Complaint**

Informal complaints may be filed by contacting the designated District and/or Campus Officers, who may accept informal complaints from any location within the San José/Evergreen Community College District.

**Designated Campus Officers:**

Sexual harassment, gender discrimination, and disability discrimination:

Vice-President of Student Affairs SC 205 (408) 223-6749

Disability discrimination and harassment complaints involving students:

Dean of Student Success, SC 230A, (408) 274-7900 ext.6491

All discrimination and harassment complaints:

Director of Diversity, SJECCD Office, Bldg. 2, (408) 274-7900 ext. 6798

Designated District Officer:

Vice Chancellor of Human Resources: Sexual Harassment and discrimination complaints.

**State Compliant Process:**

For detailed information go to: http://californiacommunitycolleges.cccco.edu/ComplaintsForm.aspx.

**How To File A Formal Harassment Or Discrimination Complaint:**

Complaints of sexual harassment or discrimination on the basis of race, color, national origin, ethnic group identification, age, gender, transgender, immigration status, language, accent, religion, sexual orientation, marital status, veteran status, medical condition, physical or mental disability filed against an employee of the District should be directed to the Vice Chancellor of Human Resources or the Diversity Office or to the Vice President of Student Affairs who serves as Title IX Coordinator.

A copy of these procedures, and the District’s Unlawful Discrimination Complaint Forms, are available in the District Human Resources Office, the District Chancellor’s Office and in Office of the Vice President of Student Affairs located in the Mauro Chavez Student Center building, room 205. Forms and procedures can also be obtained at the President’s Office at each campus, the Office of the President of the Associated Student Body, and the Disabled Student’s program at either campus.

An individual may also file a complaint of unlawful discrimination with the Equal Employment Opportunity Commission, 96 N. Third St. Suite 200, San José, CA 95112, or the Department of Fair Employment and Housing, 2570 North First Street, Suite 480, San José, CA 95131, or the Office of Civil Rights of the U.S. Department of Education, 50 Beale Street, Suite 7200, San Francisco, CA 94105 at the time of filing a complaint or during, or after use of the District harassment or discrimination complaint process.

Completed complaint forms are to be given to appropriate department supervisor and one copy mailed or taken to:

Mark Gonzales, Interim Vice President of Student Affairs
Title IX Coordinator
Office of the Vice President, Student Affairs
Evergreen Valley College
Student Center, Room 205
(408) 223.6749

Diversity Office
San José/Evergreen Community College District
4750 San Felipe Rd,
San José, CA 95135
POLICY ON CONSENSUAL RELATIONSHIPS
The District prohibits its employees from engaging in sexual relationships with individuals employed by the District and with whom they have a direct supervisory relationship. Examples include, but are not limited to: managers, supervisors, and their subordinates. Because of the differential in the level of authority, such relationships could lead to charges of coerced submission or sexual harassment, even if there was apparent consent.

In addition, the District prohibits instructors from engaging in consensual sexual relationships with students who are enrolled in a class that they are currently teaching and counselors from engaging in consensual sexual relationships with students whom they are currently counseling.

A manager's, faculty members, or supervisor's liability protection under California statute will not protect the individual in subsequent litigation arising from the relationship's effect on the student or employee.

Persons who believe that they have been victims of harassment/discrimination may file a complaint under the District's Procedure for Resolution of Discrimination/ Harassment Complaints with the College Title IX Officer or the District Office of Human Resources.

STANDARDS OF STUDENT CONDUCT
Students and visitors to San José City College and Evergreen Valley Community College are expected to adhere to academic and behavioral Standards of Student Conduct and Academic standards which include honesty, satisfactory academic performance, and regular attendance.

By following these standards, students will conduct themselves in a manner that fosters a positive learning and working environment for students and staff, maintains order on the campus, and protects the rights of the individual and the interests of the District. Violation of these standards on District-owned or controlled property, or at a District-sponsored activity, could result in the consequences outlined in this section. Decisions will be made based on factual information in accordance with due process procedures as outlined by the college and the California Education Code.

Academic Standards and Consequences
Academic Integrity
Evergreen Valley College values academic integrity. Students are expected to complete and submit their own work. These values ensure that every student is graded fairly. Academic dishonesty is unethical and does not support student learning.

Violations of standards include the following:
- Altering grades
- Altering or forging college documents, records, or identification
- Copying from someone's test or allowing someone to copy your test

Behavioral Standards and Consequences
Evergreen Valley College is committed to fostering a safe, positive, learning environment where students can pursue their educational goals and participate in college-sponsored activities that promote intellectual growth and personal development. To this end, students are provided protection and due process of their individual rights against unfair or improper actions by any member of the district community.

Students are expected to adhere to State and Federal laws, and to the rules and regulations of the District, and of the College. Violations may result in disciplinary action against the student and in certain cases criminal arrests can be made and charges filed by the District Attorney's Office.

Definitions: The following are examples of conduct that shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student:
- Causing, attempting to cause, or threatening to cause physical injury to another person.
- Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a District employee, which is concurred in by the Police Chief.
- Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code Section 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
CHAPTER 8: CAMPUS AND DISTRICT POLICIES

- Committing or attempting to commit robbery or extortion.
- Causing or attempting to cause damage to District property or to private property on campus.
- Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
- Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the College or the District.
- Committing sexual harassment as defined by law or by District policies and procedures.
- Engaging in harassing or discriminatory behavior based on race, sex, religion, age, national origin, disability, or any other status protected by law.
- Willful misconduct that results in injury or death to a student or to District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
- Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, College personnel.
- Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty as defined by the college and the consequences that will be applied.
- Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.
- Unauthorized entry upon or use of District facilities.
- Lewd, indecent or obscene conduct or expression on District-owned or controlled property, or at District sponsored or supervised functions.
- Engaging in expression which includes but is not limited to obscene, libelous or slanderous remarks, or which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises, or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District.
- Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any district policy or administrative procedure.
- Sexual assault or stalking.

Due Process Procedures

For detailed information on Due process Procedures, please see the Student Discipline Procedures in the Administrative Procedures section at http://www.sjeccd.edu/discover-sjeccd/board-of-trustees/board-policies.

STUDENT GRIEVANCE

Definition

Student grievances are limited to the following areas:
1. Prejudicial or capricious action in the evaluation of a student’s academic performance (see “Grades”).
2. Act or threat of intimidation or harassment.
3. Act or threat of physical aggression.
4. Arbitrary action or imposition of sanctions without proper regard to academic due process as specified in college procedures.
5. Violation of student rights described in College Rules and Regulations or the District Standards of Student Conduct.
6. A violation of students’ rights as stipulated in the California Education Code, Title IX, or Section 504 of the Rehabilitation Act of 1973, or any other applicable Federal and State Regulations.

A student may institute grievances against another student, a classified employee, a faculty member, or an administrator. However, grievances between students are directed to and resolved by the Director of Student Life. For more information, call (408) 274-7900, ext. 6117.

Student Grievance Procedures

First Level:
1. The student should have an informal meeting with the faculty or staff member to discuss the difficulty and show an effort to come to a resolution.
2. If the issue is not resolved, the grievance may move to the next level.

Second Level:
1. The student should inform the Director of Student Life.
2. The Director will investigate the matter which may include a meeting with the student and faculty or staff member.
3. Once the investigation is complete, the Director will issue a decision.
   If the student is not satisfied with the decision, the grievance may move to level three.

Third Level:
1. The student may appeal to the Vice President of Academic Affairs for instruction and classroom issues, or the Vice President of Student Affairs for other issues.
2. The Vice President will investigate the grievance and issue a decision.
3. If the student is not satisfied with the decision of the Vice Presidents and wishes his/her issue to go the Grievance Board, the Vice President of Student Affairs will convene the Board within 10 days of his/her decision.
Student Grievance Review Board

Purpose

The Student Grievance Review Board allows a hearing for those students who believe that they have been unjustifiably penalized or suffered grievous personal abuse by actions of any member of the certificated or classified staff of San José/ Evergreen Community College District.

Please see the Student Discipline Procedures in the Administrative Procedures section at http://www.sjeccd.edu/discover-sjeccd/board-of-trustees/board-policies.

Student and Staff Rights

When a student or staff member appears before the Review Board, he/she shall have the right to:

1. Present, hear, or question adverse witnesses pro and con.
2. The Review Board shall consider no evidence unless both parties are given the opportunity to challenge the evidence.

Only evidence introduced before the Review Board shall be used in determining the Board's recommendation. Members of the Review Board may not bring any matters of personal knowledge before the Board.

Subsequent to the filing of the request for hearing, no information pertinent to the proceedings shall be released until the filing of the formal report of the hearing.

Student Grievance Review Board Procedures:

The Student Grievance Board will meet at the appointed time. The student can invite anyone else to the hearing. The faculty or staff member can invite anyone else to the hearing.

1. In the event that either party is unable to attend the scheduled hearing, due only to a justified emergency, the hearing shall be rescheduled within 10 working days at a time agreeable to all parties. If the student does not appear for the hearing and does not have an excused absence approved by the Hearing Board, the grievance shall be canceled. If the faculty/staff member does not appear and does not have an excused absence approved by the Hearing Board, the Review Board shall proceed with the hearing.

2. The recommendation of the Review Board shall be determined by a majority vote.

3. The Review Board shall forward its findings and recommendations to all involved parties and the College President for appropriate action.

4. If either the student or the staff member involved is not satisfied with the decision of the Review Board, an appeal may be made to the College President for his/her consideration. This appeal will take the form of a written memorandum outlining the nature of the basis for the dissatisfaction with the decision or action. Once the College President has reviewed this memorandum and the written communication from the Review Board, the President will schedule a private meeting with all parties, individually or jointly, to discuss the matter.

5. The College President, on consultation with the Review Board, may uphold, reverse, or modify the recommendation. The decision will be forwarded to the involved parties in writing, with copies to members of the Review Board.

6. If the student or the staff member is not satisfied with the final college-level disposition of the case, that person may appeal directly to the Governing Board of the District.

Recommendation of Review Board

The Review Board recommends to the College President that the student not suffer academic penalty if he/she has been required to be absent from class or classes for hearings, and that the instructors be so notified. This protection shall also apply to students who serve as Board members or who are required to serve in other capacities. This provision in no way excludes the obligation of the student to meet course requirements.

While the results of the hearing are pending, the student's right to be on campus will not be suspended unless, in the judgment of the College President or an appointed representative, the student's own safety, the safety and well-being of other students or college personnel, or the protection of college property are threatened. The student's instructors shall be notified immediately of any changes in the student's status.

Subsequent to the filing of the request for hearing, no information pertinent to the proceedings shall be released until the filing of the formal report of the hearing.

For further information, call the Vice President of Student Affairs at (408) 223-6749 located in SC-205.

SAN JOSE EVERGREEN COMMUNITY COLLEGE DISTRICT

PUBLIC SAFETY

The San José/Evergreen Community College District maintains a District Police Department staffed with highly trained officers to help protect the safety and ensure security of students, staff, their property, and the property of the District. District police officers, committed to standards of professional excellence, are required to meet the selection and training requirements of the California Peace Officer Standards and Training Commission. Officers receive the same training and carry the same authority in or near the college campuses as city police officers and county deputy sheriffs.

The District Police Department operates under the direction of a vice chancellor and a chief of police, and offers a wide range of services to the campus community. Services include providing and presenting current crime prevention information, patrolling the college campuses and parking lots, proactive crime suppression, investigating all offenses that occur on the campuses, and informing campus users of the occurrence of crimes specified by federal statute. Officers are authorized to arrest or cite law violators.

Crime Reporting Procedures

Offenses, accidents, and all emergencies that occur on campus should be reported immediately to the District Police at the number listed below:

District Police Station
(408) 270-6468
Wall-mounted emergency call-boxes are available at various locations for anyone who needs to contact the District Police.

Office Hours
Evergreen Valley College
Monday through Saturday 7 a.m. – 11 p.m.
Sunday 7 a.m. – 3 p.m.
Holidays 8 a.m. – 4 p.m.

After hours, all campus emergencies should be reported by dialing 911 on a public telephone. Coins are not required when placing 911 calls. Office phones normally used as FAX lines may also be used for placing emergency 911 calls. Other telephones in District and College offices and facilities require that one dial “9” then 911 for emergency service.

If for some reason 9-911 should fail to work, dial the City of San José Emergency Services number (408) 277-5454.

Facility Security
When classes are in session, most campus facilities are unlocked from 6:30 a.m. to 10:30 p.m. on weekdays. However, during the hours of 10:30 p.m. to 6:30 a.m., buildings are locked for service by the custodial staff. Facilities are normally locked at 10:30 p.m. on Friday until 6:30 a.m. on Monday, unless special arrangements are made for weekend use. Arrangements must be communicated to the District Police.

Campus Crime and Security Report
The Student Right-to-Know and Campus Security Act of 1990 requires all colleges to publish an annual Campus Crime and Security Report and to make this report available by September 1 of each year to all current students, employees, and prospective employees. The reports will report/disclose information on campus-based crimes and campus safety policies and procedures.

A complete copy of the Campus Crime Report can be obtained from the EVC Campus Police website at http://www.sjeccd.edu/district-services/district-police. The report contains additional crime statistics on major offenses reported over the past two years. The college will provide a complete paper copy upon request.

PARKING INFORMATION

Student Semester Parking permits are $45 automobile / $15 motorcycle and are available for purchase online at https://MyWeb.sjeccd.edu. They are static-cling and transferable so that students who carpool or regularly drive different cars to campus, may transfer the permit from car to car.

All automobiles must have the valid permit placed on the lower left-hand corner of the front windshield and be parked “nose in”.

All motorcycles must have a current permit affixed to the right front fork and must be parked in designated motorcycle stalls. Motorcycles may not park in regular vehicle stalls.

Restrictions
- Daily and semester permits are NOT valid in metered or other time-limit zones.
- Students must park in lots designated for students.
- Staff must park in one of the lots designated for staff parking, or pay the required fee to park in a student lot.
- If there is a verifiable parking problem, the staff member must call District Police immediately.

Disabled Person Parking Spaces
Use of disabled person parking spaces requires the display of a valid blue or red placard issued by the State Department of Motor Vehicles. District staff, student, or daily permits are no longer required in addition to the DMV handicapped placard in order to park in handicapped spaces. Possession and display of handicapped placards on vehicles does not permit parking on red, green, and fire hydrant zones and areas designated as “No Parking”.

NOTE: Students should lock their vehicles at all times. The District is not responsible for damage or loss to student vehicles.

Citation payment
Payment for parking citations must be done within 21 calendar days of issuance. To pay or make inquiries regarding your citation, please utilize one of the following methods noted below:

By Internet: www.pticket.com/sjeccd
By Telephone: 1.800.818.1832 – Enter 7532 when prompted to enter the first four letters of the city.
By Mail: SJECCD PO Box 11113 San Jose CA 95103-1113

Online payment requires a valid credit card, and the citation number. Payments will NOT be accepted at the Campus Police Station. Individuals wishing to contest parking citations may obtain forms at the Campus Police Station. These forms must be completed and mailed to the address within 21 days from the citations’ issue date otherwise the violation fee may be subject to an increase. Individuals contesting citations need not pay the initial violation fee until they receive a result of their contest.

For information on Parking Fees, see the Student Fees section of Chapter 2.