



CARE Handbook

Campus Assessment, Response, and Evaluation

2013-2014



The California Mental Health Services Authority (CalMHSAs) is an organization of county governments working to improve mental health outcomes for individuals, families and communities. Prevention and Early Intervention programs implemented by CalMHSAs are funded through the voter-approved Mental Health Services Act (Prop 63). Prop 63 provides the funding and framework needed to expand mental health services to previously underserved populations and all of California's diverse communities.

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Introduction

MiraCosta Community College is committed to promoting a safe and secure working and learning environment. Violence, threats of violence and behaviors that are disruptive to institutional activities are inconsistent with this objective and are unacceptable. This Handbook provides guidance and a mechanism by which violence, threats of violence, and behaviors that are disruptive to institutional activities may be reported, evaluated, and addressed.

A. The Campus Evaluation, Assessment, Response and Evaluation (CARE) Advisory Team

Pursuant to MiraCosta Community College District Board Policy and Administrative Procedure 3510, the Campus Assessment, Response and Evaluation (CARE) Advisory Team will serve to enhance the district's threat assessment capacity to proactively provide a safe learning and working environment for students, faculty, staff and visitors. Furthermore, the CARE Advisory Team will serve as an arm of the college's overall Emergency Preparedness Program. To this end, the CARE Advisory Team will take a multidisciplinary approach to:

- Develop threat assessment and management processes.
- Coordinate and support campus-wide ad-hoc behavioral intervention teams through training and professional consultation.
- Ensure communication between college law enforcement, student services, legal counsel, public information office, college constituencies and any other appropriate campus entity.
- Facilitate the sharing of information, timely and effective intervention, and a coordinated response.
- Develop a program manual that will centralize District policies, procedures, state and federal law and codify processes, as it relates to threat assessment at MiraCosta Community College.

CARE Advisory Team Members

Name	Title	Extension
Cheryl Broom	Director of Gov. Relations, Marketing and Communications	6612
Patrick Connolly	Faculty Member- Administration of Justice	6554
Maria Lopez-Aguilar	Non-Credit Faculty and Student Support Supervisor	8722
Joe Mazza	Director of Risk Management	6866
Robert Norcross	Chief of Police and Campus Safety	6642
Benny Perez	Campus Police Sergeant	6686
Marge Reyzer	Coordinator of Health Services	6676
Nikki Schaper	Associate Dean of Student Services, San Elijo	7806
Wendy Stewart	Dean of Counseling and Student Development	6892
Mario Valente	Dean of Academic Information Systems	6720
Connie Wilbur	Director of Disabled Student Services and Programs	6300
Carol Wilkinson	Student Services Coordinator- Service Learning	6618
Sheri Wright	Director of Human Resources	6865

B. Campus Roles and Responsibilities:

Faculty, Staff and Administrators are responsible for:

- Setting clear expectations for student and employee conduct
- Reporting any troubling behavior to the CARE Intervention Team as soon as practicable utilizing the Behavior Incident Form either before or after making a verbal report. When in doubt as to whether an incident requires reporting, faculty and staff should consult with the Vice President of Student Services and/or a CARE team member
- Documenting each incident of disruptive behavior
- Maintaining confidentiality

Student Disciplinary Officers (Vice President of Student Services, the Associate Dean of Student Services at the San Elijo Campus, and the Dean of the Community Learning Center) are responsible for:

- Initiating formal disciplinary action when requested
- Informing involved parties as to decisions made regarding the student
- Establishing guidelines for readmission to class/ college
- Conferring with student and giving written authorization for student to return to class
- Convening the CARE Intervention Team if necessary

District Police staff members are responsible for:

Phase one services (proactive)

- Routing individuals who are perceived as potential threats to the appropriate services
- Conducting background checks and information gathering
- Serving as a resource for faculty and staff members who need assistance
- Convening the CARE Intervention Team if necessary

Phase two services (response)

- First Responder to any potential emergency
- Intervening in any situation where the safety of an individual is in jeopardy
- Making arrests when necessary
- Providing transportation to a mental health facility for assessment of mental status and to determine whether or not the person is a danger to self or others; the individual's consent is required for voluntary commitment. Individual consent is NOT required for involuntary commitment under 5150 of the Welfare and Institutions Code.

Student Health Services staff members are responsible for:

- Responding to reports of a student in crisis
- Initial assessment, consultation with therapist (MFT), and referrals when necessary
- Providing brief confidential psychotherapy to students by appointment
- Providing crisis intervention to students
- Consulting with college disciplinary personnel about student concerns
- Convening the CARE Intervention Team if necessary

Disabled Students Programs and Services staff members are responsible for:

- Authorizing and providing academic accommodations (support services to students with medically and educationally verified disabilities)
- Providing academic and disability management counseling to students with disabilities
- Consulting with faculty members who may be concerned about a student
- Referring students to resources on college sites and in the community

Behavior Incident Report Form

The Behavior Incident Report Form is an important tool for reporting student behavior which is troubling or disruptive. The electronic form can be found on the Student Services Webpage: www.miracosta.edu/studentsservices/index.html



Incident Report

Please note that anonymous reports will not be accepted.

Reporter's Information

Your full name:

Urgency of this report:

* Date of incident: must be formatted **YYYY-MM-DD**

Time of incident: : :

* Location of incident:

Specific location:

Involved Parties

<input type="text" value="Name or Organization"/>	<input type="text" value="====[Select Gender]===="/>	<input type="text" value="====[Select Role]===="/>	<input type="text" value="ID Number"/>
<input type="text" value="Phone number"/>	<input type="text" value="Email address"/>		

Add another person

Narrative/Description

* Please describe, as objectively as possible, the details of the incident(s) and the behaviors observed. Focus on the Who, What, Why, Where, When, and How. Indicate specific words, phrases, and interactions. For example, if a subject used profanity, made threats, or spoke of harming him/herself, indicate the actual words/phrases that were spoken. If the subject was loud or disruptive, describe in detail the behavior observed during the disruption and describe any injury/damage to person(s) or property. If this is a welfare concern, please describe what observations are causing you concern and/or any changes in the individual's behavior that prompted this report. PLEASE INCLUDE THE NAME(S) OF PERSONNEL YOU HAVE CONTACTED AND ANY ACTIONS TAKEN.

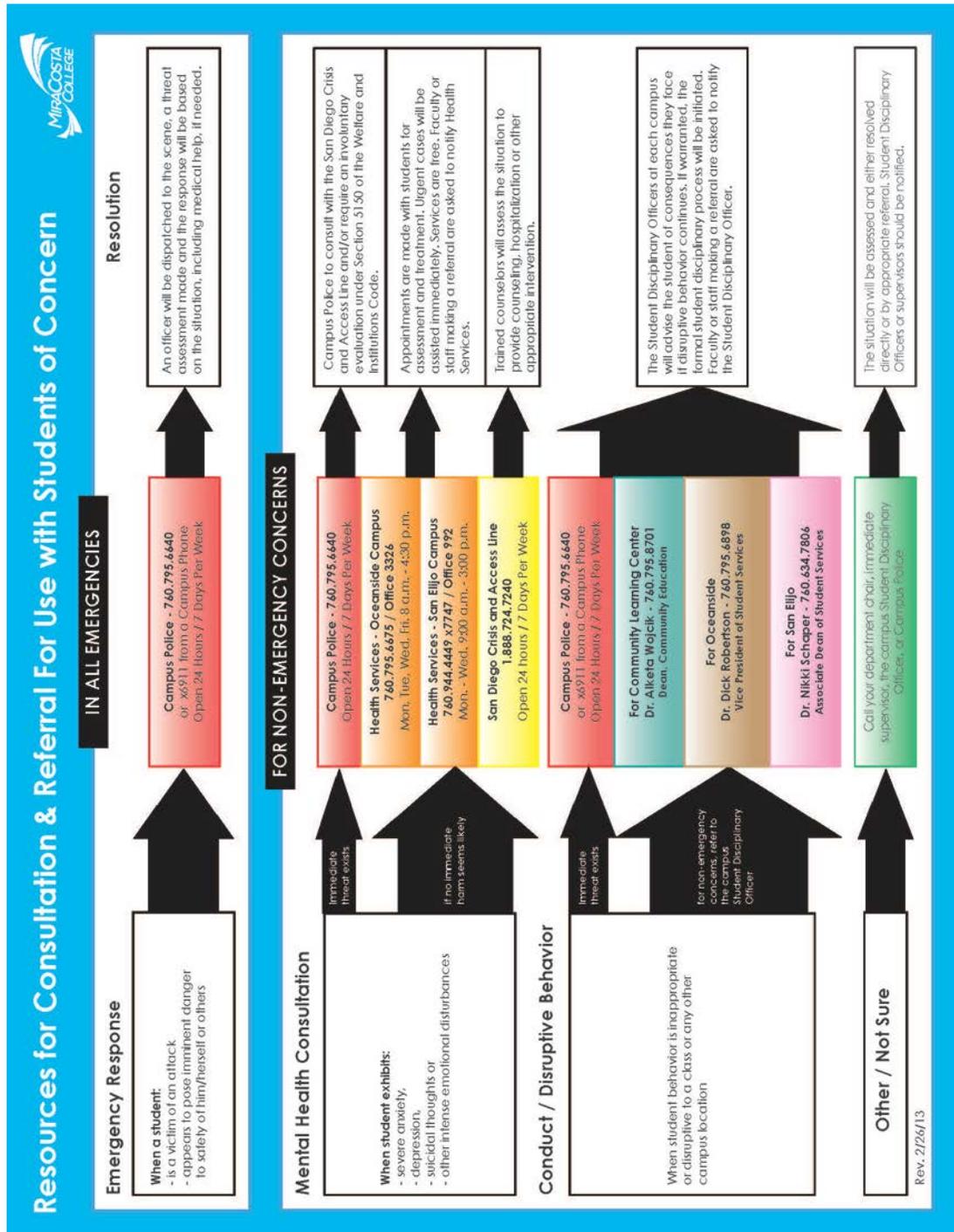
[Check Spelling & Preview](#)

A snapshot of the complete form can be found in the appendix.

C. Resources for Consultation & Referral For Use with Students of Concern

Report emergency situations involving behavior that appears to pose a clear and immediate threat of violence or self-harm immediately to MiraCosta College Police by dialing 6911.

For situations where there does not appear to be an immediate risk, refer to the following flowchart (full version available in Appendix):



D. Definitions

Threat: A stated intention to inflict injury, damage, or hostile action on someone, whether the intention is expressly stated or implied, whether the person communicating the threat has the ability to carry out the threat, whether the threat is made on a present, future, or conditional basis, or whether the threat is made in person, through another person, in writing, over the phone, in the mail, electronically, or by any other means.

Threat Management Plan: An active, individualized case management plan based on information gathered in an investigation and on other facts known about the subject(s). It is intended to help de-escalate, contain, or if possible control a subject who has exhibited either “extreme risk behavior” or “high risk behavior” as defined below; to decrease the vulnerabilities of possible targets of such behaviors; to discourage escalation of the circumstances; and to prepare for and mitigate against precipitating events that may trigger such behaviors.

Active Monitoring Plan: An active, individualized case monitoring plan based on information gathered in an investigation and on other facts known about the subjects(s). It is intended to facilitate the monitoring of a subject who has exhibited either “moderate risk behavior” or “low risk behavior” as defined below and to provide for periodic re-assessment of a subject’s behavior and corresponding potential threat level. Active monitoring may also be used as a follow-on to a threat management plan to ensure that extreme and/or high risk behavior is effectively managed.

Extreme Risk Behavior: Behavior that appears to pose a clear and immediate threat of violence or self-harm and requires immediate containment. It requires law enforcement, target protection, and development of a threat management plan. It includes, but is not limited to:

- Possession of unauthorized weapons (guns, knives, etc.) on campus;
- Possession of bombs or bomb-making materials;
- Physical assault or attempted assault, with or without weapons;
- Specific threats to inflict harm to self and/or a named individual

Severe Risk Behavior: Behavior that appears to pose a present threat of violence or self-harm but lacks immediacy. It requires development of a threat management plan. It includes, but is not limited to:

- Physical, drug-related, or psychiatric disorders that may pose a potential harm to the physical or emotional well-being of the individual or others;
- Talk of suicide or self-inflicted injury;
- Physical actions short of actual contact/injury (i.e., moving closer aggressively, waving arms or fists, yelling in an aggressive or threatening manner).

Elevated Risk Behavior: Behavior where the threat is made or may be present, includes seriously disruptive incident(s) and the student is exhibiting clear distress and is more likely to cause another disturbance. It requires referral and development of an active monitoring plan. It includes, but is not limited to:

- Threats that are vague and indirect, but may be repeated or shared with multiple reporters;
- Information about the threat or threat itself is inconsistent, implausible or lacks detail;
- Threat lacks realism, or is repeated with variations;
- Content of threat suggests threatener is unlikely to carry it out.

Moderate Risk Behavior: Behavior that does not appear to pose a present threat of violence or self-harm but does involve a significant risk of disruption to the College's educational and administrative activities. It requires referral and development of an active monitoring plan. It includes, but is not limited to:

- General, specific, or implicit threats, whether or not made in a "joking" manner (i.e., "you better watch your back," "I'll get you," or "you'll be sorry"), including the use of any electronic means of communication;
- Stalking behavior;
- Vague statements regarding suicide or self-inflicted injury, violent thoughts, or violent intentions.

Low Risk Behavior: Behavior that, while it does not appear to pose a present threat of violence or self-harm nor a significant risk of disruption, does provide the basis for a reasonable concern that a threat of violence or self-harm or significant risk of disruption may develop. It is to be reviewed periodically to determine whether the subject individual's conduct has escalated to the level of "moderate risk." It includes, but is not limited to:

- Writing stories, poems, or essays or producing images that express or otherwise indicate a potentially dangerous fascination or preoccupation with violence to self or to others;
- Displaying a radical change in personal behavior, academic or workplace performance, appearance, or conduct.

No Identified Risk: Behavior which does not appear to pose a threat of violence or self-harm at this time, nor is significant disruption to the community expected. Close case after proper documentation.

Student: Any individual enrolled at MiraCosta Community College in any of the recognized admission categories (credit, non-credit) and currently taking courses on a full- or part-time basis. An individual's status as a student shall be deemed to encompass all activities carried out in connection with his/her application for admission to the District.

Visitor: Any non-employee or non-student present on the college campus or at any District controlled location for any purpose professional or private. This includes both invited and uninvited guests.

Workplace/Educational Setting: Any location, either permanent or temporary, where faculty, staff, or students perform any work-related duty or are involved in educational activities and/or District sanctioned events. This includes but is not limited to campus buildings and the surrounding perimeters, including the parking lots, field locations, and alternate work locations.

II. Campus Assessment, Response and Evaluation (CARE) Intervention Team

A. Mission and Objectives:

This handbook establishes a CARE Intervention Team as a mechanism to assess campus violence, threats of violence, and risks of disruption and to respond to such violence, threats, and/or risks as appropriate. The CARE Intervention Team's mission is to provide a proactive, coordinated, and planned approach to the identification, assessment, management, and, where possible, reduction and/or prevention of behavior that falls into the extreme risk, high risk, moderate risk, and low risk classifications defined above. Key objectives for the team include:

- Providing a repository for information about behavioral concerns across different campus units so as to identify persons in distress as early as possible;
- Facilitating timely communication among different campus units about individual behavioral concerns;
- Investigating or gathering additional information about individuals of concern, including individuals outside of the College community;
- Assessing the information so that the District can devise an appropriate response;
- Recommending interventions, threat management plans, active monitoring plans, and other case management strategies that connect individuals of concern with needed resources;
- Recommending plans for reintegrating a subject once initial actions are complete and the threat eliminated;
- Assisting with the education of the campus community about the types of behavior or concerns that they should report to team members;
- Developing policy recommendations based on an evaluation of data on individual behavior dealt with by the team.

B. Membership:

The Team shall consist of:

- Associate Dean of Student Services (appointed by the Vice President of Student Services) or designee
- Chief of Campus Police or designee
- Health Services Coordinator or designee
- Additional members may be included as required by the specific circumstances of a particular situation.

C. General Principles:

The CARE Intervention Team will use a case-management based approach to respond to reports of students, faculty, and staff having difficulties and/or demonstrating concerning behaviors. The CARE Intervention Team shall guide the process from internal assessment to planning interventions with the objective of reducing the risk. This includes the development of a recommended plan for reintegration of the subject once initial actions are complete and the threat eliminated.

The CARE Intervention Team will utilize available resources and additional members as appropriate to assist it in gathering information about a student exhibiting behavioral concerns. The CARE Intervention Team may consult with other appropriate staff and/or mental health experts in carrying out its assessment function. It is recognized that multi-disciplinary consultation is critical part of the threat assessment protocol. The Vice President of Student Services or designee shall be the custodian of CARE Intervention Team records, both electronic and hardcopy. As indicated in this process, the CARE Intervention Team does not prescribe discipline or treatment. It is limited to addressing reported behaviors involving violence, threats of violence, or risks of disruption by gathering information, making assessments, and providing recommendations.

D. Process:

- **Report of Concern:** The CARE Intervention Team may receive written or verbal reports about behaviors of concern from any member of the campus community, including its own members. Written reports can be submitted electronically using the Behavior Incident Report Form. A verbal report, when needed depending on the situation, should be followed by a written report. Incidents should be reported without delay. Situations involving ***severe behaviors or imminent threat*** should be immediately reported to the MiraCosta Community College Police Department and the CARE Intervention Team.
- **Behavior Incident Report Form:** Behavior Incident Report Forms are submitted electronically over a Secure server and are maintained in an encrypted and secure database with very limited access. When a report is received, the database automatically notifies the user if there are previous incidents in the system. This ability allows the team to easily identify patterns of behavior and to link incidents together that take place over time and distance.
- **Inquiry/Investigation:** Upon receiving a report, the CARE Intervention Team will focus upon determining whether or not the individual of concern poses, based on past and/or present behavior, a threat of violence or risk of disruption. The CARE Intervention Team may gather information and facts from all available sources. It shall be granted access, as appropriate, to a student's record, including his/her disciplinary record. It may contact individuals with information about reported incidents or actions involving the individual of concern, as well as others (faculty, staff, students, local authorities, parents and family members, acquaintances, and other individuals who may know the individual or have pertinent knowledge). These inquiries may be made by designated members of the CARE Intervention Team individually or may be carried out by the CARE Intervention Team acting as a convened group, such as by interviews conducted by the CARE Intervention Team when convened.
- **Assessment and Development of Plan:** Once information has been gathered, the CARE Intervention Team will assess the risk of the individual's reported behavior and classify such behavior as "extreme risk," "severe risk," "elevated risk", "moderate risk," "low risk," or "no risk." If needed, The CARE Intervention Team will develop a Plan to address the risk classification that has been identified. The CARE Intervention Team shall complete a risk assessment and develop a Plan regardless of the outcome of any criminal proceedings initiated by law enforcement authorities and/or any disciplinary proceedings initiated by the District.

Should a subject's behavior be classified as "severe risk" or "extreme risk", the Vice President of Student Services or designee will be immediately notified by phone. Furthermore, in conjunction with the Vice President of Student Services or designee, a communication plan will be developed to immediately notify the

subject's instructors or those offices with which the subject may have direct contact.

- **Referral/Recommendation:** The CARE Intervention Team may make referrals or recommendations, as follows:
 - ❖ Make recommendations to appropriate District personnel that may include actions, including the initiation of disciplinary action, provided for in the District's Standards of Conduct. Recommendations will also be conveyed to the Vice-President of Student Services, or designee, in each case.
 - ❖ Recommend that the student be referred for professional counseling.
 - ❖ Make recommendation(s) for the filing of criminal charges.
 - ❖ Make recommendations for other actions as deemed appropriate.

- **Conclusion:** Once the CARE Intervention Team has determined that the individual of concern does not pose or no longer poses a threat of violence or risk of significant disruption, the matter will be considered closed for purposes of this process. Reports regarding significant developments to include the disposition of the incident will be conveyed to the affected reporting individual(s), current instructors, and other involved parties whenever possible and allowed by law. A student of concern may continue to be followed-up by the Vice President of Student Services or designee.

- **Action by Other Officials:** The closing of a matter by the CARE Intervention Team is completely independent of, and shall have no effect upon:
 - ❖ For any individual of concern, the initiation or continuation of a law enforcement investigation into the individual's conduct by campus or local law enforcement authorities and/or the institution of criminal proceedings against such individual.
 - ❖ For a student of concern, referral for counseling, the initiation of student disciplinary proceedings, or other appropriate action by the Vice President of Student Services or designee.
 - ❖ It is anticipated that conduct violating District policy or rules or federal, state, or local law will be addressed by institutional or civil/criminal proceedings initiated by those officials with the enforcement responsibility for such policy, rules, or law.

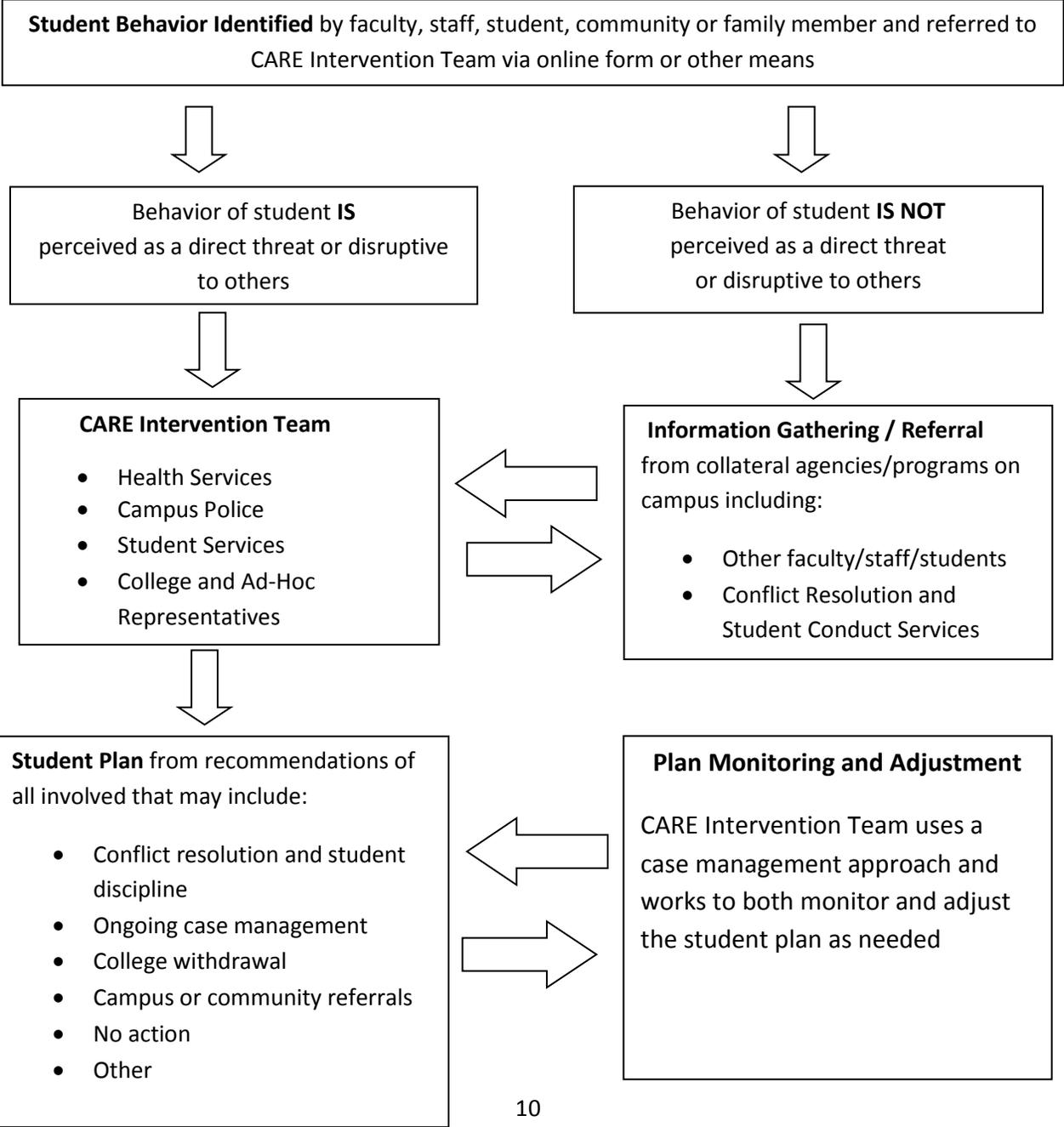
E. Meetings:

The Chair of the CARE Intervention Team shall call an emergency meeting as soon as is practicable upon receipt of a report of conduct that may fall into the "extreme risk" or "severe risk" behavior classifications. The CARE Intervention Team shall ordinarily meet within 72 hours of receipt of an initial report regarding conduct that appears to fall into the "elevated risk" behavior classification, and shall meet within a reasonable time under all the circumstances with respect to conduct that falls into the "moderate" or "low risk" behavior classification. As long as there are active cases being addressed under a Threat Management Plan or an Active Monitoring Plan, the CARE Intervention Team shall meet bi-weekly. In the absence of any active cases, the CARE Intervention

Team shall be convened in conjunction with the CARE Advisory Team, at least once each semester to review relevant topics in the area of threat assessment, behavioral statistics, resource availability, etc. Other topics, such as campus policies, state and federal law and regulations, ethical issues, and confidentiality concerns may also be scheduled for discussion and review.

F. Report: A summary report of all CARE Intervention Team assessments shall be submitted to the Vice President of Student Services at least once a year.

G. CARE Intervention Team Process Flow



III. Assessment Services

District Police

The District Police Department is the designated first responder in all emergency situations. Whenever there is concern regarding a student's behavior, Campus Police officers will assess the individual and situation and act accordingly, ensuring individual and campus safety.

Health Services

If a student is distressed or disruptive, but not dangerous, he or she may be referred to Health Services for assessment and counseling services. Health Services will make every effort to schedule the student with a counselor as soon as possible.

Students who are extremely distressed or appear to be out of touch with reality may need an escort to the Health Services Office. At the Community Learning Center, Campus Police may be contacted for escort assistance.

Disabled Student Services and Programs

The Disabled Student Programs and Services (DSPS) department serves approximately 900 students with disabilities of all types, including both physical and psychological disabilities. The faculty coordinator is available for consultation and can provide information and referrals. DSPS also provides intake services and determines student eligibility for accommodations.

Human Resources

In a non-emergency situation involving a district employee, the Director of Human Resources is the initial point of contact. The director will assess and evaluate the situation, adhering to all district policies and legal mandates.

CARE Intervention Team

Members of the Campus Assessment, Response and Evaluation (CARE) Intervention Team can be contacted at any time for consultation, no matter how insignificant the situation may seem. This group serves as a resource for the district and can provide information, training, and support.

IV. Legal Foundations

The following principles, derived from law and policy, are important to note in using disciplinary action with disruptive student behavior:

Persons in California, while having a fundamental right to education from elementary through secondary school, do not have a fundamental right to attend a post-secondary institution; community colleges are required to admit only those students who can benefit from instruction.

Federal and state laws prevent discrimination based on handicap, which means that students with physical or mental disabilities cannot be held to higher or different standards. The existence of a diagnosis of a disability is not sufficient grounds to exclude someone from the College-nor is the anticipation or prediction of inappropriate behavior.

Behavior is the standard to be used regarding inclusion or exclusion of students.

The following laws are relevant to the issue of disruptive behavior:

Laws Protecting the Student

Discrimination on the basis of a mental (or physical) disability is prohibited. The Rehabilitation Act of 1973 (section 504) states that “No otherwise qualified individual with handicaps in the United States... shall, solely by reason of his handicap, be excluded from the participation, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

2. California Governmental Code, sections 11135-11139.5 states that “No person in the state of California shall, on the basis of ethnic group identification, religion, age, sex, color, or physical or mental disability, be unlawfully subjected to discrimination under any program or activity that is funded directly by the state or receives financial assistance from the state.”

3. Title 5, California Code of Regulations, section 59301 states that “All programs and activities in the California Community Colleges shall be available to all qualified persons without regard to ethnic group identification, religion, age, sex, color, or physical or mental disability.”

4. In addition to nondiscrimination, the Rehabilitation Act of 1973 requires that “reasonable accommodation” must be made to the limitations of the disability.

5. The Board of Trustees Student Conduct Standards and Due Process/Discipline Procedure, details the procedure for a student to file a complaint, including a complaint about a disciplinary action.

Laws Protecting the District

1. The laws pertaining to disciplining community college students for “willfully disrupting the orderly operation of the campus” is covered in several Education Codes:
 - Section 66300 requires the Board of Trustees to adopt rules governing student behavior.
 - Education Code 66017 gives authority to the Chief Administrative Officer to take disciplinary action against a student found guilty of willfully disrupting the campus by the college body. Disciplinary action may include but need not be limited to, suspension, dismissal or expulsion. Authority is also given for immediate interim suspension of the student pending a hearing which should be held within 10 days.
 - Education Code 76032 gives an instructor the authority to suspend a student from his or her class for the day of the removal and the next class meeting.
 - Education Code 76031 states a student suspension cannot exceed 10 days of instruction unless otherwise provided by regulations of the district governing board.
 - Education Code 76030 gives the governing board authority to expel a student.

- Education Code 76034 states a student can only be disciplined for conduct related to college activity or attendance.
- Education Code 76033 states that the only reason for suspension or expulsion of a student is for “good cause”, which is to be determined by a hearing of a college body.
- Education Code 76033 defines good cause, which includes but is not limited to the following offenses: continued willful disobedience, persistent abuse of profanity or vulgarity, open and persistent defiance of the authority of, or any threat of force or violence upon a student or college personnel, willful misconduct which results in injury, or damage to personal property owned by the district; use, sale, possession or under the influence of narcotics, hallucinogenic drugs or substances or any poison classified as such by schedule D, section 4160 of the Business and Professions Code; willful or persistent smoking in prohibited areas; and persistent serious misconduct where other means of correction have failed to bring about proper conduct.
- Education Code 76032 states that whenever a minor is suspended the parents or legal guardians must be notified in writing by the chief administrative officer. When instructors suspend a student who is a minor, they must request a parent conference as soon as possible.

2. California Penal Code, sections 626.4 and 626.6, allows the chief administrative officer or designee (District Police Officer) to withdraw consent for an individual to remain on District properties. The disruption must be material and substantial.

3. California Mental Health Service Act, section 5150 (Welfare and Institutions code) states that a person who is a danger to him/herself or others, or is gravely disabled may be taken against his/her will by a peace officer to a designated mental health facility for evaluation.

In summary, the sole basis for imposing disciplinary sanctions on a student is the student’s behavior, not whether the student has a disability. Where the disruptive behavior of the student has been properly documented, the law allows, and, in some situations, mandates that action be taken.

V. Referrals for Community Services

Mental Health Services

Mental Health Services Inc. North Coastal Mental Health Center 760-967-4475

Mental Health Services Inc. BPSR Vista 760-758-1092

Hospitals

Aurora Behavioral Health Care 858-487-3200

Tri-City Hospital 760- 724-8411

San Diego Psychiatric Hospital 619-692-8200

Scripps McDonald’s Center 1-800-382-4357 (La Jolla)

Veteran’s Affairs Medical Center 858-552-8585 (La Jolla)

Drug and Alcohol

Community Resource Information and Referrals 2-1-1
Alcohol and Drug Services 619-692-5717
Fellowship Center 760-745-8478
Casa Rafael 760-630-9922 (Vista)
Amigos Sobrios 619-232-7754 (San Diego)
24 Horas de Escondido 760-489-7801

Drug and Alcohol Counseling/ Out-patient

North Coastal Mental Health Center 760-967-4475 (Oceanside)
MHS- North Inland Regional Recovery Center 760-741-7708 (Escondido)
MHS- Family and Recovery Center (women/ children) 760-439-6702 (Oceanside)
MHS- Kinesis North (medi-cal only) 760-480-2255 (Escondido)
MHS- Options for Recovery (women/children) 760-726-2656 (Vista)
Serenity-Too 760-746-2996 (Escondido)
St. Clare’s Home (women/children) (medi-cal only) 760-741-0122 (Escondido)
Choices in Recovery Center (www.choicesinrecovery.com) 858-453-4777 (La Jolla)
Scripps McDonald’s Center 800-382-4357 (La Jolla)
Veteran’s Affairs Medical Center 858-552-8585 (La Jolla)
Practical Recovery (www.practicalrecovery.com) 858-453-4777 (La Jolla)
Phoenix House (www.phoenixhouse.org) 619-226-2663 (Carlsbad)

Crisis Centers

Exodus Recovery Mental Health Walk-in Assessment Center (Vista) 760-758-1150

VI. Additional Resources

A. Helpful Hints for Dealing with Disruptive Students

People to Contact for Assistance:

Campus Police	ext. 6911
(or push the red emergency button on a MiraCosta phone)	
Student Health Services OCN (psychological intervention)	ext. 6675
Student Health Services SEC (psychological intervention)	ext. 7747
Dean of Counseling and Student Development	ext. 6892
Associate Dean of Student Services at San Elijo	ext. 7806
Dean of Community Education at the CLC	ext. 8701
Vice President of Student Services	ext. 6898

Handling a Classroom Incident:

1. Ask the student or students who are disrupting the class to step outside the classroom.
2. Confront the students with an appropriate statement like, “Your behavior (be specific) is disrupting the classroom environment and is a possible violation of the MiraCosta College Student Code of Conduct. I expect you to follow my directions in order to return to class.”

3. If the situation is so volatile that you can't get the disruptive student or students to meet you outside the classroom, then consider calling for a break and asking the offending student or students to remain to talk with you.

4. It may be helpful to begin with a statement like, "I am concerned or frustrated because you have (arrived late repeatedly, talked to your friends during my lecture, used profane language in addressing fellow students, etc.) and I need you to cooperate with the rules of this class. If you fail to do so, you risk the possibility of being suspended for two class periods without the possibility of making up the work you miss."

5. If you must remove the student from class for the current session and the next session, document the behavior using the Behavior Incident Form. Describe the circumstances and conditions the student must meet in order to return to class. If a student is suspended, he or she must meet with the Vice President of Student Services or designee before returning to class.

6. Please remember that it is inappropriate for a faculty member to discipline a student in front of other students.

Handling a Non-classroom Incident:

1. Document the behavior using the Behavior Incident Form.
2. Contact the appropriate administrator or, if the incident is severe, contact Campus Police.

B. Guide to Faculty for Substance Abuse (Long Version)

Student Under the Influence

Alcohol is the most widely used psychoactive drug. It is common to find alcohol abusers in college populations also abusing other drugs, both prescription and illicit. Currently we are seeing an increase in prescription drug abuse (Oxycodone) as well as heroin abuse.

The effects of alcohol on the user are well known to most of us. Alcohol abuse by a student is most often identified by faculty. Irresponsible, unpredictable behavior affecting the learning situation (i.e., drunk and disorderly in class), or a combination of the health and social impairments associated with alcohol abuse noticeably sabotages student performance. Speech will be slurred if a student is under the influence of alcohol.

The effects of opiate abuse (Oxycodone and heroin) may be less well known to the general public, but they are evident when a student is under the influence. These effects include pin-point pupils, lethargic demeanor, sluggish and perhaps nodding head, speech is not slurred, but may be slow. Student will be responsive and coherent if spoken to.

Because of denial that exists in most substance abusers, it is important to express your concern to the student in terms of specific changes in behavior/performance rather than terms of suspicions about alcohol/drug use.

Do:

Confront the student with the behavior that is of concern. Examples:

- “I am concerned for your safety because you are nodding off and may fall and hit your head.”
- “Your loud voice and frequent interruptions are disruptive to the learning environment and I am asking you to leave the class.”
- “Because you are unable to focus and contribute to your group’s discussion, I will ask you to leave the class.”
- “I can smell alcohol on your breath and it is not okay to come to class after you have been drinking.”

Address the substance abuse issue if the student is open and willing. Offer concern for the student’s overall well-being. If you ask the student to leave your classroom because of this disruption you must also:

- Refer student to the Vice President of Student Services at Oceanside, or the Associate Dean of Student Services at San Elijo.
- If you have immediate concerns for the student’s personal safety or well-being please use the phone in your classroom to call the Police 6911 and ask them to send an officer to your class room. Be sure you give the room number and campus you are teaching at. Simply ask the dispatcher to “Send someone to check on the welfare of a student.” Your call will be answered as a first priority and an officer will come to your classroom to assess the student and escort them to the appropriate service on or off campus.

Don’t:

- Convey judgment or criticism about the student’s substance abuse.
- Make allowances for the student’s irresponsible behavior.
- Ignore signs of intoxication in the classroom.
- If you need to, you can refer to the Student Code of Conduct, which states: “Using, possessing, or distributing alcoholic beverages, illegal drugs or narcotics while on the college campuses. (Students should be aware that possession, use, or distribution of drug and alcohol substances on a campus violates California Health and Safety Codes §§11350, 11357b, and 11377 and California Business and Professional Code §25608, with the exception of the use, distribution and/or sale of alcohol at MiraCosta College Foundation-sponsored events. Students serving as representatives of the college are prohibited from using alcohol at said events).”

VIII. APPENDICES

A. Board Policies and Administrative Procedures regarding Campus Safety

Board Policy 3500

The Board of Trustees is committed to a safe and secure district work and learning environment. To that end, the superintendent/president shall establish a campus safety plan and ensure that it is posted or otherwise made available to students and staff. The campus safety plan shall include availability and location of police personnel, methods for summoning assistance of police personnel, locations of emergency call boxes to summon police personnel, and any special safeguards that have been established (e.g. student escort services, self-defense training for students).

B. Board Policies and Administrative Procedures regarding Student Conduct and Discipline

Board Policy 5500: Student Conduct

The Board of Trustees and the campus community at MiraCosta Community College District support a harmonious, safe, and productive learning environment. To promote such an environment, the Board and the superintendent/president have established a set of standards for student conduct. This policy and the procedures associated with it clearly delineate and define student conduct expectations and the resolution steps associated with due process.

The superintendent/president shall establish procedures for student discipline and grievances in accordance with federal, state, and local due process requirements.

The student discipline and grievance procedures shall be available to students in the college catalog, the student planner, and in the Office of the Vice President of Student Services.

Students are expected to conduct themselves in a manner consistent with the MiraCosta Community College District Student Code of Conduct which is located in Administrative Procedure 5500.

Administrative Procedure 5500: Standards of Student Conduct

Students must refrain from engaging in any of the following behaviors or face the possibility of disciplinary action, which may include suspension or expulsion: Discipline procedures are located in Administrative Procedure 5520.

- A. Causing, attempting to cause, or threatening to cause physical injury to another person.
- B. Possessing, selling, or otherwise furnishing any firearm, knife (over 2 ½ inches long [California Penal Code 626.10c]), 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 on campus from the Vice President of Student Services.
- C. Using, possessing, or distributing alcoholic beverages, illegal drugs or narcotics while on the college campus. (Students should be aware that possession, use, or distribution of drug and alcohol substances on a campus violates California Health and Safety Codes §§11350, 11357b, and 11377 and California Business and Professional Code §25608. MiraCosta College does not

permit students to use medically prescribed marijuana at any college site or at any college sponsored activity. While the distribution or sale of alcohol is permitted at events sponsored by the MiraCosta Foundation, students serving as representatives of the college at such events are prohibited from consuming alcoholic beverages.

- D. Committing or attempting to commit robbery or extortion.
- E. Causing or attempting to cause damage to college property or to private property on campus.
- F. Stealing or attempting to steal college property or private property on campus, or knowingly receiving stolen college property or private property on campus.
- G. Smoking or using any tobacco products at any MiraCosta Community College District site.
- H. Engaging in sexual harassment as defined by law or by college policies and procedures.
- I. Engaging in harassing or discriminatory behavior based on accent, age, ancestry, citizenship status, color, disability, economic status, ethnic group identification, gender, marital status, medical condition, national origin, parental status, race, religion, sexual orientation, veteran status, or any other status protected by law.
- J. Behaving in a manner that results in injury or death to a student or to college personnel.
- K. Using abusive, profane, or vulgar language verbally or in writing in communicating with faculty, staff, administrators, or students.
- L. Cheating, plagiarizing, or engaging in other academic dishonesty.
- M. Behaving dishonestly, committing forgery; altering or misusing college documents, records or identification; or, knowingly furnishing false information to the college.
- N. Entering or using college facilities without authorization.
- O. Engaging in lewd, indecent, or obscene conduct on college-owned or controlled property, or at college-sponsored or supervised functions.
- P. Engaging in expression that is obscene, libelous, or slanderous, or which incites others, creating a clear and present danger of the commission of unlawful acts on college premises, or the violation of lawful college administrative procedures.
- Q. Disrupting of teaching, administration, or other college activities or programs or refusing to obey lawful directions of college personnel.
- R. Violating college or California Education Code regulations pertaining to student organizations, distribution of literature, and place and manner of public expression. (See MiraCosta College Procedure 3900, Speech: Time, Place and Manner.)

- S. Illegally obtaining or altering college records, electronic information, or computer applications and committing any computer-related crimes as defined in California Penal Code §502.
- T. Preparing, giving, selling, transferring, distributing, or publishing for any commercial purpose 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 without authorization, except as permitted by any district policy or administrative procedure.
- U. Using a computer or cell phone to engage in bullying behavior through email, text messages, voicemail, or social networks.

Administrative Procedure 5520: Student Discipline Procedures

The purpose of this procedure is to provide a prompt and equitable means to address violations of the MiraCosta Community College District Student Code of Conduct, which guarantees to the student or students involved the due-process rights afforded by state and federal laws. This procedure will be used in a fair and equitable manner and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

The superintendent/president has designated the Vice President of Student Services, as the administrator responsible for student-discipline procedures.

Definitions

- A. The College: The MiraCosta Community College District (commonly referred to as MiraCosta College).
- B. Student: Any person currently enrolled as a student at any site, online, or in any program offered by the district.
- C. Faculty member: Any academic employee of the district in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.
- D. Removal from Class: Exclusion of the student by a faculty member for the day of the exclusion and the next class meeting or, if the exclusion is from an online class, for a period of time that equates to two (2) class sessions.
- E. Short-term suspension: Exclusion of the student from the college by the Vice President of Student Services, or designee for good cause for a period of up to ten (10) consecutive days during which MiraCosta is in session.
- F. Long-term suspension: Exclusion of the student from the college by the Vice President, Student Services, or designee for good cause for a period of eleven (11) days during which MiraCosta College is in session up to one calendar year.
- G. Expulsion: Permanent exclusion of the student from the college by the Board of Trustees.

- H. Disciplinary Probation: A letter indicating a reason for the action being taken and specifying that any violation of the MiraCosta College Student Code of Conduct may result in suspension from the district.
- I. Written or verbal reprimand: An admonition to the student to cease and desist from conduct determined to violate the MiraCosta Community College District Student Code of Conduct. A record of the fact that a verbal reprimand has been given may become part of a student's discipline record at the college for a period of up to one year.

Non-student removal: Withdrawal of consent by the MiraCosta College District Campus Police for any person to remain on campus, in accordance with California Penal Code

- J. §626.4, where the MiraCosta College Campus Police have reasonable cause to believe that such person has willfully disrupted the orderly operation of the district.
- K. Days: Unless otherwise stated in this document, the term “days” refers to days when MiraCollege Community College District is in session.

Student Suspensions, Expulsions, and Non-Student Removals

Short-term Suspensions

If the Vice President of Student Services or designee determines that a student is a danger to himself/herself or others, the student may be suspended for a period of ten (10) days during which MiraCosta College is in session (Education Code §66017).

1. The student will be notified either in person or in writing by the Vice President of Student Services or designee of the reason for suspension within ten (10) days of the event which caused the decision to suspend.
2. The student may request a meeting with the Vice President of Student Services or designee. The meeting will be held within ten (10) days of the student request. At the meeting, the student will be presented with the information which caused the decision to suspend and will be given an opportunity to respond to the accusation. If the suspension is lifted or modified as a result of the meeting, the student will be notified in writing by the Vice President of Student Services or designee. The decision of the Vice President of Student Services or designee for a suspension up to ten (10) days is final.

Long-term Suspension

If the Vice President of Student Services or designee determines that a student disciplinary infraction requires a long-term suspension, the student will be notified in person or in writing within ten (10) days of the incident that the Vice President intends to impose a long-term suspension which may last from eleven (11) days up to one (1) calendar year.

1. A student facing a long-term suspension has the right to request a formal hearing before a long-term suspension is imposed. The request must be submitted in writing to the Vice President of Student Services or designee within ten (10) days of receipt of notice of intent to impose a long-term suspension. The hearing will take place within ten (10) days of the student request.
2. The hearing to appeal a long-term suspension will be conducted by an academic administrator who is not involved with the incident which caused the decision to suspend. The student may bring an advocate to the hearing. If the advocate is an attorney, then the Vice President of Student Services must be notified at least five (5) days in advance of the formal hearing so that college legal representation may also be present. The Vice President of Student Services or designee will present the case for suspension and the student will be provided an opportunity to respond and provide evidence in support of the appeal. If attorneys are present, they may provide advice to the people they represent, but they are not part of the formal hearing and will not participate unless invited to do so by the academic administrator in charge of the hearing.
 - a. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in hearings. Relevant evidence, including hearsay, is admissible if it is the type of evidence that reasonable members of the college community would rely upon in the conduct of their affairs. The academic administrator conducting the hearing shall have the discretion to determine admissibility of evidence.
 - b. The academic administrator in charge of the hearing makes a decision based on a preponderance of the evidence that is whether it is more likely than not that the accused student violated the MiraCosta Community College District Code of Conduct for students.
3. The hearing will be audio-recorded.
4. The academic administrator will notify the student within five (5) days of the formal hearing whether or not the suspension will be upheld.
5. If the suspension is upheld, the student may make a final appeal in writing to the college president who will respond in writing within five (5) days. The decision of the college president is final.

Expulsion

If the Vice President of Student Services or designee determines that a student violation of the MiraCosta Community College District Student Code of Conduct is so egregious that it warrants expulsion from MiraCosta College, the student will be notified in writing of the intention to expel within ten (10) days of the incident. While an expulsion decision is pending, the student will be suspended from the college.

1. If the student wishes to appeal the decision of the Vice President of Student Services or designee to recommend to the Board of Trustees expulsion, he or she must request a formal hearing in writing to the Vice President of Student Services within ten (10) days of receipt of the

notice of intent to expel.

2. The hearing for an appeal of an expulsion decision will be held within fifteen (15) days. The hearing will be conducted by an academic administrator who is not involved with the incident which caused the decision to expel. The student may bring an advocate to the hearing. If the advocate is an attorney, then the Vice President of Student Services must be notified at least five (5) days in advance of the formal hearing so that college legal representation may also be present. The Vice President of Student Services or designee will present the case for expulsion and the student will be provided an opportunity to respond and provide evidence in support of the appeal. If attorneys are present, they may provide advice to the people they represent, but they are not part of the formal hearing and will not participate unless invited to do so by the academic administrator in charge of the hearing.
 - a. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in hearings. Relevant evidence, including hearsay, is admissible if it is the type of evidence that reasonable members of the college community would rely upon in the conduct of their affairs. The academic administrator conducting the hearing shall have the discretion to determine admissibility of evidence.
 - b. The academic administrator in charge of the hearing makes a decision based on a preponderance of the evidence that is whether it is more likely than not that the accused student violated the Code of Conduct for students.
3. The hearing will be audio-recorded.
4. The academic administrator will notify the student within five (5) days of the formal hearing whether or not a recommendation for expulsion will be forwarded to the college president. The college president may support, modify, or reject the recommendation for expulsion. If the president supports the recommendation for expulsion, the recommendation will be forwarded to the Board of Trustees for action within thirty (30) days of the president's decision.
5. The Board of Trustees will consider a recommendation for expulsion at the next regularly scheduled meeting after receipt of the recommendation from the college superintendent/president. The Board will consider an expulsion recommendation in closed session unless the student has requested that the matter be considered in a public meeting (Education Code §72122). The student will be notified in writing by certified mail at least three (3) days prior to the Board meeting at which the expulsion recommendation will be considered. The notification will include the date, time, and place of the Board meeting. The student may request that the hearing be held as a public meeting. The request must be in writing to the college superintendent/president and must be made at least forty-eight (48) hours prior to the meeting. If, despite the request for a public hearing, a right to privacy conflict occurs, the Board may conduct the expulsion hearing in closed session. The Board may accept, modify, or reject the recommendation for expulsion, and the decision of the Board is final. The Board decision shall be announced at a public meeting.
6. If the student is expelled by the Board of Trustees, he or she will be permanently excluded from enrolling at MiraCosta College

Suspension from a Class or College Office by a Faculty Member or Staff Member (Education Code §76032)

A faculty or staff member may remove a student from a class or from an office for the day of the removal and one (1) additional day of class or of office privileges. The removal of the student must be reported to the Vice President of Student Services or designee immediately. The Vice President of Student Services or designee will meet with the student to determine whether or not the student will be returned to the class or regain office privileges, and under what circumstances reinstatement will be possible. If the behavior which caused the removal is egregious, the Vice President of Student Services or designee may determine that the student should be suspended from the class, office, or the district.

Non-Student Removal

Campus Police may notify any person who is willfully disrupting the orderly operation of college classes or activities that permission to remain on campus has been withdrawn. The person may be issued an order to stay away from all MiraCosta Community College District sites for up to seven (7) calendar days from the date on which permission to remain on campus was withdrawn. Any person violating a stay-away order will be subject to arrest (Penal Code §626.6).

Exception to Due Process—Athletic Rules Violations

Athletes who violate rules of the Pacific Coast Athletic Conference, the California Community College Athletic Association, or the MiraCosta College Athletic Department may be suspended immediately from intercollegiate competition.

1. A student athlete may appeal the suspension in writing to the Director of Athletics within ten (10) days of the suspension. The Director of Athletics will uphold, modify, or rescind the suspension within ten (10) days of receiving the appeal.
2. If the Director of Athletics upholds the suspension, the student athlete may make a final appeal in writing to the Vice President of Student Services whose written response to the student athlete will be final.

Administrative Procedure 5530: Student Rights and Grievances

The purpose of this procedure is to provide an efficient and equitable means of resolving student grievances. This procedure is available to any student who believes a decision or action by an instructor, college official, or by another student has adversely affected his or her status, rights, or privileges as a student. Grievances related to course grades are addressed in Board Policy 4231 and Administrative Procedure 4231

Grievances related to the exercise of rights of free expression are addressed in Board Policy 3900 and Administrative Procedure 3900.

For grievances related to sexual harassment, sexual assault, or illegal discrimination, students should

contact the Director of Human Resources and/or the MiraCosta College Campus Police Department. Staff members in those areas will assist students with the correct processes for resolution.

In addition to MiraCosta Community College District procedures, a student may address a grievance directly to the California Community College Chancellor's office by accessing the following website: <http://californiacommunitycolleges.cccco.edu/ComplaintsForm.aspx>.

This procedure does not apply to:

- Student discipline, which is covered under Board policy 5500 and Board administrative procedure 5520.
- Police traffic tickets. Those complaints must be made to the local courts
- Parking tickets. Those complaints must be made at the Campus Police Office.

Informal conflict resolution is a method to resolve student concerns or complaints. A student seeking to informally resolve an issue may be assisted by a trained college mediator. The list of mediators includes faculty, staff, administrators, and students. The appropriate district administrator will assist students in resolving grievances informally. A student who has a concern or complaint must first follow the informal conflict resolution process. If that process does not resolve the issue, the student may request formal conflict resolution. (See procedures below.)

If a student wishes to file a formal grievance, he or she must do so in writing, explaining the details of the complaint, at the Office of the Vice President of Student Services at the Oceanside Campus, the Office of the Associate Dean of Student Services at the San Elijo Campus, or the Office of the Dean of Community Education at the Community Learning Center. Once the complaint is received, the appropriate official will meet with the student to help to provide information on formal grievance processes. (See procedures below.)

Informal Conflict Resolution

To informally resolve any issues with a faculty member, the student must make a reasonable effort to follow the steps listed below.

1. Contact the instructor in person, by email, or by telephone, unless there is a valid reason (student feels intimidated, instructor unavailable after several attempts, etc.) to omit this step.
2. If the concern or complaint is not resolved satisfactorily by contacting the faculty member, contact the appropriate department chair in person, by email, or by telephone.
3. If the concern or complaint is still not resolved, contact the appropriate dean in person, by email, or by telephone.
4. If the concern or complaint is still not resolved, the student may contact the Vice President of Student Services for assistance with the formal conflict resolution process.

To informally resolve any issue with a staff member or administrator, the student must make a

reasonable effort to follow the steps listed below.

1. Contact the staff member or administrator with whom the student has the grievance in person, by email, or by telephone.
2. If the concern or complaint is not resolved satisfactorily, speak with the appropriate supervisor in person, by email, or by telephone.
3. If the concern or complaint is still not resolved, speak to the appropriate dean or department head in person, by email, or by telephone.
4. If the concern or complaint is still not resolved, the student may contact the Vice President of Student Services for assistance with the formal conflict resolution process.

To informally resolve a conflict with another student, the student must make a reasonable effort to follow the steps listed below:

1. If appropriate, discuss the issue with the student with whom the student has the grievance in person, by email, or by telephone.
2. Meet with Vice President of Student Services or designee in person to request assistance in resolving the conflict.

Formal Conflict Resolution

If informal resolution through discussion or mediation did not resolve the conflict, then a formal mediation will take place. A list of trained mediators will be provided to the parties involved in the conflict and they will participate in the selection of two (2) mediators. If the mediators are unable to help the student and the staff or faculty member resolve the conflict and the mediator(s) agree that the issue is grievable, the student shall have the right to request a grievance hearing, in writing, to the Vice President of Student Services at the Oceanside Campus, the Associate Dean of Student Services at the San Elijo Campus, or the Dean of Community Education at the Community Learning Center. The request for a hearing must be made within ten (10) days (during which MiraCosta College is in session) of the formal mediation meeting. The formal grievance hearing will be scheduled within ten (10) days (during which MiraCosta College is in session) of receipt of the request.

The grievance hearing committee will consist of the following:

- One student appointed by the Student Senate President.
- One faculty member appointed by the Academic Senate President if the grievance is against a faculty member.
- One staff member appointed by the Classified Senate President, if the grievance is against a staff member.
- The Vice President of Student Services who will chair the committee if the grievance is non-academic or the Academic Senate President if the grievance is academic.

The chair will conduct the hearing.

The members of the grievance hearing committee will be provided a copy of the grievance and any written response to the grievance.

Each party to the grievance may call witnesses and introduce oral and written testimony.

Although the hearing is formal, rules of evidence do not apply as they would in a court of law.

Each party to the grievance will be permitted to make an opening statement. Thereafter, the grievant will present evidence followed by the respondent.

The student may bring an advocate or attorney to the hearing provided that the Vice President of Student Services is notified at least five (5) calendar days in advance of the hearing. The hearing will be recorded. The recording shall remain in the custody of the Vice President of Student Services. Any party may request a copy of the recording.

Witnesses unable to be present may submit written statements.

Hearings shall be closed and confidential unless all parties request that they be open to the public. Any such request must be made no less than three (3) calendar days prior to the date of the hearing.

In a closed hearing, witnesses will testify and be excused.

The hearing committee will recommend a resolution of the grievance after listening to all the participants. The committee will inform the student and the respondent in writing about its recommendation within ten (10) days (during which MiraCosta College is in session) of the hearing. The recommendation shall include specific factual findings regarding the grievance. The recommendation shall also include relief to be afforded to the student, if any.

The student may appeal the recommendation of the grievance hearing committee by writing to the superintendent/president within ten (10) calendar days of being notified of the grievance hearing committee's recommendation. The superintendent/president will send the student a final decision in writing within ten (10) calendar days of receiving the appeal.

Administrative Procedure 5505: Student Conduct-Academic Integrity

The purpose of this procedure is to provide an efficient and equitable means of resolving student grievances. This procedure is available to any student who believes a decision or action by an instructor, college official, or by another student has adversely affected his or her status, rights, or privileges as a student. Grievances related to course grades are addressed in Board Policy 4231 and Administrative Procedure 4231

A student who is determined by a faculty member to have been academically dishonest (cheating, plagiarizing, falsification of information, helping other students to cheat, etc.) has the right to appeal a faculty member's decision. The appeal process is as follows:

A. Within ten (10) instructional days (excluding weekends and holidays), the student may appeal the faculty member's action by contacting the department chairperson who must respond in writing within ten (10) instructional days of the appeal having been submitted.

B. If the student wishes to appeal the department chairperson's decision, s/he may make a final written appeal to the Vice President, Instructional Services, within ten (10) instructional days of receiving the chairperson's decision. The vice president's decision is final and will be mailed to the student within ten (10) instructional days.

C. A successful appeal of a faculty member's determination that a student has been academically dishonest does not automatically change the final grade in the course. To appeal the final grade in a course, the student must follow the procedures outlined in Administrative Procedure 4231 on grade changes.

C. Disabled Students Programs and Services Quick Reference

DSPS SERVES MiraCosta Community College provides services and accommodations to students who have the following verified disabilities:

- Mobility Impairment
- Blind or Low Vision
- Deaf/Hard of Hearing
- Learning Disability
- Acquired Brain Injury
- Developmentally Delayed Learner
- Psychological Impairment
- Other Health Impairment

SERVICES AVAILABLE

Course Accommodations

- Test Accommodations
- Note takers
- Class mobility aides
- Interpreters
- Real Time Captioning
- Alternate Media
- Referrals and Liaison
- Special Content Courses
- DMV Disabled Parking

Access Accommodations

- Academic Counseling
- Advocacy
- Equipment Loan
- Alternate Format Materials (Braille, large print, etc.)
- Readers
- Assistive Technology Lab (O'side only)
- LD Assessment class
- Priority Registration on SURF

STUDENT ELIGIBILITY & INTAKE Students with disabilities are required to:

- Complete an application for services;
- Submit professional verification of disability; and
- Meet with a counselor to complete a Student Educational Contract that defines their educational goal, educational limitations, and approved accommodations and services.

STUDENT RESPONSIBILITY Students with disabilities are expected to make measurable progress toward their educational goals. Also, they must demonstrate independence to negotiate campus facilities, take care of personal needs unassisted or provide their own attendant, and possess a stable level of health in order to benefit from a full semester's work.

DETERMINING ACCOMMODATIONS DSPS professionals address three primary questions:

1. Does the student's disorder substantially impact a major life activity?
2. What accommodation is the student requesting, is it reasonable, does the accommodation compromise academic standards, and will the accommodation be effective in the educational environment?
3. Does the disability documentation support the first and second questions? A doctor's accommodation recommendations should be considered, however OCR decisions have supported that the disability services professional is considered the "expert" regarding accommodations in the educational setting.

Accommodations are recommended by DSPS faculty.

FACULTY ROLE IN FACILITATING ACCOMMODATIONS Providing academic accommodations to students with disabilities is a shared responsibility of the MCC campus.

DSPS has responsibility for providing certain unique accommodations such as sign language interpreters, readers, adaptive computer technology, etc. DSPS also refers students to other campus units such as EOPS and TASC for tutoring services as an accommodation.

Faculty members are asked to assume certain responsibilities in providing classroom accommodations. These are identified by the disabled student to the instructor, or presented via a “Service Authorization” from DSPS. Typically, the accommodation authorized is an exam accommodation; most commonly, it is for extended time.

WORKING WITH STUDENTS WITH DISABILITIES The DOE Office of Civil Rights requires the institution to inform students with disabilities of the services available to them. They “strongly suggest” that class announcements and syllabus statements are the most effective method. If you prefer, you are welcome to develop your own statement.

- It should inform your students that accommodations are available for students with disabilities;
- You are willing to provide those accommodations; and
- How they can “get the ball rolling” to receive the accommodations.

SYLLABUS STATEMENTS

- Be sure it is clear, preferably in writing or when a student contacts you, that they should complete eligibility with DSPS as well as speak to you personally in order to use academic or testing accommodations.
- This is for your protection as well as the protection of the student and the college.
- It is also suggested that instructors make a similar verbal statement at the beginning of each course to set a positive tone of acceptance for student diversity.

DSPS FACULTY HANDBOOK Go to www.miracosta.edu/dsp

- Great tool available for you to view, or download and print.
- Helpful tips and strategies for interacting with and teaching students with disabilities.
- Quick FAQ references.

For further information contact:

DISABLED STUDENTS PROGRAMS & SERVICES

Oceanside Building 3000 for Intake, Counseling, Service Coordination, LD Assessment

Assistive Technology Lab, Exam Proctoring

San Elijo appointments available by appointment only on Monday and Tuesday.

760-795-6658 Voice – 760- 795-6604 FAX

FACULTY AND STAFF

Robert Erichsen	Access Specialist	x6684
Michelle Farnam	Counselor	x6348
	Instructional Assistant II	x6233
Abrey Nydegger	Secretary II	x6658
Maria Peña	Student Service Coordinator	x6297
Saroya Sandoval	Counselor/LD Specialist	x6271
Nancy Schaefer	LD Specialist /Instructor	x6311
Connie Wilbur	Director	x6300

D. Behavior Incident Report Form

Incident Report



Please note that anonymous reports will not be accepted.

Reporter's Information

Your full name:

Urgency of this report:

* Date of incident: must be formatted YYYY-MM-DD

Time of incident: : :

* Location of incident:

Specific location:

Involved Parties

<input type="text" value="Name or Organization"/>	<input type="text" value="====[Select Gender]===="/>	<input type="text" value="====[Select Role]===="/>	<input type="text" value="ID Number"/>
<input type="text" value="Phone number"/>	<input type="text" value="Email address"/>		

Narrative/Description

* Please describe, as objectively as possible, the details of the incident(s) and the behaviors observed. Focus on the Who, What, Why, Where, When, and How. Indicate specific words, phrases, and interactions. For example, if a subject used profanity, made threats, or spoke of harming him/herself, indicate the actual words/phrases that were spoken. If the subject was loud or disruptive, describe in detail the behavior observed during the disruption and describe any injury/damage to person(s) or property. If this is a welfare concern, please describe what observations are causing you concern and/or any changes in the individual's behavior that prompted this report. PLEASE INCLUDE THE NAME(S) OF PERSONNEL YOU HAVE CONTACTED AND ANY ACTIONS TAKEN.

[Check Spelling & Preview](#)

* How would you prefer to receive follow-up?
 Phone Email

Supporting Documentation

Photos, video, email, and other supporting documents may be attached below. *Maximum 12 megabytes per file*
Attachments require time to upload, so please be patient after you click to submit this report.

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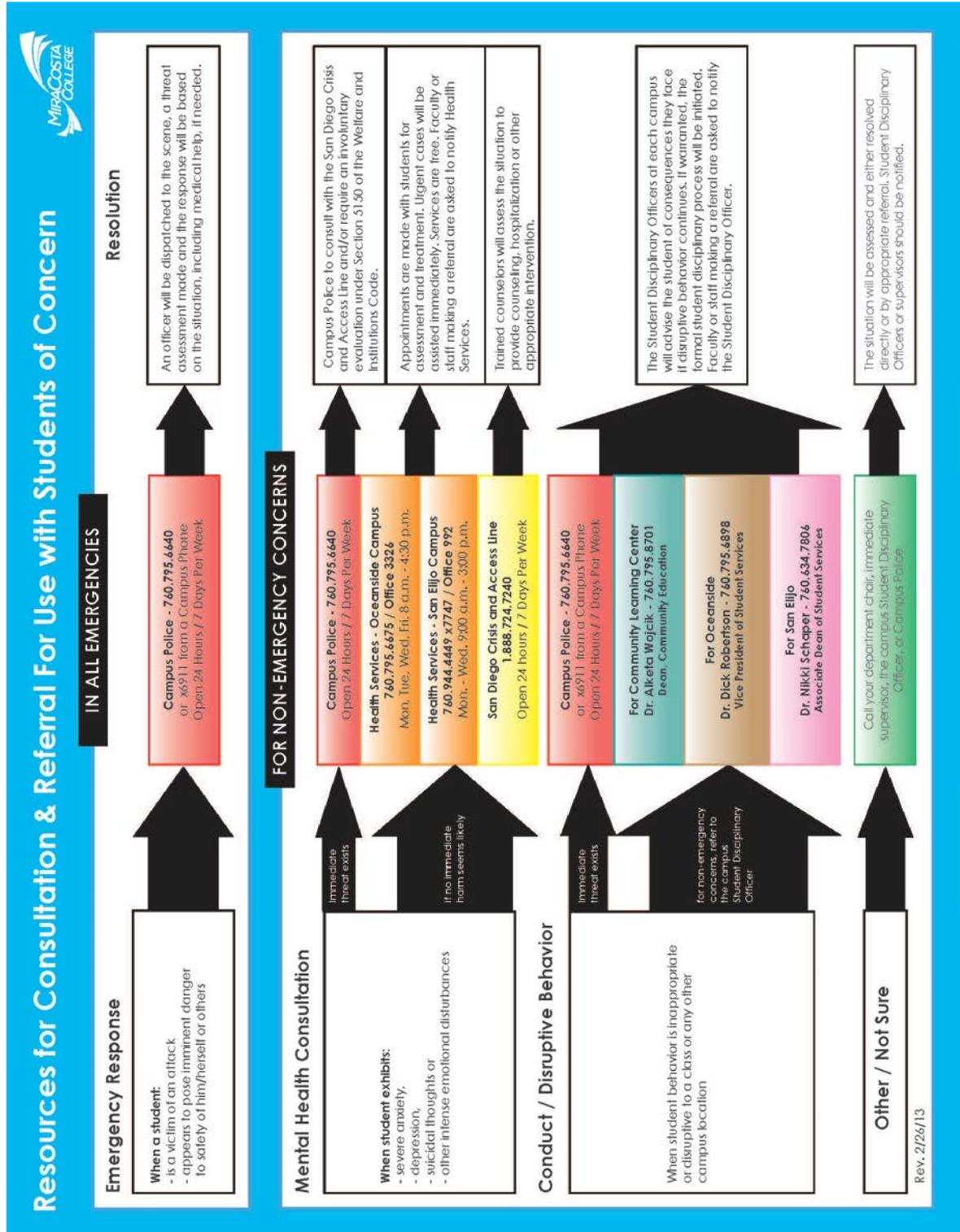
One last step ...

Help us prevent spam reports. Prove you're a human by typing the letters and numbers as you see them in the block to the right. Capitalization does not matter but cookies must be enabled in your browser for this to work.

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E. Resources for Consultation and for Referral for use with Students of Concern





MiraCosta College - Behavior Assessment Team (BAT) Threat Assessment Rubric

F. Behavioral Assessment Threat Assessment Rubric

Name _____ Student ID _____ Date _____	Rev. 1/4/2013
Mild Risk	Mild Risk
<p>Aggression</p> <ul style="list-style-type: none"> <input type="checkbox"/> Disruptive or concerning behavior <input type="checkbox"/> Student may or may not show signs if distress <input type="checkbox"/> No threat made or present <input type="checkbox"/> Has become more distant and argumentative <input type="checkbox"/> Demonstrates a lack of understanding and empathy <input type="checkbox"/> Conceals motives and intent through deception <input type="checkbox"/> Has become fixated on this or her own view <p>Mental & Behavioral Health</p> <ul style="list-style-type: none"> <input type="checkbox"/> Emotionally troubled <input type="checkbox"/> Individuals impacted by situational stressors and traumatic events <input type="checkbox"/> Psychiatrically symptomatic 	<p>Referral to _____</p> <ul style="list-style-type: none"> <input type="checkbox"/> Behavioral contract or treatment plan with student <input type="checkbox"/> Meet with Student Disciplinary Officer <input type="checkbox"/> Evaluate for disability services referral <input type="checkbox"/> Conflict management, mediation, problem solving <input type="checkbox"/> Other:
Moderate Risk	Moderate Risk
<p>Aggression</p> <ul style="list-style-type: none"> <input type="checkbox"/> More involved or repeated disruption. Behavior more concerning. Likely distressed or low-level disturbance <input type="checkbox"/> Possible threat made or present <input type="checkbox"/> Threat is vague and indirect <input type="checkbox"/> Information about threat or threat itself is inconsistent, implausible or lacks detail <p>Mental & Behavioral Health</p> <ul style="list-style-type: none"> <input type="checkbox"/> Emotionally troubled <input type="checkbox"/> Individuals impacted by situational stressors and traumatic events <input type="checkbox"/> Psychiatrically symptomatic 	<p>Referral to _____</p> <ul style="list-style-type: none"> <input type="checkbox"/> Behavioral contract or treatment plan with student <input type="checkbox"/> Meet with Student Disciplinary Officer <input type="checkbox"/> Evaluate for disability services referral <input type="checkbox"/> Conflict management, mediation (not if physical/violent), problem solving <input type="checkbox"/> Other:
Elevated Risk	Elevated Risk
<p>Aggression</p> <ul style="list-style-type: none"> <input type="checkbox"/> Seriously disruptive incident(s) <input type="checkbox"/> Exhibiting clear distress, more likely disturbance <input type="checkbox"/> Threat made or present <input type="checkbox"/> Threat is vague and indirect, but may be repeated or shared with multiple reporters <input type="checkbox"/> Information about threat or threat itself is inconsistent, implausible or lacks detail <input type="checkbox"/> Threat lacks realism, or is repeated with variations <p>Mental & Behavioral Health</p> <ul style="list-style-type: none"> <input type="checkbox"/> Behaviorally disruptive, unusual and/or bizarrely acting <input type="checkbox"/> Destructive, apparently harmful to others 	<p>Referral to _____</p> <ul style="list-style-type: none"> <input type="checkbox"/> Evaluate parental/guardian notification <input type="checkbox"/> Evaluate need to request permission from student to receive medical/educational/counseling records <input type="checkbox"/> Consider interim suspension if applicable <input type="checkbox"/> Evaluate for disability services referral <input type="checkbox"/> Consider referral or mandate assessment <input type="checkbox"/> Other:



MiraCosta College - Behavior Assessment Team (BAT) Threat Assessment Rubric

Name _____

Student ID _____

Date _____

Severe Risk	Severe Risk
<p>Aggression</p> <ul style="list-style-type: none"> <input type="checkbox"/> Disturbed or advancing dysregulation <input type="checkbox"/> Threat made or present <input type="checkbox"/> Threat is vague, but direct, or specific but indirect <input type="checkbox"/> Likely to be repeated or shared with multiple reporters <input type="checkbox"/> Information about threat or threat itself in consistent, plausible or includes increasing detail of a plan (time, place, etc.) <input type="checkbox"/> Threat likely to be repeated with consistency (may try to convince listener they are serious) <input type="checkbox"/> Content of threat suggests threatener may carry it out <p>Mental Behavioral Health</p> <ul style="list-style-type: none"> <input type="checkbox"/> Behaviorally disruptive, unusual and/or bizarrely acting <input type="checkbox"/> Destructive, apparently harmful to others <input type="checkbox"/> Substance abusing <input type="checkbox"/> Suicidal <input type="checkbox"/> Parasuicidal (self-injurious, eating disordered) <input type="checkbox"/> Individuals engaging in risk-taking behaviors (e.g., substance abusing) <input type="checkbox"/> Hostile, aggressive, relationally abusive <input type="checkbox"/> Individuals deficient in skills that regulate emotion, cognition, self behavior, and relationships 	<p>Severe Risk</p> <ul style="list-style-type: none"> <input type="checkbox"/> Referral to _____ <input type="checkbox"/> Parental/guardian notification obligatory unless contraindicated <input type="checkbox"/> Evaluate emergency notification to others (FERPA/HIPAA/Clery) <input type="checkbox"/> Recommend interim suspension if applicable <input type="checkbox"/> Possible liaison with local police to compare red flags <input type="checkbox"/> Deploy mandated assessment by _____ <input type="checkbox"/> Evaluate for transport <input type="checkbox"/> Evaluate for involuntary commitment <input type="checkbox"/> Consider voluntary/involuntary medical withdrawal <input type="checkbox"/> Law enforcements response <input type="checkbox"/> Other: _____
Extreme Risk	Extreme Risk
<p>Aggression</p> <ul style="list-style-type: none"> <input type="checkbox"/> Student is dysregulated (way off baseline) or medically disabled <input type="checkbox"/> Threat is made or present <input type="checkbox"/> Threat is concrete (specific or direct) <input type="checkbox"/> Likely to be repeated or shared with multiple reporters <input type="checkbox"/> Information about threat or threat itself is consistent, plausible or includes specific detail of a plan (time, place, etc), often with steps already taken <input type="checkbox"/> Threat may be repeated with consistency <input type="checkbox"/> Content of threat suggests threatener will carry it out (reference to weapons, means, target) <input type="checkbox"/> Threatener may appear detached <p>Mental Behavioral Health</p> <ul style="list-style-type: none"> <input type="checkbox"/> Behaviorally disruptive, unusual and/or bizarrely acting <input type="checkbox"/> Destructive, apparently harmful to others <input type="checkbox"/> Substance abusing <input type="checkbox"/> Suicidal <input type="checkbox"/> Parasuicidal (self-injurious, eating disordered) <input type="checkbox"/> Individuals engaging in risk-taking behaviors (e.g., substance abusing) <input type="checkbox"/> Hostile, aggressive, relationally abusive <input type="checkbox"/> Individuals deficient in skills that regulate emotion, cognition, self behavior, and relationships 	<p>Extreme Risk</p> <ul style="list-style-type: none"> <input type="checkbox"/> Referral to _____ <input type="checkbox"/> Parental/guardian notification obligatory unless contraindicated <input type="checkbox"/> Evaluate emergency notification to others (FERPA/HIPAA/Clery) <input type="checkbox"/> Interim suspension if applicable <input type="checkbox"/> Possible liaison with local police to compare red flags <input type="checkbox"/> Once a student defuses from extreme to severe, consider eligibility for mandated assessment by _____ <input type="checkbox"/> Evaluate for transport <input type="checkbox"/> Evaluate for involuntary commitment <input type="checkbox"/> Consider voluntary/involuntary medical withdrawal <input type="checkbox"/> Law enforcements response <input type="checkbox"/> Other: _____

BAT Members:

Print Name _____

Date _____

G. Department of Health and Human Services Letter regarding HIPAA Concerns



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Director
Office for Civil Rights
Washington, D.C. 20201

January 15, 2013

Message to Our Nation's Health Care Providers:

In light of recent tragic and horrific events in our nation, including the mass shootings in Newtown, CT, and Aurora, CO, I wanted to take this opportunity to ensure that you are aware that the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule does not prevent your ability to disclose necessary information about a patient to law enforcement, family members of the patient, or other persons, when you believe the patient presents a serious danger to himself or other people.

The HIPAA Privacy Rule protects the privacy of patients' health information but is balanced to ensure that appropriate uses and disclosures of the information still may be made when necessary to treat a patient, to protect the nation's public health, and for other critical purposes, such as when a provider seeks to warn or report that persons may be at risk of harm because of a patient. When a health care provider believes in good faith that such a warning is necessary to prevent or lessen a serious and imminent threat to the health or safety of the patient or others, the Privacy Rule allows the provider, consistent with applicable law and standards of ethical conduct, to alert those persons whom the provider believes are reasonably able to prevent or lessen the threat. Further, the provider is presumed to have had a good faith belief when his or her belief is based upon the provider's actual knowledge (i.e., based on the provider's own interaction with the patient) or in reliance on a credible representation by a person with apparent knowledge or authority (i.e., based on a credible report from a family member of the patient or other person). These provisions may be found in the Privacy Rule at 45 CFR § 164.512(j).

Under these provisions, a health care provider may disclose patient information, including information from mental health records, if necessary, to law enforcement, family members of the patient, or any other persons who may reasonably be able to prevent or lessen the risk of harm. For example, if a mental health professional has a patient who has made a credible threat to inflict serious and imminent bodily harm on one or more persons, HIPAA permits the mental health professional to alert the police, a parent or other family member, school administrators or campus police, and others who may be able to intervene to avert harm from the threat.

In addition to professional ethical standards, most states have laws and/or court decisions which address, and in many instances require, disclosure of patient information to prevent or lessen the risk of harm. Providers should consult the laws applicable to their profession in the states where they practice, as well as 42 CFR Part 2 under federal law (governing the disclosure of substance abuse treatment records) to understand their duties and authority in situations where they have information indicating a threat to public safety.

We at the Office for Civil Rights understand that health care providers may at times have information about a patient that indicates a serious and imminent threat to health or safety. At those times, providers play an important role in protecting the safety of their patients and the broader community. I hope this letter is helpful in making clear that the HIPAA Privacy Rule does not prevent providers from sharing this information to fulfill their legal and ethical duties to warn or as otherwise necessary to prevent or lessen the risk of harm, consistent with applicable law and ethical standards.

A handwritten signature in black ink, appearing to read "L. Rodriguez". The signature is fluid and cursive, with a large initial "L" and a long, sweeping underline.

Leon Rodriguez