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California Community Colleges *(CIO/CSSO Joint Conference)*

“Legal Issues”

March 28, 2008

Presented by:
Mary Dowell

Legal Issues

Community College Chief Instructional Officers and Chief Student Services Officer Conference / March 28, 2008

Presented by Mary Dowell

Legal Issues and Questions

Presented by:
Mary Dowell

Agenda

- Selected Chancellor's Interpretations
 - Academic Integrity
 - Expelled Students
 - Clinical Nursing Faculty
 - Minimum Qualifications
- Some Startling Cases
- Questions from the Field
- Question from the Floor

Consultation Obligation

- *Diablo Valley College Faculty Senate v. Contra Costa CCD* (March 21, 2007)
 - No obligation to consult prior to reorganizing to implement deans in place of division chairs.
 - Reorganization was *not* an academic and professional matter requiring reliance on faculty's expertise.
- **Chancellor's office interpretation entitled to weight**

Legal Issues

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Chancellor's Interpretations:
Four Major Opinions

- Academic Integrity
- Past Misconduct
- Clinical Nursing Faculty
- Minimum Qualifications

Academic Integrity

- Instructors may not give Incomplete or "F" in course if student caught cheating.
- Cheating should be handled through student discipline.

– <http://www.cccco.edu/Portals/4/Legal/opinions/attachments/07-12.pdf>

Past Misconduct

- Discipline records can only be shared under limited circumstances.
- Cannot deny admission based on discipline at another district.

– <http://www.cccco.edu/Portals/4/Legal/opinions/attachments/07-07.pdf>

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Clinical Nursing Faculty

- Clinical nursing faculty must spend a majority of their time supervising students in clinical setting.
- Legislation was prospective only.
 - <http://www.cccco.edu/Portals/4/Legal/opinions/attachments/07-04.pdf>

Minimum Qualifications

- District must strictly adhere to the list of degrees set out in the “Minimum Qualifications” document.
 - <http://www.cccco.edu/Portals/4/Legal/opinions/attachments/07-08.pdf>

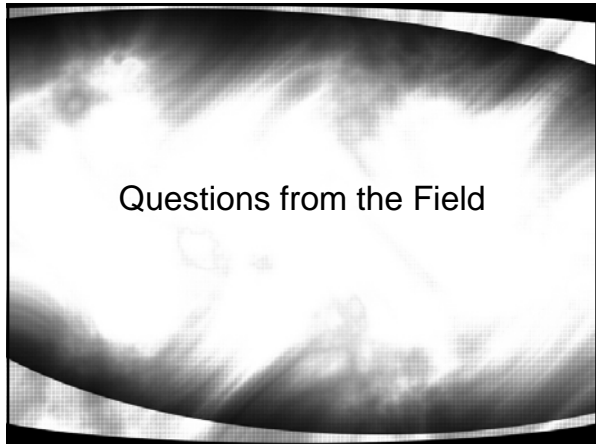
Startling Case: Public Records Act

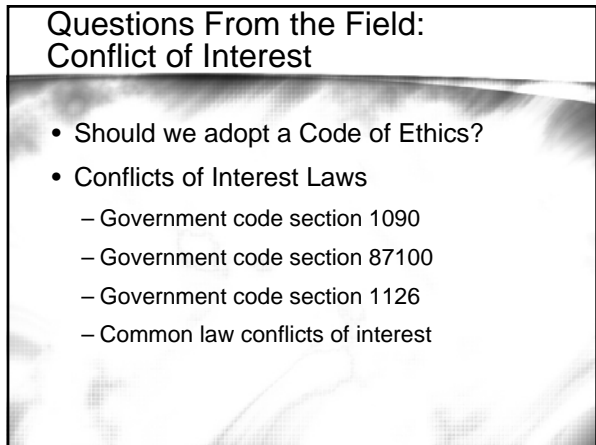
- California Supreme Court holds that the names and salaries of public employees, including peace officers, who earn \$100,000 or more per year are subject to public disclosure under the California Public Records Act.
 - *International Federation of Professional and Technical Engineers v. Superior Court* (2007) --- Cal.Rptr.3d ---, 2007 WL 2410093.

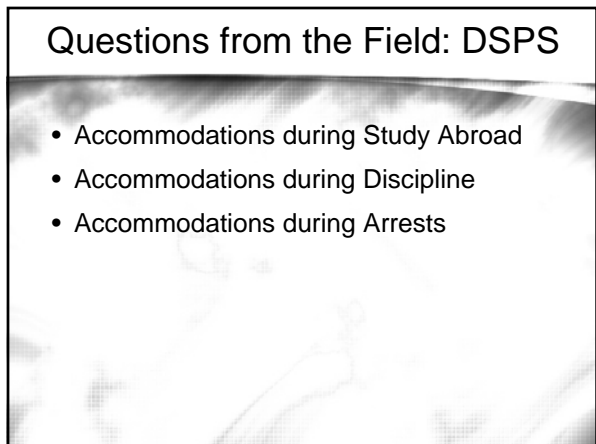
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Questions from the Field:
Sex Offenders

- What are colleges' responsibilities related to registered sex offenders?

Questions from the Field:
Sex Offenders

- Students cannot be required to disclose criminal records or parole/probation status as a condition to college admission.
- Certain sex offenders can be excluded as employees or volunteers; others must disclose their sex offender registrant status.
- The police are responsible for assessing what sex offender information should be shared.
- Colleges do not enforce conditions of parole/probation.

Questions from the Field:
Virtual High School Degrees

- Are virtual high school degrees legitimate?

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Questions from the Field: Enrollment

- When is a student a student?
 - Enrollment?
 - Payment?
 - Class?
- Why does it matter?

Questions from the Floor

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