

## **Students and Student Services**

### **Administrative Rules and Procedures**

#### **5270 Procedures to Determine the Capability to Profit from Instruction**

By this rule, the Chancellor is authorized to determine whether a person is or is not capable of profiting from college instruction. The determination of capability to profit is a matter of composite professional judgment based upon available evidence. Final determination shall be made by the Chancellor on the basis of evidence and recommendations presented by the professional staff. The Vice President of Student Services shall be responsible for the gathering of evidence and the preparation of recommendations.

Professional judgments regarding an individual's capability to profit may be applied to the determination of that person's eligibility for admissions, enrollment, and/or dismissal. High school graduates are automatically admitted and shall be held to the academic requirements of the College. Other persons are admitted as provisional students whose enrollment in any subsequent semester shall be based upon satisfaction of the prescribed College rules and regulations pertaining to scholastic achievement and to provisional or probationary status. Evidence of capability to profit shall be used to counsel and guide each individual toward realistic educational and career goals and objectives.

The Vice President of Student Services shall be responsible for notifying the person involved of the decision and recommendation of the professional staff. If the person is dissatisfied, his/her recourse is to notify the Vice President within forty-eight (48) hours after receiving notice that a formal hearing is desired.

The Vice President of Student Services is responsible for convening a formal hearing committee. The committee shall be composed of five certificated members representing the instructional, counseling and management staffs. Three members shall be appointed by the president of the Faculty Senate and two by the Chancellor. Staff members who may be called as witnesses shall not be appointed as members of the hearing committee. The committee shall choose one member to be chairperson.

The formal hearing committee shall conduct its proceedings as follows:

1. Review the record of evidence presented by the Vice President of Student Services;

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2. Hear testimony, examine witnesses, consider and discuss all available evidence relating with the determination of the individual's ability to profit from college instruction;
3. The individual who is the subject shall have the right to be present, to be represented by a person of his/her choice, and to present evidence of his/her ability to profit from college instruction;
4. The committee shall render professional judgment regarding the relevancy and weight of testimony and evidence regarding the individual's capability to profit from college instruction;
5. The committee shall submit a statement of its judgment and recommendations to the Vice President of Student Services, with a copy to the individual involved;
6. The hearing shall be closed to the public unless the individual notifies the Vice President of Student Services forty-eight (48) hours in advance that he/she desires that the hearing be public;
7. A summary record of the proceedings, if held in closed session, shall be kept in a confidential file by the Vice President of Student Services;
8. The Vice President of Student Services shall transmit to the Chancellor the records and evidence of the case related with both the initial recommendations of the professional staff and the findings and recommendations of the formal hearing committee;
9. After review of the records and other evidence and consideration of the recommendations, the Chancellor shall render the final determination of the individual's ability to profit from college instruction and shall advise the governing board of the action taken;
10. The Vice President of Student Services shall notify the individual of the decision and the action taken.