CHAPTER: Instructional Services
Curriculum Development/Academic Policies and Procedures Committee

A. Membership

The recommending body for curriculum is the Academic Policies and Procedures Committee (AP&P) of the Academic Senate. As such, it is a standing committee of the Academic Senate and reports to the Senate as a body but recommends via the College President to the Board of Trustees. Composition and membership of the Committee is specified in the Academic Policies and Procedures Handbook, maintained by AP&P.

B. Responsibilities

The AP&P Committee recommends curriculum policy and procedures, recommends graduation and G.E. requirements, recommends budget priorities, and interprets provisions of Title 5 of the Education Code. The Office of Instructional Services provides secretarial support.

C. Procedures

The rules and operating procedures of the Committee are specified in the Academic Policies and Procedures Handbook, maintained by AP&P. All meetings are open, and faculty members are invited to participate in deliberations.
CHAPTER: Instructional Services  
Grading Standards

Evaluative and non-evaluative symbols will be used to measure an individual's progress.

A. Evaluative Symbols

Evaluative symbols will consist of the traditional letter grades: A (excellent, 4.0 grade points); B (good, 3.0 grade points); C (satisfactory, 2.0 grade points); D (passing but less than satisfactory, 1.0 grade point); and F (failing, 0 grade point). Other evaluative symbols include "P" for pass and "NP" for no pass. For a more complete description, refer to the college catalog.

The option of pass/no pass grading will be offered to students in all graded classes. Different students in the same class may elect different grading plans. Election by the student must be made to the Admissions and Records Office before thirty percent (30%) of the class has elapsed.

Courses taken on a pass/no pass basis will not be considered in computing a grade point average. Units will be awarded for work which is the equivalent of C or better in traditional grading and will be counted for satisfaction of community college curriculum requirements.

Students who elect this option may never get a CR or P grade changed to a letter grade.

B. Non-Evaluative Symbols

Non-Evaluative symbols will consist of: "I" for incomplete; "MW" for withdrawal for members of an active or reserve military service who receive orders compelling a withdrawal from courses; "IP" for in progress, meaning the class extends beyond the normal end of an academic term; "RD" for report delays, which can be assigned only by the Admissions and Records Office; and "W" for withdrawal from a class. For a more complete description, refer to the college catalog.

C. Final Grade Reports

Final grade rosters will be available online to all credit faculty prior to the final exam period. Grades are due three days after an instructor's last exam. Questions concerning grading and the various grading options available should be directed to the Admissions and Records Office staff.

D. Public Display of Grades

The public display of student grades is allowable without written consent to the student only if the identity of the individual student is completely disguised. Posting of student grade lists using names, initials, Social Security numbers, or other forms of coding where the identity of the student can be determined is prohibited.

Effective Date: 1/21/92  
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MiraCosta Community College District
In support of Board Policy VIIB-05, MiraCosta College abides by the provisions of fair use as spelled out in the revised Copyright Act of 1976 (Sections 107 and 108), the Digital Millennium Copyright Act (DMCA) of 1998, and the Technology, Education and Copyright Harmonization Act (TEACH) of 2002.

This procedure is designed to explain how the requirements of federal copyright law affect the employees and students of MiraCosta College. Any staff members or students who are uncertain whether reproducing or using copyrighted material complies with the district’s policy or is permissible under the law should contact a librarian or the Dean of AIS.

**General Principles**

Copyright is part of the United States (Title 17, US Code) and international law that grants rights and protection to authors, developers, and owners of creative works. Among the rights granted are the rights to:

1. Reproduce the work.
2. Prepare derivative works based upon the work.
3. Distribute copies of the work to the public.
4. Perform the work publicly.
5. Display the copyrighted work publicly.
6. Perform the work publicly by means of a digital audio transmission.
7. Assign these rights to others.

Copyright protects only works that are fixed in a tangible form of expression. Copyright does not protect ideas or processes (although processes can be patented).
To make use of copyright protected material without the consent of the author or owner is a violation of the law. The exceptions to this are works that have passed into the public domain (at most, the length of the author’s life plus 70 years) and works used in the manner prescribed under the fair use part of the copyright law.

The District does not sanction the illegal use of someone else’s work in any form. MCC employees or students who fail to follow this procedure may be held personally liable for copyright infringement. See MCC Board Policy No. VIIB-05.

**Fair Use**

The concept of fair use refers to Section 107 (504c) of the U.S. Copyright Law. It lays out in very broad terms the conditions under which it is permissible to use copyright protected materials without obtaining permission from the author, creator, or owner of the work.

**Determining Fair Use**

MiraCosta College encourages faculty, staff, and students to be diligent in the application of the fair use criteria. To determine fair use, faculty, staff, and students should examine their intended use of copyrighted materials in light of the following factors:

1. **The purpose and character of the use**

   Non-profit educational use is the primary determinant for fair use. In addition, if the use is for criticism, satire, commentary, parody, or in some other way adds insight or transforms the work, it may also be considered fair use. Avoid uses that may be considered “commercial” in nature.

2. **The nature of the work to be used**

   Fair use favors published, factual work over dramatic works or works of personal expression. However, if the purpose and character of use are non-profit public education, even dramatic works and works of personal expression can fall into the fair use arena. In all cases, the work in question must be legally obtained.

3. **The amount and quality of the work to be used**

   Key to this factor is the amount or portion used in relation to the entire work. Specific numbers and percentages are difficult to assign. Copying 4 pages of a 220-page novel may be fair use, but copying 6 pages of a 12-page journal article may not. This factor also considers the quality of information used. Using key plot scenes from a novel can weigh against fair use. However, in some cases using an entire work is considered fair use if the purpose is non-profit, educational, or scholarly research.
4. The effect of the use on the market for or value of the work

Market impact can override the three other factors, since copyright specifically protects the commercial and marketing rights of the copyright holder. Fair use favors uses that do not impact a work’s market value. Examples may include original works unavailable for purchase or works where the copyright holder is unidentifiable. If the work is commercially available, a copy of the work should be purchased.

Guidelines for the Fair Use of Copyrighted Materials

This document details the generally accepted guidelines for fair use and is meant to clarify the use of copyrighted works in an educational setting. The guidelines were developed by the Conference on Fair Use (CONFU) in 1997, and further clarified under the Technology, Education and Copyright Harmonization Act (TEACH) of 2002.

The following guidelines for the fair use of copyrighted materials are not exhaustive. If you require further clarification, please refer to the MiraCosta College Library Copyright web page at http://www.miracosta.edu/StudentServices/Library/faculty_guidelinescopyright.htm or consult an MCC librarian.

Guidelines for Print materials

Permissible uses of copyrighted print materials:

An instructor may make (or request to be made) a single copy of any of the following for his or her scholarly research, for use in teaching, or for preparation to teach a course. For example:

1. A chapter from a book.

2. An article from a periodical or newspaper.

3. A short story, short essay or short poem, whether or not from a collection work.

4. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

5. An instructor may make (or request to be made) multiple copies for classroom use or discussions (not to exceed more than one copy per pupil) provided that:

6. The copying meets the four criteria for fair use (purpose, nature, amount, and market effect).

7. The copying is at the request and inspiration of the individual teacher.

8. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.
Prohibited uses:

1. Use of material as a substitute for the purchase of books, publishers’ reprints, periodicals, anthologies, compilations or collective works.

2. Copying of the same item by the same teacher from term to term.

3. Charging the student beyond the actual cost of the photocopying.

4. Copying works intended to be “consumable” in the course of study or of teaching such as course packs, workbooks, exercises, standardized tests, test booklets, and answer sheets.

Other limitations to the use of copyrighted materials may apply. For further clarification, please refer to the MiraCosta College Library copyright page at:

http://www.miracosta.edu/StudentServices/Library/faculty_guidelinescopyright.htm or consult an MCC librarian.

**Guidelines for Library Reserves**

Copyrighted materials placed on reserve require the permission of the copyright holder, unless the use is within the reasonable limits of fair use. Materials placed on reserve for more than one semester require the permission of the copyright holder.

Permissible uses of copyrighted materials for library reserves:

1. Materials used solely for the non-commercial, educational use of students, or deposit in qualifying library.

2. Materials containing full bibliographic information, the name of the faculty member requesting the reserve, and a notice of copyright provided that such notice appears on the original work, or the information needed for such notice can be easily ascertained.

Prohibited uses:

1. Placing illegally copied or obtained materials on reserve.

2. Copying significant portions of a work such as a textbook chapter.

**Electronic Reserves**

Electronic Reserves are an extension of traditional library reserves. In addition to meeting the criteria for print reserves, electronic reserves are further restricted, in that,
1. Access to E-Reserves is limited to registered MiraCosta College library users.

2. Appropriate copyright attribution must be entered on the material itself if it does not already appear.

3. Copyright notice must appear on the viewing screen of the library’s E-Reserves display.

Guidelines for Music

Permissible uses of copyrighted music:

1. Emergency copying to replace purchased copies which are not available for an imminent performance, provided that purchased replacement copies shall be substituted in due course.

2. Making single or multiple copies of excerpts of works (not to exceed one copy per student), for academic purposes other than performance, provided that the excerpts do not comprise a part of the whole that would constitute a performable unit, such as a section, movement or aria, but in no case more than ten percent (10%) of the whole work.

3. Editing or simplifying a purchased printed work, provided that the fundamental character of the work is not distorted, the lyrics altered, or lyrics added.

4. Retaining a single copy of a sound recording of performances by students for evaluation or rehearsal.

5. Making a single copy of a sound recording of copyrighted music from materials owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations.

Prohibited uses:

1. Copying to create a substitute or replacement for anthologies, compilations, or collective works.

2. Copying of or from works intended to be “consumable” in the course of study or of teaching.


4. Copying in place of purchasing the music.

5. Copying without inclusion of the copyright notice.

6. Including a digitized sound file on a web page (which constitutes publishing on the Web).
7. Other limitations to the use of copyrighted materials may apply. For further clarification, please refer to the MiraCosta College Library copyright page at http://www.miracosta.edu/StudentServices/Library/faculty_guidelinescopyright.htm or consult an MCC librarian.

Guidelines for Video Recordings

Permissible uses of copyrighted video recordings:

1. Displaying a video recording in the classroom as long as the performance is educational and the material was legitimately acquired.

2. Reproduction and/or distribution by the library of video recordings to replace works that are lost, stolen, or damaged and that cannot otherwise be replaced at a fair price.

Prohibited uses:

1. Performance or presentation of a video recording in a public venue for entertainment purposes (whether or not a fee is charged).

2. Transmission of more than a “reasonable and limited portion” of video recording to an outside location by radio or television without written permission from the copyright owner, or if not made as part of “mediated instructional activities.”

3. Transmission of more than a “reasonable and limited portion” of a video recording to students not in the same room or same general area without written permission from the copyright owner.

Other limitations to the use of copyrighted materials may apply. For further clarification, please refer to the MiraCosta College Library copyright page at http://www.miracosta.edu/StudentServices/Library/faculty_guidelinescopyright.htm or consult an MCC librarian.

Guidelines for Broadcast Recordings

Permissible uses of copyrighted broadcast recordings:

1. Recording of a television program at home by an instructor for educational purposes in the classroom.
2. Recording a television program off-air simultaneously with broadcast transmission (including simultaneous cable transmission) and retaining the recording for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording.

3. Using an off-air recording in the course of relevant teaching activities within the first ten (10) consecutive school days after recording and repeated once only when instructional reinforcement is necessary, when such recording cannot be rented for short periods of time.

4. Retaining the off-air recording for forty-five (45) calendar days for teacher evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum.

Prohibited uses:

1. Retaining the recording for more than for forty-five (45) calendar days for any reason, including educational purposes.

2. Physically or electronically combining or merging off-air recording to constitute teaching anthologies or compilations.

3. Altering the original content of the off-air recording.

4. Using an off-air recording for instructional purposes after a ten-day period.

5. Displaying off-air recordings without proper copyright attribution.

Other limitations to the use of copyrighted materials may apply. For further clarification, please refer to the MiraCosta College Library copyright page at http://www.miracosta.edu/StudentServices/Library/faculty_guidelinescopyright.htm or consult an MCC librarian.

**Guidelines for Software, Digital Media, and the Internet**

Digital media encompasses digital audio, digital video, the World Wide Web, and other technologies used to create and distribute digital content. Current copyright law gives legal protection to nearly all digital content even if the original works do not include any statement about copyright.
Permissible uses of digital media:

1. Display or transmission of reasonable and limited portions of works for purposes of instruction and limited to enrolled students to the extent technologically feasible.

2. Display or transmission of works in the public domain.

Prohibited uses:

1. Publication of copyrighted materials on the Web without the explicit consent of the copyright holder.

2. Duplication or distribution of digital files of copyrighted material without the explicit consent of the copyright holder.

3. Display or transmission of works to a general audience.

Other limitations to the use of copyrighted materials may apply. For further clarification, please refer to the MiraCosta College Library copyright page at

http://www.miracosta.edu/StudentServices/Library/faculty_guidelinescopyright.htm or consult an MCC librarian.

Note about Software

Most license agreements prohibit renting, leasing, or lending original copies of software. To ensure you are not infringing on copyright:

1. Assume all software is copyrighted even if it does not bear a copyright symbol.

2. Retain all packaging materials that contain provisions of a licensing agreement between the user and the software copyright.

Guidelines for Distance Learning

The TEACH Act of 2002 further defines how fair use can be applied in the distance learning environment. In essence, this legislation permits digitized materials to be transmitted to distant learners so long as only the intended recipients may have access to the materials. Instructors are required to limit access to copyrighted works to students in the class and to provide safeguards against further copying or redistribution of the works.

Requirement for permissible uses of copyrighted works for distance learning:

1. Copyrighted materials are lawfully made or acquired.
2. Transmission or sharing of copyrighted materials is protected against unauthorized reproduction and dissemination.

3. Performance or display is made by, at the direction of, or under the actual supervision of an instructor.

4. Materials are transmitted as an integral part of a class session offered as a regular part of the systematic, mediated instructional activities of the educational institution.

5. Students are notified that the works may be subject to copyright protection and that they may not violate the legal rights of the copyright holder; and

6. Copyrighted materials are directly related and of material assistance to the teaching content of the transmission.

Prohibited uses:

1. Storage of the copyrighted content on the system or network for availability to the students for a longer period than is reasonably necessary to facilitate the transmissions for which it was made.

2. Retention of the work in accessible form by recipients of the transmission for longer than the class session.

3. Unauthorized further dissemination of the work in accessible form.

4. Storage of material on a system or network where it may be accessed by anyone other than the anticipated recipients.

Other limitations to the use of copyrighted materials may apply. For further clarification, please refer to the MiraCosta College Library copyright page at http://www.miracosta.edu/StudentServices/Library/faculty_guidelinescopyright.htm or consult an MCC librarian.

Guidelines for Multimedia

Multimedia involves the integration of text, graphics, audio and/or video into a computer-based environment. The following generally accepted guidelines for fair use of copyrighted works for educational multimedia were developed by The Consortium of College and University Media Centers (CCUMC).
Permissible uses of copyrighted materials for multimedia projects:

1. Incorporating portions of others’ works into a multimedia creation for the purpose of producing curriculum materials.

2. Retaining multimedia products incorporating the copyrighted works of others for a period of two (2) years for educational use, after which time, permission must be sought from copyright holder(s).

3. Demonstrating multimedia creations at professional symposia and retaining same in professional portfolios.

4. Making multimedia products accessible to students at a distance (distance learning), provided that only those students enrolled in that curriculum–based class may access the material.

5. Incorporating portions of others’ works into students’ multimedia creations and performing or displaying the works for academic assignments in the course for which they were created.

Prohibited uses:

1. Broadcasting or distributing multimedia works over networks, unless the user is the copyright holder.

2. Reproducing or distributing multimedia works for commercial purposes.

Other limitations to the use of copyrighted materials may apply. For further clarification, please refer to the MiraCosta College Library copyright page at http://www.miracosta.edu/StudentServices/Library/faculty_guidelinescopyright.htm or consult an MCC librarian.
The Board-adopted policy establishes the process outlined in the Model District Policy for determining necessary and appropriate prerequisites, corequisites, and advisories and their respective level of scrutiny, including data collection where appropriate. Prerequisites, corequisites, and advisories are defined in college publications and class schedules and the specific prerequisites, corequisites, and advisories are identified in these same publications.

The Model District Policy

- Definitions

**Prerequisite:** A requirement which is 1) authorized by statute or regulation, 2) necessary to protect the health and safety of student or others or 3) assures that the student will have skill or knowledge presupposed to receive at least a “C” grade in a course. A prerequisite is enforced through the registration process.

**Corequisite:** A companion course to a targeted course teaching skills and/or knowledge without which a student is highly unlikely to pass the targeted course. A corequisite is enforced through the registration process.

**Advisory:** Recommended preparation that a student is advised but not required to meet before or in conjunction with enrollment in a course or educational program.

- MiraCosta College offers a timely challenge process to a student for any of the grounds listed below:
  
  - The student has the knowledge or ability to succeed in the course or program despite not meeting the prerequisite or corequisite.
  
  - The prerequisite or corequisite has not been established in accordance with the District’s process for establishing prerequisites and corequisites.
  
  - The prerequisite or corequisite is in violation of Title 5.
  
  - The prerequisite or corequisite is either unlawfully discriminatory or is being applied in an unlawfully discriminatory manner.

Effective Date: 4/24/07

MiraCosta Community College District
- The student will be subject to undue delay in attaining the goal of his or her Student Educational Plan because the prerequisite or corequisite course has not been made reasonably available.

- **Advisories**

  Students have the right to take a course without meeting the advisory on recommended preparation and are encouraged to do so if they feel that their education, work experience or other circumstances have prepared them. Students may consult a counselor or faculty member for specific advice.
CHAPTER: Instructional Services

Program Elimination

Preamble:

Providing excellent educational programs that prepare our students to meet the challenges in their chosen field is the goal of the College. Just as new programs are developed and integrated into the College offerings, programs that are no longer viable must be eliminated. Therefore, the Program Elimination Process and Procedures serves as a tool that keeps the College program contemporary, dynamic and pragmatic.

The Academic Policy and Procedures Committee (AP&P Committee) is assigned the task of administering Program Review. The Program Review process takes place on a rotating basis every six years for each department. However, the AP&P Committee can initiate a full review or "mini" review at any time when it is determined that a program may be experiencing circumstances that have a negative impact on their academic offerings or their ability to sustain financial expectations set forth by the college administration. Program Reviews are traditionally due to AP&P in March and read and reviewed by the committee by the end of Spring Semester.

When a Program Review (either "full" or "mini") exhibits any or all of the following attributes, the Program Elimination Process & Procedures (PEPP) may be initiated by the AP&P Committee in consultation with the Vice-President of Instruction, appropriate Dean(s), Department Chair or Lead Instructor and department faculty:

- Continued low enrollment for a sustained period of time (generally four or more semesters).
- Continued low retention persistence/completion rates.
- Lack of demand in the work place.
- Lack of institutional resources to support the program.

If the AP&P Committee makes the decision to initiate PEPP, the Department or Program will be notified by May 15 and requested to submit a written Program of Improvement addressing the AP&P Committee’s area(s) of concern. The Department or Program will be requested to submit the completed Plan of Improvement to the AP&P Committee by October 1.

The AP&P Committee will read the Plan for Improvement and respond to the Department or Program Chairperson and faculty in an open, formal meeting no later than November 15.

Effective Date: __________

Adoption History: __________

MiraCosta Community College District
The AP&P Committee, in consultation with the Vice-President of Instruction and appropriate Dean(s) will then make a decision to:

1. Initiate the Department or Programs Plan for two years and re-evaluate; OR
2. Continue PEPP and eliminate the Department or Program.

The above decision will be made no later than December 1.

Program Elimination Process & Procedures

Program Elimination Procedures:

The Vice President of Instruction, appropriate Dean(s), Chairperson or Lead Instructor will participate in the following steps leading to program elimination where appropriate:

1. Consult with affected faculty member(s) regarding their employment rights.
2. Present the Program Elimination List to the Academic Senate Council for comment and approval.
3. Send the Academic Senate Council approved Program Elimination List to the College President to be forwarded to the College Board.

When the Governing Board has approved the Program Elimination list, the Instructional Administration and Department Chair and affected faculty will develop the actual program elimination timeline, taking into consideration the following:

1. Faculty FSA’s re-assignment or termination.
2. Alternatives for students to complete program degree(s) and/or certificate(s).
3. Redistribution/elimination of equipment, supplies, facilities, and budget.

Program Elimination Process Calendar

YEAR 1

Fall Semester

AP&P Committee calls for a “full” or “mini” Program Review from Department or Program. The AP&P Committee will ask the Program or Department to address specific areas of concern.

Spring Semester

March 1 Program Review turned in to AP&P Committee.

May 15 AP&P Committee notifies Department or Program of decision as to the intent of PEPP.
YEAR 2

Fall Semester

October 1 Plan of Improvement due to the AP&P Committee.

November 15 AP&P Committee meeting with Department or Program Chairperson and faculty.

December 1 Written notification of AP&P Committee decision due to Department or Program.

December 15 Consult with affected faculty member(s) regarding their employment rights.

Spring Semester

January Present Program Elimination List to the Academic Senate Council for comment and approval.

February 15 Academic Senate Council vote on Program Elimination. If approved: Notification sent to all affected faculty, staff, and students of program elimination.

March 15 Notification of faculty and staff terminations or re-assignments.

May 15 Notify students of process to complete program(s), degree(s) and/or certificate(s) and alternatives for completion of program. Arrange for redistribution/elimination of equipment, supplies, facilities, and budget.