BOARD POLICY 3410 NONDISCRIMINATION

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, sex or gender, gender identity, race or ethnicity, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The Chancellor shall establish administrative procedures that ensure all members of the college community or persons using the services of the district can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, sex or gender, race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, or because he or she is perceived to have one or more of the foregoing characteristics, or because of his or her association with a person or group with one or more of these actual or perceived characteristics.

Reference:
   Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.;
   Title 5 Sections 53000 et seq. and 59300 et seq.;
   Penal Code Section 422.55;
   Government Code Sections 12926.1 and 12940 et seq.
   Administrative Procedure 3410

Approved by the Board of Trustees: June 26, 2012
Updated and approved by the Board of Trustees:
BOARD POLICY 5010 ADMISSIONS AND ENROLLMENT

The District/Colleges will admit for admission as a California resident or nonresident (including Out-of-State Students and International Students) anyone 18 years of age or older, who can profit from instruction. Further, anyone under 18 years of age who is a high school graduate or has been awarded a GED or California High School Proficiency Certificate also may enroll.

Each college may admit a limited number of high school students who are under 18 years of age and who have exceptional ability or who desire specialized or advanced training. Such admission must be with the recommendation of the principal of the high school in which the student is enrolled. Other high school students may be admitted on the basis of contractual arrangement between the District and high school attendance.

Claims for state apportionment submitted by the District based on enrollment of high school students shall satisfy the criteria established by statute and any applicable regulations of the Board of Governors.

The district is committed to a policy of open enrollment at all Peralta Colleges. The District is authorized to allocate enrollment to each College in accordance with instructions from the Chancellor.

The District may deny or place conditions on a student's enrollment upon finding that the applicant has been expelled within the preceding five years or is undergoing expulsion procedures in another California community college district, and that the applicant continues to present a danger to the physical safety of the students and employees of the District.

The District shall in its discretion, or as otherwise federally mandated, evaluate the validity of a student's high school completion. The Chancellor shall establish procedures for evaluating the validity of a student's high school completion.

The Chancellor shall establish administrative procedures for this policy.

References:
Education Code Sections 68050, 68051, 68062, 76000, 76001, 76002, 76038, 76140, and 76141
Labor Code Section 3077
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended
34 Code of Federal Regulations Part 668. 16(p)

Replaces:
Board Policy 4.05 Admission of Students adopted June 19, 1979 and last revised February 14, 2006
Board Policy 4.10 Admissions Requirements
Board Policy 4.12 Registration
Board Policy 4.14 Dropping Classes and Withdrawing from College

Approved by the Board of Trustees: June 26, 2012

Updated and approved by the Board of Trustees:
BOARD POLICY 5700 ATHLETICS

The District shall maintain an organized program for men and women in intercollegiate athletics. The program shall not discriminate on the basis of gender in the availability of athletic opportunities.

The Chancellor shall assure that the athletics program complies with state and federal law, the California Community College Athletic Association (CCCAA) (REMOVE California Community Colleges Commission on Athletics Constitution) and Sports Guides, and appropriate Conference Constitution regarding student athlete participation.

Reference:
Education Code Sections 78223, 66271.6, 66271.8, and 67360 et seq
20 U.S.C. 2601

Replaces:
Board Policy 4.50 Meals and Lodging for Athletic Teams approved October 18, 1971
Board Policy 4.55 Permission for Athletes to Enroll in One Peralta College and Participate in Sports in Another approved August 4, 1975

Approved by the Board of Trustees: January 22, 2013
BOARD POLICY 7340 LEAVES

The Chancellor shall establish procedures for employee leaves as authorized by law and by any collective bargaining agreements entered into by the District. Such leaves shall include, but are not limited to:

- illness leaves for all classes of permanent employees;
- vacation leave for members of the classified service, administrators, supervisors and managers;
- leave for service as an elected official of a community college District public employee organization, or of any statewide or national employee organization with which the local organization is affiliated; or leave for a reasonable number of unelected classified employees for the purpose of enabling an employee to attend important organizational activities authorized by the public employee organization; Education Code Sections 87768.5 and 89210;
- leave of absence to serve as an elected member of the legislature; Education Code Section 87701;
- pregnancy leave; Education Code Sections 87766 and 88193; Government Code Section 12945;
- use of illness leave for personal necessity; Education Code Sections 87784; 88207;
- industrial accident leave;
- bereavement leave;
- jury service or appearance as a witness in court; Education Code Sections 87036 and 87037;
- military service; Education Code Section 87700;
- voting (up to two hours); Education Code Section 14000;
- sabbatical leaves for permanent faculty; academic employees, administrators and managers;
- vacation leave for members of the classified service, educational administrators and classified supervisors and managers; employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation;
- unpaid leaves in accordance with collective bargaining agreements or administrative procedures for unrepresented employees; and
- Family and Medical Leave; 29 U.S.C. 2601

In addition to these policies and provisions in collective bargaining agreements, the Board retains the power to grant leaves with or without pay for other purposes or for other periods of time.

Reference:
Education Code Sections 87763 et seq. and 88190 set seq. and cites above.
Administrative Procedures 7340, 7341, 7342, 7343, 7344, 7345, 7346, 7347, 7349

Replaces:
Board Policy 3.25 Leaves Without Pay – Certificated Employees adopted May 10, 1988
Board Policy 3.68 Vacation Management and Confidential (M&C) adopted July 17, 1979 and last revised April 28, 1992
Board Policy 3.70 Personal Illness or Accident (M&C) last revised April 28, 1992
Board Policy 3.71 Leave for Illness of Family member (M&C) last revised April 28, 1992
Board Policy 3.72 Bereavement leave (M&C) last revised April 28, 1992
Board Policy 3.73 Leave for Required Court Appearance (M&C) adopted April 28, 1992
Board Policy 3.74 Leaves of Absence Without Pay (M&C)
Board Policy 3.76 Occupational Disability Leave (M&C)
Board Policy 3.82 Sabbatical Leave Policy (Certificated Managers) adopted July 17, 1979
Board Policy 3.85 Administrative Leave (M&C) adopted July 17, 1979 and last revised October 22, 1985
Board Policy 3.92 Catastrophic Leave (M&C) adopted May 9, 2006

Approved by the Board of Trustees: February 12, 2013

Updated and approved by the Board of Trustees.
ADMINISTRATIVE PROCEDURE 3410 NONDISCRIMINATION

I. Educational Programs and other Services

The District shall provide access to its services, classes and programs without regard to, national origin, religion, age, sex or gender, gender identification, race or ethnicity, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

A. All classes, including credit, noncredit and not-for-credit, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, “gender” means sex, and includes a person’s gender identity and gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

B. The District shall not prohibit any student from enrolling in any class or course on the basis of gender.

C. Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.

D. Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

II. Employment

The District shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, gender identification, age, sexual orientation, or status as a Vietnam-era veteran.

A. All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District’s needs.

B. The District shall provide timely professional and staff development activities and training to promote understanding of diversity.

Approved by the Chancellor: July 18, 2012
Updated and approved by the Chancellor:
ADMINISTRATIVE PROCEDURE 3515 REPORTING OF CRIMES

An annual report shall be prepared by the Vice Chancellor of General Services of all occurrences reported to Peralta Police Services and arrests for crimes committed on Peralta Community College District property. The report shall be made available to all students.

I. Report Production and Distribution

The Vice Chancellor General Services:


B. Produces an annual written report to the Board of Trustees

C. Makes the written report available to students, faculty, staff, and the public.

D. Publishes the updated report annually on the District website.

II. Report Contents

Crime statistics will detail the following offense types:

A. Murder
B. Manslaughter
C. Forcible Sex Offenses
D. Non-Forcible Sex Offenses
E. Domestic violence, dating violence, and stalking
F. Robbery
G. Aggravated Assault
H. Burglary
I. Motor Vehicle Theft
J. Arson
K. Hate Crimes (by prejudices)
L. Liquor Law Violations
M. Drug Law Violations
N. Weapons Law Violations

Approved by the Chancellor: July 16, 2012
Updated and approved by the Chancellor:
ADMINISTRATIVE PROCEDURE 3540 SEXUAL AND OTHER ASSAULTS ON CAMPUS

A. Peralta Police Services shall make available sexual assault awareness information to students and employees.

B. Any sexual assault or physical abuse, including, but not limited to, rape, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures.

C. Sexual assault includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

D. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

E. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:
   1. a current or former spouse of the victim;
   2. a person with whom the victim shares a child in common;
   3. a person who is cohabitating with or has cohabitated with the victim as a spouse;
   4. a person similarly situated to a spouse of the victim under California law; or
   5. any other person against an adult or youth victim who is protected from that person's acts under California law.

F. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

D. These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information.

E. All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the Peralta Police Services, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until Peralta Police Services is authorized to release such information.

F. Peralta Police Services shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with a copy of the District's policy and administrative procedure regarding domestic violence, dating violence, sexual assault, or stalking upon request.

Approved by the Chancellor: January 30, 2013
ADMINISTRATIVE PROCEDURE 6340 CONTRACTS

The Chancellor directs that the following regulations apply to Contracts in the Peralta Community College District:

I. The Vice Chancellor Finance and Administration shall have the authority to issue operating procedures and authorize standard forms for the implementation of this regulation within the limits established in the Education Code and/or other laws pertaining to the taking of bids and issuance of contracts.

II. This regulation uses the following terms as defined below:

A. Goods: Any tangible product. Goods include, but are not limited to “off-the-shelf” computer software and utilities, books, supplies, equipment, etc.

B. Services: Any deliverable resulting from labor performed specifically for the District. The service may result from the application of physical or intellectual skills. Services include, but are not limited to repair work, consulting, maintenance, data processing, custom software design or coding, etc.

C. Construction: A project that includes all the work needed to produce a complete and usable facility, or to remodel an inadequate or damaged facility. Construction includes excavation, building, installations, related infrastructure, landscaping, etc.

D. Invitation to Bid (IFB): A formal invitation to bid that is sent to prospective bidders when goods or services desired above a specified high dollar amount. An IFB is well-defined. A sealed response is required. This procedure typically takes three (3) to eight (8) weeks.

E. Maintenance: A repair of buildings, facilities, equipment, grounds and similar work. It is a repair if the result of the work is restoration to the facility's original condition. It is construction if the work results in a new configuration.

F. Request for Proposal (RFP): A formal, sealed RFP is sent to prospective bidders when goods or services desired are high dollar amount, complex, and not wholly defined. A sealed response is required. This procedure typically takes three (3) to eight (8) weeks.

G. Request for Quotation (RFQ): An RFQ is used in an informal bid process for the purchase of lower dollar, well-defined goods or services. An RFQ is typically a one page form sent to the vendor. This procedure typically takes one (1) to two (2) weeks.

H. Verbal, Phone, or E-Mail Quotes: These methods are used in an informal bid process for the quick purchase of low dollar, well-defined goods or services. Documentation of vendor contacts and quotes are to be maintained. This procedure typically takes one (1) to three (3) days.

III. District Business Processes and Contract Types

A. Delegation of Authority to Enter Into and Amend Contracts: When transactions do not exceed dollar limits established by statute or this regulation, the Chancellor and the Vice Chancellor Finance and Administration may:

1. Contract for goods, services, equipment and rental of facilities as authorized by statutes in conformance with any specified limitations or requirements.

2. Amend the terms and conditions of any contractual arrangement provided the total expenditure of funds and period of contract do not exceed the limitations set forth in
applicable state or federal law, district policies, district regulations, and college budget allocations.

3. Agree to binding arbitration if the Chancellor should determine it is an appropriate business decision to do so in order to reconcile an outstanding issue.

4. Contracts or contract amendments exceeding $25,000 require prior Board of Trustees authorization before they can be executed by the Chancellor or the Vice Chancellor Finance and Administration.

a) In cases of great emergency, as determined by the Board of Trustees, including, but not limited to, states of emergency defined in California Government Code Section 8558 and Public Government Code Section 20854, when repair or replacements are necessary to permit the continued conduct of existing college classes or the operation of services of the District or to avoid danger to life or property, the Board of Trustees may proceed at once to replace or repair any public facility without adopting plans specifications, strain sheets, work details, or giving notice for bids to award contracts. The work may be done by day labor under the direction of the Chancellor or the Vice Chancellor General Services, by contract as allowed by law.

b) In the event that the Chancellor or Vice Chancellor General Services is not available at the time of the emergency, the acting Chancellor will be designated by policy BP 2440 Chancellor Succession. The power to declare a public emergency is subject to confirmation of the Board of Trustees, by four-fifths vote, at its next meeting.

5. No other employee is authorized to enter into and amend contracts or to make an inappropriate attempt to commit district financial resources. Employees who do so are personally subject to the liability for payment and/or disciplinary action up to and including dismissal. (Education Code Sections 81655, 81656)

6. Personnel Services Contracts of $25,000 or less may be processed using a Independent Contractor/Consultant Services Contract without require prior Board of Trustees approval. All other contracts exceeding $15,000 require prior Board of Trustees approval. All contracts must be ratified by the Board of Trustees if not approved in advance.

B. Contract Types: Contracts are classified as continuing price, lease/rental, repair/maintenance, personnel services, construction and income generating. District regulations for fulfilling these requirements are summarized in Table AP-6340A, District Business Processes and Contract Types below:

1. Continuing contracts for work to be done, services to be performed, or for apparatus or equipment to be furnished, sold, built, installed, or repaired, or for materials or supplies to be furnished or sold to the District with an accepted vendor is limited by Education Code 81644 as follows: a. For work, services, apparatus or equipment: not to exceed five (5) years. b. For materials or supplies: not to exceed three (3) years.

2. Lease and Rentals Agreement (Lease-Purchase Contracts)
   a. The District is required by statute to comply with all applicable bid and contract provisions specified in the Educational Code (beginning with Section 81641) and by Section 20651 of the Public Contract Code (Educational Code Section 81551) prior to entering into an agreement.
   b. Each lease-purchase “contract shall show the total price for an outright purchase of any item and its total cost for the entire specified term of the contract. (Educational Code Section 81551).
3. **Repairs / Maintenance:** The Vice Chancellor General Services, is responsible for any contracts relating to the maintenance, repair, minor alterations and improvements of District grounds, buildings, facilities, and similar work. If the repair/maintenance contract is under $15,000 it may be executed without prior Board of Trustees approval.

4. **Personnel Services:** The Chancellor, is responsible for any contracts relating to personnel services. If the personnel services contract is under $25,000 it may be executed without prior Board of Trustees approval.

5. **Constructions and/or Improvement of Grounds (Public Works Contracts)**
   a. **Acceptance of Completion for Material and Labor Contract:** When the entire work has been completed, as provided for in the contract and any addendums to the contract, the Chief Business Officer shall submit a recommendation for Board acceptance of the contract. After acceptance, a Notice of Completion of Contract shall be filed with the County Recorder.

   b. **Public Works Bonds:** Material and Labor Performance Bonds shall be issued for not less than one hundred percent (100%) of the contract price by a surety or sureties satisfactory to the District and in a form prescribed by the District in which expenditures exceed $25,000.
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<th>OBJECT CODES</th>
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1 Board of Governors (BOG) limit as of January 1, 2012 subject to change.
2 Copy of Board Minutes to be placed in purchasing/contract file subject to audit.
6. **Income Generating** contracts may be issued when the district provides services or when the district acts as lessor other than for civic center permit activities (see AP 6700). The district is authorized to lease, or lease with option to purchase, any land, buildings, or equipment it determines is not needed for district purposes. Such leases and leases with options to purchase to nonpublic agencies or individuals shall comply with the provisions of California Educational Code Sections 81450, 81452, 81453, 81454, and 81553.

IV. **General Requirements:** The following information identifies the some, but not all, general statutory requirements applicable to public agency contracting and procurement:

A. Employees of the District, members of the Board of Trustees, and members of citizens' oversight committees shall not have an interest in any contract, other than their individual employment agreement, made by the Board. (Education Code 72533)

B. In addition, state statute prohibits "offering of any valuable thing to any member of the governing board of any community college district, with the intent to influence his or her action in regard to the making of any contract to which the board of which he or she is a member is a party, or the acceptance of any member of the governing board of any valuable thing, with corrupt intent, is a misdemeanor" (Education Code 72530(a)).

C. A contract obtained by incorrect means is void (Education Code 72530(b)).

D. The District cannot be legally bound to any contract unless and until that contract is authorized or ratified by the Board of Trustees. All routine transactions shall be reviewed by the governing board within ninety (90) days. All emergency contracts are required to be reported to the Board of Trustees at the earliest possible date and in all circumstances within thirty (30) days after issuance (Education Code 81655 and 81656).

E. Any employee who signs a contract in violation of law or in violation of his or her authority is subject to disciplinary action. In addition, as allowed by Education Code Section 81655, any employee committing the District to such expenditure may be personally liable to the District for any and all moneys the District paid as a result of such action. District funds incurred as a result of such actions may be charged to the location creating the liability.

F. "In the event of malfeasance in office, the community college district officer or employee invested by the governing board with the power to contract shall be personally liable for any and all moneys of the district paid out as a result of the malfeasance" (EC 81666).

G. **Adjustments to Contract Amounts:** The California Community Colleges Board of Governors may make adjustments to the public project contract amounts shown in Table AR-6340A, Contract Types and District Business Processes, above. Any such adjustment shall be effective beginning with the calendar year that commences not less than sixty (60) calendar days following the Board of Governors notification to the District and posted in this regulation.

H. **Approved Vendor List:** The Vice Chancellor Finance and Administration shall ensure an approved vendor list is maintained and ensure that bids are solicited from monitories, women, and disabled veteran as specified by statute. Upon conclusion of the bid or proposal process, the District may contract with the party who submitted one of the three lowest responsible competitive proposals or competitive bids. No vendor can be placed on the approved vendor list until the following are submitted:
   - Complete Vendor Identification including name, address, and phone number.
   - Statement of qualifications.
   - Tax payer identification number as required by the Internal Revenue Services (IRS).
• "Affirmative Action Status Form".

I. Contractual Elements and Requirements

1. An appropriate budget-line for the contract along with adequate funding to encumber the contract must be developed before a contract is submitted for processing. Adequate funding includes both an "unencumbered balance" in the line item and sufficient cash reserves in the fund to pay subsequent invoices within thirty days of receipt. The CBO shall notify all managers of the college if insufficient cash is available to pay invoices. When inadequate funding exists to encumber the entire cost of the contract, it is permitted to submit a partially encumbered contract which amount shall have a specified limited "work authorization" scope of work and dollar amount. Such contracts shall contain language that completion of the contract is subject to a determination by the district to issue subsequent "work authorizations".

2. Each contract is required to "show the total price for the outright purchase of any item" and "its total cost for the entire specified term of the contract" (EC 81551). Price for an item can be stated in terms of price/hour for a particular job classification.

3. Once a contract is signed by all parties, the document constitutes a legal and binding agreement. Any changes to the contract shall be made in writing as contract addendum signed by both parties.

4. Non-Discrimination Certification: Any contractor performing work or performing services for the District must certify that:

   a. There is no discrimination in the contractor's hiring or employment practices because of sex, race, religious creed, color, ancestry, national origin, physical disability, mental disability, medical condition, marital status, or sexual orientation, except as provided for in Government Code Section 12940.

   b. All contractor's must agree to comply with applicable federal and California anti-discrimination laws, including but not limited to the California Fair employment Housing Action beginning with California Government Code Section 12900.

   c. In addition, the contractor must agree to require compliance by all subcontractor's employed on the work by him/her.

5. Payment of Prevailing Wages: Contractors are required to certify compliance with California Labor Code Sections 1775 and 1776 governing payment of prevailing wages.

6. Employed Apprentices: When working for the District, contractors and their subcontractors who employ workers in any craft or trade apprentices, and who refer apprentices to the District for enrollment, are subject to the provision of the California-Apprenticeship Law, California Plan in Apprenticeship, and the Equal Employment Opportunity Action Plan adopted by the Board of Trustees.

7. Discriminatory Trusts and Restraints of Trade: Contractors are required to abide by California Business and Professions Code Sections 16721 and 16721.5 pertaining to unlawful discrimination in commercial transactions and unlawful restraints of trade (Education Code 81641).

V. Competitive Bidding: Contracts are subject to the bid limits found in California Public Contract Code Section 20651. Specific transactions may have additional statutory requirements. Table AR-
6341, Contract Limits and Requirements, below, summarizes statutory requirements and identifies the corresponding District process.

A. **Bid Limit:** Bids or quotations shall be secured as may be necessary to obtain the lowest prices as follows:
   1. Purchase of goods or services up to $1.00 to $9,999 shall require one (1) written quote.
   2. Purchase of goods or services up $10,000 to $83,399 shall require three (3) written quotes.
   3. Purchase of goods in excess of $83,400 or more shall require formal advertised bids.
   4. Repairs, including maintenance as defined in Public Contract Code 20115, that are not a public project as defined in Public Contract Code 2202.

Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award.

B. **Bid and Contract Forms:** The Vice Chancellor Finance and Administration shall ensure that bid and contract forms are prepared for the District. In addition, the Vice Chancellor shall ensure that a file of all completed forms is maintained and that all applicable statutory provisions, Board Policies, and Administrative Procedures are observed in the preparation of the forms.

C. **Bid Specifications:** Bid specifications shall include a definite, complete statement of what is required and insofar as practical, shall include pertinent details of size, composition, construction, and/or texture of what is specified, and minimum standards of efficiency, durability and/or utility required of what is specified.

The Vice Chancellor Finance and Administration shall ensure that bid specifications are sufficiently broad to encourage and promote open competitive bidding.

D. **Notice Calling for Formal Advertised Bids:** The District shall publish at least once a week for two weeks in a newspaper of general circulation published within the District or if there is no such paper, then in some newspaper of general circulation, circulated in the county, (and may post on the District's web site or through an electronic portal) a notice calling for bids or proposals stating the work to be done or materials or supplies to furnished and the time and place when bids will be opened.

All Bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions shall contain all documents necessary to ensure compliance with these California Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

The Vice Chancellor Finance and Administration shall ensure that bids are advertised when required by the provisions of Educational Code Section 81641 and other applicable statutes.

E. **Bid Guarantees:** When required or appropriate, bids shall be accompanied by a certified or cashier's check, or bond, in the amount specified in the bid form, as a guarantee the bidder will enter into contract and furnish the required contract bonds. When no longer required for protection of the District, any certified or cashier's check received shall be returned to the respective bidder.

F. **Distribution and Examination of Bid Documents:** The Vice Chancellor General Services:
   1. Shall ensure "Bid forms" along with applicable sets of specifications and drawings are made available to prospective bidders.
2. Shall provide a convenient place for bidders, subcontractors, and material personnel use to examine specifications and drawings.

3. May require a deposit for sets of plans and specifications and may refund the deposit when the documents are returned.

4. May schedule a bidder's conference and/or job site walk through to clarify specifications.

G. Receipt of Bids

1. The Vice Chancellor Finance and Administration shall receive the bids and ensure bids are opened and read aloud in public at the time and place specified in the bid, shall check the bids for regularity and compliance with legal requirements, and record them (Education Code Section 81641).

2. Receipt of Bids over the Internet: Bids may be submitted by way of electronic transmission.
H. Awarding of Bids and Contracts: The awarding of bids and contracts shall be subject to the following conditions:

1. Any and all bids and contract proposals may be rejected by the District.

2. All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.

3. Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.

4. Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications. The District reserves the right to make its selection of materials or services purchased based on its best judgment as to which bid substantially complies with the quality required by the specifications.

5. For the purpose of bid evaluation and selection when the District determines that it can expect long-term savings through the use of life cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may provide for the selection of the lowest responsible bidder on the basis of best value pursuant to policies and procedures adopted by the governing board in accordance with this section.

6. "Best Value" means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board achieved through methods in accordance with this section and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.

I. Purchase without Advertising for Bids

The Vice Chancellor of Finance Administration is authorized to make purchases from firms holding county contracts without calling for bids where it appears advantageous to do so.

The Vice Chancellor of Finance Administration may without advertising for bids within the County of Alameda, purchase or lease from other public agencies or services by authorization of contract or purchase order.

The Vice Chancellor Finance Administration may make purchases through the State of California Cooperative Purchasing Program operated by the California State Department of General Services.

J. Duration of Continuing Contracts for Services and Supplies

Continuing contracts for work or services furnished to the District are not to exceed five years. Contracts for materials and supplies are not to exceed three years.

K. Emergency Repair Contracts without Bid

When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, the Chancellor may make a contract in behalf of the District for labor, materials and supplies without advertising for or inviting bids, subject to ratification by the Board.

L. Rejection of Bids: Any and all bids may be rejected by the District for good and sufficient reason. Such rejection shall be in writing.
M. **Contract Splitting:** California Public Contract Code 20657 prohibits splitting or separating “into smaller work orders or projects any work, project, service, or purchase” into smaller work orders, contract, or purchase for the purpose of avoiding competitive bidding. A project may, however, be split into several trade-oriented contracts in order to keep project costs low. In such instance, the competitive bidding requirement must be met by going to bid for each of the various trade categories.

- Example: Equipment can be purchased from one vendor and a contract can be issued to another vendor for the equipment’s installation. If the total cost is above the $81,000 bid threshold, the project must be competitively bid. (Public Contract Code Sections 20116, 20118, 20652, and 20657).

O. **Alternate Procedure:** California Uniform Public Construction Cost Accounting Act (CUPCCA) allows community college districts who accept uniform construction standards to raise bid thresholds. To do so, an approval through the state is required. This ability is not applicable to Peralta Community College District at this time because the District has not applied for CUPCCA authority.

P. **Prequalification of Bidders:** As allowed by Public Contract Code Section 10651.5, prospective bidders for a contract or classification of contracts described in Public Contract Section 20651, of a particular type and/or having an estimated cost to the District (either individually, or in the aggregate during the twelve (12) month period of prequalification provided below in excess of $1,000,000.00, may be required by the District to furnish sufficient proof of public works experience and financial ability by completing a standard form questionnaire and financial information.

1. Applicants for prequalification shall provide answers to questions using a District standard form of questionnaire and financial statement that is based on the prequalification forms (either the long form or short form, as deemed appropriate. When completed, the questionnaire and financial information shall be verified under oath in the manner in which pleadings in civil actions are verified.

2. Applicant responses to the District’s standard questionnaire shall be evaluated and selected applicants will be prequalified according to a uniform system of scoring that is based on the form of scoring sheet.

3. Except as otherwise provided by applicable laws, the questionnaires and financial information are not public records and shall not be open to public inspection.

4. A determination by the District prequalifying an applicant shall not be construed a representation on the part of the District that any bids or proposals will be invited or solicited from an applicant or that a contract will be advertised, offered, bid or awarded only to prequalified applicants.
5. A determination that an applicant is prequalified shall, unless otherwise cancelled, revoked, or limited by the District, remain valid for a period of twelve (12) months after the date that the applicant was prequalified. At that point in time, the District may either allow the prequalification status of the applicant to expire of its own force or the District may, at its discretion and based on submission of updated or new information by the applicant, either renew the applicant's prequalification status for another twelve (12) months or conduct a new prequalification process.

6. Applicants wishing to dispute the results of a prequalification determination by the District shall be entitled, prior to the closing time for receipt of bids for the contract for which they have been prequalified (or, in the case of prequalification for a classification of contracts, prior to the closing time for receipt of bids for the first contract bid by District within such classification) to a process of appeal before a committee appointed by the President of the Board of Trustees.

VI. The Vice Chancellor General Services, in cooperation with the designated district planning structures, and the approval of the Chancellor, is authorized to perform the following activities in preparation for facilities capital improvement contracts:

A. Performance of Work by District Personnel: The Vice Chancellor General Services is authorized to plan for the use of day labor or force account personnel to perform District-approved alterations, new construction, or additions for buildings and grounds and related equipment so long as the labor time or cost expenditures do not exceed the limitations of the Education Code or College budget.

B. Facilities: The Vice Chancellor General Services shall be responsible for the planning and programming of new construction, alterations and repairs of existing plants, and leasing of facilities which require State approval. This responsibility includes the planning and programming of college-initiated new construction, additions to existing plants, and major alterations of buildings and grounds.

C. Drawings and Specifications: The Vice Chancellor General Services is responsible for preparation of drawings and specifications for new buildings, leased facilities, additions, major alterations and improvements of buildings and grounds together with estimates of costs.

1. Preliminary Drawings shall cover all proposed facilities, together with construction cost estimates, shall be submitted to the Board of Trustees for approval and authorization to proceed with the Working Drawings and Specifications.

2. Working Drawings shall be prepared showing specifications and revised cost estimates, if any, will be submitted for approval to the State Chancellor's Office and the State Department of General Services as required by statute. Such drawings are to be submitted in the name of the Board of Trustees.

3. Final Drawings and Specifications approved by the State Department of General Services and the State Chancellor's Office, along with revised estimates, if any, shall then be submitted to the board of Trustees for adoption (Education Code Section 81837).

D. Facilities Contracts: The Vice Chancellor General Services may initiate draft language for facilities capital outlay contracts. Contracts or contract amendments exceeding $15,000 require prior Board of Trustees authorization before they can be executed by the Chancellor or the Vice Chancellor Finance and Administration. No vendor may be authorized to do any work until the contract is executed by the Chancellor or the Vice Chancellor Finance and Administration.
VII. **Minor Contracts:** Work involving an expenditure amount that requires competitive bidding shall be awarded as described in the Competitive Bidding Section, above. The Vice Chancellor Finance and Administration is authorized to execute minor contracts without a requirement for bidding if the construction, or maintenance activities do not exceed $15,000.

VIII. **CAL CARD**

The Chancellor or designee may issue a Cal Card to certain authorized employees for qualified business transactions associated with minor purchases or travel expenditures when traveling on District business.

The Cal Card is to be used exclusively for District business purposes and is not meant to replace purchase orders for authorized ongoing expenditures and major purchases. All purchases must be eligible, based on the allowable criteria as established in the administrative procedures, and charges to the Procurement Card require the appropriate documentation to adequately support the charge.

The Procurement Card will have the following spending limits established based on employment and need:

- A dollar limitation of purchasing authority per transaction
- A dollar limitation of purchasing authority for the total of all charges made during each monthly billing cycle

If credit limits need to be increased temporarily, the necessary increase will need to be approved by the college president, vice-chancellor, or chancellor. All cardholders must sign and accept the terms and conditions of the Peralta Community College District Cal Card Program Cardholder Agreement.

Each cardholder is responsible for the card issued to him/her and compliance to this policy and administrative procedures. All cards are subject to ongoing audit for compliance and enforcement of this policy and administrative procedures.

Approved: June 9, 1994

Revised: July 8, 1999, 8/11/05

Reference:
Title 5 Section 55007

Approved by the Chancellor: February 22, 2013
I. Definition

Per Title 5 Section 5520, distance education means instruction in which the instructor and student are separated by distance and interact through the assistance of communication technology. All distance education is subject to the requirements of Title 5 as well as the requirements of the Americans with Disabilities Act (42 U.S. Code Sections 12100 et seq.) and Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S. Code Section 794 d).

II. Course Approval

A. Each proposed or existing course offered by distance education shall be reviewed and approved separately by the local College Curriculum Committee. Separate approval is mandatory if any portion of the instruction in a course or a course section is designed to be provided through distance education.

B. The review and approval of new and existing distance education courses shall follow the curriculum approval procedures outlined in Administrative Procedure 4020 Program and Curriculum Development. Distance education courses shall be approved under the same conditions and criteria as all other courses.

C. Distance education proposals are sent to the Council on Instruction, Planning, and Development (CIPD) for district-level review.

III. Certification

When approving distance education courses, the department forwarding the course to the College Curriculum Committee and the College Curriculum Committee will certify the following:

A. Course Quality Standards: The same standards of course quality are applied to the distance education courses and are applied to traditional classroom courses.

B. Course Quality Determinations: Determinations and judgments about the quality of the distance education course were made with the full involvement of the College Curriculum Committee approval procedures.

C. Instructor Contact: Each section of the course that is delivered through distance education will include regular effective contact between instructor and students.

D. Duration of Approval: All distance education courses approved under this procedure will continue to be in effect unless there are substantive changes of the course outline.

IV. Student Authentication

A. Students who enroll in online courses are authenticated by being providing a specific login ID to access the online Learning Management System (LMS).

B. When accessing the district Learning Management System (currently Moodle) the login details are as follows:

1. The username is the student’s PASSPORT (the student admissions portal in PeopleSoft) username (in lower case).
2. The password is the student’s date of birth in the following format: yyyyymmdd
C. Students are encouraged to change their password. New passwords must be sufficiently complex so that they cannot be easily decoded. Currently passwords must be between 8 and 12 characters and require the inclusion of at least one uppercase letter, one lower-case letter, and one numeral.

D. The district policies/procedures regarding academic honesty and acceptable use of Information Technology Services include penalties for unauthorized use of another individual’s name and password, cheating on examinations, and other types of academic dishonesty. Students must agree to these policies/procedures the first time they login into the district LMS (Moodle). This approach promotes a pedagogical focus rather than a punitive approach to academic honesty. This is an approach to educate students as to the consequences of academic dishonesty.

E. Complete information about "Academic Dishonesty, Due Process, and Conduct" is posted on the district online education site, on the online education sites for each of the colleges, as well as on the LMS (Moodle) at the following link http://web.peralta.edu/de/for-students-what-is-academic-dishonesty.

F. Students also are authenticated through sufficient interaction between students and instructors which contributes to verifying a student's identity.

G. Instructors also can require proctored examination which can serve as another method of authentication.

H. The district Office of Educational Services, working collaboratively with representatives from the four colleges, Distance Education Coordinators, and Information Technology staff, assume responsibility for monitoring the changing online education requirements for institutions of higher education, as well as options available for meeting the expectations of assuring a student's identity.

V. Federal financial Aid Eligibility:

Consistent with federal regulations pertaining to federal financial aid eligibility, the District/Colleges authenticate or verify that the student who registers in a distance education of correspondence education course is the same student who participates in and completes the course of program and receives the academic credit.

A. The District/College will provide to each student at the time of registration, a statement of the process in place to protect student privacy and estimated additional charges associated with verification of student identity, if any.

B. The colleges shall utilize one or more of these methods to authenticate or verify the student's identity:
   1. Secure credentialing/login and password
   2. Proctored examinations
   3. New or other technologies and practices that are effective in verifying student identification

VI. Scheduling Instructors for Distance Education classes.

A. The instructor must use or commit to using a recognized CMS/LMS (course or Learning management System) to deliver course content, which adheres to the following standards:
   1. Welcome/Orientation
2. Organizational components
3. Instructional modalities
4. Assessment practices and expectations

B. Instructor must have the following three elements in place prior to being assigned an online course:

1. Has received training in the use of at least one course management system (such as WebCT, Blackboard, ETUDES-NG, MOODLE)
2. Has successfully completed a course in how to teach online, such as "Teaching and Online Course" (offered by PCCD/Merritt College, @One, another community college, another appropriate external entity or UC extensions course)
3. Uses the Peralta email system (with a peralta.edu email address) and has a Peralta webpage on the college website that hosts the online course. This webpage will provide a link to the CMS/LMS (course/learning management system) website

C. Recommended preparation includes that the instructor:

1. Has enrolled in an online course of some kind
2. Has worked with a mentor who is an experienced online instructor

D. Recommended ongoing instructor preparation should include maintaining currency in online education such as:

1. Technologies
2. Pedagogy
3. Collaborating with other online instructors
4. Ongoing assessment of student learning outcomes
5. Complete a certificate in online education (at least 3 and as many as 8 courses in online education for certification as an online instructor

References:
Title 5 Sections 55200 et seq.;
42 U.S. Code Sections 12100 et seq.;
29 U.S. Code Section 794d;
ACCCJC Guide to Evaluating Distance Education and Correspondence Education;
34 Code of Federal Regulations Part 602.17
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended

Approved by the Chancellor: January 31, 2012
ADMINISTRATIVE PROCEDURE 5012 INTERNATIONAL STUDENTS

A. International Student Admissions Requirements

Peralta Community College District (PCCD) may issue an I-20 to an international student to obtain F-1 Student status after the student has completed the following steps:

STEP 1 Students submit completed International Student Application Form, $50 (US) non-refundable application fee, and the other required documents as listed below to Office of International Education:

1. International Student Application Form (with completed Applicant Signature)
2. $50 non-refundable application fee (check, money order or credit card) payable to "Peralta Community College District"
3. Official Transcript (Translated Into English)
4. Copy of Diploma (from High School or secondary school) (Translated Into English)
5. Personal Essay (1 page describing educational goals, aspirations, etc.)
7. $18,370 Note: A bank letter is not accepted.
8. Health Document: Student Statement of Health and Medical Examination (with Physician’s signature)
9. International Student Agreement Form
10. Passport Bio Copy Pages

STEP 2 Students will be contacted within approximately 2 weeks confirming the status of their application as being either preliminarily accepted or incomplete whether their application has been accepted. If the application is incomplete, students will be requested to submit the missing/incomplete documents.

STEP 3 Students must complete the CCCApply Online Application to create a student account. After students have been accepted they must create a student account at www.cccapply.org and then submit payment of tuition and fees for their first two semesters.

STEP 4 After students have completed the CCCApply online application, they will receive an automated email with their Student ID number. Students must submit their Student ID number to the Office of International Education in order for their application to be officially accepted.

STEP 5 Upon submitting a Student ID number to the Office of International Education, the office will provide students with an official letter of acceptance and all necessary immigration documents (Form I-20) will then be issued to the students.

B. Transferring F-1 Students

F-1 Visa students already attending a U.S. institution of higher education may apply for admission to PCCD for F-1 student status and be issued an I-20 provided the following criteria are met:

1. Complete the International Student Admissions Process
2. Submit the Certification of F-1 Student Visa Status (Transfer In) form
Peralta Community College District

3. Submit copies of all related immigration documents Form I-20, passport biography and visa page.

C. International Student's Status and Eligibility

1. F-1 students attending PCCD are not eligible for financial aid.
2. The College will comply with all immigration policies in regard to admitting students to the credit programs at PCCD.
3. Students accepted on an F-1 Visa are required to comply with all immigration laws and regulations to maintain legal status.
4. Students in the U.S. on a visa other than F-1, will have their eligibility for F-1 status determined by U.S. immigration rules and regulations.
5. F-1 International students must attend the International Student Orientation.
6. All F-1 Students must update their current personal, academic or financial information with the Office of International Education.
7. F-1 Students must comply with immigration rules and regulations in regards to academic course load and performance each semester.

D. International Student Fees

International Students are required to submit a $50 non-refundable application fee along with the application form to be considered for admission. In addition the following fees are required and will be due when students register for classes. See Administrative Procedure AP 5030 for the dollar amount associated with each fee.

1. Non-Resident Tuition (per unit)
2. Enrollment Fee (per unit)
3. Capital Outlay Fee
4. Campus Fee (per campus)
5. AC Transit Pass (per semester, must be enrolled in at least 9 units)
6. Health Fee (per term)

References:
Education Code Sections 76140, 76141 and 76142;
Title 5 Section 54045;
Title 8, U.S. Code Sections 1101. et seq.

Approved by the Chancellor: December 18, 2012
ADMINISTRATIVE PROCEDURE 6365 ACCESSIBILITY OF INFORMATION TECHNOLOGY

A. Whenever the Peralta Community College District enters into a contract for the purchase development, procurement, maintenance or use of any electronic or information technology, the vendor shall certify that it complies with the requirements of Section 508 of the Rehabilitation Act of 1973 and its related regulations. This requirement shall apply to software applications operating systems, web-based intranet and internet information and applications telecommunications products, video or multimedia products, self-contained closed products such as copiers, and desktop and portable computers.

B. Each contract with such a vendor shall contain the following provision:

"The vendor hereby warrants that the products or services to be provided under this agreement comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended, and its implementing regulations. Vendor agrees to respond promptly to and resolve any complaints regarding accessibility of its products or services that are brought to its attention. Vendor further agrees to indemnify and hold harmless the Peralta Community College District from and against any claim arising out of its failure to comply with these requirements. Failure to comply with these requirements shall constitute a breach and be grounds for termination of this agreement."

References:
Section 508 of the Rehabilitation Act of 1973 (29 U.S. Code Section 794d);
36 Code of Federal Regulations Sections 1194.1 et seq.;
Government Code Section 11135;
Title 5 Sections 59330 et seq.

Chancellor approved: