For action at the October 26 Planning and Budgeting Council meeting:

BP 3505 Emergency Response Plan (1)
AP 3505 Emergency Response Plan (2)

AP 3900 Speech: Time, Place, and Manner (3)

AP 5013 Students in the Military (5)

AP 5015 Residence Determination (6)

AP 5031 Instructional Materials Fees (11)

AP 5040 Student Records and Privacy (12)

BP 5200 Student Health Services (14)
AP 5200 Student Health Services (15)

BP 5300 Student Equity (16)
AP 5300 Student Equity (17)

BP 5420 Associated Student Finance (18)
AP 5420 Associated Student Finance (19)

BP 5500 Student Standards of Conduct (20)
AP 5500 Student Standards of Conduct (21)
AP 5500 Student Standards of Conduct (with revisions) (23)

AP 5520 Student Discipline Procedures and Due Process (25)

AP 5530 Student Rights and Grievance Procedure (34)

BP 6400 Audits (41)
AP 6400 Audits (42)

BP 6500 Property Management (43)
AP 6500 Property Management (44)

BP 6620 Naming of Buildings (45)
AP 6620 Naming of Buildings (46)

BP 7130 Compensation (49)

BP 7140 Collective Bargaining (50)
BOARD POLICY 3505 EMERGENCY RESPONSE PLAN

The Chancellor shall establish emergency response and evacuation procedures that ensure that the district implements a plan to be activated in the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on a district site.

Reference:
Education Code Sections 32280 et seq. and 71095,
Government Code Sections 3100 and 8607(a);
19 California Code of Regulations Sections 2400-2450;
34 Code of Federal Regulations 688.46(g)

Replaces:
Board Policy 2.45 Crime Awareness and Campus Security
ADMINISTRATIVE PROCEDURE 3505 EMERGENCY RESPONSE PLAN

A. The Vice Chancellor General Services shall prepare and implement an Emergency Response Plan to be activated in the event of an emergency or the occurrence of a natural disaster or hazardous condition. This plan must comply with the National Incident Management System (NIMS), the Standardized Emergency Management System (SEMS) and should incorporate the functions and principles of the Incident Command System (ICS), the Master Mutual Aid Agreement (MMAA) and any other relevant programs. The plan must incorporate NIMS and SEMS to facilitate the coordination between and among agencies in the event of an emergency or natural disaster.

B. Compliance with NIMS and SEMS mandates include but are not limited to:
   1. Establishing disaster preparedness procedures or a plan; and
   2. Completion of training sessions by college personnel in compliance with NIMS and SEMS guidelines
   3. Training requirements vary based on job titles or assigned roles within the emergency plan

C. College personnel must be informed that as public employees, they are also disaster service workers during national, state, and local emergencies. The District must ensure that its employees are in compliance with the disaster service worker oath requirements.

D. The Vice Chancellor General Services should ensure that a team is created to carry out compliance with NIMS and SEMS mandates. The responses to emergencies or natural disasters are organized by SEMS into five categories: field response, local government, operational areas, regions, and state.

E. The plan should contain information regarding activation and chain of command responsibilities. Compliance with NIMS mandates requires planning and incorporation for all phases of emergency management including mitigation and prevention, preparedness, response and recovery. The District must ensure that its plan is updated regularly. Colleges must comply with NIMS and SEMS to receive federal or state funding.

Approved by the Chancellor:
I. Free Expression

The students and employees of the District and members of the public shall be permitted to exercise their rights of free expression subject to the time, place, and manner policies and procedures contained in Board Policy 3900 and these procedures.

II. Public Forums

The colleges of the District are non-public forums, except for the following areas reserved for free speech expressive activities which do not violate District policy and which are lawful: The public forum areas are as designated by the President for each college and the Chancellor for the district office. These areas are chosen so as to provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus or other district property but also so as not to disrupt educational and other activities of the District on behalf of students.

A. These chosen areas are designated public forums. The District reserves the right to revoke that designation and apply a non-public forum designation.

B. The District reserves the right to designate areas as non-public forums as necessary to prevent the substantial disruption of the orderly operating of the colleges or the district. Areas of the college or the district that are non-public forums specifically include campus offices, classrooms, physical education facilities, warehouses, maintenance yards, and the other buildings affecting the operation of the college not designated above.

III. Use of Public Forum Areas

The use of these areas reserved and open for expressive activities is subject to the following:

A. Persons using and/or distributing material in the areas shall not impede the progress of passersby, nor shall they force passersby to take material or sign a petition.

B. No person using the areas shall touch, strike or impede the progress of passersby, except for incidental or accidental contact or contact initiated by a passerby.

C. Person using areas shall not use any means of amplification that creates a noise or diversion that disturbs or tends to disturb the orderly conduct of the campus or classes.

D. No illegal activities will be permitted, no activities which violate District or college rules, including rules and laws on illegal harassment and discrimination, and none that will substantially interfere with or disrupt activities already scheduled for that day and time in the designated areas.

E. All persons using the areas that are designated public forums shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within those areas. Material distributed in the areas that is discarded or dropped in or around the areas other than in an appropriate receptacle must be retrieved and removed or properly discarded by those persons distributing the material prior to their departure from the areas that day.
F. No person using the Free Speech Public Forum Area shall solicit money, through direct requests for funds, or sales of tickets or other items, except where the appropriate permission and accounting has been followed through Administrative Procedure AP 6300 General Accounting for district funds or through Administrative Procedure AP 6700 Civic Center for non-district funds.

G. Failure to comply with these regulations will be cause to deny use of the facilities.

IV. Notification

Non employee, non-student, community groups wishing to engage in speech or expressive activities on campus, in the areas designated as public forums, shall provide notification to the District through the Vice President or Dean of Students at least three business days in advance of the activities. The notification should must include the name of the individual or group, contact information for the individual or group, and describe the nature of the activities. The notification is to include completion of a reservation form requesting a specific geographical location and time desired so that space can be reserved. This notification form does not involve an approval process. This notice is intended to provide the college with knowledge of the person's or group's presence on campus so that the college can notify the appropriate members of its staff whose services might be needed or impacted by the use of the designated area.

V. Posting

Bulletin boards shall be provided for public forum use in posting materials at campus locations convenient for use by students, staff, and members of the public. All materials submitted to the Vice President or Dean of Students for display on a public forum bulletin board shall clearly indicate the author or agency responsible for its production, shall be limited to 11" x 17" in size, and shall be dated with the date of posting by the college staff. Materials displayed shall be removed after the passage of 14 days. Materials soliciting money are not to be posted on the public forum bulletin boards.

References:
Education Code Sections 76120 and 66301
Board Policy BP 3900 Speech: Time, Place, and Manner

Approved by the Chancellor
ADMINISTRATIVE PROCEDURE 5013 STUDENTS IN THE MILITARY

A. Residence Determinations for Military Personnel and Dependents

1. A student who is a member of the armed forces of the United States stationed in California on active duty, except a member of the armed forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification. Such student shall retain resident classification in the event that the member of the armed forces is thereafter transferred on military orders to a place outside of California or thereafter retires from active duty so long as the student remains continuously enrolled in the District.

2. An undergraduate student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty shall be entitled to resident classification. Such student shall retain resident classification if he/she is thereafter transferred on military orders to a place outside of California, so long as the student remains continuously enrolled in the District.

3. A student who was a member of the armed forces of the United States stationed in California on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he or she lives in California after being discharged up to the minimum time necessary to become a resident.

4. A parent who is a federal civil service employee and his/her natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.

5. A student claiming the residence classifications provided for in this procedure must provide a statement from the student’s commanding officer or personnel officer providing evidence of the date of the assignment to California, and that the assignment to active duty in California is not for educational purposes. A student claiming the residence classifications provided for here for the dependent of military personnel shall provide a statement from the military person’s commanding officer or personnel officer that the military person’s duty station is in California on active duty as of the residence determination date, or has been transferred outside of California on active duty after the residence determination date, or that the military person has retired from active duty after the residence determination date. (Title 5 Sections 54041 and 54042)

B. Withdrawal Procedure for Members of the Military

A student who is a member of an active or reserve United States military service and who receives orders compelling withdrawal from courses shall be permitted to withdraw upon verification of such orders. A withdrawal symbol may be assigned which may be a “W” or a “MW.” Military withdrawal shall not be counted in progress probation, dismissal calculations, or in calculating the permitted number of withdrawals. In no case may a military withdrawal result in a student being assigned an FW grade. In no case may a college require a student who is required to report for military duty to withdraw from a course by a specified date in order to receive a full refund of the tuition and fees the student paid to the college for the academic term in which the student was required to report for military service.

References:
Education Code Sections 68074, 68075, and 68075.5;
Title 5 Sections 55023, 55024 54041, 54042, 54050, and 58620
Military and Veterans Code Section 824

Approved by the Chancellor:
 ADMINISTRATIVE PROCEDURE 5015 RESIDENCE DETERMINATION

A. Residence Classification. Residency classifications shall be determined for each student at the
time of each registration and whenever a student has not been in attendance for more than one
semester. Residence classifications are to be made in accordance with the following provisions:

1. A residence determination date is that day immediately preceding the opening day of instruction
for any session during which the student proposes to attend.

2. Residence classification is the responsibility of the District Office of Student Services. Initial
residence classification is determined by the District Office of Admissions and Records through a
student's self-reporting in CCCApply (online application).

B. Definition of Residence.

1. A student who has resided in the state for more than one year immediately preceding the
residence determination date is a resident.

2. A student who has not resided in the state for more than one year immediately preceding the
residence determination date is a nonresident.

C. Rules Determining Residence. The residence of each student enrolled in or applying for enrollment
in any class or classes maintained by this District shall be determined in accordance with the
Education Code which states that every person has, in law, a residence. In determining the place of
residence, the following rules are to be observed:

1. Every person who is married or eighteen years of age, or older, and under no legal disability to do
so, may establish residence.

2. A person may have only one residence.

3. A residence is the place where one remains when not called elsewhere for labor or other special
or temporary purpose and to which one returns in seasons of repose.

4. A residence cannot be lost until another is gained.

5. The residence can be changed only by the union of act and intent.

6. A man or a woman may establish his or her residence. A woman’s residence shall not be
derivative from that of her husband.

7. The residence of the parent with whom an unmarried minor child maintains his/her place of
dwelling is the residence of the unmarried minor child. When the minor lives with neither parent,
the minor’s residence is that of the parent with whom the last place of dwelling was maintained,
provided the minor may establish his/her residence when both parents are deceased and a legal
guardian has not been appointed.

8. The residence of an unmarried minor who has a parent living cannot be changed by the minor’s
own act, by the appointment of a legal guardian, or by relinquishment of a parent’s right of control.
D. Determination of Resident Status. A resident is a student who has been a bona fide resident of the state for one year prior to the residence determination date. A bona fide resident is a person whose residence is in California as determined above except:

1. A student who is a minor and remains in this state after the parent, who was previously domiciled in California and has established residence elsewhere, shall be entitled to retain resident classification until attaining the age of majority and has resided in the state the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.

2. A student who is a minor and who provides evidence of being entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date with the intention of acquiring a residence therein, shall be entitled resident classification until he/she has resided in the state the minimum time necessary to become a resident.

3. A student who has not been an adult for one year immediately preceding the residence determination date for the semester for which the student proposes to attend an institution shall have the immediate pre-majority derived California residence, if any, added to the post-majority residence to obtain the one year of California residence.

4. A student holding a valid credential authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the college year in which the student enrolls in an institution, shall be entitled to resident classification if each student meets any of the following requirements:
   a. He/she holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
   b. He/she holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
   c. He/she is enrolled in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Education Code Section 44259.
   d. A student holding a valid emergency permit authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the academic year in which the student enrolls at an institution in courses necessary to fulfill teacher credential requirements, is entitled to resident classification only for the purpose of determining the amount of tuition and fees for no more than one year. Thereafter the student's residency status will be determined under the other provisions of this procedure.

5. A student who is a full-time employee of the California State University, the University of California or a community college, or of any state agency or a student who is a child or spouse of a full-time employee of the California State University, the University of California or a community college, or of any state agency may be entitled to resident classification, until the student has resided in the state the minimum time necessary to become a resident.

6. A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty shall be entitled to resident classification. If the member of the armed forces of the United States later transferred on military orders to a place outside this state, or retires as an active member of the armed forces of the United States, the student dependent shall not lose his or her resident classification so long he/she remains continuously enrolled in the District.

7. A student who is a member of the armed forces of the United States stationed in this state on active duty, except a member of the Armed Forces assigned for educational purposes to a state-
supported institution of higher education, is entitled to resident classification only for the purpose of determining the amount of tuition and fees. If the student later transfers on military orders to a place outside this state, the student shall not lose his or her resident classification, so long as he or she remains continuously enrolled in the District.

8. A student who was a member of the armed forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he/she lives in this state after being discharged up to the minimum time necessary to become a resident.

9. A student who is a minor and resides with his or her parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more than one year prior to the residence determination date for the semester, quarter or term for which the student proposes to attend.

10. A student who is a Native American is entitled to resident classification for attendance at a community college if the student is also attending a school administered by the Bureau of Indian Affairs located within the community college district.

11. A student who is a federal civil service employee and his or her natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.

12. A student who resides in California and is 19 years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California’s child welfare system, or was served by California’s child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until he/she has resided in the state the minimum time necessary to become a resident.

13. A student who lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, and the parent has performed such labor in this state for at least two months per year in each of the two preceding years, and the parent resides in this District and the parent of the student has claimed the student as a dependent on his state or federal personal income tax return if he/she has sufficient income to have personal income tax liability shall be entitled to resident classification.

14. Students who attended high school in California for three or more years and graduated from a California high school or attained the equivalent thereof. In the case of a person without lawful immigration status, the student must file an affidavit with the institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so. (Education Code 68130.5).

E. Right To Appeal. Students who have been classified as non-residents have the right to a review of their classification (Title 5 Section 54010 (a)). Any student, following a final decision of residence classification by the Office of Admissions and Records, may make written appeal to the Vice Chancellor of Student Services within 30 calendar days of notification of final decision by the college regarding classification.

F. Appeal Procedure.

1. The appeal is to be submitted to the District Office of Student Services. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.
2. The appeal will be forwarded to the Vice Chancellor of Student Services within five working days of receipt by the office.

3. The Vice Chancellor of Student Services shall review all the records and have the right to request additional information from either the student or the District Office of Admissions and Records.

4. Within 30 calendar days of receipt, the Vice Chancellor of Student Services shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

G. Reclassification. A student previously classified as a non-resident may be reclassified as of any residence determination date. A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.

1. Petitions for reclassification are to be submitted to the District Office of Student Services.

2. Petitions must be submitted prior to the semester for which reclassification is to be effective. Extenuating circumstances may be considered in cases where a student failed to petition for reclassification prior to the residency determination date. In no case, however, may a student receive a non-resident tuition refund after the date of the first census.

3. Written documentation may be required of the student in support of the reclassification request.

4. A questionnaire to determine financial independence must be submitted with the petition for reclassification. Determination of financial independence is not required for students who were classified as non-residents by the University of California, the California State University, or another community college District (Education Code Section 68044).

5. A student shall be considered financially independent for purposes of residence reclassification if the applicant meets all of the following requirements:

   a. Has not and will not be claimed as an exemption for state and federal tax purposes by his/her parent in the calendar year prior to the year the reclassification application is made;

   b. Has not lived and will not live for more than six weeks in the home of his/her parent during the calendar year the reclassification application is made.

6. A student who has established financial independence may be reclassified as a resident if the student has met the requirements of Title 5 Sections 54020, 54022, and 54024.

7. Failure to satisfy all of the financial independence criteria listed above does not necessarily result in denial of residence status if the one year requirement is met and demonstration of intent is sufficiently strong.

8. Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state.

9. The Vice Chancellor of Student Services will make a determination, based on the evidence and notify the student not later than 14 days of receipt of the petition for reclassification.

10. Students have the right to appeal according to the procedures above.
H. **Non-Citizens.** The District will admit any non-citizen who is 18 years of age or a high school graduate. If non-citizens are present in the United States illegally or with any type of temporary visa, they will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.

1. If, for at least one year and one day prior to the start of the semester in question, a non-citizen has possessed any immigration status that allows him/her to live permanently in the United States and she or he meets the California residency requirements, the student can be classified as a resident.

3. Any students who are US citizens, permanent residents of the US, and aliens who are not nonimmigrants (including those who are undocumented) may be exempt from paying nonresident tuition if they meet the following requirements:
   a. high school attendance in California for three or more years;
   b. graduation from a California high school or attainment of the equivalent thereof;
   c. registration or enrollment in a course offered by any college in the district for any term commencing on or after January 1, 2002;
   d. completion of a questionnaire form prescribed by the Chancellor and furnished by the district of enrollment, verifying eligibility for this nonresident tuition exemption; and
   e. in the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he or she is eligible to do so.

3. The initial residency classification will be made at the time the student applies for admission. Students may file residency questionnaire forms through the third week of the semester to request a review of their residency status. Final residency determination is made by the Vice Chancellor of Student Services. Students may appeal the decision.

References:
   Education Code Sections 68000 et seq. And 68130.5
   Title 5 Sections 5400 et seq.

Approved by the Chancellor:
ADMINISTRATIVE PROCEDURE 5031 INSTRUCTIONAL MATERIALS FEES

I. The President of each college is authorized to require students to provide instructional and other materials required for a credit or non-credit course, as necessary. Such materials shall be of continuing value to a student outside of the classroom setting and shall not be solely or exclusively available from the District.

A. Required instructional materials shall not include materials used or designed primarily for administrative purposes, class management, course management, or supervision.

B. Where instructional materials are available to a student temporarily through a license or access fee, the student shall be provided options at the time of purchase to maintain full access to the instructional materials for varying periods of time ranging from the length of the class up to at least two years. The terms of the license or access fee shall be provided to the student in a clear and understandable manner prior to purchase.

C. Prior to the approval of any new instructional materials fee, the President shall ensure that the fee meets the guidelines as published by the State Chancellor’s Office in “Student Fee Handbook,” Section 5, “Instructional Materials.”

II. Definitions.

A. "Instructional and other materials" means any tangible personal property which is owned or primarily controlled by an individual student and are of continuing value outside of the classroom.

B. "Tangible personal property" includes electronic data that the student may access during the class and store for personal use after the class in a manner comparable to the use available during the class.

C. "Required instructional and other materials" means any instructional and other materials which a student must procure or possess as a condition of registration, enrollment or entry into a class; or any such material which is necessary to achieve those required objectives of a course which are to be accomplished under the supervision of an instructor during class hours.

D. "Soely or exclusively available from the District" means that the material is not available except through the District, or that the District requires that the material be purchased or procured from it. A material shall not be considered to be solely or exclusively available from the District if it is provided to the student at the District’s actual cost; and 1) The material is otherwise generally available, but is provided solely or exclusively by the District for health and safety reasons; or 2) The material is provided in lieu of other generally available but more expensive material which would otherwise be required.

E. "Continuing value outside of the classroom setting" are materials which can be taken from the classroom setting and which are not wholly consumed, used up, or rendered valueless as they are applied in achieving the required objectives of a course to be accomplished under the supervision of an instructor during class hours.

References:
Education Code Section 76365;
Title 5 Sections 59400 et seq.

Approved by the Chancellor:
Administrative Procedure 5040 Student Records, Directory Information, and Privacy

A cumulative record of enrollment, scholarship, and educational progress shall be kept for each student.

A. Release of Student Records: No instructor, official, employee, or Governing Board member shall authorize access to student records to any person except under the following circumstances:

1. Student records shall be released pursuant to a former or current student's written consent.
2. “Directory information” may be released in accordance with the definitions in Board Policy 5040.
3. Student records shall be released pursuant to a judicial order or a lawfully issued subpoena.
4. Student records shall be released pursuant to a federal judicial order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism.
5. Student records may be released to officials and employees of the District only when they have a legitimate educational interest to inspect the record.
6. Student records may be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an educational agency, state education officials, or their respective designees or the United States Office of Civil Rights, where that information is necessary to audit or evaluate a state or federally supported educational program or pursuant to federal or state law. Exceptions are that when the collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal requirements.
7. Student records may be released to officials of other public or private schools or school systems, including local, county or state correctional facilities where education programs are provided, where the student seeks or intends to enroll or is directed to enroll. The release is subject to the conditions in Education Code Section 76225.
8. Student records may be released to agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of those students may be disclosed only as may be necessary for those purposes as to financial aid, to determine the amount of the financial aid, or conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid.
9. Student records may be released to organizations conducting studies for, or on behalf of, accrediting organizations, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering financial aid programs, and improving instruction if those studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of those organizations and the information will be destroyed when no longer needed for the purpose for which it is conducted.
10. Student records may be released to appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health or safety of a student or other persons, subject to applicable federal or state law.

B. Federal Military Recruitment. The following information shall be released to the federal military for the purposes of federal military recruitment:

1. student names,
2. addresses,
3. telephone listings,
4. dates and places of birth,
5. levels of education,
6. degrees received,
7. prior military experience,
8. and/or the most recent previous educational institutions enrolled in by the students.

C. Use of Social Security Numbers. The District shall not do any of the following:

1. Publicly post or publicly display an individual's social security number;
2. Print an individual's social security number on a card required to access products or services;
3. Require an individual to transmit his/her social security number over the internet using a
   connection that is not secured or encrypted;
4. Require an individual to use his/her social security number to access an Internet Web site without
   also requiring a password or unique personal identification number or other authentication device;
   or
5. Print, in whole or in part, an individual's social security number that is visible on any materials that
   are mailed to the individual, except those materials used for:
6. Application or enrollment purposes;
7. To establish, amend, or terminate an account, contract, or policy; or
8. To confirm the accuracy of the social security number.

References:
Education Code Sections 76200 et seq.;
Title 5 Sections 54600 et seq.;
U.S. Patriot Act;
Civil Code Section 1798.85

Approved by the Chancellor:
BOARD POLICY 5200 STUDENT HEALTH SERVICES

Student health services shall be provided in order to contribute to the education aims of students by promoting physical and emotional well being through health oriented programs and services.

Title 5, Section 54708 specifies allowable expenses of student health fees.

The Chancellor shall establish procedures necessary to assure cooperation with local public health officials in measures necessary for the prevention and control of communicable diseases in students.

References:
Education Code Section 76401; 76403, 76355;
Title 5 Sections 54700 et seq.;
FERPA Guidelines;
HIPPA Guidelines

Replaces:
Board Policy 4.36 Health Services (no approval date listed)

Board approved:
ADMINISTRATIVE PROCEDURE 5200 STUDENT HEALTH SERVICES

A. The mission of Health Services in the Peralta Community College District is to further the equality of the educational opportunity and success for all students by providing access to health services which promote the physical, emotional, social, and spiritual well-being of its students. This well-being contributes to the educational aim of our community colleges by promoting student retention and academic success.

B. Access to Health Services is supported by a health services fee paid by the student at the time of registration for fall and spring semesters, as well as summer session. Services offered include pregnancy testing, family planning, birth control, sexually transmitted infection testing and treatment, HIV testing, pap smears, health education, mental health counseling, TB testing, flu shots, physical exams, doctor visits, and referral services. Mental health counseling will offer assessment, evaluation, referrals, one-on-one counseling, and crisis intervention. Additional fees may apply for certain services (lab tests, x-rays, etc.).

C. Medical records and all discussions with the Student Health Services Staff are completely confidential in accordance with federal HIPAA regulations. Records are only released with the written consent of the student, unless required by law.

D. Students who have health insurance are still required to pay the health services fee. Peralta Community College District Health Services are intended to supplement any present health insurance. The health services fee does not cover major medical care, such as hospitalization or emergency room fees.

E. Students may be exempt from the health fee if a waiver petition is filed in the Office of Student Services at one of the four colleges and approved for one of the following reasons:
   1. The student is dependent exclusively upon prayer for healing in accordance with the teachings for a bona fide religious sect, denomination, or organization; or
   2. The student is attending community college under an approved apprenticeship training program.

F. Services are provided only when the colleges are open.

G. In the event of a request by the Local or State Public Health Officials, the District will respond in the following ways:
   1. Cooperation with local health officers in measures necessary for the prevention and control of communicable diseases in students
   2. Compliance with any immunization program required by State Department of Health Services regulations.

Complete details about Peralta Community College District Student Health Services can be found at the following website: http://web.peralta.edu/health-services/

Reference:
   Education Code Section 76401; 76403, 76355;
   Title 5 Sections 54700 et seq.;
   FERPA Guidelines;
   HIPPA Guidelines

Approved by the Chancellor:
BOARD POLICY 5300 STUDENT EQUITY

The Governing Board is committed to assuring student equity in educational programs and college services. The Chancellor shall establish and implement a student equity plan that meets the Title 5 standards for such a plan and ensures that all students, especially underrepresented students, have the opportunity to achieve their academic goals.

Reference:
Education Code Sections 66030, 66250 et seq., and 72010 et seq.;
Title 5 Section 54220
Administrative Procedure 5300

New Policy

Approved by the Governing Board:
ADMINISTRATIVE PROCEDURE 5300 STUDENT EQUITY

A. Each College has a Student Equity Plan. The Plan is filed as required to the California Community Colleges Chancellor’s Office, following approval by the Governing Board.

B. Each Student Equity Plan addresses:
   1. Active involvement of the groups at the college through governance committees, and instructional and student development departments, and through the program review process
   2. Involvement by appropriate people from the community who can articulate the perspective and concerns of historically underrepresented group
   3. Research as to the extent of student equity
   4. Institutional barriers to equity
   5. Goals for access, retention, degree and certificate completion, English as a Second Language (ESL) and Basic Skills completion, and transfer for each historically underrepresented group
   6. Activities most likely to be effective to attain the goals, including coordination of existing student equity related programs
   7. Sources of funds for the activities in the Student Equity Plan
   8. A schedule and process for evaluation of progress toward the goals
   9. An executive summary that describes the goals for whom goals have been set, the goals, the initiatives that the College will undertake to achieve the goals, the resources budgeted for that purpose, and that the Vice President of Student Services can be contacted for further information.

C. The Student Equity Plan shall be developed, maintained, and updated at each college under the supervision of the Vice President of Student Services or other appropriate college administrator.

References:
Education Code Sections 66030, 66250 et seq., and 72010 et seq.
Title 5 Section 51026, 54220

Approved by the Chancellor:
BOARD POLICY 5420 ASSOCIATED STUDENTS FINANCE

Associated Student funds shall be deposited with and disbursed by the District.

The funds shall be deposited, loaned or invested in one or more of the ways authorized by law.

Associated Student funds of the District/Colleges are independent funds administered by student organizations. They are not part of District funds; however, student body funds shall be administered in accordance with District accounting procedures.

The funds of the Associated Students shall be subject to an annual audit. A financial report of the condition of each general organization shall be submitted to the Board of Trustees annually.

Reference:
   Education Code Sections 76063–76065
   Administrative Procedure 5420

New Policy

Approved by the Governing Board:
ADMINISTRATIVE PROCEDURE 5420 ASSOCIATED STUDENTS FINANCE

A. Associated Student Funds are maintained in accordance with the following procedures:

1. Associated Student Organization Fund books, financial records and procedures are subject to annual audit.
2. Reports of the annual audit of A. S. funds are submitted to the Board of Trustees.
3. Audit information, except that containing personnel or other confidential information, shall be released to the Associated Students by the Office of Finance.
4. Associated Student funds shall be deposited with and disbursed by the District.

B. The funds shall be deposited, loaned or invested in:

1. Deposits in trust accounts of the centralized State Treasury System pursuant to Government Code Sections 16305 - 16305.7 or in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.
2. Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations, if the associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation and if any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by the insurance.
3. Purchase of any of the securities authorized for investment by Government Code Section 16430 or investment by the Treasurer in those securities.
4. Participation in funds that are exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code and that are open exclusively to nonprofit colleges, universities, and independent schools.
5. Investment certificates or withdrawable shares in federal or state credit unions, if the credit unions are doing business in this state and have their accounts insured by the National Credit Union Administration and if any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by the insurance.
6. Loans, with or without interest, to any student body organization established in another community college of the District for a period not to exceed three years.
7. Investment of money in permanent improvements to any community college District property including, but not limited to, buildings, automobile parking facilities, gymnasiums, swimming pools, stadia and playing fields, where those facilities, or portions thereof, are used for conducting student extracurricular activities or student spectator sports, or when those improvements are for the benefit of the student body.

C. All funds shall be expended subject to such procedures as may be established by the Associated Students subject to the approval of each of the following three persons. Expenditures must be documented within the minutes of the organization and approval shall be obtained each time before any funds may be expended:

1. the College President or designee;
2. the employee who is the designated advisor of the particular student body organization; and
3. a representative of the student body organization.

References:
Education Code Sections 76063-76065

Approved by the Chancellor:
BOARD POLICY 5500 STUDENT STANDARDS OF CONDUCT

The Chancellor shall establish regulations and procedures for the imposition of discipline on students in accordance with the requirements for due process of the federal and state law and regulations.

The regulations and procedures shall clearly define the standards of conduct that is subject to discipline, shall detail the discipline due process, and shall identify potential disciplinary actions, including but not limited to the removal, suspension or expulsion of a student.

The Board shall consider any recommendation from the Chancellor for expulsion. The Board shall consider an expulsion recommendation in closed session unless the student requests that the matter be considered in a public meeting. Final action by the Board on the expulsion shall be taken at a public meeting.

The Chancellor shall also issue an administrative procedure detailing Student Rights and Grievance Procedures.

The student standards of conduct and discipline due process shall be made widely available to students through the college catalog and other means.

Reference:
Education Code Sections 48900(q); 66300; 66301; 66450; 67361; 67362; 76033; 76120; 78907; 81600, and 87708
Accreditation Standard II.A.7.b
Government Code Sections 995 et seq.
Business and Professions Code Section 4240
Health and Safety Code Sections 11014.5 and 11053
Penal Code Sections 415, 502, and 626.2
Administrative Procedures 5500, 5520, 5530

Replaces:
Board Policy 4.40 Student Code of Conduct, Discipline and Due Process adopted April 27, 1993 and last revised March 15, 2011
Board Policy 8.01 Due Process adopted April 26, 1994.

Approved by the Governing Board:
ADMINISTRATIVE PROCEDURE 5500 STUDENT STANDARDS OF CONDUCT

The Chancellor directs that the following regulations apply for the imposition of discipline on District students based on the causes listed below:

A. Causes for Discipline. The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student:

1. Causing, attempting to cause, or threatening to cause physical injury to another person.
2. Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife, or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a District employee, which is concurred in by the college president.
3. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
4. Committing or attempting to commit robbery or extortion.
5. Causing or attempting to cause damage to district property or to private property on campus.
6. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
7. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
8. Committing sexual harassment or assault as defined by law or by District policies and procedures.
9. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, sex, religion, sexual orientation, or any other status protected by law.
10. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact, verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.
11. Willful misconduct which results in injury or death to a student or to college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
12. Disruptive behavior; willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
13. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
14. Dishonesty, forgery, alteration or misuse of college documents, records or identification; or knowingly furnishing false information to the District.
15. Unauthorized entry upon or use of college facilities.
16. Lewd, indecent, or obscene conduct on District-owned or controlled property or at District-sponsored or supervised functions.
17. Engaging in expression which is obscene; libelous, or slanderous; or which so incites students as to create a clear and present danger of the commission of unlawful acts on college premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.
18. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
19. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any district policy or administrative procedure.
B. **Discipline Procedures and Due Process.** Students who engage in any of the above are subject to the procedures outlined in AP 5520 Student Discipline Procedures and Due Process.

References:
Education Code Sections 66300 and 66301;
Accreditation Standard II.A.7.b

Approved by the Chancellor:
ADMINISTRATIVE PROCEDURE 5500 STUDENT STANDARDS OF CONDUCT (REV)

The Chancellor directs that the following regulations apply for the imposition of discipline on District students based on the causes listed below:

A. Causes for Discipline. The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student:

1. Causing, attempting to cause, or threatening to cause physical injury to another person.
2. Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife, or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a District employee, which is concurred in by the college president.
3. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
4. Committing or attempting to commit robbery or extortion.
5. Causing or attempting to cause damage to district property or to private property on campus.
6. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
7. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
8. Committing sexual harassment or assault or other unlawful harassment as defined by law or by District policies and procedures.
9. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, sex, religion, sexual orientation, or any other status protected by law.
10. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact, verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.
11. Willful misconduct which results in injury or death to a student or to college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
12. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
13. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
14. Dishonesty such as cheating, plagiarism, forgery, alteration or misuse of college documents, records or identification; or knowingly furnishing false information to the District.
15. Unauthorized entry upon or use of college facilities.
16. Lawful, indecent, or obscene conduct on District-owned or controlled property or at District-sponsored or supervised functions.
17. Engaging in expression which is obscene; libelous, or slanderous; or which so incites students as to create a clear and present danger of the commission of unlawful acts on college premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.
18. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
19. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any district policy or administrative procedure.
20. **Violation of district policies, regulations, or procedures including parking, traffic, student organizations, and free speech: time, place and manner.**

21. **Disruptive or insulting behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, refusal to comply with the directions of, or persistent abuse of college employees in the performance of their or near the college premises or public sidewalks adjacent to college property.**

22. **Obstruction or disruption of teaching, research, administrative, or other college activities.**

**B. Discipline Procedures and Due Process.** Students who engage in any of the above are subject to the procedures outlined in AP 5520 Student Discipline Procedures and Due Process.

References:
- Education Code Sections 66300 and 66301;
- Accreditation Standard II.A.7.b

Approved by the Chancellor:
ADMINISTRATIVE PROCEDURE 5520 STUDENT DISCIPLINE PROCEDURES AND DUE PROCESS

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

II. These procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, Education Code Section 76120, and Board Policy and Administrative Procedure 3900: "Speech: Time, Place, and Manner," and will not be used to punish expression that is protected.

III. A student excluded for disciplinary reasons from one college in the Peralta Community College District may be denied enrollment into other colleges in the District, depending on the specific form of discipline. The President of a college may also deny admission to a student suspended or excluded for disciplinary reasons from other colleges or universities.

IV. Students are responsible for complying with the Board Policy and Administrative Procedure 5500 Student Standards of Conduct. The causes for discipline listed therein shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student: all college regulations and for maintaining appropriate course requirements as established by the instructors.

Disciplinary action may be imposed on a student for violation of college rules and regulations, the California Education Code, California Penal Code, and the California Administrative Code. Student misconduct may result in disciplinary action by the college and prosecution by civil authorities. Student misconduct may also result in disciplinary action that is applicable to other college campuses and central administrative offices at the Peralta Community College District. Misconduct that may result in disciplinary action includes, but is not limited to, the following violations:

1. Violation of District policies or regulations including parking and traffic regulations (subject to Education Code Section 76030), policies regulating student organizations, and time, place, and manner regulations in regard to public expression.

2. Wilful misconduct which results in injury or death of any person on college-owned or controlled property, or college-sponsored or supervised functions; or causing, attempting to cause, or threatening to cause physical injury to another person.

3. Conduct which results in cutting, defacing, damaging, or other injury to any real or personal property owned by the college or to private property on campus.

4. Stealing or attempting to steal college property or private property on campus; or knowingly receiving stolen college property or private property on campus.

5. Unauthorized entry to or use of college facilities.

6. Committing or attempting to commit robbery or extortion.

7. Dishonesty such as cheating, plagiarism (including plagiarism in a student publication), forgery, alteration or misuse of college documents, records, or identification documents, or furnishing false information to the college.
8. The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code or any controlled substance listed in California Health and Safety Code Section 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.

9. Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from an authorized college employee.

10. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the governing board.

11. Lewd, indecent, or obscene conduct or expression on college-owned or controlled property, or at college-sponsored or supervised functions, or engaging in libelous or slanderous expression; or expression or conduct which inconspicuously students as to create a clear and present danger of the commission of unlawful acts on college premises, or substantial disruption of the orderly operation of the college.

12. Disruptive or insulting behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, refusal to comply with directions of, or persistent abuse of, college employees in the performance of their duty on or near the school premises or public sidewalks adjacent to school premises.

13. Obstruct or disruption of teaching, research, administrative procedures or other college activities.

14. Committing sexual harassment as defined by law or by college policies and procedures; or engaging in harassing or discriminatory behavior based on race, sex, religion, age, national origin, disability, or any other status protected by law.

15. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

V. In accordance with Education Code Section 76234, the results of any disciplinary action or appeal in connection with any alleged sexual assault, physical abuse or threat of the same shall be made available within 3 school days of the results, to the alleged victim, who shall keep such information confidential.

VI. Forms of Discipline. Students facing disciplinary action are subject to any of the following actions.

A. Written or verbal reprimand. An admonition to the student to cease and desist from conduct determined to violate the Code of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

B. Probation. A period of time specified for observing and evaluating a student's conduct, with or without special conditions. Probation will be imposed for a specific period of time; the
student is considered removed from probation when the period expires. Violation of any conditions during the period of probation may be cause for further disciplinary action.

C. Loss of Privileges and Exclusion from Activities. Exclusion from participation in designated privileges and extracurricular activities for a specified period of time. Violation of any conditions or Code of Student Conduct during the period of sanction may be cause for further disciplinary action.

D. Educational Sanction. Work, research projects, counseling, or community service projects may be assigned. Violation of any requirements of assignment or Code of Student Conduct during the period of sanction may be cause for further disciplinary action.

E. Treatment Requirement. Require enrollment in anger management, drug and alcohol rehabilitation treatment. Such requirement must receive prior approval from the Vice President of Student Services (or designee).

F. Group Sanction. Sanctions for the misconduct of groups or organizations may include temporary or permanent revocation or denial of group registration as well as other appropriate sanctions.

G. Removal from Class. Exclusion of the student by an instructor for the day of the removal and the next class meeting. Instructor must immediately report the removal to the Vice President of Student Services (or designee).

H. Exclusion from Areas of the College. Exclusion of a student from specified areas of the campus. Violation of the conditions of exclusion or Code of Student Conduct during the period of exclusion may be cause for further disciplinary action.

I. Withdrawal of Consent to Remain on Campus. Withdrawal of consent by the Campus Police for any person to remain on campus in accordance with California Penal Code Section 626.4/626.6 where the Campus Police has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus. Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest.

J. Short-term Suspension. Exclusion of the student by the President (or designee) for good cause from one or more classes for a period of up to ten consecutive days of instruction.

K. Long-term Suspension. Exclusion of the student by the President (or designee) for good cause from one or more classes for the remainder of the school term or school year, or from all classes and activities of the college and District for one or more terms.

L. Expulsion. Exclusion of the student by the Board of Trustees from all colleges in the District.

VII. Disciplinary action may be imposed on a student by:

A. A college faculty member who may place a student on probation or remove the student from class and/or a college activity for the remainder of that class/activity period.

B. The President (or designee) who may impose any form of discipline, including summarily suspending a student when deemed necessary for the welfare and safety of the college community.

C. The President who may recommend "expulsion" to the Board of Trustees.
D. The Board of Trustees who may terminate a student’s privilege to attend any college of the District.

VIII. Due Process for Discipline, Suspensions and Expulsions

A. Definitions:

1. Student. Any person currently enrolled as a student at any college or in any program offered by Peralta Community College District.

2. Faculty Member. Any instructor (an academic employee of the District in whose class a student subject to discipline is enrolled), counselor, librarian, or any academic employee who is providing services to the student.

3. Day. A day during which the District is in session and regular classes are held, excluding Saturdays, Sundays, and District holidays.

4. Written Notice/Written Decision. Notice sent by personal service or by registered or certified mail with return receipt requested via the United States Postal Service.

B. Procedure. Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

1. Notice. The Vice President of Student Services (or designee) will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:

   a. The specific section of the Code of Student Conduct that the student is accused of violating.
   b. A short statement of the facts (such as the date, time, and location) supporting the accusation.
   c. The right of the student to meet with the Vice President of Student Services (or designee) to discuss the accusation, or to respond in writing.
   d. The nature of the discipline that is being considered.

2. Time limits. The notice must be provided to the student within 5 days of the date on which the conduct took place or became known to the Vice President of Student Services (or designee). In the case of continuous, repeated or ongoing conduct, the notice must be provided within 5 days of the date on which conduct occurred or became known to the Vice President of Student Services (or designee) which led to the decision to take disciplinary action.

3. Conference Meeting. A student charged with misconduct must meet with the Vice President of Student Services (or designee) for a conference regarding the basis of the charge and the possible disciplinary action that may arise as a consequence. If the student fails to respond within 5 days after receipt of the written notice, the Vice President may proceed on the assumption that the charge(s) is (are) valid.

   The conference with the Vice President of Student Services (or designee) will be for the purpose of:

   a. Reviewing the written statement of the charge(s) as presented to the student;
   b. Providing a reasonable opportunity at the meeting for the student to answer the charge(s) verbally or in writing to the accusation;
c. Informing the student in writing of possible disciplinary action that might be taken;
d. Presenting to the student the College Due Process Procedures.

4. Meeting Results. One of the following scenarios will occur:
   a. The matter is dismissed, in which case no public record of this incident shall be retained; however, an annual confidential report is required to be submitted to the Peralta Board of Trustees.
   b. A disciplinary action is imposed, and the student accepts the disciplinary action.
   c. A disciplinary action is imposed, and the decision of the Vice President of Student Services (or designee) is final due to the form of the discipline.
   d. A disciplinary action of a long-term suspension is imposed and the student does not accept the long-term suspension. The student must file at the Office of the President a written notice of intent to appeal to the Student Disciplinary Hearing Panel within 5 days of the written decision from the Vice President of Student Services (or designee).
   e. A recommendation for expulsion is made by the Vice President of Student Services (or designee) to the College President.

5. Short-term Suspension.

Within 5 days after the meeting described above, the Vice President of Student Services (or designee) shall decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the Vice President of Student Services (or designee’s) decision shall be provided to the student. The written notice will include the length of time of the suspension, or the nature of the lesser disciplinary action, The Vice President of Student Services’ (or designee) decision on a short-term suspension shall be final.

6. Long-term Suspension.

Within 5 days after the meeting described above, the Vice President of Student Services (or designee) may decide to impose a long-term suspension. Written notice of the Vice President of Student Services’ (or designee) decision shall be provided to the student. The written notice will include the right of the student to request a formal hearing and a copy of the College Student Discipline (Due Process) Procedures describing the procedures for a hearing.

7. Expulsion.

Within 5 days after the meeting described above, the Vice President of Student Services (or designee) may decide to recommend expulsion to the President. The Student Disciplinary Hearing Panel shall be convened to provide a recommendation to the President. The President shall then decide whether to make a recommendation of expulsion to the Chancellor and Board of Trustees. Written notice of the President’s (or designee) decision to recommend expulsion shall be provided to the student. The written notice will include the right of the student to a formal hearing with the Board of Trustees before expulsion is imposed, and a copy of the College Student Discipline (Due Process) Procedures describing the procedures for a hearing.

IX. Hearing Procedures:
A. Request for Hearing. Within 5 days after receipt of the Vice President of Student Services' (or designee's) decision regarding a long-term suspension, the student may request a formal hearing. The request must be made in writing to the President (or designee). Any charge(s) to which the student does not respond shall be deemed valid.

Any recommendation for expulsion by the Vice President of Student Services (or designee) shall be automatically reviewed by the Student Disciplinary Hearing Panel.

B. Schedule of Hearing. The formal hearing shall be held within 10 days after a written request for hearing is received. Student's failure to confirm attendance at hearing or failure to appear at the hearing without reasonable cause constitutes waiver of the student's right to appeal. The formal hearing timeline may be tolled (postponed) pending a formal investigation of any discrimination claims by or against the student. Such investigation must be concluded no later than 90 calendar days as required by law.

C. Student Disciplinary Hearing Panel. The hearing panel for any disciplinary action shall be composed of one faculty (selected by the President of the Faculty Senate), one classified (selected by the President of the Classified Senate), one administrator (selected by the President of the College) and one student (selected by the Associated Students).

The President (or designee), at the beginning of the academic year, will establish the panel, along with alternates. The chair of the committee will be appointed by the President.

D. Hearing Panel Chair. The President (or designee) shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by two other members of the panel to the contrary.

E. Conduct of the Hearing.

1. The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.

2. The facts supporting the accusation shall be presented by a college representative who shall be the Vice President of Student Services.

3. The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.


5. Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by substantial evidence that the facts alleged are true.

6. The student may represent himself or herself, and may also have the right to be represented by a person of his or her choice, except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than 5 days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also
request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

7. Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than 5 days prior to the date of the hearing.

8. In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.

9. The hearing shall be recorded by the District either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify himself or herself by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

10. All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape-recorded is not unavailable.

11. Within 10 days following the close of the hearing, the hearing panel shall prepare and send to the President (or designee) a written recommendation regarding the disciplinary action to be imposed, if any. The recommendation shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

X. President’s (or designee’s) Decision

A. Long-term suspension. Within 5 days following receipt of the hearing panel’s recommendation, the President (or designee) shall render a final written decision based on the recommendations of the hearing panel and the Vice President of Student Services (or designee). If the President (or designee) modifies or rejects the hearing panel’s recommendation, the President shall review the record of the hearing, and shall prepare a written decision that contains specific factual findings and conclusions. The decision of the President (or designee) shall be final.

B. Expulsion. Within 5 days following receipt of the hearing panel’s recommendation, the President (or designee) shall render a written decision either to recommend expulsion or to impose a lesser form of discipline. If the President (or designee) modifies or rejects the hearing panel’s decision, he or she shall review the record of the hearing, and shall prepare a written decision that contains specific factual findings and conclusions. If the President (or designee) decides to recommend expulsion, such recommendation shall be forwarded to the Chancellor and Board of Trustees.

XI. Chancellor’s Decision
A student may, within 10 days of the President's decision to impose long-term suspension or to recommend expulsion, appeal the decision in writing to the Chancellor. For long-term suspensions, the Chancellor (or designee) shall issue a written decision to the parties and the representatives within ten days of the receipt of the President's decision. For expulsions, the Chancellor shall forward the President’s recommendation to the Board of Trustees within 10 days and provide an independent opinion as to whether he or she also recommends expulsion.

XII. Board of Trustees' Decision:

A. Long-Term Suspension Appeal:

The Chancellor's (or designee’s) decision regarding long-term suspension may be appealed to the Board of Trustees within 10 days of receipt of the Chancellor's decision. The Board will consider the appeal request, along with the Chancellor's decision, at the next regularly scheduled meeting. The Board may reject the appeal request and uphold the Chancellor's decision, or accept the appeal and conduct a hearing. The Board's procedures for hearing of long-term suspension will be similar to the procedures required for expulsion hearings.

B. Expulsion:

1. The Board of Trustees shall consider any recommendation from the President for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

2. The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures. (Education Code Section 72122)

3. The student shall receive written notice at least three days prior to the meeting of the date, time, and place of the Board's meeting.

4. The student may, within 48 hours after receipt of the notice, request that the hearing be held as a public meeting.

5. Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

6. The Board may accept, modify or reject the findings, decisions and recommendations of the President (or designee) and Chancellor (or designee). If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a written decision that contains specific factual findings and conclusions. The decision of the Board shall be final.

7. The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.

XIII. Time Limits

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

XIV. Student Grievance
A. Students who believe that they have been improperly subjected to any of the disciplinary measures stated in this policy may file a Student Grievance with the Vice President of Student Services in accordance with Board Policy 5530 Student Rights and Grievance.

B. Students in Allied Health Programs:

Board Policy 5531 (Allied Health: Student Appeal of Dismissal for Clinical Performance) may apply in lieu of this Board Policy to students who are enrolled in the Allied Health program for clinical performances.

References:
California Education Code Sections 66300, 66301
ADMINISTRATIVE PROCEDURE 5530 STUDENT RIGHTS AND GRIEVANCE PROCEDURE

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. This procedure shall be available to any student who reasonably believes an experience or decision has adversely affected his or her status, rights or privileges as a student. A grievance may be initiated by a student against an instructor, an administrator, or a member of the classified staff. A grievance may also be initiated against another student.

I. Grounds for Filing Student Grievances. The Student Grievance Procedure shall apply only to grievances involving:

A. Academic (Grade) Grievance: a complaint alleging mistake, fraud, bad faith or incompetence in the academic (grade) evaluation of student performance.

B. Violation of Law, Policy, and Procedures:
   1. Violation of rights which a student is entitled to by law or District policy, including financial aid, exercise of free expression, rules for student conduct, admission, probation, or suspension or dismissal policies.
   2. Act or threat of physical aggression
   3. Act or threat of intimidation or harassment

C. This Student Grievance Procedure does not apply to:
   1. Police citations (i.e. "tickets"). Complaints about citations must be directed to the Camp's Police in the same way as any traffic violation.
   2. Discrimination, Sexual Assault or Sexual Harassment. Any student who feels he/she has been or is presently an alleged victim of sexual harassment, may first contact the Vice President of Student Services to file a complaint verbally or in writing, or may directly contact the District's Equal Opportunity Coordinator at 333 East Eighth Street, Oakland, CA 94606 (510) 466-7220. At the time a complaint is made known, a copy of the complaint procedures and a complaint form shall be made available to the complainant. For additional information regarding reporting of discrimination, sexual assault or sexual harassment, please refer to Discrimination Complaint Procedures in this catalog.

II. Definitions

A. Party: The student or any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. "Party" shall not include the Grievance Hearing Committee.

B. Student: A currently enrolled student, a person who has filed an application for admission to the college, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).

C. Respondent: Any person claimed by a grievant to be responsible for the alleged grievance.

D. Observer: An individual who is present at a hearing to observe the proceeding, but shall not be allowed to speak and address the committee.
E. Written Notice/Written Decision: Notice sent by personal service or by registered or certified mail with return receipt requested via the U.S. Postal Service.

F. Day. Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays, Sundays, and District holidays.

III. Grievance Process

A. Informal Resolution

Within 30 days of the allegation, each student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing.

1. For an academic (grade) grievance, the student shall make an appointment with the faculty against whom he/she has a grievance during the faculty member’s posted office hours or at a mutually-agreed-upon time, in order to discuss the student’s complaint. Should the faculty against whom the student has an academic complaint fail to meet with the student in a timely manner, the student may meet with the Division Dean of Instruction of the faculty member.

2. For a grievance based on an alleged violation of law, policy, and procedures, the student shall attempt to solve the problem with the person with whom the student has the grievance, that person’s immediate supervisor, or the Vice President of Student Services (or designee).

B. Formal Complaint Procedures

Any student who believes he/she has a grievance must file an approved grievance complaint form with the Vice President of Student Services (or designee). The student may obtain the form from the Office of the Vice President of Student Services.

The student must file within 90 days of the incident on which the grievance is based; or after the student knew or should have known of the basis for the grievance, whichever is later. The grievance complaint must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Failure to file a formal complaint within such ninety (90) day period constitutes waiver of the student’s right to appeal.

1. Filing Complaint
   - The complaint must include the following:
     a. The exact nature of the complaint (grounds)
     b. The specific details of the complaint (e.g., chronology of the event and an explicit description of the alleged violation)
     c. A description of the informal meeting and attempted resolution, if any
     d. The specific resolution/remedy sought

   Complaint should be filed with Vice President of Student Services.

2. Meeting with Vice President of Student Services (or designee)

   The Vice President of Student Services (or designee) shall provide to the person against whom the grievance has been filed a copy of the grievance and a copy of the procedure.
The Vice President of Student Services (or designee) will provide the grievant with a written copy of the policy and procedures and answer all questions regarding the policy including the student’s rights and responsibilities in the process of filing a grievance. For academic (grade) grievance, the Vice President of Student Services (or designee) will inform the student that a grade change may only be made where there is a finding of fraud, mistake, bad faith or incompetence.

The student and Vice President of Student Services (or designee) shall attempt to reach an informal resolution.

3. Request for Grievance Hearing

If an informal resolution cannot be reached, the Vice President of Student Services (or designee) shall make a request for records and documents from the student filing the complaint and forward copies of all documents pertinent to the alleged violation to the Chair of the Grievance Committee and the parties. Documents or accusations not specifically related to the alleged violations shall not be forwarded to the committee or the parties.

a. For academic (grade) grievance, the Chair shall request records and documents from the faculty member against whom the complaint has been filed.

b. For grievance based on an alleged violation of law, policy, and procedures, the Chair shall request records and documents from the party against whom the complaint has been filed.

The Grievance Hearing timeline may be tolled (postponed) pending a formal investigation of any discrimination claims by or against the student. Such investigation must be concluded no later than 90 calendar days as required by law.

4. Grievance Hearing Committee

Within 90 days following receipt of the grievance complaint form, the Grievance Hearing Committee shall conduct a hearing. The following College Grievance Committee members shall be appointed for a term of one academic year as follows:

a. The Vice President of Instruction, who shall Chair the committee;
b. One faculty member (and one alternate) jointly appointed by the PFT and the Faculty Senate;
c. One administrator (and one alternate) appointed by the College President;
d. One student (and one alternate) appointed by the President of the Associated Students

Additional committee member:
e. For academic (grade) grievances, one faculty member (and one alternate) jointly appointed by the PFT and the Faculty Senate; or

f. For other grievances, one classified employee (and one alternate) jointly appointed by Local 790 and the Classified Senate.

A committee member shall withdraw from participation in the hearing if a conflict of interest is anticipated, in which case the alternate member shall serve. The members of the Committee shall be provided with a copy of the grievance and any written response provided by the respondent before the hearing begins. Four-fifths of the members of the committee shall be present in order for the committee to act.
5. Hearing Procedure

a. The Vice President of Instruction, as Chair, shall provide written notice, including the date, time and place of the hearing to both parties at least ten days prior to the hearing. The notice shall be hand-delivered or sent by certified mail and shall include a copy of the complaint.

b. The Chair shall provide the involved complainant with a written summary of rights he/she may be entitled to by law or contract at least 10 days before the hearing. For academic (grade) grievance, the Chair of the committee shall provide the involved faculty member with a written summary of rights he/she may be entitled to by law or contract at least 10 days before the hearing. Both parties shall be given adequate time (at least 10 days) to read and review all documents, consistent with privacy laws. This right may be waived by either party. Both parties shall be informed that all relevant evidence presented to the hearing committee, whether written or oral, may be used against them in this or any other proceeding unless otherwise prohibited by law. The written notice shall inform the parties of this fact. The Chair of the committee shall inform both parties orally of this fact at the commencement of the hearing.

c. The decision of the Chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by a majority of the other members of the panel to the contrary. The Chair may do whatever is necessary, so long as it is legally permissible, to ensure that the hearing is conducted in a fair, dignified and orderly manner.

d. The Chair of the committee may exclude a witness from the hearing when the witness is not giving testimony.

e. Anyone who disrupts the proceeding or interferes shall be excluded from the proceeding.

f. All information derived from the complaint is confidential. Information may not be made public nor discussed with anyone except those with a legitimate need to know.

g. The hearing shall be open only to persons directly involved in the matters to be heard. The bargaining agent representing the respondent may send an observer to any hearing.

h. The committee may call in "expert witnesses" if the subject of the grievance is beyond their expertise.

i. The committee shall inform the witnesses (other than the accused) in writing that they are sought for interview purposes and their participation in the process is requested by the committee. Witnesses shall also be informed as to the purpose of the interview, the general subject of the interview, and their right to request representation by anyone of their choosing prior to and during said interview.

j. Any member of the committee may ask questions of any witness.

k. The hearing shall be conducted so as to bring all of the relevant information and evidence to the members of the committee in an orderly and intelligible form. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted, if it is the sort of evidence on which responsible persons are accustomed to rely upon in the conduct of serious affairs. Accusations not
specifically related to the alleged violation shall not be considered relevant. The rules of privilege shall apply to the same extent that they are recognized in civil actions.

I. At all steps of the process, both the student filing and the other party have the right to be accompanied, advised and represented by a person or counsel of their choosing. If either party wishes to be represented by an attorney, a request must be presented not less than 10 days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing committee may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

m. If the respondent or his/her representative, or both, are absent from all or a part of the hearing, the committee shall make its recommendations on the basis of whatever evidence is submitted before the hearing and on whatever evidence and testimony is presented to the committee during the hearing.

n. The committee shall make all evidence, written or oral, part of the record.

o. The committee shall judge the relevancy and weight of testimony and evidence and make its findings of fact, limiting its investigation to the formal charge. The decision shall be based only on the record of the hearing, and not on matter outside of that record.

p. The burden shall be on the grievant to prove by a preponderance of the evidence that the facts alleged are true and a grievance has been sufficiently established.

q. The hearing date may be postponed or continued at the discretion of the Chair of the committee. Both parties shall be given notice of the new or continued hearing date.

r. The votes of the majority of the members present (at least 3 votes) are necessary in order for the committee to make a recommendation to the Vice President of Student Services.

s. The Chair of the committee shall notify the Vice President of Student Services of the committee's recommendation within 10 days.

t. A summary record of the proceedings held in a closed session shall be kept in a confidential file by the Vice President of Student Services and shall be available at all times to the accused person. The Vice President of Student Services has the responsibility to ensure that a proper record is maintained and available at all times.

6. Final Decision by Vice President of Student Services

Based on the grievance hearing committee's recommendations, the Vice President of Student Services (or designee) may accept the recommendation, return it to the committee for further review, or reject it. Within 10 days of receipt of the committee's recommendation, the Vice President of Student Services (or designee) shall send written notification to the parties and committee informing them of:

a. The committee's recommendation;
b. The final decision by Vice President of Student Services; and
c. Appeals procedure

Any decision to reject findings of the committee must be supported by a summary finding of fact. The decision to recommend a grade change must be supported by a summary finding of fact, establishing mistake, fraud, bad faith or incompetence.

7. Appeals

a. President's Decision

The Vice President of Student Services' (or designee's) decision may be appealed by either party in writing within 10 days of the Vice President of Student Services' (or designee's) decision.

The College President shall issue a written decision to the parties and their representatives within ten (10) days of receipt of the appeal. A decision to change a grade must be supported by a summary finding of fact, establishing mistake, fraud, bad faith or incompetence.

b. Chancellor's Decision

The College President's decision may be appealed to the Chancellor in writing within 10 days of receipt of the decision.

The Chancellor, or designee, shall issue a written decision to the parties and the representatives by certified mail within 10 days of the receipt of the decision. A decision to change a grade must be supported by a summary finding of fact, establishing mistake, fraud, bad faith or incompetence.

c. Board of Trustees' Decision

The Chancellor's (or designee's), decision may be appealed to the Board of Trustees in writing within 10 days of the receipt of the decision.

The Board will review the documentation of the prior steps of the case and determine whether to confirm the Chancellor's decision or hear the appeal. If the Board confirms the Chancellor's decision, the appellant has exhausted his or her remedies. If the Board decides to consider the appeal, it will do so in closed session subject to Education Code 72122, and will issue a final decision within forty-five (45) days after receipt of the decision.

A decision to change a grade must be supported by a summary finding of fact, establishing mistake, fraud, bad faith or incompetence. Implementation of any grade change shall be held in abeyance until the internal appeal process has been exhausted.

All recommendations, resolutions, and actions taken by the Board of Trustees shall be consistent with the State and Federal law, the Peralta Community College District Policies and Procedures, and the PFT and Local 790 Collective Bargaining Agreements. (In the event of a conflict between the Collective Bargaining Agreement and the PCCD Policies and Procedures, the Collective Bargaining Agreement shall govern.)
8. Time Limits

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

References:
Education Code Section 76224(a)
Title IX, Education Amendments of 1972

Approved by the Chancellor.
BOARD POLICY 6400 AUDITS

There shall be an annual outside audit of all funds, books and accounts of the District in accordance with the regulations of Title 5. The Chancellor shall assure that an annual outside audit is completed. The Chancellor shall recommend a certified public accountancy firm to the Board with which to contract for the annual audit.

Reference:
  Education Code Section 84040(b)
  Administrative Procedure 6400

Replaces:
  Board Policy 6.10 Annual External Audits adopted December 13, 1990
  Board Policy 6.11 Internal Audits adopted December 13, 1988
  Board Policy 6.12 Internal Audit reports adopted December 13, 1988
ADMINISTRATIVE PROCEDURE 6400 AUDITS

A. On or before April 1 of the fiscal year, the Board shall approve the selection of an auditor who shall be a certified public accountant licensed by the California State Board of Accountancy.

B. An auditing firm's contract shall be for no longer than five years. The audit shall include all funds under the control or jurisdiction of the District. The audit shall identify all expenditures by source of funds and shall contain:
   1. A statement that the audit was conducted pursuant to standards and procedures developed in accordance with Education Code Section 84040.5, and
   2. A summary of audit exceptions and management recommendations.

C. Audit reports for the preceding fiscal year must be presented to the Board and submitted to the California Community College Chancellor's Office by December 31.

Approved by the Chancellor:
BOARD POLICY 6500 PROPERTY MANAGEMENT

The Chancellor is delegated the authority to act as the Board’s negotiator regarding all property management matters that are necessary for the benefit of the District. No transaction regarding the lease, sale, use or exchange of real property by the District shall be enforceable until acted on by the Board itself.

The Chancellor shall establish such procedures as may be necessary to assure compliance with all applicable laws relating to the sale, lease, use or exchange of real property by the District.

Reference:
Education Code Section 81300 et seq.
Administrative Procedure 6500

New Policy
The Vice Chancellor General Services shall be responsible for supervising acquisitions of real property, including appraisals and valuations of real property and improvements; securing title insurance policies; dedications or conveyance of easements; vacation of streets and alleys, street lighting and other special assessments; and the condemnation of real property.

Approved by the Chancellor:
BOARD POLICY 6620 NAMING OF BUILDINGS AND FACILITIES

All recommendations for original naming or renaming buildings and other facilities shall be submitted to the Board of Trustees by the Chancellor for approval.

All buildings should have names that include their functional description and also a location letter “code” to facilitate identification and communication.

Buildings, portions of buildings, or other facilities may also have an additional name in honor of an individual, family, corporation, or other organization. Any such names submitted to the board for consideration should bring prestige to the district and also be based on significant financial or other contribution to the community college district.

Names of buildings and other facilities may be changed if approved by the Board.

The Chancellor shall establish an Administrative Procedure that provides for standard guidelines for the naming of buildings and other facilities.

Reference:
Administrative Procedure 6620

Replaces:
Board Policy 6.87 adopted March 27, 2001
ADMINISTRATIVE PROCEDURE 6620 NAMING OF BUILDINGS AND FACILITIES

The Chancellor directs that the following regulations apply to naming buildings or other facilities in the Peralta Community College District:

I. Purpose: The purpose of this regulation is to provide standard guidelines for all facilities of the district for naming buildings, sites and common areas. Naming opportunities may be granted in recognition of distinction and/or in recognition of financial support, in addition to the naming of buildings by function and location.

II. Criteria

A. Naming in Recognition of Distinction: A proposal to name a facility in honor of an individual, family, corporation, or other organization, may be initiated in writing, which shall include:

1. biographical information of the person proposed to be honored;
2. description of the facility and the proposed name; and
3. reasons the contribution to the district by the individual, family, corporation, or other organization merit designation.

B. Naming in Recognition of Financial Support: When a name is proposed as a consequence of a gift or bequest, the guidelines should take into account the prominence and size of the location, a comparison to existing “named” areas and the capital cost of the new or restored facility, to decide if the gift or bequest is appropriate for the purpose of this policy.

1. For naming in recognition of financial gifts, the donor will be expected to provide all or substantial part of the cost of the entity. “Substantial” is deemed to mean either a significant majority of the cost (51%+) or a contribution which, while not being a significant majority, would not have been available from another source or was in some way integral to project completion. Names for subdivisions of a facility may be based on cost of area per square foot with appropriate adjustments based on visibility of space to be named and other considerations.

2. For naming associated with a fundraising campaign, the Chancellor will establish a schedule of naming opportunities and the level of donation required for each. The Chancellor will consult with the involved college and/or the district wide facilities committee for advice whether the gift levels are appropriate and consistent with others in the district.

C. Naming by Function and Location: The functional name of a building will be consistent with the ongoing use/majority occupancy of the building, i.e., English, Math, etc. Location letter codes for buildings will be mnemonic associated with the functional name if possible.

III. General Provisions

A. Naming a building, segments of buildings, or other facilities after person, organizations, and corporations, does not imply that the name or names used will necessarily be used in perpetuity.

B. When a building is demolished, replaced or substantially renovated, or where the occupancy changes and the former name is no longer appropriate than a request for a new name will be considered. It may be appropriate to place a plaque in, or on, a new building to indicate that it occupies the site of a building formerly known by another name. Such plaques should recognize the person, organization or corporation after whom the former building was named. It may also be appropriate that a request for a new name will be considered to name part of a new building after a person for whom the former building was named.
C. When it is proposed that a facility or room within a building be relocated within the same building, or to a different building, provided that the new facility will service the same original purpose, Board approval is not required.

D. No naming will be recommended or approved or (once approved) sustained that will call into serious question the public respect of the district.

E. Names of facilities or areas should lend prestige to the district and to staff, students and community. The credentials, character and reputation of each individual, organization or corporation for whom the naming of a building is being considered shall be carefully scrutinized and evaluated. Nominations submitted for consideration must be accompanied by supporting documentation.

F. Historical names established prior to this procedure may continue to be used. However, any renaming shall be in accordance with this procedure.

G. When a building or significant area has been named, the district will continue to use the name so long as the building or area remains in use and serves its original function. When the use has changed such that it must be demolished, substantially renovated or rebuilt, the district may retain the use of the name, name another comparable room or facility or discontinue the use of the name.

H. It is the responsibility of individuals negotiating on behalf of the district to advise potential benefactors that their gift may be recognized by naming, subject to approvals and decisions consistent with this policy.

I. Names on buildings and building features may be maintained if feasible through subsequent remodeling and/or renovation projects that may occur at the option of the Chancellor. If it is determined that names cannot be preserved due to major alteration or demolition, the district may make a suitable arrangement to preserve the name on a monument, plaque, or tablet specifically created for this purpose.

J. An agreement between the district and the donor shall be prepared in writing to memorialize the conditions associated with a donation that results in the naming of a building or building feature. Copies of the agreement shall be maintained by the district.

IV. Process

A. All proposals for naming will be forwarded to the Chancellor who shall make a determination whether the proposed naming conforms to this policy, is otherwise appropriate, and is of sufficient merit.

B. Board approval is required for building or other stand alone facility names. Board approval is not required for room or other facility subset designations unless the name of an individual or a plaque is associated with the room or facility subset designation. Board approval is also required for a schedule of naming opportunities and the level of donation required for each upon the launching of a capital campaign.

C. Historical names prior to this regulation may be honored subject to reconsideration based on criteria as this regulation.

V. Naming Conventions

A. A uniform current system of signing will be implemented consistent with the guidelines of this regulation to the extent possible.
B. The signing should be consistent with publications and maps and include the personal name (if any), the functional name, and the letter "code" e.g. "Gunderson Health Center" - "G."

C. Plaques and other signage such as office designations should be tasteful, discrete and consistent in style with other campus signage. Plaques should not contain the names of any individuals unless authorized by the Chancellor in accordance with this procedure except for the Board of Trustees, Chancellor, and College President at the time of dedication of the plaque.

D. The naming of a building to honor an individual should use the surname only, as in "Smith Building" and "King Hall." In the case of corporations or other organizations, the district use a shortened name sufficient to recognize the business ("Colgate Hall"). The reason for this convention is to ensure that the use of the new name becomes commonplace within the lexicon of the district and minimizes exterior lettering, listings in directories, mailing addresses and the like.

Approved by the Chancellor:
BOARD POLICY 7130 COMPENSATION

Salary schedules, compensation and benefits, including health and welfare benefits, for all classes of employees and each contract employee shall be established by the Board.

The District shall not provide employees any commission, bonus, or other incentive payment based, directly or indirectly, on the success in securing financial aid enrollments, to any person or entity engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance.

Reference:
- Education Code Sections 70902(b)(4), 87801, and 88160;
- Government Code Section 53200;

New Policy
BOARD POLICY 7140 COLLECTIVE BARGAINING

If eligible employees of the District select an employee organization as their exclusive representative, and if after recognition by the District or after a properly conducted election, an exclusive representative is certified as the representative of an appropriate unit of employees under the provisions of the Educational Employment Relations Act, Government Code Sections 3540 et seq., the District will meet and negotiate in good faith on matters within the scope of bargaining as defined by law.

All initial proposals of exclusive representatives and of the district, which relate to matters within the scope of bargaining, shall be presented at a public meeting of the Board of Trustees at which time the public shall have the opportunity to express itself regarding the proposals.

Before the Board of Trustees enters into a written agreement with an exclusive representative covering matter within the scope of bargaining, the major provisions of the agreement, including the costs that would be incurred under the agreement for current and subsequent fiscal years, shall be disclosed at a public meeting of the Board of Trustees at which time the public shall have the opportunity to express itself regarding the provisions.

The Chancellor and the Vice Chancellor Finance and Administration shall certify that the costs incurred under the agreement can be met by the district during the term of the agreement and shall itemize any budget revision necessary to meet the costs incurred.

Reference:
- Government Code Sections 3540 et seq.
- Government Code Sections 3547, 3547.5

New Policy