Review of draft Board Policies and Administrative Procedures
Planning and Budgeting Council
March 23, 2012

BP 3720 Telephone, Computer and Network Use (third review)
AP 3720 Telephone, Computer and Network Use (third review)

BP 4030 Academic Freedom (second review; was approved by DAS)
AP 4030 Academic Freedom (second review; was approved by DAS)

BP 4040 Library Services (revised by the Head Librarians; approved by DAS)
AP 4040 Library Services and Other Instructional Support Services (revised by the Head Librarians; approved by DAS)

AP 4220 Standards of Scholarship (approved by DAS)
AP 4225 Course Repetition (approved by DAS)
AP 4227 Repeatable Courses (approved by DAS)
AP 4228 Course Repetition – Significant Lapse of Time (approved by DAS)
AP 4229 Course Repetition – Variable Units (approved by DAS)
AP 4232 Pass/No Pass (approved by DAS)
AP 4240 Academic Renewal (approved by DAS)
AP 4250 Probation (approved by DAS)
AP 4255 Disqualification and Dismissal (approved by DAS)

BP 3410 Nondiscrimination
AP 3410 Nondiscrimination
BP 3420 Equal Employment Opportunity
BP 3430 Prohibition of Harassment
AP 3430 Prohibition of Unlawful Harassment
BP 3500 Campus Safety Plan and Reporting of Crimes
AP 3500 Personal Safety Handbook
AP 3530 Weapons on Campus
BP 3550 Drug Free Environment and Drug Prevention Program
AP 3550 Preserving a Drug Free Environment for Employees
AP 3551 Preserving a Drug Free Environment for Students
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AP 6801 Transportation Safety
AP 6802 Illness and Injury Prevention and Hazardous Materials Program
BP 7700 Whistleblower Protection
AP 7700 Whistleblower Protection
BOARD POLICY 3720 TELEPHONE, COMPUTER AND NETWORK USE

Employees and students who use District computers and communication networks and the information they contain, and related resources have a responsibility not to abuse those resources and to respect the rights of others. The Chancellor shall establish procedures that provide regulations for students and staff for the appropriate use of information technologies. The procedures shall include that users must respect software copyrights and licenses, respect the integrity of computer-based information resources, refrain from seeking to gain unauthorized access, refrain from using the resources for non-educational personal and/or private commercial purposes, and respect the rights of other computer users.

Reference:
- Education Code Section 70902;
- Government Code Section 3543.1(b);
- Penal Code Section 502;
- Cal. Const., Art. 1 Section 1;
- 17 U.S. Code Sections 101 et seq.
- Administrative Procedure AP 3720 Telephone, Computer, and Network Use

New Policy
ADMINISTRATIVE PROCEDURE 3720 TELEPHONE, COMPUTER AND NETWORK USE

The Chancellor directs that the following regulations and procedures apply to all District students, faculty and staff and to any other persons granted use of District information resources. These regulations and procedures refer to all District information resources whether individually controlled or shared, stand-alone or networked. It applies to all telephone, computer and computer communication facilities owned, leased, operated, or contracted by the District. This includes telephones, personal computers, workstations, servers, network devices, and associated peripherals, software and information resources, regardless of whether used for administration, research, teaching or other purposes.

I. Legal Parameters

A. Property. The District Telephone, Computer and Network systems are the sole property of the Peralta Community College District. They may not be used by any person without the proper authorization of the District. The Computer and Network systems are for District instructional and work related purposes only.

B. Conditions of Use. Individual units within the District may define additional conditions of use for information resources under their control. These statements must be consistent with this overall procedure but may provide additional detail, guidelines and/or restrictions.

C. Regulations. This administrative procedure exists within the framework of the District Board Policy and state and federal laws. A user of District information resources who is found to have violated any of this administrative procedure’s regulations will be subject to disciplinary action up to and including but not limited to loss of information resources privileges, disciplinary suspension or termination from employment or expulsion; and/or civil or criminal legal action.

1. Copyrights and Licenses. Computer users must respect copyrights and licenses to software and other on-line information. In addition to software, all other copyrighted information (text, images, icons, programs, etc.) retrieved from computer or network resources must be used in conformance with applicable copyright and other law. Copied material must be properly attributed. Plagiarism of computer information is prohibited in the same way that plagiarism of any other protected work is prohibited.

2. Copying. Software protected by copyright may not be copied except as expressly permitted by the owner of the copyright or otherwise permitted by copyright law. Protected software may not be copied into, from, or by any District facility or system, except pursuant to a valid license or as otherwise permitted by copyright law.

3. Number of Simultaneous Users. The number and distribution of copies must be handled in such a way that the number of simultaneous users in a department does not exceed the number of original copies purchased by that department, unless otherwise stipulated in the purchase contract.

4. Removal of Equipment. Computer users must not attempt to remove telephones, computer equipment, software, or peripherals without management authorization.

II. Unauthorized Computer and Network Use

A. Interference with Access. Computer users must not interfere with others access and use of the District computers. This includes but is not limited to: the sending of chain letters or excessive messages, either locally or off-campus; printing excess copies of documents, files, data, or programs; running grossly inefficient programs when efficient alternatives are known by the user to be available; unauthorized modification of system facilities, operating systems, or disk partitions; attempting to
crash or tie up a District computer or network; and damaging or vandalizing District computing facilities, equipment, software or computer files.

B. **Disruptive Programs.** Computer users must not intentionally develop or use programs which disrupt other computer users or which access private or restricted portions of the system, or which damage the software or hardware components of the system. Computer users must ensure that they do not use programs or utilities that interfere with other computer users or that modify normally protected or restricted portions of the system or user accounts. The use of any unauthorized or destructive program may result in disciplinary action as provided in this procedure, and may further lead to civil or criminal legal proceedings.

C. **Abuse of Computing Privileges.** Users of District information resources must not access, computers, computer software, computer data or information, or networks without proper authorization, or intentionally enable others to do so, regardless of whether the computer, software, data, information, or network in question is owned by the District. For example, abuse of the networks to which the District belongs or the computers at other sites connected to those networks will be treated as an abuse of District computing privileges.

D. **Unlawful and Prohibited Messages.** Users may not use electronic communication facilities to send defamatory, fraudulent, harassing, obscene, threatening, or other messages that violate applicable federal, state or other law or District policy, or which constitute the unauthorized release of confidential information.

1. **Information Belonging to Others.** Users must not intentionally seek or provide information on, obtain copies of, or modify data files, programs or passwords belonging to other users, without the permission of those users.
2. **Rights of Individuals.** Users must not release any individual's (student, faculty, and staff) personal information to anyone without proper authorization.
3. **User Identification.** Users shall not send communications or messages anonymously or without accurately identifying the originating account or station.
4. **Political, Personal, and Commercial Use.** The District is a non-profit, tax-exempt organization and, as such, is subject to specific federal, state, and local laws regarding sources of income, political activities, use of property and similar matters.
5. **Political Use.** District information resources must not be used for partisan political activities where prohibited by federal, state, or other applicable laws.
6. **Commercial Usage.** Electronic communication facilities may not be used to transmit commercial or personal advertisements, solicitations or promotions.

E. **Prohibited Activities**

1. **Personal Use.** District information resources should not be used for personal activities not related to appropriate District functions, except in an occasional, rare, and incidental manner.
2. **Commercial Use.** District information resources are not to be used for any commercial purposes. Users are reminded that the District's license for the ".cc" and "edu" domains on the Internet prohibits commercial use, and users may not conduct commercial activities with those domains.

III. **Disclosure**

A. **No Expectation of Privacy.** The District reserves the right to monitor all use of the District network and computer to assure compliance with these policies. Users should be aware that they have no expectation of privacy in the use of the District network and computer resources. The District will exercise this right only for legitimate District purposes, including but not limited to court ordered
discovery proceedings, freedom of information act disclosures, and ensuring compliance with this procedure and the integrity and security of the system.

B. **Possibility of Disclosure.** Users must be aware of the possibility of unintended disclosure of communications.

C. **Retrieval.** It is possible for information entered on or transmitted via computer and communications systems to be retrieved, even if a user has deleted such information.

D. **Public Records.** The California Public Records Act (Government Code Sections 6250 et seq.), includes computer transmissions in the definition of "public record" and nonexempt communications made on the District network and computers must be disclosed if requested by a member of the public.

E. **Litigation.** Computer transmissions and electronically stored information may be discoverable in litigation.

F. **Dissemination and User Acknowledgement.** All users shall be provided copies of these regulations and procedures, be directed to familiarize themselves with them, and be asked to "sign" and date the acknowledgment and waiver.

1. **Procedure.** A "pop-up" screen addressing these procedures shall be installed. The "pop-up" screen shall appear prior to accessing the secured system. Users shall sign and date the acknowledgment and waiver included in this procedure stating that they have read and understand this procedure, and will comply with it and its associated regulations. This acknowledgment and shall be in the form as follows:

2. **Computer and Network Use Agreement.** I have received and read a copy of the District Telephone, Computer, and Network Use Procedures and this Agreement dated _______, and recognize and understand the guidelines. I agree to abide by the standards set in the Procedures for the duration of my employment and/or enrollment. I am aware that violations of this Telephone, Computer and Network Usage Procedure may subject me to disciplinary action, including but not limited to revocation of my network account up to and including prosecution for violation of State and/or Federal law.

References:

17 U.S. Code Sections 101 et seq.
Penal Code Section 502, Cal. Const., Art. 1 Section 1;
Government Code Section 3543.1(b);
Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, 45

Approved by the Chancellor:
Board Policy 4030 Academic Freedom

Academic Freedom

Intellectual freedom and responsibility:
Intellectual freedom is to be guarded as a basic right of all citizens in a free society. To this end, the colleges of the district are committed to free discussion and open inquiry in the pursuit of truth. It is recognized that freedom to think, to read, to speak and to question is necessary to the development of an informed citizenry. This freedom shall be integral to the philosophy of this district and is guaranteed to all staff and students.

For each faculty member, intellectual freedom is both a right and a responsibility. As a right, it guarantees the instructor freedom to interpret personal findings and to communicate the conclusions without being subjected to interference, molestation, or penalty because the conclusions are at variance with those of other persons. As, a responsibility, it carries the obligation to study, to investigate, to present, to discuss and to interpret fairly and objectively facts and ideas related to the instructor's assignments.

Since human knowledge is limited and changeable, the instructor will acknowledge the facts on which controversial views are based and show respect for opinions held by others. While striving to avoid bias, the instructor will cite the evidence available and present the conclusions to which the instructor believes this evidence points without limiting the freedom of the student to express and defend the student's own views and beliefs. With the understanding that the student must also respect the rights of others, the student shall have the freedom to question and differ without jeopardy to the student's scholastic standing.

The college faculty member is a citizen, a member of a learned profession, and an employee of an educational institution. As a person of learning and an educational employee, the faculty member should remember that the public judges the profession and the institution by his/her utterances. Hence, the faculty member should at all times be accurate, should show respect for the opinions of others, and should make every effort to indicate that he/she is not an institutional spokesperson. To insure these principles of intellectual freedom for this district's colleges, the administration and the board, as the governing body of the district, will demonstrate their support by actively working toward a climate which will foster this freedom. Such participation will extend to the point of defending and supporting any tenured or non-tenured faculty member who, while maintaining the high standards of the profession, finds personal freedom of expression unfairly attacked or curtailed.

Freedom of Speech, Political Activities:
The governing board recognizes the right of any employee of the district to take or refrain from taking a stand on any political issue and to support or oppose any issue or candidate. In accordance with the Education Code, such activities must be conducted on the employee's own time. The employee will exercise reasonable care to show that he/she is acting in his/her capacity as a private citizen. Nothing in this policy shall prevent:

1. The discussion and study of political, social, and moral issues when such discussion and study are appropriate to the subject matter of a course.
2. The conducting of student and employee elections and campaigning connected therewith.

References:
California Education Code Section 70902
Government Code Title 1, Division 7, Chapter 3.5, Sections 6254 (D-6267).
Title 5, Section 51023
"Faculty as Professionals: Responsibilities, Standards and Ethics," Academic Senate for
California Community Colleges (Spring, 2002).

Replaces:
Board Policy 5.15 Code of Faculty Professional Standards first adopted March 15, 1985 and last revised November 18, 2008 which included merging Board Policy 5.10 Intellectual Freedom with BP 5.15; and also merges BP 5.45 Public Forums.
Administrative Procedure 4030 Academic Freedom

Board Policy 4030 adequately addresses Academic Freedom. There is no specific need for an administrative procedure.

References:
Title 5 Section 51023
Accreditation Standard II.A.7

Approved by the Chancellor:
Board Policy 4040 Library Services

The four colleges of the Peralta Community College District shall maintain library services, collections and information competency instruction that are an integral part of the educational program. The district will provide the means to assure the planned and systematic acquisition and maintenance of library materials, resulting in a well-balanced collection having the depth, scope, and currency necessary to meet the needs of the Peralta Community College District.

The librarians, working in collaboration with other Peralta Community College District faculty, shall have primary responsibility for the identification, selection, coordination and provision of academic resources, services and collections that meet the information needs of the Peralta Community College District.

Library resources shall be accessible to the campus community. Students and faculty involved in distance education or off-campus programs shall have electronic access to sufficient library resources to ensure successful completion of their academic coursework. The libraries shall be open during all academic terms in which classes are offered. Libraries shall operate under the supervision of library faculty during all open library hours.

The District supports the American Library Association's Bill of Rights and the Association of College & Research Libraries' Standards for Libraries in Higher Education.

Reference:
Education Code Section 78100
http://www.ala.org/advocacy/sites/ala.org.advocacy/files/content/intfreedom/librarybill/libor.pdf
http://www.ala.org/acrl/standards/standardslibraries

Replaces:
Board Policy 5.30 Selection of Library Materials (no approval date listed).
Library Services

The four colleges of the Peralta Community College District shall have library services, collections, and information competency instruction that are an integral part of the educational program. Those services shall meet the requirements set forth in Education Code Section 78100 and Accreditation Standard II.C.

Each library maintains a website that provides information about the library, as well as links to the online library catalog and library database subscriptions. Additionally, the College Catalogs contain information regarding the College library.

The District supports the American Library Association's Library Bill of Rights and the Association of College & Research Libraries' Standards for Libraries in Higher Education.

The college libraries shall conduct program review on a three-year cycle and will complete an annual unit plan update and Program Review will address the mission of the library, resource needs, and student learning outcomes and assessment.

Other Instructional Support Services

Information regarding instructional support services is provided in the college catalogs.

References:
Education Code Section 78100;
Accreditation Standard II.C

Approved by the Chancellor:
Administrative Procedure 4220 Standards of Scholarship

Introduction

This procedure addresses standards of scholarship to include the following:
I. Academic record symbols and grading practices;
II. Credit by examination;
III. Probation/Dismissal;
IV. Alleviating substandard work by course repetition;
V. Academic renewal;
VI. Remedial Course Limit;
VII. Excess Units, and
VIII. Course repetition absent substandard work.

These procedures shall be printed and described in each college catalog.

I. Academic Record Symbols and Grading Practices (Title 5, 55022, 55023)

Each Peralta college shall use the following evaluative and non-evaluative symbols in the grading of student in conformance with those related provisions of the California Administrative Code, Title 5.

Evaluative Symbols/Grading Scale

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Definition</th>
<th>Grade Point</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Excellent</td>
<td>4</td>
</tr>
<tr>
<td>B</td>
<td>Good</td>
<td>3</td>
</tr>
<tr>
<td>C</td>
<td>Satisfactory</td>
<td>2</td>
</tr>
<tr>
<td>D</td>
<td>Passing, less than satisfactory</td>
<td>1</td>
</tr>
<tr>
<td>F</td>
<td>Failing</td>
<td>0</td>
</tr>
<tr>
<td>FW</td>
<td>Failing</td>
<td>0</td>
</tr>
</tbody>
</table>

The FW grade indicates a failing grade because the student has ceased to participate in the class sometime after the withdrawal deadline. The FW grade is treated in the same manner as an F grade for the purposes of calculating grade point average, course repetition, and academic standings for probation/dismissal.

P      | Pass (at least satisfactory; units awarded not counted in GPA) |
| NP     | No Pass (less than satisfactory, or failing; units not counted in GPA) |
| I      | Incomplete (incomplete academic work for unforeseeable and justifiable reasons at the end of the term) |

Conditions for removal of the "I" and the grade assigned shall be filed with the Office of Admissions and Records and a copy given to the student. A final grade shall be assigned when the stipulation has been completed, or when the time limit for completing the work has passed. The "I" symbol must be made up no later than one year following the end of the term in which it was assigned. The "I" symbol shall not be used in calculating units attempted nor for grade points. A time extension beyond one year but not to exceed one semester or quarter may be granted by petition.

IP        | In Progress |

The "IP" symbol shall be used to indicate that the course extends beyond the normal end of an academic term. It indicates that work is "in progress," but that assignment of a grade must await its completion. The "IP" symbol shall remain on the student's permanent record.
in order to satisfy enrollment documentation. The appropriate grade and unit credit shall be assigned and appear on the student's record for the term in which the course is completed. The "IP" shall not be used in calculating grade point averages.

RD

Report Delayed

The "RD" symbol may be assigned by the Office of Admissions and Records only. It is to be used when there is a delay in reporting the grade of a student due to circumstances beyond the control of the students. It is temporary. This temporary symbol shall not be used in calculating grade point averages and shall be replaced by a permanent symbol as soon as possible.

W

Withdrawal

A withdrawal reported to the Office of Admissions and Records during the first four weeks of instruction (or thirty percent [30%] of instruction under the semester system, summer session, intersession and short-term courses) shall not be noted on the student’s academic record.

A "W" symbol can be awarded any student between the end of the fourth week of instruction and the end of the fourteenth week of instruction (or between 30-75% of instruction under the semester system, summer session, intersession, and short-term courses).

The academic record of a student who has not withdrawn from class or has not been dropped by an instructor within the time allowed by this policy must reflect a grade other than "W" as awarded by the instructor. The "W" symbol shall not be used for academic probation but only for progress probation.

A "W" shall not be assigned “if a determination is made pursuant to (Title 5) sections 5900 et seq. that the student withdrew from the course due to discriminatory treatment or due to retaliation for alleging discriminatory treatment or that the student withdrew because he or she reasonably believed that remaining in the course would subject him or her to discriminatory treatment or retaliation for alleging discriminatory treatment.” In such instances, no symbol will be assigned.

MW

Military Withdrawal

The "MW" shall be assigned only for students who are members of an active or reserve military unit and who receive orders compelling a withdrawal from courses. Upon verification of orders, the "MW" symbol may be given in lieu of a grade at any time after the last day to withdraw without receiving a letter grade (14 weeks for semester colleges). The "MW" shall not be counted in determining “progress probation” and in calculating grade points for dismissal.

For students who are members of an active or reserve military unit and who receive orders compelling a withdrawal from courses, the Peralta Community College District shall, upon petition of the affected student, refund the entire enrollment fee unless academic credit is awarded.

Pass/No Pass Option: Each college shall determine which courses can be offered on a pass/no basis and shall specify in its catalog which courses have this option. (In absence of such a determination, a course will be presumed to be offered on a letter-grade basis.)
All units earned on a pass/no pass basis in California institutions of higher education or equivalent out-of-state institutions shall be counted in satisfaction of community college curriculum requirements, but such courses shall not be included in determining a student's grade point average.

II. Credit by Examination (Title 5, 55050)

Each Peralta college may grant credit to any student who satisfactorily passes an examination approved and conducted by an instructor in a specific discipline of the college. Such credit may be granted only to a student who is registered at the college and in good standing and only for a course listed in the college catalog as eligible for credit by examination. All regulations and procedures pertaining to credit by examination must be published in the college catalog.

III. Probation/Dismissal (Title 5, 55030, 55031, 55032, 55033, 55034)

Standards for Probation

1. **Academic Probation**: A Peralta student who has attempted at least 12 semester units as shown by the academic record shall be placed on academic probation if the student has earned a grade point average below 2.0 in all units which were awarded (in accordance with provisions of Title 5).

2. **Progress Probation**: A Peralta student who has enrolled in a total of at least 12 semester or 18 quarter units as indicated on the academic record shall be placed on progress probation when the percentage of all units in which a student has enrolled and for which entries of "W," "I," and "NP" are recorded reaches at least 50% of the grades.

Removal from Probation

1. A Peralta student on academic probation for a grade point deficiency shall be removed from probation when the student's cumulative grade point average is 2.0 or higher.

2. A Peralta student on progress probation shall be removed from probation when the percentage of units in this category drops below 50% (C.2. above).

Standards for Dismissal

For purposes of probation and dismissal, semester shall be considered consecutive on the basis of the Peralta student's enrollment. Summer sessions (regular intersessions) shall be considered a semester.

1. **Academic Dismissal**: A Peralta student on academic probation shall be subject to dismissal after three consecutive semesters in which such student has earned a cumulative grade point average of less than 1.75 in all units attempted.

2. **Progress Dismissal**: A Peralta student who is on progress probation is subject to dismissal after the third consecutive semester or progress probation unless the current semester percentage of completed units exceeds 50% of enrolled units.

3. **Reinstatement from Dismissal**: A Peralta student may appeal for reinstatement if unusual circumstances prevailed. Such circumstances will be evaluated by petition and could be, but are not limited to, health or financial strain. Re-admission will be conditioned on a semester review basis with the Peralta student subject to the continued probation dismissal policy.

Units Attempted

For purposes of standards for academic probation and dismissal (1) "all units attempted" means all units of credit for which a student earns a symbol of "A," "B," "C," "D," "F," or "FW" from any college or combination of, (2) "enrolled units" means all units attempted as defined above, and all units for which the student earns a symbol of "W," "I," "P" and "NP" from any college or combination thereof.
Notification of Probation and Dismissal

Each Peralta College, through the Office of the Vice President of Student Services, shall make every reasonable effort to notify a student of academic probation or dismissal at or near the beginning of the semester in which the status is in effect. Students on probation must meet with a counselor and complete the "Academic Success Contract." Students on dismissal shall complete the "Student Petition for Reinstatement from Dismissal" and follow the steps as stated on the petition. Probation and dismissal policies shall be published in each Peralta College catalog.

IV. Alleviating Substandard Work by Course Repetition (Title 5, 55042)

The Peralta Community College District, per Title 5 regulations, permits students to repeat courses not designated as repeatable when the student has done substandard work defined as "D," "F," "FW," and/or "NP." Per Title 5, section 55042, a student may only repeat a course twice to alleviate substandard work. When repetition occurs, the following guidelines must be met:

1. The permanent academic record shall be annotated in such a manner that all work remains legible, ensuring a true and complete academic history;
2. Nothing shall be done to conflict with the Education Code and Title 5 regulations pertaining to the finality of grades assigned by instructors;
3. Repetition may be permitted of any course taken in an accredited college or university for which substandard academic performance is recorded; when such courses are repeated for a maximum of two attempts, the previous grades and credit will be disregarded;
4. Courses repeated will not carry additional unit credit;
5. In computing grade point averages, units attempted, units passed (if any) and grade point (if any) for previous attempts shall be excluded when the following conditions are met:
   (a) The student formally requests a permission to repeat the course(s);
   (b) The request is in compliance with such additional requirements and limitations as the district may establish;
   (c) The request is approved by a college official designated by the President; and
   (d) Single courses in which a grade of D, F, FW, and NP was received may be repeated in the district, upon formal petition of the student, the new grade and units shall be substituted and the previous grade and credit will be disregarded in the computation of the cumulative grade point average and the transcript shall be so annotated.

When a course is repeated to alleviate a substandard grade or because a "W" was received, per State apportionment the course may only be taken three (3) times maximum.

V. Academic Renewal (Without Course Repetition) (Title 5, 55046)

The Peralta Community College District has adopted and publishes the procedures pertaining to alleviation of previously recorded, substandard performance (defined as "D," "F," "FW," or "NP") which is not reflective of a student's demonstrated ability. Academic Renewal is applicable for up to 24 semester total units of substandard work. The previously recorded substandard coursework will be disregarded in the computation of grade point averages.

Procedures:
A maximum of two semesters or a maximum of twenty-four (24) semester units of work which has been legally petitioned may be alleviated and disregarded in the computation of cumulative grade point averages under the following conditions:
1. A period of one year must have elapsed since the work to be alleviated was completed.
2. The student has requested the action formally and has presented evidence that work completed in the term(s) under consideration is (are) substandard and not representative of present scholastic ability and level of performance, and
3. The student has completed at the district, since the most recent work to be disregarded was completed, 15 semester units with at least a 2.5 GPA; work completed at an institution outside the Peralta Community College District cannot be used to satisfy this requirement.

When course work is forgiven, the permanent academic record shall be annotated in such a manner that all work remains legible, insuring a true and complete academic history.

Removal of previous work by another college in any term shall not affect the present review of petitions in any work in progress.

**VI. Remedial Course Limit**

Per Title 5, section 55025, no student shall receive more than 30 semester units (or 45 quarter units) for remedial coursework. Remedial coursework is defined as "pre-collegiate basic skill instruction delivered in the non-degree applicable credit mode."

Students enrolled in one or more courses of English as a Second Language (ESL) and students identified by the district/colleges as having a learning disability (defined in section 56036) are exempted from the limitation on remedial coursework.

A student who has exhausted the unit limitation on remedial coursework may apply for a waiver for a specified period of time or for a specified number of units. Waivers will be granted to students who show significant, measurable progress toward the development of skills appropriate to his/her enrollment in college-level courses.

**VII. Excess Units**

Students may not carry more than 18 units at the Peralta Colleges without prior approval. Students must obtain Counselor approval for enrollment in 18.5-21.5 units. Enrollment in 22-25 units requires approval from the Vice President of Student Services. Under no circumstances will a Peralta College grant approval above 25 units for all Peralta Colleges.

Granting approval for excess units should be the exception and not standard practice.

The maximum number of units for the Summer Session is 10.

**VIII. Course Repetition Absent Substandard Work (Title 5, 55040 thru 55044, 55253, 56029)**

i. Repetition of a course not marked as repeatable shall be permitted "in instances when such repetition is necessary for a student to meet a legally mandated training requirement as a condition of continued paid or volunteer employment. The grade received each time shall be included for purposes of calculating the student's grade point average." Students are required to provide the necessary documentation. (55041)

ii. Repetition of activity courses shall not exceed the maximum of three repetitions (four times total). Activity courses are defined as physical education courses; visual or performing arts courses (music, fine arts, theater, or dance); and career technical courses where the content differs each time the course is offered, but the primary educational activity remains the same. Visual or performing arts courses in music, fine arts, theater, or dance which are part of a sequence of transfer courses are not subject to this limitation. Further, Basic Skills, ESL and foreign
languages are not considered activity courses. Such repeatable courses are to be so designated in college catalogs. (55041, 55042)

iii. Repetition of a course not marked as repeatable shall be permitted when "another institution of higher education to which the student seeks to transfer has established a recency requirement which the student will not be able to satisfy without repeating the course in question." (55043)

iv. Repetition based on withdrawal from the same course and earning the designation of "W" or receiving a substandard grade shall not exceed two times (thus three attempts). (55042)

v. Repetition of a course "when the student's previous grade (whether substandard or passing) was, at least in part, the result of extenuating circumstances, Extenuating circumstances are verified cases of accident, illness, or other circumstances beyond the control of the student." The student will petition for course repetition. Again, per State apportionment when alleviating a substandard grade or repeating a course because a 'W' was received, the student may not take the course more than three times. [55045]

vi. Repetition of a course when there has been a "significant lapse of time" since the student originally completed the class; the Peralta Community College District defines significant lapse of time as three (3) years. Only one repetition is permitted. The student will petition for course repetition. [55043]

vii. Repetition of Cooperative Work Experience Education, General Work Experience, shall not exceed 16 semester units. Repetition of Cooperative Work Experience, Occupational Work Experience (in a specific occupational area), shall not exceed 16 semester units. [55253]

viii. Repetition of special classes designed for students with disabilities may be repeated any number of times based on an individualized determination that such repetition is required as disability-related accommodation for that particular student for one of the reasons specified in section 56029 of Title 5.

References:
CA Education Code Section 70902(b)(3);
Title 5 Sections 55020 et seq., 55030 et seq., and 55040 et seq.

Approved by the Chancellor:
Administrative Procedure 4225 Course Repetition

Student may petition for approval to repeat a course when a student was awarded a substandard grade (less than "C", and including 'FW') or received a "W". Per Title 5 regulations, the student can only repeat the course twice (thus can only take the course three times per Title 5).

When a student repeats a class to alleviate substandard academic work, the previous grade and credit shall be disregarded in the computation of the grade point averages.

Courses that are repeated shall be recorded on the student's permanent academic record using an appropriate symbol.

Annotating the permanent academic record shall be done in a manner that all work remains legible, insuring a true and complete academic history.

Nothing can conflict with Education Code Section 76224 pertaining to the finality of grades assigned by instructors, or with Title 5 or district procedures relating to retention and destruction of records.

Students, also, may repeat a course for one of the following reasons:

Repetition of a course not marked as repeatable shall be permitted "in instances when such repetition is necessary for a student to meet a legally mandated training requirement as a condition of continued paid or volunteer employment. The grade received each time shall be included for purposes of calculating the student grade point average. Students are required to provide the necessary documentation.

Repetition of a course not marked as repeatable shall be permitted when "another institution of higher education to which the student seeks to transfer has established a recency requirement which the student will not be able to satisfy without repeating the course in question."

Repetition of a course when there has been a "significant lapse of time" since the student originally completed the class; the Peralta Community College District defines significant lapse of time as three (3) years. Only one repetition is permitted. The student will petition for course repetition.

Repetition of Cooperative Work Experience Education, General Work Experience, shall not exceed 16 semester units. Repetition of Cooperative Work Experience, Cooperative Work Experience (in a specific occupational area), shall not exceed 16 semester units.

Repetition of special classes designed for students with disabilities may be repeated any number of times based on an individualized determination that such repetition is required as disability-related accommodation for that particular student for one of the reasons specified in section 56029 of Title 5.

Repetition of activity courses shall not exceed the maximum of three repetitions. Activity courses are defined as physical education courses; visual or performing arts courses (music, fine arts, theater, or dance); and career technical courses where the content differs each time the course is offered, but the primary educational activity remains the same. Visual or performing arts courses in music, fine arts, theater, or dance which are part of a sequence of transfer courses are not subject to this limitation. Further, Basic Skills, ESL and foreign languages are not considered activity courses. Such repeatable courses are to be so designated in college catalogs.

References:
Education Code Section 76224
Title 5 Sections 55040, 55041, 55042, 55043, 55253, 55353, and 56029

Approved by the Chancellor:
Administrative Procedure 4227 Repeatable Courses

Repetition of a course not marked as repeatable shall be permitted "in instances when such repetition is necessary for a student to meet a legally mandated training requirement as a condition of continued paid or volunteer employment. The grade received each time shall be included for purposes of calculating the student grade point average. Students are required to provide the necessary documentation.

Repetition of a course not marked as repeatable shall be permitted when "another institution of higher education to which the student seeks to transfer has established a recency requirement which the student will not be able to satisfy without repeating the course in question."

Repetition of a course when there has been a "significant lapse of time" since the student originally completed the class; the Peralta Community College District defines significant lapse of time as three (3) years. Only one repetition is permitted. The student will petition for course repetition.

Repetition of Cooperative Work Experience Education, General Work Experience, shall not exceed 16 semester units. Repetition of Cooperative Work Experience, Cooperative Work Experience (in a specific occupational area), shall not exceed 16 semester units.

Repetition of special classes designed for students with disabilities may be repeated any number of times based on an individualized determination that such repetition is required as disability-related accommodation for the particular student for one of the reasons specified in section 56029 of Title 5.

Repetition of activity courses shall not exceed the maximum of three repetitions (four times total). Activity courses are defined as physical education courses; visual or performing arts courses (music, fine arts, theater, or dance); and career technical courses where the content differs each time the course is offered, but the primary educational activity remains the same. Visual or performing arts courses in music, fine arts, theater, or dance which are part of a sequence of transfer courses are not subject to this limitation. Further, Basic Skills, ESL and foreign languages are not considered activity courses. Such repeatable courses are to be so designated in college catalogs.

Students who choose to repeat a course for one of the above reasons must complete a course repetition form and have it signed by the appropriate person specified on the form.

References:
Title 5 Sections 55040, 55041, 55235, 56209

Approved by the Chancellor:
Administrative Procedure 4228 Course Repetition – Significant Lapse of Time

Students may repeat a course when there has been a "significant lapse of time" since the student originally completed the class (even if a grade of "C" or better was earned); the Peralta Community College District defines significant lapse of time as three (3) years. Only one repetition is permitted. The student will petition for course repetition.

A student may repeat a course not marked as repeatable when "another institution of higher education to which the student seeks to transfer has established a recency requirement which the student will not be able to satisfy without repeating the course in question."

When a course is repeated due to a significant lapse of time, the District may disregard the previous grade and credit when computing a student’s grade point average.

References:
Title 5 Section 55043

Approved by the Chancellor:
Administrative Procedure 4229 Course Repetition – Variable Units

Students may be permitted to enroll in variable unit open-entry/open-exit courses as many times as necessary to enable them to complete the entire curriculum of the course once.

Students may not repeat variable unit open-entry/open-exit courses unless:

- The course is required for legally mandated training; or
- The course is a special class for students with disabilities which needs to be repeated; or
- Repetition of the course is justified by extenuating circumstances; or
- The student wishes to repeat the course to alleviate substandard work.

Whenever a student enrolls in a physical education activity course offered for open-entry/open exit, the enrollment will count as a repetition of the course.

References:

Title 5 Section 55044

Approved by the Chancellor:
Administrative Procedure 4232 Pass/No Pass

Courses may be offered in either or both of the following categories:

- Courses in which all students are evaluated on a "pass-no pass" basis.
- Courses in which each student may elect on registration, or within prior to the fourth week of instruction (30% of instruction for summer session or short-term classes), to take the course on a "pass-no pass" basis.

A student electing to be evaluated on the "pass-no pass" basis will receive both course credit and unit credit upon satisfactory completion of the course. In computing a student's grade-point average, grades of "pass-no pass" are omitted.

A pass grade is granted for performance that is equivalent to the letter grade of "C" or better. A student who fails to perform satisfactorily will be assigned a "no pass" grade.

The student is held responsible for all assignments and examinations required in the course. The standards of evaluation are identical for all students in the course.

Reference:
Title 5 Section 55022

Approved by the Chancellor:
Administrative Procedure 4240 Academic Renewal

Academic Renewal (Without Course Repetition)

The Peralta Community College District has adopted and publishes the procedures pertaining to alleviation of previously recorded, substandard performance (defined as "D," "F," "FW," or "NP") which is not reflective of a student’s demonstrated ability. Academic Renewal is applicable for up to 24 semester total units of substandard work. The previously recorded substandard coursework will be disregarded in the computation of grade point averages.

Procedures:
A maximum of two semesters or a maximum of twenty-four (24) semester units of work which has been legally petitioned may be alleviated and disregarded in the computation of cumulative grade point averages under the following conditions:

1. A period of one year must have elapsed since the work to be alleviated was completed.
2. The student has requested the action formally and has presented evidence that work completed in the term(s) under consideration is (are) substandard and not representative of present scholastic ability and level of performance, and
3. The student has completed at the district, since the most recent work to be disregarded was completed, 15 semester units with at least a 2.5 GPA; work completed at an institution outside the Peralta Community College District cannot be used to satisfy this requirement.

When course work is forgiven, the permanent academic record shall be annotated in such a manner that all work remains legible, insuring a true and complete academic history.

Removal of previous work by another college in any term shall not affect the present review of petitions in any work in progress.

Reference:
Title 5 Section 55046

Approved by the Chancellor:
Administrative Procedure 4250 Probation

Standards for Probation

1. **Academic Probation**: A Peralta student who has **attempted** at least 12 semester units as shown by the academic record shall be placed on **academic probation** if the student has earned a grade point average below 2.0 in all units which were awarded (in accordance with provisions of Title 5).

2. **Progress Probation**: A Peralta student who has **enrolled** in a total of at least 12 semester or 18 quarter units as indicated on the academic record shall be placed on **progress probation** when the percentage of all units in which a student has enrolled and for which entries of "W," "I," and "NP" are recorded reaches at least 50% of the grades.

Removal from Probation

1. A Peralta student on **academic probation** for a grade point deficiency shall be removed from probation when the student's cumulative grade point average is 2.0 or higher.

2. A Peralta student on **progress probation** shall be removed from probation when the percentage of units in this category drops below 50% (C.2. above).

Units Attempted

For purposes of standards for **academic probation** and dismissal (1) "all units attempted" means all units of credit for which a student earns a symbol of "A," "B," "C," "D," "F," or "FW" from any college or combination of; (2) "enrolled units" means all units attempted as defined above, and all units for which the student earns a symbol of "W," "I," "P" and "NP" from any college or combination thereof.

Notification of Probation and Dismissal

Each student will be notified about Probation or Dismissal through their Peralta e-mail. Further, each Peralta College, through the Office of the Vice President of Student Services, shall make every reasonable effort to notify a student of academic probation or dismissal at or near the beginning of the semester in which the status is in effect. Students on probation must meet with a counselor and complete the "Academic Success Contract." Students on dismissal shall complete the "Student Petition for Reinstatement from Dismissal" and follow the steps as stated on the petition. Probation and dismissal policies shall be published in each Peralta College catalog.

Reference:
Title 5 Section 55030, 55031, 55032, 55033, and 55034

Approved by the Chancellor:
Administrative Procedure 4255 Disqualification and Dismissal

Standards for Dismissal

For purposes of probation and dismissal, semester shall be considered consecutive on the basis of the Peralta student's enrollment. Summer sessions (regular intersessions) shall be considered a semester.

1. **Academic Dismissal:** A Peralta student on academic probation shall be subject to dismissal after three consecutive semesters in which such student has earned a cumulative grade point average of less than 1.75 in all units attempted.

2. **Progress Dismissal:** A Peralta student who is on progress probation is subject to dismissal after the third consecutive semester or progress probation unless the current semester percentage of completed units exceeds 50% of enrolled units.

3. **Reinstatement from Dismissal:** A Peralta student may appeal for reinstatement if unusual circumstances prevailed. Such circumstances will be evaluated by petition and could be, but are not limited to, health or financial strain. Re-admission will be conditioned on a semester review basis with the Peralta student subject to the continued probation dismissal policy.

Units Attempted

For purposes of standards for academic probation and dismissal (1) "all units attempted" means all units of credit for which a student earns a symbol of "A," "B," "C," "D," "F," or "FW" from any college or combination of; (2) "enrolled units" means all units attempted as defined above, and all units for which the student earns a symbol of "W," "I," "P" and "NP" from any college or combination thereof.

Notification of Probation and Dismissal

Each student will be notified about Probation or Dismissal through their Peralta e-mail. Further, each Peralta College, through the Office of the Vice President of Student Services, shall make every reasonable effort to notify a student of academic probation or dismissal at or near the beginning of the semester in which the status is in effect. Students on probation must meet with a counselor and complete the "Academic Success Contract". Students on dismissal shall complete the "Student Petition for Reinstatement from Dismissal" and follow the steps as stated on the petition. Probation and dismissal policies shall be published in each Peralta College catalog.

Reference:
Title 5 Section 55033 and 55034

Approved by the Chancellor:
BOARD POLICY 3410 NONDISCRIMINATION

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

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

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

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

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

Replaces:
Board Policy ### xxxxxxxxxxxxxx approved xxxxx #, xxxx
ADMINISTRATIVE PROCEDURE 3410 NONDISCRIMINATION

I. Educational Programs

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

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

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

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

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

II. Employment

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

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

B. The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity.

Approved by the Chancellor:
BOARD POLICY 3420 EQUAL EMPLOYMENT OPPORTUNITY

The Board supports the intent set forth by the California Legislature to assure that effort is made to build a community in which opportunity is equalized, and community colleges foster a climate of acceptance, with the inclusion of faculty and staff from a wide variety of backgrounds. It agrees that diversity in the academic environment fosters cultural awareness, mutual understanding and respect, harmony and respect, and suitable role models for all students. The Board therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.

The Chancellor shall develop, for review and adoption by the Board, a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation.

Reference:
- Education Code Sections 87100 et seq.;
- Title 5 Sections 53000 et seq.
- Administrative Procedure 3420

Replaces:
BOARD POLICY 3430 PROHIBITION OF HARASSMENT

The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation. It shall also be free of other unlawful harassment as defined in Administrative Procedure 3430, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age or sexual orientation of any person, or because he or she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

To this end the Chancellor shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The Chancellor shall establish procedures that define harassment. The Chancellor shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

This policy and related written procedures shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution. They shall be available for students and employees in all administrative offices.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.

Reference:
Education Code Sections 212.5, 44100, 66252, and 66281.5;
Government Code Section 12950.1;
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e
Administrative Procedure 3430

Replaces:
ADMINISTRATIVE PROCEDURE 3430 PROHIBITION OF UNLAWFUL HARASSMENT

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

I. Definitions

A. General Harassment
   Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation of any person, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct:

B. Verbal
   Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race, nationality, sexual orientation or other protected status.

C. Physical
   Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status.

D. Visual or Written
   The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

E. Environmental
   A hostile academic or work environment exists where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct,
the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

F. Sexual Harassment
In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

1. submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
2. submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
3. the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment; or
4. submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.
5. This definition encompasses two kinds of sexual harassment:
   a. "Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.
   b. "Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environments unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

II. Examples:
Harassment includes, but is not limited to the following misconduct:

A. Verbal
Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's protected status, including but not limited to sex. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.

B. Physical
Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, petting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.
C. Visual or Written
The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

D. Environmental
An academic or work environment that is permeated with racially or sexually-oriented talk, innuendo, insults or abuse not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his/her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

III. Consensual Relationships
Romantic or sexual relationships between supervisors and employees, or between administrators, faculty or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

IV. Academic Freedom
To the extent the harassment policies and procedures are in conflict with the District's policy on academic freedom, the harassment policies and procedures shall prevail. If the faculty member wishes to use sexually explicit materials in the classroom as a teaching technique, the faculty member must review that use with an administrator to determine whether or not this violates the sexual harassment policy.

Reference:
Education Code Sections 212.5, 44100, and 66281.5;
Title IX, Education Amendments of 1972; Title 5, Sections 59320 et seq.;
Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

Approved by the Chancellor:
BOARD POLICY 3500 CAMPUS SAFETY PLAN AND REPORTING OF CRIMES

The Board is committed to a safe and secure District work and learning environment. To that end, the Chancellor shall establish a campus safety plan and ensure that it is posted or otherwise made available to students. The campus safety plan shall include availability and location of security personnel, methods for summoning assistance of security personnel, any special safeguards that have been established, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions to be made during the next 24 months.

The Chancellor shall assure that, as required by law, reports are prepared of all occurrences reported to Peralta Police Services of and arrests for crimes committed on campus that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication. The Chancellor shall further assure that required reports of non-criminal acts of hate violence are prepared. Such reports shall be made available as required by law.

Reference:
Education Code 67380
Administrative Procedures 3500, 3530.

Replaces:
Board Policy 2.45 Crime Awareness and Campus Security
ADMINISTRATIVE PROCEDURE 3500 PERSONAL SAFETY HANDBOOK

A campus safety plan, including a reporting of crimes shall be developed and provided to employees and students.

The Vice Chancellor General Services shall ensure that the "Personnel Safety Handbook" is annually prepared and updated to include a report of all occurrences reported to campus Peralta Police Services of arrests and/or referrals for crimes that are committed on campus in accordance with Uniform Crime Reporting procedures and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. A written report shall be annual provided to the Board of Trustees and be made available to the Students, Employees, and the Public. The "Personnel Safety Handbook" shall also be published annually on the district web site.

The following Offense Types shall be detailed:

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

Approved by the Chancellor:
ADMINISTRATIVE PROCEDURE 3530 WEAPONS ON CAMPUS

Firearms, knives, explosives or other dangerous objects, including but not limited to any facsimile firearm, knife or explosive, are prohibited on any District campus or in any facility of the District except as detailed below:

Any person who believes that he/she may properly possess a firearm or other weapon on campus or other facility of the District must promptly notify the Peralta Police Services. Kitchen knives are restricted to food services use under the direct supervision of employees and shall remain in food services facilities.

Bringing or possessing any firearms, ammunition, explosives, air guns, slingshots, firecrackers, fireworks, cherry bombs, metal kruckles, billy clubs, dirks, daggers, ice picks, or knife having a fixed blade longer than 2 1/2 inches upon the grounds, unless the person is authorized to possess such a weapon in the course of his/her employment, has been authorized by a District employee, or is a duly appointed peace officer, who is engaged in the performance of his/her duties.

Approved by the Chancellor:
BOARD POLICY 3550 DRUG FREE ENVIRONMENT AND DRUG PREVENTION PROGRAM

The District shall be free from all drugs and from the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees. The use of tobacco products is also restricted as detailed in Administrative Procedure AP 3570 Use of Tobacco.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all facilities under the control and use of the District.

Any student or employee who violates this policy will be subject to arrest, citation, and/or disciplinary action (consistent with local, state, or federal law), which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion or dismissal.

The District recognizes substance dependency as treatable and encourages employees with substance-dependency problems to take advantage of the District's Employee Assistance Program. Drug awareness workshops will be offered periodically to inform employees and students of the dangers of substance abuse, the availability of counseling, rehabilitation, and assistance programs, and to notify employees and students of the penalties that may be imposed for violations.

The Chancellor shall assure that the District distributes annually to each student and employee the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

Reference:
Drug Free Schools and Communities Act, 20 U.S. Code Section 1145g;
34 Code of Federal Regulations Sections 86.1, et seq.;
Drug Free Workplace Act of 1988, 41 U.S. Code Section 702
 Administrative Procedure 3550, 3551, 3570

Replaces:
Board Policy 2.32 Preserving a Drug-Free Environment
ADMINISTRATIVE PROCEDURE 3550 PRESERVING A DRUG FREE ENVIRONMENT FOR EMPLOYEES

The District is committed to providing its employees with a drug free workplace and campus environment. It emphasizes prevention and intervention through education.

A. Employee Assistance Program

The District has established an Employee Assistance Program to help employees manage life's challenges including drug dependency and alcohol abuse. Eligible employees are encouraged to contact the Employee Assistance Program for assistance especially in the case of drug dependency or alcohol abuse. The District will provide new eligible employees with a complete description of the employee assistance program and will annually remind continuing employees to seek assistance if needed.

B. Prohibition of Drugs and Alcohol

1. The unlawful manufacture, distribution, dispensing, possession or use of alcohol or any controlled substance is prohibited on District property, during District-sponsored field trips, athletic events, activities or workshops, and in any facility or vehicle operated by the District.

2. Violation of this prohibition will result in appropriate action up to and including termination of employment, and referral for prosecution, or, as permitted by law, may require satisfactory participation in an alcohol or drug abuse assistance or rehabilitation program.

3. As a condition of employment, employees must notify the District within five days of any conviction for violating a criminal drug statute while on the workplace. The District is required to inform any agencies that require this drug-free policy within ten days after receiving notice of a workplace drug conviction.

4. The District will annually notify its employees of the Prohibition of Drugs and Alcohol through the publication of the “Personal Safety Handbook.”

C. Administrative Responsibility

The Vice Chancellor General Services shall establish internal operating procedures to ensure that any alleged violations of this policy and/or procedure by employees coming to the attention of Peralta Police Services are reported to the Vice Chancellor Human Resources.

Approved by the Chancellor:
Administrative Procedure 3551 Preserving a Drug Free Environment for Students

Board Policy 3550 requires the Peralta Community College District to maintain campuses where students are prohibited from the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances and from the use of alcohol.

A. For purposes of this administrative procedure, campus shall mean those places where a student is engaged in an authorized college activity. The campus includes property owned or leased by the District, property used by the District for student participation in field trips, field study, athletic competition, or study travel programs; and District or private vehicles while being used for official District business.

B. All students are required to comply with this procedure to remain in good standing and as a condition of continued attendance in any of the District's colleges. Any violation of this procedure will be cause for disciplinary action against the student, up to and including expulsion, and/or may require the student to participate satisfactorily in a substance abuse assistance or rehabilitation program. Student discipline shall be accomplished in accordance with the provisions of AP 5520, Student Discipline Procedures.

C. Any student who needs information about substance abuse treatment may consult a counselor, who can provide the student with information about available treatment resources. The District does not provide substance abuse treatment.

D. The District shall provide annual notice to its students in the "Standards of Student Conduct" document of the prohibitions stated in this policy, including a description of the health risks associated with drug or alcohol abuse and of the District and community resources available for counseling and rehabilitation of those persons with alcohol or drug-related problems. The District shall also provide notice of the consequences of campus illicit drug and alcohol abuse violations, including possible criminal sanctions and student disciplinary action up to and including expulsion pursuant to applicable state law and District policy and administrative regulations. The purpose of such sanctions and discipline is to urge the students to begin the personal process of rehabilitation.

Approved by the Chancellor:
Administrative Procedure 3570 Smoking

I. Applicability

Smoking is prohibited in all indoor and outdoor campus locations, except for the following areas:

A. Berkeley City College: No Designation.

B. College of Alameda: Parking lot B and [insert language regarding specific area allowed surrounding building].

C. Laney College: No Designation.

D. Merritt College: All parking lots, except parking lots adjacent to the child care center, between buildings A & D, and the faculty and staff parking lot behind the A Building.

E. District Office: 50 feet away from all buildings in the parking lot behind the main Administrative Office building.

II. Penalties

A. Violations of the smoking procedures of Peralta Community College District ("PCCD") are subject to a fine equal to the current fee for parking violations. However, smoking fines shall be limited to a maximum fine of $100. Persistent offenders shall be fined $100.

B. If payment is not received within 21 calendar days, the fine amount shall increase to $100.

C. Payment must be sent to: [eg: Department of General Services, 333 E. 8th Street, Oakland, CA 94606 or current parking fine vendor].

III. Enforcement Procedure

A. Citation Enforcement

1. Peralta Police Services and other security entities (collectively, "Personnel") shall have authority to issue citations for violations of PCCD's smoking policy using the procedures established herein.

2. Citations shall be issued using the [eg: PCCD Notice of Parking Violation].

3. All Personnel who issue smoking citations shall complete all sections of the citation and shall include personally identifiable information, based on information required and available.

4. Personnel will leave a copy of the citation with the individual being cited.

B. Voiding Citations

1. A citation shall only be voided if it is determined that the citation was written in error, prior to the citation being issued. Once the citation has been issued, the citation may only be dismissed through the administrative review process.

2. Personnel voiding smoking citations shall:

   a. Write void on all copies of the citation; and
b. Submit all voided copies to [eg: Parking Enforcement Technician]

3. All copies of each voided citation will be filed and maintained for one year.

C. Citation Correction Notice

1. If an error was written on a smoking citation, but the citation is valid on its face, the Personnel who issued the citation shall complete a Citation Correction Notice.

2. If the error is discovered by a person other than the issuing Personnel, the citation will be returned to the issuing Personnel.

3. Once the error is confirmed, the issuing Personnel will complete a Notice of Correction and forward it to [eg: Administrative Sergeant] for review.

4. Once the Notice of Correction has been reviewed, it will be mailed to the individual cited on the citation.

5. A copy of the Notice of Correction will be attached to the original citation and filed.

IV. Appeals (3 Levels)

A. Request for Citation Cancellation (Level 1)

1. An individual may request a Citation Cancellation within 21 calendar days of the citation issuance date.

2. Requests for cancellation must be done in writing, on the Citation Cancellation form. Forms are located at [eg: Peralta Police Services, 333 E 8th Street, Oakland, CA 94608].

3. Upon submittal of the Citation Cancellation form, the validity of the appeal shall be evaluated. Any decision made shall be based on the facts as represented on the face of the citation, the review request, and applicable laws and regulations.
   a. For citations issued by Peralta Police Services, the [eg: Administrative Sergeant] shall evaluate the validity of the appeal.
   b. For citations issued by Personnel other than Peralta Police Services, the [eg: Member of General Services] shall evaluate the validity of the appeal.

4. The evaluating officer can:
   a. Dismiss the violation and request PCCD to remit any payment made;
   b. Find no grounds for dismissal;
   c. Determine that an individual is not a persistent offender; or
   d. Reduce any late fees.

5. Decisions will be mailed to the individual who requested the Citation Cancellation. A copy of the decision will be kept on file until one year after the appeals process has been finalized.

B. Administrative Hearing (Level 2)

1. Individuals dissatisfied with the findings of the Level 1 hearing may request an “Administrative Hearing” (Level 2 hearing).
2. A request for an Administrative Hearing must be made to [Peralta Police Services] in writing within 21 calendar days from the date that the Level 1 hearing results were mailed.

3. The individual requesting a hearing may provide the information for his/her Administrative Hearing in writing. Forms are located at [Peralta Police Services, 333 E. 8th Street, Oakland, CA 94606].

   a. At the time of his/her request, the individual must provide a check or money order made payable to the Peralta Community College District for the full amount of the smoking fine. At that time, a formal hearing will be scheduled.

4. [A Hearing Officer] will conduct an Administrative Hearing with the contesting party. Once the [Hearing Officer] has reached a decision, a decision will be mailed to the individual.

C. Superior Court (Level 3)

   1. Within 20 days after service of the Level 2, Administrative Hearing decision, an individual may request review by filing an appeal to be heard by the superior court of competent jurisdiction.

V. Allocation of Proceeds From Fines

   Funds shall be allocated to PCCD and its colleges. Allocation shall include, but not be limited to, enforcement, education and promotion of this policy, and tobacco cessation treatment options.

VI. Initial Implementation

   Upon the initial implementation of this policy, PCCD shall observe a six month grace period before any fine is distributed. Warnings shall be issued at the discretion of Personnel. During this grace period, PCCD shall inform employees and students of the tobacco use policy and of enforcement measures.

Source of Law:
California Government Code Section 7597
California Government Code Section 7597.1
California Government Code Section 53069.4
California Government Code Section 7598
California Labor Code 6404.5

Approved by Board of Trustees; November 15, 2005
Approved by Board of Trustees. XXXXXXXXXXXX
BOARD POLICY 6800 SAFETY

The Chancellor shall establish administrative procedures to ensure the safety of employees and students on District sites, including the following:

- Compliance with the United States Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991. Specifically, the District shall comply with the regulations of the Federal Highway Administration (FHWA) and, if applicable, the Federal Transit Administration (FTA). Compliance with these policies and procedures may be a condition of employment.

- Establishment of an Injury and Illness Prevention Program in compliance with applicable OSHA regulations and state law. These procedures shall promote an active and aggressive program to reduce and/or control safety and health risks.

- Establishment of a Hazardous Material Communications Program, which shall include review of all chemicals or materials received by the District for hazardous properties, instruction for employees and students on the safe handling of such materials, and proper disposal methods for hazardous materials.

Reference:
49 Code of Federal Regulations, Parts 40 and 655;
Title 8 Section 3203;
29 Code of Federal Regulations 1910.101 et seq.;
Health & Safety Code Section 104420
Administrative Procedure 6800

Replaces:
Board Policy 6.60 Health and Safety Policy
ADMINISTRATIVE PROCEDURE 6801 TRANSPORTATION SAFETY

The Chancellor directs that the following regulations are to apply to transportation safety in the Peralta Community College District:

All employees, who in the course of their employment, are required to drive a district owned vehicle shall have their driving record evaluated. Employees who intend, but are not required, to drive a district owned vehicle for any purpose must also have their driving record evaluated. The following requirements must be met prior to driving a district vehicle:

A. A valid California Drivers License must be presented to the Risk Management Office.

B. The Risk Management Office will verify the safety record of the driver’s license file with the California Department of Motor Vehicles (DMV) and refuse authorization to drive a district vehicle on district business if the individual’s DMV report shows:
   1. Failure to maintain a valid California Driver’s License.
   2. 2 points in a 12 month period
   3. 3 points in a 24 month period
   4. 4 points in a 36 month period

C. The DMV places points against a driver’s license file as follows:
   1. One point if:
      a. Involved in a traffic accident
      b. Convicted of driving a motor vehicle unsafely
   2. Two points when convicted of:
      a. Reckless Driving
      b. Hit an unattended vehicle without notifying the owner
      c. Causing property damage, injury, or death by hit-and-run driving
      d. Manslaughter involving a vehicle
      e. Causing injury or death with a vehicle while evading a peace officer
      f. Driving on the wrong side of a divided highway
      g. Speed contest or exhibition of speed
      h. Illegal transport of explosives
      i. Driving under the influence of liquor and/or any drug

Approved by the Chancellor:
ADMINISTRATIVE PROCEDURE 6802 ILLNESS AND INJURY PREVENTION AND HAZARDOUS MATERIALS PROGRAM

The Chancellor directs that an Illness and Injury Prevention Program be established. The program will include the following elements:

I. Assignment of Responsibility: The Director of Risk Management is appointed the safety manager responsible for the development of the Illness and Injury Prevention Program (IIPP) and promulgating appropriate processes and procedures to implement the Program.

II. Compliance.

A. Continually monitoring the implementation and effectiveness of the IIPP during monthly safety meetings.

B. Ensuring that safety committee membership is active and appropriate.

C. Allocating the necessary resources, financial, material, and personnel, for providing a safe and healthful work environment.

D. Providing and documenting the necessary training.

E. Performing and documenting inspections and recommendations for corrections.

F. Thoroughly investigating accidents to determine and implement corrective action.

G. Providing job required personal protective equipment.

H. Establish specific emergency response plans.

I. Ensure that disciplinary action occurs against district employees when there is:

   1. Willful violation of CAL/OSHA regulations and/or District regulations;
   2. Intoxication – coming to work or trying to work while under the influence or in possession of intoxicating liquors or narcotics;
   3. Fighting or provoking a fight;
   4. Pranks or play which has the potential for injury;
   5. Disregard for public safety.

III. Communication: The Risk Manager shall annually publish and update the "Injury and Illness Prevention Program." The document will be announced to all district employees and posted on the district website. Additional meetings with appropriate employees on the subject of safety will be scheduled to discuss the topics listed under "compliance" above.

IV. At least one CAL/OSHA Safety Notice must be posted in each location where business is conducted in a conspicuous place where notices to employees are customarily posted.

A. The notice shall not be altered, defaced or covered by other material.

B. The notice shall inform employees that employers who use any substance listed as a hazardous substance by Cal/OSHA regulations must provide employees with information on the contents of material safety data sheets (MSDS) or equivalent information about the substance which trains employees to use the substance safely.

C. The notice must also state that the employer is required to make available on a timely and reasonable basis a MSDS on each hazardous substance in the workplace upon request of an employee, collective bargaining representative, or an employee's physician.
D. The notice must also state that employees have the right to see and copy the medical record and other records of exposure to potentially toxic materials or harmful physical agents.

V. **Hazard Testing.** If the District is required to conduct tests or to engage in monitoring or measuring to determine employee exposure to hazards by specific standards it shall notify the affected employee or employees or their representative.

A. The District must provide the an employee or employees, or their representatives with the opportunity to observe the testing, sampling, monitoring or measuring undertaken pursuant to such standards.

B. Whenever any employee has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels exceeding those prescribed by applicable standard, order, or special order, the District must promptly notify any employee so affected in writing of the fact that the employee has been exposed, and of the corrective action being taken.

VI. **Hazardous Materials Business Plan.** In accordance with the California Health and Safety Code, Chapter 6.95, the district must comply with its resident city requirements for filing Hazardous Materials Business Plans and such other reports as are required in the event of a hazardous materials incident.

Approved by the Chancellor:
BOARD POLICY 7700 WHISTLEBLOWER PROTECTION

The Chancellor shall establish procedures regarding the reporting and investigation of suspected unlawful activities by district employees, and the protection from retaliation of those who make such reports in good faith and/or assist in the investigation of such reports. For the purposes of this policy and any implementing procedures, "unlawful activity" refers to any activity—intentional or negligent—that violates state or federal law, local ordinances, or District policy.

The procedures shall provide that individuals are encouraged to report suspected incidents of unlawful activities without fear of retaliation, that such reports are investigated thoroughly and promptly, remedies are applied for any unlawful practices and protections are provided to those employees who, in good faith, report these activities and/or assist the District in its investigation.

Furthermore, District employees shall not:

- retaliate against an employee or applicant for employment who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order; or

- directly or indirectly use or attempt to use the official authority or influence of his or her position for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the District. The District will not tolerate retaliation, and will take whatever action may be needed to prevent and correct activities that violate this policy, including discipline of those who violate it up to and including termination.

Reference:
Education Code Sections 87160-87164;
Labor Code Section 1102.5;
Government Code Section 53296;
Private Attorney General Act of 2004 (Labor Code Section 2698)
Administrative Procedure 3700

New Policy
Administrative Procedure 7700 Whistleblower Protection

Individuals are encouraged to report suspected incidents of unlawful activities by District employees in the performance of their duties. Reports will be investigated promptly and appropriate remedies applied. Employees who, in good faith, reported such activities and/or assist the district in the investigation will be protected from retaliation.

This procedure sets out the processes for responding to and investigating reports of unlawful activities, as defined in BP 7700 titled Whistleblower Protection, and addressing complaints of retaliation for making such reports.

I. Filing a Report of Suspected Unlawful Activities

A. Any person may report allegations of suspected unlawful activities. Knowledge or suspicion of such unlawful activities may originate from academic personnel, staff, or administrators carrying out their assigned duties, internal or external auditors, law enforcement, regulatory agencies, customers, vendors, students, or other third parties.

B. Anonymous reports will be investigated to the extent possible. However, employees are strongly encouraged not to report anonymously because doing so impedes the District’s ability to thoroughly investigate the claim and take appropriate remedial measures. In the case that an anonymous report cannot be substantiated in any way, a record of the report should still be kept by the receiving administrator in the event that subsequent information reopens the investigation. As set forth fully below, retaliation against individuals who report suspected unlawful activities will not be tolerated.

C. Normally, a report by a District employee of allegations of a suspected unlawful activity should be made to the reporting employee’s supervising President or Vice Chancellor. However, if the report involves or implicates the supervising President or Vice Chancellor, the report may be made to any other District official whom the reporting employee believes to have either responsibility over the affected function or the authority to review the alleged unlawful activity on behalf of the District. The report may also be made directly to the Chancellor and/or Peralta Police Services. When the alleged unlawful activity involves the Chancellor, the report should be made to the President of the Board of Trustees. When the alleged unlawful activity involves the board of trustees or one of its members, the report should be made to the Chancellor, who will confer with the president and/or vice-president of the board of trustees and/or legal counsel on how to proceed.

D. Allegations of suspected unlawful activities should be made in writing so as to assure a clear understanding of the issues raised, but may be made orally. Such reports should be factual and contain as much specific information as possible. The receiving supervisor or administrator should elicit as much information as possible. If the report is made orally, the receiving supervisor or administrator shall reduce it to writing and make every attempt to get the reporter to confirm by his/her signature that it is accurate and complete.

E. Once the receiving administrator has received and/or prepared a written report of the alleged unlawful activity, he/she must immediately forward the report to the president of the college where the alleged activity has occurred or to the appropriate Vice Chancellor if the activity involves the district. However, if this process would require submitting the report to an employee implicated in the report, the receiving administrator should follow the reporting options outlined, above. Finally, the results of the initial investigation should be forwarded to the Chancellor. The highest-level administrator or trustee who receives the written report pursuant to this paragraph is responsible for ensuring that a prompt and complete investigation is made by an individual with the competence and objectivity to conduct the investigation, and that the assistance of counsel and/or an outside investigator is secured if deemed necessary.
F. In the course of investigating allegations of unlawful conduct, all individuals who are contacted and/or interviewed shall be advised of the District’s no-retaliation policy. Each individual shall be:

1. warned that retaliation against the reporter(s) and/or others participating in the investigation will subject the employee to discipline up to and including termination; and
2. advised that if he or she experiences retaliation for cooperating in the investigation, then it must be reported immediately.

G. In the event that an investigation into alleged unlawful activity determines that the allegations are accurate, prompt and appropriate corrective action shall be taken.

II. Protection from Retaliation

A. When a person makes a good-faith report of suspected unlawful activities to an appropriate authority, the report is known as a protected disclosure. District employees and applicants for employment who make a protected disclosure are protected from retaliation.

B. Any employee who believes he/she has been either subjected to or affected by retaliatory conduct for reporting suspected unlawful activity, or refuses to engage in activity that would result in a violation of law, should report such conduct to the Vice Chancellor Human Resources and other supervisory management personnel (if such management personnel is not the source of or otherwise involved in the retaliatory conduct). Any management employee who receives such a report, or who otherwise is aware of retaliatory conduct, is required to advise the Vice Chancellor Human Resources. If the allegations of retaliation, or the underlying allegations of unlawful conduct involve the Vice Chancellor, the manager shall report to the highest level administrator and/or trustee who is not implicated in the reports of unlawful activity and retaliation.

C. All allegations of retaliation shall be investigated promptly and with discretion, and all information obtained will be handled on a "need to know" basis. At the conclusion of an investigation, as appropriate, remedial and/or disciplinary action will be taken where the allegations are verified and/or otherwise substantiated.

III. Whistleblower Contact Information

Employees who have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees should contact the California Community Colleges Chancellor's Office or the District's Board of Trustees. Employees can contact the State Personnel Board with complaints of retaliation resulting from whistleblower activities. The State Personnel Board hotline is (816) 653-1403.

IV. Other Agencies

In addition to the process set forth above, any employee or supervising manager who has information concerning alleged unlawful conduct involving federal or state grant funds, shall report the information to the Vice Chancellor Educational Services in order that the proper communication will take place with the granting agency.

Approved by the Chancellor: