BP & AP 3430 Prohibition of Harassment
AP 3440 Service Animals
BP & AP 3501 Campus Security and Access
AP 3517 Incident Reporting
AP 3530 Weapons on Campus
BP & AP 3720 Information Technology Use
AP 3900 Speech: Time Place and Manner
AP 4235 Credit by Examination
BP & AP 5030 Student Fees
BP 5140 Disabled Student Programs and Services
BP & AP 6330 Purchasing
BP & AP 6340 Contracts
BP & AP 6600 Capitol Construction
BP & AP 6740 Citizens Oversight Committee
BP 7100 Commitment to Diversity
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, gender identification, 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 students, employees and other persons using the services of the district 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, employee or other person using the services of the district 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 3430. 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, students, and the public particularly when they are new to the institution. They shall be available for students, employees and others who use the services of the district 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 student, faculty, staff or other person using the services of 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, gender identification, 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 derogatory 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 environment, 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, patting, 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.

V. Collective Bargaining
This procedure is not meant to usurp any provisions of any Collective Bargaining Agreement between the District and its unions.

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:
ADMINISTRATIVE PROCEDURE 3440 SERVICE ANIMALS

The District will allow an individual with a disability to use a service animal in District facilities and on District campuses in compliance with state and federal law.

The District will allow an individual with a disability to be accompanied by his/her service animal in all areas of the District's facilities where members of the public, invitees, clients, customers, patrons, or participants in services, programs or activities, as relevant, are allowed to go.

These procedures shall also be applicable to an individual who is training a service animal.

I. Service Animal Defined

A. A "service animal" for purposes of this procedure means any dog (or miniature horse, as provided herein) that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

B. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

C. The work or tasks performed by a service animal must be directly related to the handler's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

II. Exceptions

A. The District may ask an individual with a disability to remove a service animal from the premises if:
   1. It is not controlled
   2. It is not housebroken
   3. It is a threat to the health and safety of others; and/or
   4. It does not conform to BP or AP 5500: Standards of Conduct

B. If a service animal is excluded under one of these exceptions, the District will give the individual with a disability the opportunity to obtain goods, services, and accommodations or to participate in the service, program, or activity without having the service animal on the premises.

III. Assessment Factors for Miniature Horses

A. The District shall consider the following factors:

B. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;

C. Whether the handler has sufficient control of the miniature horse;

D. Whether the miniature horse is housebroken; and

E. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

IV. Control

The service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
V. Care or Supervision

The District is not responsible for the care or supervision of the animal.

VI. Inquiries by the District

A. The District may make two inquiries to determine whether an animal qualifies as a service animal:
   1. Whether the animal is required because of a disability; and
   2. What work or task the animal has been trained to perform.

B. The District will not make either of these inquiries when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person’s wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

C. An individual may choose to produce a county service dog license or identification tag as proof that the animal is a service animal. Licensure or certification is not required in order to meet the definition of service animal under this procedure. There are no licensing or certification requirements for miniature horses.

VII. No Surcharge

The District will not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If the District normally charges individuals for damage caused by pets, an individual with a disability may be charged for damaged caused by his or her service animal.

Approved by the Chancellor:
Peralta Community College District

BOARD POLICY 3501 CAMPUS SECURITY AND ACCESS

In order to safeguard district property and assets, the Chancellor shall establish regulations and procedures for security and access to District facilities. District Facilities shall be closed to entry to all non-police during non-business hours except as authorized in accordance with Administrative Procedure 3501.

Reference:
34 Code of Federal Regulations Part B 668.46(b)(3)
Administrative Procedure 3501

Replaces:
Board Policy 2.45 Crime Awareness and Campus Security
ADMINISTRATIVE PROCEDURE 3501 CAMPUS SECURITY AND ACCESS

The Chancellor directs that the following regulations and procedures apply to the Peralta Community College District:

I. **Standard Campus Closure:** The Peralta Community College District campuses and District Administrative Center are closed to all access and use by the public and staff, except for police staff, every day between 11:00 P.M. and 7:00 A.M. All exceptions must be authorized in writing by a college president, the Vice Chancellor of General Services or the Chancellor. The written authorization must include a specific time and place for access. Peralta Police Services must receive a copy of the conditional access pass and be notified prior to entry. Violations of this procedure shall be reported to the Chancellor and the appropriate college president by Peralta Police Services. District facilities are authorized to be equipped with intrusion alarm systems in order to notify Police Services when persons enter facilities during periods of closure.

II. **Extraordinary Campus Closure:** The Chancellor, or a college president for their respective campus, may close all or part of the district to all access and use by the public and staff, except for police and designated emergency response workers, in the event of an emergency or the occurrence of a natural disaster or hazardous condition in accordance with Board Policy BP 3505 Emergency Response Plan.

Approved by the Chancellor:
A. General, District-Wide Incident Reporting

Employees shall report allegations of fraud, abuse, workplace hazards, criminal activity and non-criminal complaints such as waste, mismanagement of funds, and dangers to public health and safety anonymously by submitting a Report of Unsafe Conditions/Hazard Form (Appendix B) utilizing one of the following methods:

- Submit report to the College Safety Committee; or the District Director of Risk Management; OR
- Contact CalOSHA by phone at 559-445-5302; by fax at 559-445-5788; or online at www.dir.ca.gov/DOSH/Complaint.htm

The District General Counsel or the District Director of Risk Management shall investigate all such reports in a prompt, thorough and confidential manner.

B. Workforce Investment Act (WIA) Incident Reporting

BACKGROUND:

Title 20 CFR Section 637.630 of the Workforce Investment Act (WIA) regulations requires that information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the U. S. Department of Labor’s (DOL) Incident Reporting System to the DOL Office of Inspector General (OIG) with a copy simultaneously provided to the Employment and Training Administration (ETA) San Francisco Regional Office. The Incident Reporting System also processes noncriminal complaints regarding gross mismanagement and waste of funds. The information requested in this directive provides direction for the completion of the DOL Incident Report Form (DL 1-156), which is attached to this directive and acknowledges the types of incidents that the OIG Hotline seeks to identify.

DEFINITION OF TERMS:

Complaint, for this directive only, means criminal complaint.

Fraud is any deceitful act or omission, or willful device used with the intent to obtain some unjust advantage for one party, or to cause an inconvenience or loss to another party. Types of fraud include embezzlement, extortion, forgery, theft, theft of participant checks, solicitation and receipt of bribes (kickbacks), and falsification of records and claims regarding trainees (e.g., knowingly enrolling ineligible participants), intentional payments to contractors without the expectation of receiving services, and payments to ghost enrollees. Criminal fraud is a type of larceny and is punishable under both Federal and State law as a felony. Civil fraud is subject to tort actions under civil laws.

Misapplication of Funds is defined as any use of funds, assets, or property not authorized or provided for in the grant or contract. This category includes, but is not limited to, nepotism, political patronage, use of participants for political activity, intentional services to ineligible enrollees, conflict of interest, failure to report income derived from federal funds, violation of contract provisions, maintenance of effort violations, and the use of WIA funds for other than WIA purposes. Note: a report must be filed when it appears that there exists an intent to misapply funds rather than merely a case of minor mismanagement.

Gross Mismanagement is defined as actions or situations arising out of management ineptitude or oversight which lead to a major violation of contract provisions and/or which severely hamper accomplishment of program goals. These include situations that lead to waste of government
resources and put into serious jeopardy future support for a particular project. This category includes, but is not limited to, unauditable records, unsupported costs, highly inaccurate fiscal and/or program reports, payroll discrepancies, payroll deductions not paid to the Internal Revenue Service and the lack of internal control procedures.

**Employee/Participant Misconduct** should be considered as actions occurring during or outside work hours that reflect negatively on the Department of Labor, the State and the WIA program or its purpose and may include, but are not limited to, conflict of interest or the appearance of conflict of interest involving outside employment, business and professional activities, and the receipt or giving of gifts, fees, entertainment, and favors; misuse of federal property; misuse of official information; and other activities that might adversely affect the confidence of the public regarding the integrity of government.

**Standard of Conduct Violations** are violations of terms and conditions stipulated in the subgrant agreement. The relevant stipulations in the subgrant agreement are General Assurances, Employment of Former District Employees, Conducting Business Involving Relatives, Conducting Business Involving Close Personal Friends and Associates, Avoidance of Conflict of Economic Interest, and Maintenance of Effort.

**Subrecipient**, for this directive, means a recipient that does not receive WIA funds directly from the State.

**PROCEDURES:**

All service providers shall promptly report to the Office of Economic and Workforce Development (OEWD) or the Employment Development Department (EDD) all allegations of potential fraud, abuse, and other criminal activity.

By developing these procedures, Peralta Community College District (PCCD) is establishing an appropriate internal Incident Reporting procedure to prevent and detect fraud, abuse, and criminal activity. These procedures include a reporting process to ensure that OIG, the OEWD, and the EDD are notified immediately of any allegations of WIA-related fraud, abuse, or criminal activity.

The attached Incident Report (Appendix A) enables PCCD to establish, provide documentation materials, and implement the procedures to immediately notify the funding entity of any suspected or proven fraud, abuse, or other criminal activity involving WIA-funded activities. PCCD is responsible to be alert for instances of fraud, abuse, and criminal activity committed by staff, contractors, or program participants and to report all such instances to the funding entity immediately. Proof of this notification must be maintained in the funding entity's files.

The incident reporting process should not be used for personnel actions such as Equal Employment Opportunity complaints, employee grievances, or labor disputes.

**Reporting**

These reporting procedures shall ensure that all instances of fraud, abuse, or other criminal activity associated with WIA-funded activities are concurrently reported to the State of California Employment Development Department (EDD) through the OEWD.

Within one workday of detection or discovery of information alleging fraud, abuse, or other criminal activity involving WIA funds, a written incident report shall be prepared by the detecting entity. The report must be submitted on the attached form or similar document containing the requested information. Submit the report to OEWD at:

**Marc Majors**  
**WIA Program Manager**  
**Office of Economic and Workforce Development**  
**30 Van Ness Avenue, Ste. 3900**  
**San Francisco, CA 94102**
Reports may also be made to the State EDD at:

Attention: Compliance Resolution  
Unit Compliance Review Division,  
MIC 22M Employment Development Department  
P.O. Box 826880  
Sacramento, CA 94280-0001

Simultaneously, a report may be made to the OIG at their Web site:  
http://www.oig.dol.gov/hotlinemain.htm, by fax to (202) 693-5210, or by mail to:

Office of Inspector General  
United States Department of Labor  
200 Constitution Avenue, N.W.,  
Room 5506  
Washington, D.C. 20210

Allegations considered to be of an emergency nature may be reported by telephone to Marc Majors at the OEWD at (415) 581-2314 and by calling the OIG/DOL Hot Line at 1-800-347-3758 and followed immediately thereafter by a written incident report.

The OIG telephone “Hotline” permits reporting of matters anonymously, if desired, to avoid fear of reprisal. Information filed via the Hotline should be as specific as possible to enable the OIG to identify and solve the problem. The Hotline should not be used for resolving employee grievances, EEO compliance, labor disputes or other personal concerns.

The entity detecting the presence or appearance of fraud, abuse, or other criminal activity must obtain sufficient information to provide a clear, concise report of each incident. Reports must include a statement of all facts as well as any known or estimated loss of WIA funds resulting from the incident. The submission of an incident report should not be delayed even if all facts are not readily available. Any facts subsequently developed by the entity are to be forwarded in a supplemental incident report.

PCCD will forward any incident report it receives directly to OEWD. Thereafter, OEWD will forward any incident reports it receives to EDD. Then EDD, in turn, will submit a report to ETA. Upon receipt, ETA will forward the incident report to the OIG. Subsequently, ETA will advise EDD of the action to be taken by the OIG. If OIG decides to investigate the incident, EDD will wait for OIG’s results before commencing the state-level formal resolution. If OIG decides not to investigate the incident, EDD or OEWD will request, when appropriate, a special monitoring review or an investigation by the appropriate state agency.

The reporting procedures do not supersede the responsibility for service providers to safeguard WIA funds by taking prompt and appropriate corrective action when any evidence of a violation of WIA or its implementing regulations is found.

Whenever the entity reporting the allegation of an incident believes that immediate action to prevent further financial loss or other damage is necessary, or recovery of funds or property may be impeded if immediate action is not taken, the reporting entity has the responsibility to take any action it deems appropriate, including contacting the local law enforcement agency. Any immediate action taken or planned by PCCD will be reported to the OEWD and an incident report will be submitted.

Allegations of fraud, abuse, or other criminal activity in WIA-funded programs may originate from sources other than service providers. Such sources may include informants, independent auditors, or local law enforcement agencies.

In such a case, OEWD will, when appropriate, inform PCCD of the incident reported and advise the latter of the need to take certain action. During an investigation, based on a report of fraud or abuse,
OIG investigators or auditors may contact a service provider regarding an incident of which the service provider was not previously aware. Upon learning of the incident from federal sources, PCCD should contact OEWD to determine whether the latter is aware of the incident.

The reporting procedures do not supersede the responsibility for agencies to safeguard WIA funds by taking prompt and appropriate corrective action upon becoming aware of any evidence of a violation of WIA or its implementing regulations.

Resolution of Incident Reports
Incidents will be resolved through the issuance of an initial and final determination to the entity. Debt collection will be conducted in accordance with OEWD policies for recovery of misexpended WIA funds in Policy Directive No. 08-07.

PCCD will work in collaboration with the OEWD and EDD to facilitate incident resolution processes.

ACTION:
The OEWD and PCCD shall follow this policy. This policy will remain in effect from the date of issue until such time that a revision is required. The OIG Hotline telephone number for reporting suspected incidents will be prominently posted for staff members and for the general public, where applicable.

INQUIRIES:
inquiries should be addressed to Gregory Valentine, District Risk Manager at (510) 466-7247 or gvalentine@peralta.edu

References:
Title 20 Code of Federal Regulations (CFR) 667.505 and 667.630Workforce Investment Act (WIA) DO2-3 Incident Reporting

Approved by the Chancellor:
## INCIDENT REPORT

(Include all facts known at the time and estimated or known loss of WIA funds)

<table>
<thead>
<tr>
<th>1. Type of report (check one)</th>
<th>2. Type of incident (check one)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Initial</td>
<td>☐ Conduct violation</td>
</tr>
<tr>
<td>☐ Supplemental</td>
<td>☐ Criminal violation</td>
</tr>
<tr>
<td>☐ Final</td>
<td>☐ Program violation</td>
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<tr>
<td>☐ Other (specify)</td>
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<th>3. Allegation against (check one)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Contractor</td>
</tr>
<tr>
<td>☐ Program Participant</td>
</tr>
<tr>
<td>☐ Other (specify – give name and position of employee(s), list telephone number, Social Security Account number, if applicable, and other identifying data)</td>
</tr>
</tbody>
</table>

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<tr>
<th>4. Location of incident (give complete name(s) and address(es) of organization(s) involved)</th>
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<table>
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<tr>
<th>5. Date and time of incident/discovery</th>
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<table>
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<tr>
<th>6. Source of complaint (check one)</th>
<th>7. Contact with law enforcement agencies (specify name(s), agency contacted and results)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Audit</td>
<td>☐ Investigative Law Enforcement Agency (specify)</td>
</tr>
<tr>
<td>☐ Contractor</td>
<td>☐ Other (specify – give name and telephone number so additional information can be obtained)</td>
</tr>
<tr>
<td>☐ Program Participant</td>
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<tr>
<td>☐ Public</td>
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<thead>
<tr>
<th>8. Persons who can provide additional information (include name, position or job title, employment, local address and telephone number)</th>
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</table>

| 9. Details of incident (describe the incident) |
**REPORT OF UNSAFE CONDITION OR HAZARD**

<table>
<thead>
<tr>
<th>Department:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Name: (optional)</td>
<td>Job: -------------------------------</td>
</tr>
<tr>
<td>Title:</td>
<td></td>
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</tbody>
</table>

### I. Unsafe Condition or Hazard

- **Location of Hazard:**
  - Building: ____________________ Floor: __________ Room: __________
- **Date and time the condition or hazard was observed:** ____________________
  - ____________________
  - ____________________
  - ____________________
- **Description of unsafe condition or hazard:**
  - ____________________
  - ____________________
  - ____________________
- **What changes would you recommend to correct the condition or hazard?**
  - ____________________
  - ____________________
  - ____________________

<table>
<thead>
<tr>
<th>Employee Signature: (optional)</th>
<th>Date: ____________________</th>
</tr>
</thead>
</table>

### II. Management/Safety Committee Investigation

- **Name of person investigating unsafe condition or hazard:** ____________________
  - ____________________
  - ____________________

- **Results of investigation (What was found? Was condition unsafe or a hazard?):** (Attach additional sheets if necessary.)
  - ____________________
  - ____________________
  - ____________________

- **Proposed action to be taken to correct hazard or unsafe condition:** (Complete and attach a Hazard Correction Report, IIPP Form 4)
  - ____________________
  - ____________________
  - ____________________

<table>
<thead>
<tr>
<th>Signature of Investigating Party:</th>
<th>Date: ____________________</th>
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</table>

*Completed copies of this form should be routed to the appropriate supervisor and department Safety Committee, and must be maintained in department files for at least one year.*
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 knuckles, Billy clubs, darts, 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.

Weapons are prohibited on any District campus or in any facility of the District unless the person is authorized to possess such a weapon in the course of his/her employment, has been authorized by District Personnel, or is a duly appointed peace officer, who is engaged in the performance of his/her duties.

I. Applicability

A. These procedures apply to all students and faculty of the Peralta Community College District, associates of the District, respective contractors, and guests.

B. These procedures apply to any and all District property, including all campuses, administrative facilities, parking areas, grounds and other publicly accessible areas, and at all events and activities occurring on District property.

C. These procedures are not applicable to online students unless such a student possesses or uses a weapon (1) while such is physically present on a District campus or at a District-located event or, (2) in violation of federal, state, or local law.

II. Definitions

A. "District" may include all colleges within the District, and all administrative, maintenance and other District-owned and/or controlled facilities, lots or open spaces.

B. "Weapon" is any instrument or device designed primarily for use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death upon a human being when used in the manner for which it was designed.

1. Weapons may include, but are not limited to any offensive weapon; firearms of any kind such as pistols, revolvers, or other guns; BB or pellet guns, knives such as daggers, razors, switchblade knives or knives with a blade exceeding five inches in length, tear gas, stun guns, or other portable devices directing an electric current that are designed to immobilize a person; explosives or incendiaries such as bombs, grenades, or fireworks, poison gas, or simulations of any such items (devices that appear to be real such as a realistic toy, replica, paint-ball gun, etc.).

2. A weapon may also include an object of any sort whatsoever which is used in such a manner as to indicate that the person using the object intends to inflict death or serious injury upon
another person, or which is threatened to be used in such a manner, and which, when so used, is capable of inflicting death upon a human being.

C. "Possession" means that the person has actual physical control of the weapon because it is on or in the person's body, or in an item of personal property belonging to the person (including, but not limited to, a bookbag, backpack, briefcase, or purse), or in a place individually assigned to the person. "Possession" also means that the person knows, or should know, of the presence of a weapon within a vehicle which the person owns or operates and that the person has the ability or right, either alone or with any other person, to maintain control of the weapon.

III. Personnel

A. The Vice Chancellor of General Services is responsible for implementing and overseeing these procedures. Peralta Police Services, under contract to the Peralta Community College District, is responsible for the management and enforcement of these procedures.

B. Authorized Personnel for all approvals noted herein are:

1. Chancellor.
2. Vice Chancellor of General Services.
3. The Captain of Peralta Police Services
4. The Lieutenant of Peralta Police Services

C. College President of an impacted campus will participate in decision-making as appropriate.

IV. Operating Procedures

A. District Authorized Personnel designated in section III.B above shall work together to develop and implement operating procedures for the safe use, storage and control of firearms and other weapons that may be necessary and appropriate for instructional aids in relevant educational programs and to further the implementation of this policy through more specific procedures.

V. Incident Response

A. Any person who observes a student, faculty, staff, or visitor violating this Policy shall immediately inform any or all of the College President's office, if on a campus, Peralta Police, Chancellor's office and Vice Chancellor for General Services.

B. Alleged violations of this policy will be promptly investigated.

C. Policy violations will result in appropriate disciplinary action and may result in referral to law enforcement.

VI. Violations

A. Any person who violates this Administrative Procedure may be subject to:

1. An order to leave the immediate premises or property owned or controlled by the District
2. Arrest for criminal trespass if a previous order to leave the immediate premises or property owned or controlled by the District is refused or disobeyed;
3. Disciplinary proceedings, up to and including expulsion or termination, if the person is a student, employee, faculty member, or administrator.
4. Prosecution by local, state, or federal authorities if the person is suspected of and/or in violation of local, state or federal law.

D. Any vendor or contractor who violates the provisions of this policy shall be subject to the termination of his/her business relationship with the System Office and/or affiliated technical college, as well as possible criminal prosecution.

C. If an individual believes he/she is not responsible for an alleged violation of the Weapons on Campus policy, appeal may be made to the chancellor or designee within ten (10) business days of receipt of the violation notification from the District.

D. Failure to appeal in writing within the scheduled time period will result in ratification of the violation.

VIII. Notification

A. Signage shall be publicly posted at each site that firearms, weapons, and unlawful explosive compounds are prohibited at each college campus, administrative building and other District-owned and controlled property or site.

B. All employees, students, volunteers, visitors, vendors, and contractors must be informed of the following:
   1. Legal implications of prohibiting firearms, weapons, and unlawful explosive compounds on District property or at District sanctioned functions.
   2. Possible penalties associated with violations of this policy.
   3. Reporting procedures to notify appropriate law enforcement agencies of a potential violation.

IX. Exceptions

A. All requests for exception to this Policy must be made in writing to chancellor or designee prior to the requesting individual entering a District property in possession of a weapon.

B. Statements must substantiate that requesting individual:
   1. Is a current federal, state or local law enforcement officer or other person who is required by law to carry a weapon, member of the armed forces, campus public safety officer, or person required to carry a weapon by law or official rules of conduct applicable to such person.
   2. Agrees to abide by all policies, procedures and instructions of the District with respect to the possession or use of weapons.
   3. Statement shall identify the specific weapon(s) to be carried.

C. Authorizing Official, after verifying that request includes required information and gathering any additional information deemed appropriate, shall determine whether (and if so, to what extent) to grant the request.

D. Determination shall be communicated in writing and considered final.

E. Permission granted under this Policy shall be confirmed through a written and signed Agreement stating that grantee has read and understands this Policy; understands that the weapon is not to be visible or used, except to the extent required by applicable laws, regulations or rules of conduct; agrees to (a) follow all applicable laws, (b) take all appropriate precautions to secure the weapon, avoid injury or disruption to members of the District community, affiliated entities or unaffiliated third parties, and (c) unconditionally agrees to indemnify and hold harmless the
District, its affiliates, respective trustees, employees, agents and representatives against any losses, liabilities and related expenses (including, but not limited to, reasonable attorney fees) that may be incurred in connection with such person's possession or use of a weapon, whether or not such possession or use is determined to be negligent or in violation of this Policy or any applicable law, regulation or rule of conduct.

G. A person receiving such authorization, which shall only apply to the specific weapon(s) identified in the granted request, shall promptly notify chancellor or designee in writing of (a) any loss or theft of the weapon or (b) any material change in the facts or circumstances upon which permission was granted.

H. Upon granting or revoking permission under this Policy, grantee shall immediately furnish written notice to the appropriate District Personnel for the campus or site at which the person to whom permission has been granted will be located.

I. Except as otherwise set forth in writing by this procedure, permission granted under this Policy:

1. Shall be effective only for the specific time period for which it is granted unless renewed in writing

2. May be revoked at any time, in writing

3. Shall terminate automatically when the person to whom permission has been granted leaves the District, College or is suspended for any reason.

J. Granting of permission applicable to a stated term does not guarantee that this Policy shall not be revised or that permission will remain in effect for the remainder of that term or for any subsequent terms.

X. Violations

A. Any student or employee found to be in possession of a firearm or other weapon in violation of this policy is subject to immediate dismissal, termination, and/or prosecution in accordance with applicable statutes.

B. Any other person in violation of this policy is, in addition to being subject to criminal prosecution under applicable statutes, subject to immediate expulsion from institutional facilities and prohibition against entry.

Approved by the Chancellor:
BOARD POLICY 3720 INFORMATION TECHNOLOGY 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.

The District's information technology resources, including computers, networks, and learning management systems, are intended for academic and administrative use. Anyone who uses District information technology resources and the information they contain, and related resources has a responsibility to use those resources in an acceptable manner and to respect the rights of others. The Chancellor shall establish administrative procedures that provide guidelines to users for the appropriate use of the District's information technologies. The procedures shall include that users must respect software copyrights and licenses, respect the integrity of information technology based information resources, refrain from seeking to gain unauthorized access, and respect the rights of other users of information technology.

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 INFORMATION AND TECHNOLOGY USE

All information technology resources, including computers, networks, and learning management systems, are the sole property of the Peralta Community College District. They may not be used by any person without the proper authorization from the District.

This procedure applies to all District students, faculty, and staff and to others granted use of District information resources. This procedure applies to all District information resources whether individually controlled or shared, stand-alone or networked. These procedures apply to desktop, network, e-mail, telephone, internet data security, and software use of District-managed information technology equipment and resources.

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.

Legal Process
This procedure exists within the framework of the District Board Policy and local, state, and federal laws. A user of District information resources who is found to have violated any of these procedures will be subject to disciplinary, loss of information resources privileges, and/or civil or criminal legal action.

Copyrights and Licenses
Information technology users must respect copyrights and licenses to software and other on-line information.

Copying – Technology and information resources protected by copyright may not be copied except as expressly permitted by the owner of the copyright or otherwise permitted by copyright law. Technology and information resources 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.

Copyrights - In addition to software, all other copyrighted information (text, images, icons, programs, etc.) retrieved from any technology resources must be used in conformance with applicable copyright and other law. Copied material must be properly attributed. Plagiarism of information is prohibited in the same way that plagiarism of any other protected work is prohibited.

Integrity of Information Resources
Information technology users must respect the integrity of computer-based information resources.

In making acceptable use of resources you are expected to:
- use resources only for purposes authorized by this procedure;
- protect your user ID, password, and resources from unauthorized use;
- access only information that is your own, that is publicly available, or to which you have been given authorized access;
- be aware of copyright laws as they apply to computer software and other materials that you may access with District information technology resources.

Unacceptable use of resources may include but is not limited to:
- unauthorized use of another person’s system access, user ID, password, files, or data, or giving the use of one’s system, user ID, password to another individual or organization;
- attempt to disguise the identity of the account or computer you are using;
- attempt to gain unauthorized access to resources and data, including other’s passwords;
- attempt to circumvent, subvert, or disable system or network security measures;
• engage in activities that may lead to disrupting services;
• intentionally damage files or make unauthorized modifications to District data;
• download, make or use illegal copies of copyrighted materials, software, or music; store such copies on District resources; or transmit them over District networks;
• create or display threatening, obscene racist, sexist, defamatory, or harassing material which is in violation of existing law or District policy;
• use District's resources or networks for personal profit;
• installation of unauthorized hardware or software onto any District owned computer/network (the Information Technology Department or appropriate District/College authorized personnel is responsible for installations; requests for exceptions should be sent to the HelpDesk of the Information Technology Department or College IT Department);
• connect a personal computer to the District's network unless it meets technical and security standards established by the District.

Password Protection – An information technology user who has been authorized to use a password-protected account may be subject to both civil and criminal liability if the user discloses the password or otherwise makes the account available to others without permission of the system administrator. Users are required to change passwords as mandated by the District.

Political Use - District information resources must not be used for partisan political activities where prohibited by local, state, federal, or other applicable laws.

Disclosure

No Expectation of Privacy – All information stored on District technology resources is subject to subpoenas and local, state, and federal laws and regulations.

Dissemination and User Acknowledgment

All users shall be provided copies of these procedures and be directed to familiarize themselves with them.

Approved by the Chancellor:
ADMINISTRATIVE PROCEDURE 3900 SPEECH: TIME, PLACE, AND MANNER

I. Free Expression

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

II. Public Forums

The colleges of the District are non-public forums, except for the following areas reserved for free speech expressive activities which do not violate District policy and which are lawful: The public forum areas are the open grounds external to buildings at least 30 feet from doorways. At Berkeley City College, the designated public forum area is less than 30 feet from a doorway in accordance with past practice. These areas are chosen so as to provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus but also so as not to disrupt educational and other activities of the District on behalf of students.

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

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

III. Use of Public Forum Areas

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

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

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

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

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

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

1. Employees and District Foundation Members shall follow Administrative Procedure AP 6300 General Accounting, Section E Cash Receipts, which requires that all cash collected for the college, or the students thereof, shall be deposited in the Campus Business Office within 24 hours of receipt. Fund raising by employees is to be accounted for as detailed in Administrative Procedure AP 3600 District Foundation Record Keeping. If the employee is collecting cash for private, non-college purposes, then the employee must follow the non-student and community Administrative Procedure AP 6700 Civic Center and other facilities.

2. Students shall follow Administrative Procedure AP 6300 General Accounting, Section E Cash Receipts, which requires that all cash collected for the college, or the students thereof, shall be deposited in the Campus Business Office with 24 hours of receipt. Fund raising by students is to be accounted for as detailed in Administrative Procedure AP 5420 Associated Students Finance. If the student is collecting cash for private, non-college purposes, then the student must follow the non-student and community Administrative Procedure AP 6700 Civic Center and other facilities.

3. Non-students and community groups who wish to solicit money must follow Administrative Procedure AP 6700 Civic Center and other facilities. Non-students and community groups, who wish to raise funds for the district or the students thereof, should contact the District Foundation for sponsorship.

IV. Notification

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

V. Posting

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

References:
Education Code Sections 76120 and 66301
Board Policy BP 3900 Speech: Time, Place, and Manner
Administrative Procedure 4235 Credit by Examination

I. Credit by Examination may be obtained by one of the following external examination methods:
   A. Achievement of a score of 3, 4, or 5 on an Advanced Placement Examination administered by the College Entrance Examination Board.
   B. Achievement of a score that qualifies for credit by examination in the College Level Examination Program.
   C. Achievement of a score that qualifies for credit by examination in the International Baccalaureate Program.

II. Details regarding each examination process are to be published in the college catalogs and are reviewed by the college Articulation Officers.

III. Credit by examination can also be obtained through satisfactory completion of an examination administered by the college in lieu of completion of a course in the college catalog.

IV. Rules for Credit by Examination through a college administered examination:
   A. The student must be currently registered in the college and have completed 12 units at the college for residency purposes.
   B. The student must have a minimum cumulative grade point average (GPA) of 2.0.
   C. The student must be in good standing and have no financial obligations owed to the Peralta Community College District.
   D. The course is listed in the college catalog as having a credit-by-exam option.
   E. A grade of incomplete (I) may not be assigned for Credit by Examination. The student's grade shall be recorded on his/her academic record, even if it is substandard. The student will not have the option of rejecting a substandard grade.
   F. Credit by Examination counts as enrollment for repeatability purposes.
   G. The student may make only one attempt of Credit by Examination per course.
   H. The student may not earn more than 12 units of Credit by Examination for an associate degree and 6 units toward a certificate of achievement.
   I. The student must pay the fees equal to the enrollment fee cost of the course (BOGFW does not cover this fee).
   J. Although the University of California and the California State University accept, with certain limitations, appropriate credits obtained by examination, there is no guarantee that other institutions will do so.
   K. The grade obtained through Credit by Examination will be recorded on the transcript (academic record) with a descriptor CE (Credit by Examination).
   L. Basic Skills courses, laboratory courses, physical education activity courses, and basic courses in the student's native language are excluded from Credit by Examination consideration.
   M. Credit by Examination is not available where:
      1. the student already has completed a more advanced course in the discipline.
      2. the student previously has received an evaluative symbol grade (A, B, C, D, F, W, FW, CR, P, NC or KP) for a course taken at one of the Peralta colleges.
      3. the student has failed a Credit by Examination test (cannot petition to retake the course by Credit by Examination)
   N. Grades issued upon completion of Credit by Examination will be included in the calculation of the student's grade point average for determining scholarship awards.
   O. Credit by Examination only shall be available in Fall and Spring semesters. The student must be enrolled at the college or enrolled in an approved CTE/high school articulated program during the semester in which the Credit by Examination is attempted.
P. The petition for Credit by Examination must be completed and submitted to the Office of Instruction by the beginning of the fifth (5th) week of the semester and the examination must be completed before the end of the semester.

Q. Credits acquired by examination are not applicable to meeting of such unit load requirements as Selective Service deferment, Veteran's, Social Security benefits, athletics, or residency for financial aid.

R. Credits acquired by examination shall not be counted in determining the 12 semester hours of credit in residence required for an Associate degree.

V. Credit by Examination Procedure

A. Student obtains a Petition for Credit by Examination from the Office of Instruction or from a Counselor.

B. Student completes the Student Information section of the petition and submits it to a Counselor for Verification of Eligibility:

1. Currently enrolled at the college in the semester in which the exam is to be taken
2. In good academic standing
3. Has less than 15 units earned through Credit by Examination
4. Not currently enrolled in the course to be challenged through Credit by Examination
5. Grade Basis selected (as appropriate to the course)

C. Once the Verification of Eligibility has been completed, the student picks up the Petition from the Counselor.

D. Student meets with the department chair of the discipline to receive approval for the petition. If approved, a full-time instructor is assigned to administer the examination and the student makes arrangements to take the examination.

E. Student takes approved petition to the Cashier's Office (Bursar's Office) for payment of fees and receipt. Fees are non-refundable regardless of the outcome of the exam. BOGW cannot be used for payment of Credit by Examination fees. Fees must be paid after department approval is granted and before the examination is administered.

F. Student submits approved petition to the instructor administering the examination. The instructor will record the date of the exam and the grade received, attach the examination materials, and forward the completed petition to the department chair.

G. The department chair will review and sign the petition, and forward it to the Office of Instruction. Completed examination materials must remain on file in the Office of Instruction for three years.

H. The Office of Instruction will assign a class number for the examination and forward the petition to the Office of Admissions and Records to be processed.

I. The Office of Admissions and Records will post the course and assigned grade to the student's academic record (transcript). The petition will be retained in the Office of Admissions and Records.

Reference:
Title 5 Section 55050

Approved by the Chancellor:
BOARD POLICY 5030 STUDENT FEES

The Board authorizes the following fees. All fees must comply with Education Code and Title 5 regulations. The Chancellor is responsible for establishing regulations in an Administrative Procedure for the collection, deposit, waiver, refund, and accounting for fees as required by law. The regulations shall also ensure those who are exempt from, or for whom the fee is waived, are properly enrolled and accounted for. The Administrative Procedures shall also delineate the effect non-payment of fees shall have on continued enrollment. Fee amounts shall be published in the college catalogs or class schedules (Schedule of Classes).

- AC Transit EasyPass
- Campus Center Use
- Capital Outlay
- Enrollment
- Health
- International Application Fee
- Non Resident Tuition
- Refund Processing Fee
- Parking Fee
- Other Fees as allowable by Law

Reference:
Education Code Sections 76060.5, 76142, 76223, 76300, 76355, 76380, 76361, 76365, 76370, 76375, 76395
California Code of Regulations Title 5 Section 58508, 59400
Administrative Procedure 5030

New Policy
ADMINISTRATIVE PROCEDURE 5030 STUDENT FEES

I. AC Transit EasyPass
   A. In accordance with California Education Code Section 76361, the Peralta Community College District may establish a transportation fee if the majority of the students vote that all students will pay.
   B. Proposition A, which was passed in the May 2009 student elections, requires all full time Peralta students carrying nine or more units to pay an AC Transit EasyPass bus pass fee, thereby making them eligible to receive an AC Transit EasyPass bus pass. The AC Transit EasyPass allows students to ride all AC Transit bus lines, including local and Transbay services, for the semester.
   C. The fee schedule is as follows:
      i. Fall 2009-Spring 2012: $62 per student annually ($31 per semester)
      ii. Fall 2012-Spring 2015: $72 per student annually ($36 per semester)
      iii. Fall 2015-Spring 2016: $82 per student annually ($41 per semester)
   D. Students exempt from the AC Transit Easy Pass include:
      i. Contract education students enrolled in non-apportionment courses
   E. This fee is refundable if the student drops below 9 units on or before the last day to drop regular session credit classes.

II. Campus Center Use
   A. In accordance with California Education Code Section 76375, the Peralta Community College District may establish a Campus Center use fee to students for the purpose of operating a student body center.
   B. The current fee is $2 per semester per campus.
   C. In accordance with Title 5, section 58510, the fee is subject to change only after a favorable vote of two-thirds of the students voting in a student election.
   D. Students exempt from the Campus Center Use fee include:
      i. Student enrolled in non-credit courses
      ii. Recipients of Temporary Assistance to Needy Families (TANF), SSI/GSP, or general assistance.
      iii. Contract education students enrolled in non-apportionment courses
   E. This fee is refundable if the student drops all units on or before the last day to drop regular session credit classes.

III. Capital Outlay
   A. In accordance with California Education Code Section 76141, the Peralta Community College District may establish a Capital Outlay fee to nonresident students who are both citizens and residents of a foreign country.
   B. The current fee is $6 per unit, not to exceed $144 in an academic year.
   C. This fee is refundable if the student drops all units on or before the last day to drop regular session credit classes.

IV. Enrollment
   A. In accordance with California Education Code Section 76300, students enrolling at the Peralta Community College District will be charged an enrollment fee as established periodically by the State of California.
   B. The current fee is $36 per unit. The fee is subject to change by the state legislature and applies to credit courses only.
   C. Students exempt from the Enrollment fee include:
      i. Students who meet the criteria for the Board of Governor’s Fee Waiver
      ii. Special Part Time High School students enrolled in 11 units or less
      iii. Student enrolled in an approved apprenticeship program
      iv. Contract education students enrolled in non-apportionment courses
   D. This fee is refundable if the student drops on or before the last day to drop regular session credit classes.
V. Health Fee
   A. In accordance with California Education Code Section 70955, the Peralta Community College District may establish a student health fee.
   B. The current fee is $18 per Fall and Spring semester and $15 per Summer semester. The fee is subject to increase by the same percentage increase as the implicit Price Deflator for State and Local Government Purchase of Goods and Services. Whenever the calculation produces an increase of $1 above the existing fee, the fee may be increased by $1.
   C. Students exempt from the health fee include:
      i. Students who depend exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization (documentation required)
      ii. Students who are attending college under an approved apprenticeship training program
      iii. Contract education students enrolled in non-appointment courses
   D. This fee is refundable if the student drops all units on or before the last day to drop regular session credit classes

VI. International Application Fee
   A. In accordance with California Education Code Section 76142, the Peralta Community College District may establish an International Application Fee
   B. The application fee is due and payable with submission of an application for admission into one of the Peralta Community College District's Colleges by an international applicant.
   C. This fee is non-refundable

VII. Non Resident Tuition (Out of State and/or International)
   A. In accordance with California Education Code Section 76140, the Peralta Community College District is required to charge Non Resident Tuition to students classified as a non-residents.
   B. Non Resident Tuition will be set by the Board of Trustees no later than February 1 for the succeeding fiscal year. The fee will be calculated by a formula in accordance with the Education Code and follow the guidelines of the California Community College Budget and Accounting Manual in determining the District's full expense of education. The nonresident tuition fee thus established will be published in the College catalog and Schedule of Classes.
   C. The current fee is $190 per unit. The fee is subject to change by the state legislature and applies to credit courses
   D. Students exempt from Non Resident Tuition include:
      i. California State Residents
      ii. Students taking noncredit courses
      iii. Students who are members of the armed forces of the United States stationed in this state on active duty
      iv. A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces.
      v. Students enrolled in an approved apprenticeship program
      vi. Students who attended high school in California for three or more years and graduated from a California high school or attained the equivalent thereof.
      vii. Contract education students enrolled in non-appointment courses
   E. This fee is refundable if the student drops on or before the last day to drop regular session credit classes.

VIII. Parking Fee
   A. In accordance with California Education Code Section 76360, Peralta Community College District may establish a Parking fee
   B. The fee schedule is as follows:
      i. $2 per day (exact change only), student decal for enrolled/registered students is required
      ii. $40 permit per Fall and Spring semester for students enrolled in less than 9 units
iii. $25 permit per Fall and Spring semester for students enrolled in 9 units or more
iv. $20 permit per Fall and Spring semester for low-income students.
   1. A low income student is defined as a person who demonstrate(s) financial
   need under federal standards or income standards established by the Board
   of Governors and students receiving benefits under the Temporary
   Assistance to Needy Families Program (formerly Aid to Families with
   Dependent Children), the Supplemental Security Income/State Supplemental
   Payment Program or a general assistance program. Students with BOG
   waivers are considered low income students.

v. $20 permit per Summer semester for all students
vi. $10 permit per Fall and Spring semester for students with motorcycles
vii. $5 for permit per Summer semester for students with motorcycles

IX. Refund Processing Fee
   A. In accordance with Section 58508 of title 5 of the California Code of Regulations, the Peralta
   Community College District may retain a maximum $10 from enrollment fees as a refund
   processing fee

X. Other Fees as allowable by Law

Reference:
    Title 5 Section 55007

Approved by the Chancellor:
Board Policy 5140 Disabled Student Programs and Services

The each of the four Peralta Colleges, Berkeley City College, College of Alameda, Laney College, and Merritt College, are to maintain Disabled Student Programs and Services to promote the academic success and personal enrichment of students with diverse needs by facilitating equal access to educational opportunities in an integrated college setting, encouraging the interaction and full participation of all students with disabilities, and recognizing the importance of self-advocacy and independence in such students’ pursuit of their academic careers.

References:
Education Code Sections 67302, 67310 and 84850;
Title 5 Sections 56000 et seq.
42 U.S.C. Section 12101, 34 CFR Sections 104.3 and 104.44; 36 CFR 11135
AP 5140

Replaces:
BOARD POLICY 6330 PURCHASING

The Chancellor is delegated the authority to purchase supplies, materials, apparatus, equipment and services as necessary for the efficient operation of the District. No such purchase shall exceed the amounts specified by Section 20651 of the California Public Contract Code as amended from time to time.

All such transactions shall be reviewed by the Board every 60 days.

Reference:
Education Code 81356
Public Contract Code 20650

Replaces:
Board Policies 6.30 and 6.31 adopted May 7, 1985 and last revised January 15, 2008
PURCHASING

GENERAL PURCHASING

A. Authority to Purchase

The authority to contract for goods and/or services is vested in the Board of Trustees. Authority to purchase supplies, materials, apparatus, equipment and services is annually delegated by Board action to designated District officers. The purchase of goods and services shall be made through the Purchasing Department following authorized procedures in accordance with established policies and laws. Any purchase made by an employee without proper authorization will be considered an obligation and liability of the employee and not the Peralta Community College District.

B. Conflict of Interest

The District shall not purchase goods or services from any vendor or source in which a requisitioned or an authorized purchasing agent or a member of the Board has any proprietary interest. Any proposed exception must be reviewed by the Vice Chancellor of Finance and Administration and approved by the Board. Employees and Board members are prohibited from accepting gratuities, in any form, the value of which could compromise their objectivity in selecting vendors or awarding purchase contracts.

C. General Purchasing Information

1. Except for small purchases from petty cash, all purchases or commitments to buy are made through the use of a purchase order. Purchase orders will be issued by the Purchasing Department only upon receipt of a properly authorized purchase requisition.
2. Specifications

Departments may submit their own specifications for supplies and/or equipment; however, the Purchasing Department has the authority to question need, quantity, quality, and materials requested and to make recommendations where the general health and welfare or economy is in question. The Purchasing Department will provide assistance in the development of specifications as requested.

3. Selection of Vendor

The Purchasing Department will accept recommendations from the requesting department for potential vendors. Final vendor designation will be made by the Purchasing Department.

4. Price Quotations

Purchases of less than $10,000 - Only one (1) quotation is required for purchases under $10,000.00; however, if the purchase is over $2,500.00 the quote must be in writing. Such items may be purchased from any vendor offering the required goods or services at a reasonable price. Examples of reasonable price are: items purchased based on vendor’s catalog prices, or based on a comparison of vendor’s price lists; or items purchased based on historical price data, or based on prior bid solicitations.

The solicitor of the quotation (or the Business Office) must forward the quotation along with an approved Purchase Requisition to the District Purchasing Office for issuance of a Purchase Order.
Purchases between $10,000.01 and $78,900 (or as adjusted annually by Price Deflation Index) - Informal competitive bidding is required. Informal competitive bidding requires that the department obtain three (3) written bids/price quotations specifically describing the goods and their prices. The bids/price quotations may be obtained either on a Quotation Request Form or on the vendor's letterhead stationery. In either case, the bid must be written in ink and signed by an authorized representative of the vendor.

The bids/price quotations must be summarized on a bid recapitulation (Recap) sheet. The solicitor of bids must sign the Recap sheet, generate a requisition, and forward the bids and the Recap sheet for approval by the Department Head/Business Office. Subsequently the Department Head/Business Office should forward the quotes, Recap sheet, and Requisition to the District Purchasing Office for the issuance of a Purchase Order.

5. Date of Delivery

Materials and services must be charged against and paid from appropriations within the fiscal year in which the material or service is actually received.

D. Purchase Requisitions

A purchase requisition is prepared by an individual or department to request the Purchasing Department to buy specific items. The requested information on the requisition provides guidance to the Purchasing Department as to the requester's preferences regarding vendor, specifications, etc.

E. Purchase Order

After a purchase requisition has been reviewed and approved, a purchase order is prepared which authorizes the vendor to deliver the supplies/equipment or provide the service requested. No vendor has authority to provide materials or services until a purchase order has been processed.

F. Emergencies
In the event of an emergency, authority to purchase may be obtained from the Purchasing Department and a purchase order can be issued by telephone. Such approval must be obtained from the Purchasing Department in advance of the purchase.

**BID REQUIREMENTS AND PROCEDURES**

**A. Bid Requirements**

Any purchase over $15,000 for public works projects (construction services), or $81,000 for equipment or supplies must go through the formal bid process. Public works projects includes but is not limited to construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any District owned or operated facility. The Board of Governors of the California Community Colleges shall annually adjust the dollar amount required for bid to reflect the percentage change in the annual average of the Implicit Price Deflator for State and Local Government Purchase of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the prior fiscal year (Public Contract Code 20651). The annual adjustments shall be rounded to the nearest one hundred dollars ($100). The Purchasing Department may require formal bids for items regardless of the cost if it determines that such bids would be in the best interest of the District. All vendors involved in a bid process shall be notified that Board action is required before materials are delivered or a project can begin.

**B. Approval**

All purchases requiring bid procedures require an "award of bid" by the Board. All vendors involved in a bid process shall be notified that Board action is required before materials are delivered or a project can begin.

**C. Purchase and Contract Specifications**
Bid documents or requests for price quotations must contain specifications and/or drawings, if appropriate, which standardize the purchase and provide a basis for selection of a vendor. The Purchasing Department can advise on the level of specificity required based on the nature of the purchase. In general, specifications should be generic in nature and not specify a particular brand, manufacturer or vendor. It may be necessary to involve a consultant in the development and/or review of specifications. Some specifications may require legal review. Development of specifications may require several weeks or months.

D. Energy Efficiency Specifications

Vendors must provide equipment and appliances that earn the ENERGY STAR and meet ENERGY STAR specifications for energy efficiency where ratings exist. Complete product specifications and updated lists of qualifying products may be found at www.energystar.gov.

E. Bid Documents

Bid documents are prepared by the Purchasing Director in consultation with the individual initiating the request. Bid documents contain a variety of standard provisions required by law and are supplemented by specifications and special requirements. Bid documents are made available to vendors through the Purchasing Department.

F. Advertisement for Bids

Advertisements for bids are prepared by the Purchasing Director to meet the legal bidding requirements. Ads are placed in newspapers and through other sources that are designed to reach the appropriate vendors. Ads must appear twice, once a week for two consecutive weeks. Vendors are usually allowed three to four weeks to prepare their bids.

G. Bid Opening
A time and place of bid opening is stated in the bid document and the bid advertisement. Bids are accepted in the Purchasing Department up to the exact time of the bid opening. Bids received before the opening are kept unopened until the designated time. A public bid opening is held during which all bids are opened and read aloud. Bids are a matter of public record and the results are available in the Purchasing Department after the bid opening. Bids are considered to be "responsive" if they meet the specifications as published. The services of an outside consultant may be required to evaluate responsiveness. Reference checks may be applied to any and all bids that are responsive and competitive. A summary of the prices quoted is prepared for the Board.

H. Bid Bonds/Guarantees

Bid bonds or other bid guarantees may be required of all bidders and are kept on file until the Board awards a contract. Bonds/guarantees are returned to all bidders after the award of bid.

I. Award of Bid

A summary of the bids is prepared for the Board. Results of reference checks are evaluated and a recommendation is made to the Board for award of bid. The award does not automatically go to the lowest bidder and only the Board can award a bid. As a general rule the bid is awarded to the lowest bidder unless reference information or other mitigating circumstances suggest an alternate choice. Contracts are not signed until after the bid award and no bidder should move to deliver supplies or equipment or start of project until after the Board takes action. The Board has the right to reject all bids or waive any irregularities. If that occurs, bidders will be notified in writing.

J. Separation of Projects

It is not permissible and unlawful to split or separate into smaller projects any project for the purpose of evading the competitive bidding provisions of this Administrative Policy.
H. Amendments

1. Any changes to the bid document prior to the award of bid must be provided to all prospective bidders in writing prior to the bid opening. If the change will require substantial time for bidders to reconfigure their quotes, the bid opening may have to be extended.

2. Any change to specifications or terms and conditions of the bid after the opening will require a change notice approved by the Board.

PROFESSIONAL SERVICES

Professional services are defined as persons or entities furnishing to the District special services or advice in financial, economic, accounting, engineering, legal, or administrative matters.

“PIGGYBACK” PURCHASES FROM OTHER PUBLIC AGENCIES

The District may purchase materials and equipment from contracts obtained from bids of other districts or public agencies.
BOARD POLICY 6340 CONTRACTS

The Board delegates to the Chancellor the authority to enter into contracts on behalf of the District and to establish administrative procedures for contract awards and management, subject to the following:

- Contracts are not enforceable obligations until they are ratified by the Board.
- Contracts for work to be done, services to be performed or for goods, equipment or supplies to be furnished or sold to the District that exceed the amounts specified in Public Contract Code Section 20651 shall require prior approval by the Board.
- When bids are required according to Public Contract Code Section 20651, the Board shall award each such contract to the lowest responsible bidder who meets the specifications published by the District and who shall give such security as the Board requires, or reject all bids.
- Contracts in excess of $25,000 require prior approval of the Board of Trustees.

If the Chancellor concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contract Code Section 20651.5, pre-qualification may be conducted in accordance with procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements.

If the best interests of the District will be served by a contract, lease, requisition or purchase order though any other public corporation or agency in accordance with Public Contract Code Section 20652, the Chancellor is authorized to proceed with a contract.

Reference:
- Education Codes 81841 et seq.
- Public Contract Code Sections 20650 et seq.
- Administrative Procedures 6340 and 6350

Replaces:
- Board Policies 6.82, 6.84, 6.85, 6.88, 6.90 & 6.91 first adopted December 1, 1988 and last revised March 18, 2010
ADMINISTRATIVE PROCEDURE 6340 CONTRACTS

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

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

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

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

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

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

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

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

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

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

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

III. District Business Processes and Contract Types

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

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

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

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

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

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

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

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

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

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

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

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

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

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

   b. **Public Works Bonds:** Material and Labor Performance Bonds shall be issued for not less than one hundred percent (100%) of the contract price by a surety or sureties satisfactory to the District and in a form prescribed by the District in which expenditures exceed $25,000.
<table>
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<th>Table AR-6340A: Contract Types and District Business Processes</th>
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<tr>
<td><strong>Object Codes</strong></td>
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| Continuing Price Supplies and Materials | 4000-4999 | • Requisition  
• Signed Contract  
• Board Ratification<sup>2</sup> | • Requisition  
• "Piggyback" State or County Contracts  
• Board Pre-Approval | • Requisition  
• "Piggyback" State or County Contracts  
• Board Pre-Approval |
| Lease and Rentals (Lease Purchase) | 5610-5629 | • Requisition  
• "Blanket" Purchase Order  
• Signed Contract  
• Board Ratification<sup>2</sup> | • Requisition  
• Request for Proposals (RFP)  
• Board Pre-Approval<sup>2</sup>  
• Signed Contract | • Requisition  
• Advertisement for Request for Proposals (RFP)  
• Board Pre-Approval<sup>2</sup>  
• Signed Contract |
| Repairs / Maintenance | 5630-5699 | • Requisition  
• Facilities Order  
• Board Ratification<sup>2</sup> | • Requisition  
• Bid Process  
• Board Pre-Approval<sup>2</sup>  
• Signed Contract | • Requisition  
• Advertised Bid Process  
• Board Pre-Approval<sup>2</sup>  
• Signed Contract |
| Personnel Services | 5130-5133 | • Requisition  
• Independent Contractor/Consultant Services Signed Contract  
• Board Ratification<sup>2</sup>  
• OK up to $25000 | • Requisition  
• Request for Proposals (RFP)  
• Contractor’s Statement of Qualifications  
• Board Pre-Approval<sup>2</sup>  
• Signed Contract | • Requisition  
• Advertised Request for Proposals (RFP)  
• Contractor’s Statement of Qualifications  
• Board Pre-Approval<sup>2</sup>  
• Signed Contract |
| Construction and/or Improvement of Buildings and/or Grounds (Public Works) | 6100-6399 | • Requisition  
• Facilities Order  
• Board Ratification<sup>2</sup> | • Requisition  
• Advertised Bid Process  
• Board Pre-Approval<sup>2</sup>  
• Signed Contract | • Requisition  
• Advertised Bid Process  
• Board Pre-Approval<sup>2</sup>  
• Signed Contract |
| Income Generating | 8000-8999 | • Award letter or Facilities Use Application  
• Board Ratification<sup>2</sup> | • Award letter or Facilities Use Application  
• Board Pre-Approval<sup>2</sup> | • Award letter or Facilities Use Application  
• Board Pre-Approval<sup>2</sup> |

<sup>1</sup> Board of Governors (BOG) limit as of January 1, 2012 subject to change.

<sup>2</sup> Copy of Board Minutes to be placed in purchasing/contract file subject to audit.
6. **Income Generating** contracts may be issued when the district provides services or when the district acts as lessor other than for civic center permit activities (see AP 8700). The district is authorized to lease, or lease with option to purchase, any land, buildings, or equipment it determines is not needed for district purposes. Such leases and leases with options to purchase to nonpublic agencies or individuals shall comply with the provisions of California Educational Code Sections 81450, 81452, 81453, 81454, and 81553.

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

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

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

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

D. The District cannot be legally bound to any contract unless and until that contract is authorized or ratified by the Board of Trustees. All routine transactions shall be reviewed by the governing board within ninety (90) days. All emergency contracts are required to be reported to the Board of Trustees at the earliest possible date and in all circumstances within thirty (30) days after issuance (Education Code 81655 and 81659).

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

F. “In the event of malfeasance in office, the community college district officer or employee invested by the governing board with the power to contract shall be personally liable for any and all moneys of the district paid out as a result of the malfeasance” (EC 81656).

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

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

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

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

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

4. **Non-Discrimination Certification:** Any contractor performing work or services for the District must certify that:
   a. There is no discrimination in the contractor’s hiring or employment practices because of sex, race, religious creed, color, ancestry, national origin, physical disability, mental disability, medical condition, marital status, or sexual orientation, except as provided for in Government Code Section 12940.
   b. All contractor’s must agree to comply with applicable federal and California anti-discrimination laws, including but not limited to the California Fair employment Housing Action beginning with California Government Code Section 12900.
   c. In addition, the contractor must agree to require compliance by all subcontractor’s employed on the work by him/her.

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

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

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

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

A. **Bid Threshold Limit:** The California Community College Board of Governors (BOG) establishes bid threshold limit as authorized by statute (Public Contract Code Sections 20111 and 20651). The threshold limit is adjusted annually (by calendar year) and impacts the following types of contracts:

1. Purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district.
2. Services, except construction services.
3. Repairs, including maintenance as defined in Public Contract Code 20115, that are not a public project as defined in Public Contract Code 2202.

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

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

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

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

F. **Distribution and Examination of Bid Documents:** The Vice Chancellor General Services:

1. Shall ensure Bid forms along with applicable sets of specifications and drawings are made available to prospective bidders.
2. Shall provide a convenient place for bidders, subcontractors, and material personnel use to examine specifications and drawings.
3. May require a deposit for sets of plans and specifications and may refund the deposit when the documents are returned.
4. May schedule a bidder's conference and/or job site walk through to clarify specifications.

G. **Receipt of Bids**

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

2. **Receipt of Bids over the Internet:** Bids may be submitted by way of electronic transmission.
H. **Responsive Bids**

1. An award shall be made to the lowest responsive bidder who meets District specifications and requirements in conformance with the law.

2. Failure to provide required documentation shall cause any bid to be deemed incomplete and/or nonresponsive.

I. **Rejection of Bids:** Any and all bids may be rejected by the District for good and sufficient reason. Such rejection shall be in writing.

J. **Contract Splitting:** California Public Contract Code 20657 prohibits splitting or separating “into smaller work orders or projects any work, project, service, or purchase” into smaller work orders, contract, or purchase for the purpose of avoiding competitive bidding. A project may, however, be split into several trade-oriented contracts in order to keep project costs low. In such instance, the competitive bidding requirement must be met by going to bid for each of the various trade categories.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reference:
Title 5 Section 55007

Approved by the Chancellor:
BOARD POLICY 6600 CAPITOL CONSTRUCTION

The Chancellor is responsible for planning and administrative management of the District's capital outlay and construction program.

District construction projects shall be supervised by the Vice Chancellor General Services. The Vice Chancellor General Services shall monitor the progress of all construction work including inspection of workmanship, completion of work to meet specifications, and the suitability of proposed changes to the scope and original design of the work. The Vice Chancellor General Services shall assure compliance with laws related to use of state funds to acquire and convert existing buildings.

The Board shall approve and submit to the Board of Governors a five year capital construction plan as required by law. The Chancellor shall annually update the plan and present it to the Board for approval. The plan shall address, but is not limited to, the criteria contained in law.

Reference:
Education Codes 81005 and 81820
Title V sections 57150 et seq.
Administrative Procedure 6600

Replaces:
Board Policies 6.80, 6.81, & 6.83 first adopted March 25, 2003 and last revised April 4, 2009
The Chancellor directs that the following regulations apply to Capital Construction Planning in the Peralta Community College District:

I. Capital Outlay Program. The Chancellor will annually report to the Board and to State Chancellor's Office a five year capital outlay program. The program will consist of the plans of the District concerning its future academic and student services programs as defined in the educational master plan, and the effects of such programs on construction needs defined in the facilities master plan. Specifically, the five year capital outlay program will include the following:

A. Statement of educational plans
B. Statement of energy plans
C. Statement of disabled persons' barrier removal plan
D. Location of program delivery
E. Location of district owned lands
F. District priority lists
G. District capacity/load ratios
H. Worksheet for computing Furniture, Fixture & Equipment (FF&E)
I. Space inventory

II. Construction Contracts. Construction contracts will be let in accordance with AP 6350 Contracts – Construction and will comply with applicable laws relating to public works.

Approved by the Chancellor:
BOARD POLICY 6740 CITIZENS' OVERSIGHT COMMITTEE

If a bond measure has been authorized pursuant to the conditions of Proposition 39 as defined in the California Constitution, the Chancellor shall establish a Citizens' Oversight Committee in accordance with the applicable law and necessary regulations.

Reference:
- Education Code Sections 15278, 15280, 15282
- California Constitution Article XIII A Section 1(b), Article XVI Section 18 (b)
- Administrative Procedure 6740

New Policy
ADMINISTRATIVE PROCEDURE 6740 CITIZENS' OVERSIGHT COMMITTEE

The Chancellors directs that the following regulations apply to the Citizens' Oversight Committee at the Peralta Community College District:

I. Membership. The committee shall consist of at least seven (7) members to serve for a term of two (2) years and for no more than two (2) consecutive terms. Members shall serve without compensation. The committee shall be comprised of at least:

A. One member active in a business organization representing the business community located within the district;

B. One member who is a resident of the district and active in a senior citizen's organization;

C. One member who is a resident of the district and active in a bona fide taxpayer's organization;

D. One member enrolled as a student and active in a campus group. The student may serve up to one (1) year after his or her status as a student ends;

E. One member active in an organization supporting the district such as the foundation.

F. Two members who are residents of the district representing Community-at-Large

II. Membership exclusion. No employee, official, contractor, consultant, or vendor of Peralta Community College District shall be appointed to, or serve on, the committee. No Peralta district elected official shall be appointed to, or serve on, the committee.

III. Purpose. The Citizens Oversight Committee shall inform the public concerning the expenditure of bond revenues including the following:

A. An annual report of the committee shall advise the public as to whether the district is in compliance with the California Constitution Article XIII A requirement that all funds have been used for the construction, reconstruction, rehabilitation of facilities, including furnishing and equipping of facilities, or for the acquisition or lease of real property as authorized by the voters.

B. The committee shall ensure that no funds are used for any teacher or administrative salaries or other school operating expenses except if such administrators' dedicate ninety-nine percent (99%) of their duties to the Bond Revenue Capital and Construction Management Program, as recommended by the Chancellor and approved by the governing Board of Trustees. Such administrators' in-house duties may be utilized to reduce the cost of program administration, which is intended to benefit the taxpayers.

C. In furtherance of its purpose the committee may engage in any of the following activities:

1. Receiving and reviewing copies of the annual, independent performance audit.
2. Receiving and reviewing copies of the annual, independent financial audit.
3. Inspecting facilities and grounds to ensure that bond revenues are expended for the construction, reconstruction, rehabilitation of facilities, including furnishing and equipping of facilities, or for the acquisition or lease of real property as authorized by the voters.
4. Receiving and reviewing copies of deferred maintenance proposals or plans.
5. Reviewing efforts by the district to maximize bond revenues by implementing cost-saving measures, including, but not limited to the following:
   a. Mechanisms designed to reduce the costs of professional fees.
   b. Mechanisms designed to reduce the costs of site preparation.
   c. Recommendations regarding the joint use of core facilities.
d. Mechanisms designed to reduce costs by incorporating efficiencies in design.

   e. Recommendations regarding the use of cost-effective and efficient reusable facility plans.

IV. Meetings, Minutes and Records.

A. All meetings of the Citizens Oversight Committee shall be open to the public as specified in the Ralph M. Brown Act.

B. If the committee does not adopt an annual calendar of meetings, it shall adopt a schedule of meetings at least once every six months for the following six-month period.

C. A quorum of the committee shall consist of any four members plus the Chancellor or the Vice Chancellor of General Services.

D. Minutes of the proceedings of the committee, all documents received by the committee and all reports issued by the committee are public records which, to the extent the Chancellor or the Vice Chancellor of General Services deems feasible, will be made available on a website maintained by the District.

Approved by the Chancellor:
BOARD POLICY 7100 COMMITMENT TO DIVERSITY

The District is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success. The Board recognizes that diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students. The Board is committed to hiring and staff development processes that support the goals of equal opportunity and diversity, and provide equal consideration for all qualified candidates.

Reference:
- Education Code Sections 87100 et seq.
- Title 5 Sections 53000 et seq.
- Administrative Procedure 3700

New Policy