For review and action at the December 14, 2012 Planning and Budgeting Council meeting:

BP 2510 Participation in Local Decision Making

AP 2511 Role of Academic Senates in District and College Governance

BP & AP 3540 Sexual and Other Assaults on Campus

BP & AP 3600 Auxiliary Organizations

BP 3720 Information Technology Use

BP & AP 3810 Liability Claims against the District

BP & AP 3820 Gifts

BP & AP 3910 Environmental Sustainability

BP & AP 4210 Student Learning Outcomes

BP 5020 Non-Resident Tuition

AP 5035 Withholding of Student Records

AP 5140 Disabled Students Programs and Services

BP & AP 5400 Associated Students Organization

BP & AP 5410 Associated Students Elections

AP 5420 Associated Student Finance

BP & AP 6100 Delegation of Authority for Business

BP & AP 6150 Designation of Authorized Signatures

BP & AP 6550 Disposal of Property

BP 6750 Parking

AP 7123 Hiring Procedures for Regular Academic Administrators and Classified Managers

AP 7211 Minimum Qualifications and Equivalencies

BP 7240 Confidential Employees

BP 7250 Academic Administrators

BP 7260 Classified Managers

BP 7280 Volunteers
BP 7310 Nepotism
BP 7330 Communicable Disease
BP 7335 Health Examinations
BP 7340 Leaves
BP 7350 Resignations
BP 7360 Discipline and Dismissal -- Academic Employees
BP 7365 Discipline and Dismissal -- Classified Employees
BP 7370 Political Activity
BP 7380 Ethics, Civility and Mutual Respect
BP 7381 Cash In-Lieu of a Paid Medical Benefits Option
AP 7340 Vacation
AP 7341 Personal Illness or Accident Leave
AP 7342 Leave for Illness of Family Member
AP 7343 Bereavement
AP 7344 Leave for Required Court Appearance
AP 7345 Leaves of Absence without Pay
AP 7346 Occupational Disability Leave
AP 7347 Sabbatical Leave
AP 7349 Catastrophic Leave
AP 7380 Ethics, Civility, and Mutual Respect
BOARD POLICY 2510 PARTICIPATION IN LOCAL DECISION MAKING

The Board is the ultimate decision-maker in those areas assigned to it by state and federal laws and regulations. In executing that responsibility, the Board is committed to its obligation to ensure that appropriate members of the District participate in developing recommended policies for Board action and administrative procedures for Chancellor action under which the District is governed and administered.

Each of the following shall participate as required by law in the decision-making processes of the District:

Academic Senate(s) (Title 5 Sections 53200-53206)
The Board or its designees will consult collegially with the Academic Senate, as duly constituted with respect to academic and professional matters, as defined by law. Procedures to implement this section are developed collegially with the Academic Senate.

Staff (Title 5 Section 51023.5)
Staff shall be provided with opportunities to participate in the formulation and development of District policies and procedures that have a significant effect on staff. The opinions and recommendations of the staff will be given every reasonable consideration.

Students (Title 5 Section 51023.7)
The Associated Students shall be given an opportunity to participate effectively in the formulation and development of district policies and procedures that have a significant effect on students, as defined by law. The recommendations and positions of the Associated Students will be given every reasonable consideration. The selection of student representatives to serve on District committees or task forces shall be made after consultation with the Associated Students.

Except for unforeseeable emergency situations, the Board shall not take any action on matters subject to this policy until the appropriate constituent group or groups have been provided the opportunity to participate.

Nothing in this policy will be construed to interfere with the formation or administration of employee organizations or with the exercise of rights guaranteed under the Educational Employment Relations Act, Government Code Sections 3540 et seq.

References:
- Education Code Sections 70902(b)(7), 87360, 87458, 87610, 87663;
- Title 5 Sections 53200 et. seq. (Academic Senate), 51023.5 (Staff), and 51023.73 (Students);
- Accreditation Standard IV.A
- Administrative Procedure 2511

Replaces:
- Board Policy 2.23 Role of the Academic Senates in District and College Governance adopted June 24, 2010.
- Board Policy 2.25 Faculty Participation in College Governance adopted June 20, 1986
ADMINISTRATIVE PROCEDURE 2511 ROLE OF ACADEMIC SENATES IN DISTRICT AND COLLEGE GOVERNANCE

The Governing Board of the Peralta Community College District through its Chancellor affirms the recognition of the District Academic Senate (DAS) and the Academic Senates of Berkeley City College, the College of Alameda, Laney College, and Merritt College (College Academic Senates) under Title 5 of the California Administrative Code and as provided for in law (specifically AB 1725).

A. The District Academic Senate, representing the four College Academic Senates, is recognized to make recommendations to the District Chancellor, and to the Board of Trustees with respect to "academic and professional matters."

B. Each College Academic Senate shall be recognized to make recommendations with respect to "academic and professional matters" to their respective College President and the Management Team; and may consult collegially with the Board of Trustees about College matters. The administrative leadership of each college shall consult collegially on these and any other procedures established to carry out this policy.

C. The definition of "academic and professional matters" as stated in Title 5 regulations means the following policy development and implementation matters:

1. Curriculum, including establishing prerequisites and placing courses within disciplines
2. Degree and certificate requirements
3. Grading policies
4. Educational program development
5. Standards or policies regarding student preparation and success
6. District and college governance structures, as related to faculty roles
7. Faculty roles and involvement in accreditation processes, including self-study and annual reports
8. Policies for faculty professional development activities
9. Processes for program review
10. Processes for institutional planning and budget development
11. Other academic and professional matters as mutually agreed upon between the governing board and the academic senate (Title 5 553200)

D. The DAS may assume additional responsibilities and perform such functions as may be delegated to them in writing by the Board or designee pursuant to Title 5. Additional academic and professional matters may be added through formal resolution of the Board.

E. The Board, Chancellor, and College Presidents and their Management Teams shall "consult collegially" and "rely primarily" on the DAS and the College Academic Senates in the above cited "academic and professional matters" areas. The requirement to consult collegially shall not limit other rights and responsibilities of the DAS and the College Academic Senates which are specifically provided for in statute, regulations, or other Board policies.

F. The Board shall receive and consider advice from the DAS on the above cited "academic and professional matters" and the Board shall accept the DAS recommendation unless there are exceptional circumstances or compelling reasons not to. Should the Board not accept a DAS recommendation, the Board shall communicate promptly the reasons in writing (which may include Board minutes).

G. The DAS and/or College Academic Senates shall present a report to the Board at least at its first regularly scheduled monthly Board meeting and shall be extended an opportunity to meet with or appear before the Board with respect to their respective views, recommendations, and proposals.

H. As directed by the Board, the DAS President shall serve an active role and represent the DAS at all Board meetings and throughout the District's service areas as necessary.
I. Further, per California Education Code, the governing board will “consult collegially” by “relying primarily on the advice and judgment” of the District Academic Senate in the following areas:
1. Procedures for the waiver of minimum qualifications/ equivalency [§70902 (b) (7)];
2. Hiring criteria, policies, and procedures for hiring new faculty [§87360 (b)]; and
3. Process and procedures for administrative retreat rights [§87458 (a)].

J. The Peralta Federation of Teachers, prior to engaging in collective bargaining, will consult with the District Academic Senate in the following areas:
1. Tenure evaluation procedures [§87610.1 (a)];
2. Faculty evaluation procedures [§87663 (f)]; and
3. Faculty service areas [§87743.2].

K. Nothing in this administrative procedure shall be construed to neither impinge upon the due process rights of faculty, the negotiation rights of the faculty collective bargaining representative (the Peralta Federation of Teachers), nor detract from any negotiated agreements between the collective bargaining representative, and the Board.

L. In alignment with section “K” above, please refer to Board Policy 2510 which addresses participation in local decision-making (shared governance) for faculty, staff, and students.

Reference:
Title 5: California Administrative Code
California AB 1725
California Education Code §53200; 70902; 87360; 87458; 87610; 87663; 87743.

Renumbered: BP 2.23, Role of Academics Senates in District and College Governance; Board approved, October 10, 2011.
BOARD POLICY 3540 SEXUAL AND OTHER ASSAULTS ON CAMPUS

Any sexual assault or physical abuse, including, but not limited to rape as defined by California law, whether committed by an employee, student or member of the public, that occurs on District property, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

The Chancellor shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law.

Reference:
- Education Code 67382 and 67385;
- 20 U.S. Code Section 1092(f);
- 34 Code of Federal Regulations Section 668.46(b)(11)
- Administrative Procedure 3540

Replaces:
- Board Policy 2.45 Crime Awareness and Campus Security
ADMINISTRATIVE PROCEDURE 3540 SEXUAL AND OTHER ASSAULTS ON CAMPUS

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

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

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

D. These written procedures and protocols are designed to ensure victims of sexual assault receive treatment and information.

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

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

Approved by the Chancellor:
BOARD POLICY 3600 AUXILIARY ORGANIZATIONS

The Board may recognize and approve auxiliary organizations established for the purpose of either providing to the District supportive services, specialized programs and functions or to assist a community college district to receive gifts, property and funds to be used for the benefit of the district. Pursuant to this policy, the district has established two types of auxiliary organizations: Associated Student Organizations and the Peralta Community College District Foundation.

The Chancellor shall establish the administrative procedures necessary to fully comply with California law relating to auxiliary organizations, and to submit this policy and those procedures to the Chancellor for the California Community Colleges as required by law. At a minimum, the procedures shall address the subjects required by Title 5.

Recognition and establishment of auxiliary organizations shall include a public hearing on the recommendation to recognize or establish an auxiliary organization; Board approval of the auxiliary organization; and approval of a written agreement between the District and the auxiliary organization describing the services, programs or functions to be performed. All such written agreements shall comply fully with the requirements of Title 5 Section 59257.1.

Any auxiliary organization recognized by the Board shall conduct its business in accordance with the administrative procedures adopted by the Chancellor pursuant to this policy. Notwithstanding anything contained in the administrative procedures, any auxiliary organization recognized by the Board shall comply with Education Code provisions regarding:

- the composition of a board of directors and the way in which it conducts its meetings;
- conducting an annual audit;
- employing its work force;
- expending and appropriating its funds, and keeping its records.

No funds or resources, other than funds or resources derived from gifts or bequests, shall be transferred by the District to any of its auxiliary organizations for the purpose of either avoiding laws or regulations that constrain community college districts or providing the District with an unfair advantage with respect to any state funding mechanism. Such state funding mechanisms include, but are not limited to, general apportionment funding, capital outlay funding, Extended Opportunity Programs and Services funding, and funding for programs and services for disabled students.

Reference:
Education Code Sections 72870 et seq.;
Title 5 Sections 59250 et seq.
Administrative Procedure 3600

New Policy
Administrative Procedure 3600 Auxiliary Organizations

I. Definitions

A. Board of Directors. The term board of directors as used herein means the governing board of an auxiliary organization.

B. Board of Trustees. The term Board of Trustees as used herein means the Board of Trustees of the District.

C. Board of Governors. The term Board of Governors as used herein means the Board of Governors of the California Community Colleges.

D. Chancellor. The term Chancellor as used herein means the Chief Executive Officer of the Peralta Community College District or designee.

E. District. The term District as used herein means the Peralta Community College District.

F. Associated Student Body. The terms Associated Student Body, Associated Student Organization, Student Association, Student Organization, or ASB as used herein means an organization formed by any group of students of the District in accordance with the provisions of Education Code Section 76060. All clubs and organizations recognized by an Associated Student Body or Organization shall be included in any auxiliary organization established by the Student Body or Organization.

II. Recognition and Establishment of Auxiliary Organizations

A. The Chancellor shall submit a recommendation to the Board of Trustees to establish an auxiliary organization when the organization will serve the District. The recommendation includes, but is not limited to, the following:

1. The purpose(s) for which the auxiliary organization is to be established;

2. Whether the proposed auxiliary organization will primarily serve the District or a particular District;

3. The functions which the auxiliary organization is intended to perform;

4. The proposed bylaws and articles of incorporation for the auxiliary organization, including the size and composition of the board of directors; and

5. The proposed written agreement between the auxiliary organization and the District, as required in Title 5 Section 59259.

B. The process of recognition shall be as follows:

1. When the Chancellor receives a request to establish an auxiliary organization, the Chancellor shall submit a recommendation concerning the establishment of said organization to the Board of Trustees within three months.

2. The Board of Trustees shall hold a public hearing on each recommendation concerning the establishment of an auxiliary organization.

3. At a subsequent scheduled meeting after the public hearing, the board shall announce its decision concerning the establishment of the organization, and, if approved, authorize the
functions it may perform, identify the number and category or categories of the board of
directors and approve contractual arrangements.

4. At such time as the District recognizes an auxiliary organization, it shall submit to the state
Chancellor’s Office any written agreements with the auxiliary organization, as well as the
articles of incorporation, bylaws, or other governing instruments.

III. Recognized Services, Programs and Functions

A. Auxiliary organizations may be recognized and established by the Board of Trustees to perform
the following services, programs and functions:

1. Student association or organization activities;

2. Bookstores;

3. Food, vending and campus services;

4. Student union programs;

5. Facilities and equipment, including parking;

6. Loans, scholarships, grants-in-aid;

7. Workshops, conferences, institutes and federal and specially funded projects;

8. Alumni activities;

9. Supplementary health services;

10. Gifts, bequests, devises, endowments and trusts

11. Public relations programs.

B. No auxiliary organization shall be authorized by the Board of Trustees to engage in any other
function unless the Board of Governors amends Section 59259 of Title 5 by adding said function
to the list of approved functions of auxiliary organizations. This section shall not be construed to
prohibit an auxiliary organization from taking actions essential to satisfy the non-profit corporation
or tax laws of the State of California or the Federal tax laws.

C. Operations of commercial services on a campus shall be self-supporting when operated by an
auxiliary organization.

IV. Authority and Responsibility of Auxiliary Organizations

A. Participation in workshops, conferences, or institutes offered by auxiliary organizations shall not
be included in reports to the state for the purpose of receiving apportionment funding.

B. All services, programs and activities that may be undertaken by an auxiliary organization shall be
maintained for the general benefit of the educational program of the District. Upon Board of
Trustees approval, an auxiliary organization may assume any of the services, programs and
activities listed in these procedures in order:

1. To provide the fiscal means and the management procedures that allow the District to carry
on educationally related activities not normally funded by State apportionment;
2. To eliminate the undue difficulty that would otherwise arise under the usual governmental budgetary, purchasing and other fiscal controls except as expressly prohibited by the Education Code or Title 5, or the District's procedures;

3. To provide fiscal procedures and management systems that allow effective coordination of the auxiliary activities with the District in accordance with sound business practices.

V. Composition of Boards of Directors

A. The board of directors of each auxiliary organization shall have the following composition:

1. Student Associations or Organizations. The board of directors shall consist primarily of students. The Associated Student Body Advisor may attend and participate in meetings of the board of directors in order to advise on policy and to provide for the control and regulation required by Education Code Section 76060.

2. Other Auxiliary Organizations. Any other District approved auxiliary organization that is established pursuant to Section 72670 et seq. of the Education Code shall have a board of directors appointed in accordance with the organization's articles of incorporation or bylaws and consisting of voting membership from one or more of the following categories: administration, staff, members of the community, students.

B. The size of the board of directors of an auxiliary organization shall be at least large enough to accommodate the one or more categories from which board members are selected.

C. The board of directors shall have the advice and counsel of at least one attorney admitted to practice in California and at least one certified public accountant. Upon being notified of the certified public accountant selected by an auxiliary organization, the district shall forward the applicable auditing and reporting procedures to the selected certified public accountant.

VI. Conduct of Boards of Directors

A. No member of the board of directors of an auxiliary organization shall be financially interested in any contract or other transaction entered into by the board of which he/she is a member. Any contract or transaction entered into in violation of this section is void.

B. No contract or other transaction entered into by the board of directors of an auxiliary organization is void under the provisions of Education Code Section 72677; nor shall any member of such board be disqualified or deemed guilty of misconduct in office under such provisions, if pursuant to Education Code Section 72678 both of the following conditions are met:

1. The fact of such financial interest is disclosed or known to the board of directors and noted in the minutes, and the board thereafter authorizes, approves, or ratifies the contract or transaction in good faith by a vote sufficient for the purpose without counting the vote or votes of such financially interested member or members.

2. The contract or transaction is just and reasonable as to the auxiliary organization at the time it is authorized or approved.

C. The provisions of Education Code Section 72678 above shall not be applicable if any of the following conditions are met:

1. The contract or transaction is between an auxiliary organization and a member of the board of directors of that auxiliary organization.
2. The contract or transaction is between an auxiliary organization and a partnership or unincorporated association of which any member of the governing board of that auxiliary organization is a partner or in which he or she is the owner or holder, directly or indirectly, of a proprietorship interest.

3. The contract or transaction is between an auxiliary organization and a corporation in which any member of the board of directors of that auxiliary organization is the owner or holder, directly or indirectly, of five percent or more of the outstanding common stock.

4. A member of the board of directors of an auxiliary organization is interested in a contract or transaction within the meaning of Education Code Section 72677 and without first disclosing such interest to the governing board at a public meeting of the board, influences or attempts to influence another member or members of the board to enter into the contract or transaction.

D. It is unlawful for any person to utilize any information, not a matter of public record, which is received by the person by reason of his/her membership on the board of directors of an auxiliary organization, for personal pecuniary gain, regardless of whether he or she is or is not a member of the board at the time such gain is realized.

VII. Bylaws

A. The number of members of the board of directors, the categories from which members shall be selected and the method by which they shall be selected.

B. The size of the board of directors.

C. That at least one public business meeting will be held each quarter.

D. The time table for the preparation and adoption of its program and annual budget and the submission of both for review to the CEO.

E. That an attorney admitted to practice in this state and a licensed certified public accountant shall be selected to provide advice and counsel to the board of directors. Each shall have experience appropriate to the responsibility and shall have no financial interest in any contract or other transaction entered into by the board which he/she serves. Neither the attorney nor the certified public accountant needs to be a member of the board of directors.

F. The procedures for approving expenditures.

G. The procedures for accepting gifts, donations, bequests, trusts and specially funded grants and other income.

VIII. Master Agreement between the District and Auxiliary Organizations

A. In the recognition and establishment of an auxiliary organization, there shall be a written agreement between the District and the auxiliary organization which sets forth the purposes of the auxiliary organization as permitted under this Regulation, and Title 5 Section 59259.

B. Should an auxiliary organization provide more than one service, program or function, such service, program or function may be authorized in one of more written contracts with the District. Such services, programs and functions thereby performed by an auxiliary organization may also be part of a joint powers agreement in accordance with Education Code Section 72671 and Government Code Sections 6500 et seq.
C. An auxiliary organization shall provide only those services, programs or functions authorized by a written agreement. No other service, program or function shall be permitted or performed unless a written agreement between the District and the auxiliary organization is amended to provide otherwise.

D. The agreement shall include, but is not limited to, the following provisions:

1. The services, programs, or functions the auxiliary organization is to manage, operate or administer.

2. A statement of the reasons for administration of the functions by the auxiliary organization instead of by the District under usual District procedures.

3. The areas of authority and responsibility of the auxiliary organization and the District or College.

4. The facilities and services to be made available by the District to permit the auxiliary organization to perform the services, programs or functions specified in the written agreement.

5. The charge or rental to be paid to the District by the auxiliary organization for the facilities used or services provided in connection with the performance of its function. The charge or rental specified shall be identified in sufficient time before it is incurred so that the organization may determine to what extent it is liable.

6. Full reimbursement to the District for services performed by the District or by District employees in support of the auxiliary organization. No more than 50% of the reimbursement may be made in the form of non-monetary benefits that the auxiliary organization provides to the District, such as increased community awareness or other such benefits that are agreed upon by authorized District officials and the auxiliary organization. The District shall assign a good-faith reimbursement value to such non-monetary benefits. Student body auxiliary organizations may be exempt from reimbursing all or any portion of the costs for such services. Methods of proration where services are performed by District employees for the organization shall be as mutually determined.

7. A mutually agreed upon method of determining in advance to what extent the organization shall be liable for indirect costs relating to specially funded programs (including federally sponsored programs).

8. The responsibility for maintenance and payment of operating expenses.

9. Proposed expenditures for public relations or other purposes which would serve to augment District appropriations for operation of the District. With respect to these expenditures, the auxiliary organization may expend funds in such amount and for such purposes as are approved by the board of directors of the auxiliary organization. The board of directors shall file with the Chancellor a statement of such policy on accumulation and use of public relations funds. The statement shall include the policy and procedure on solicitation of funds, source of funds, amounts, and purpose for which the funds will be used, allowable expenditures, and procedures of control.

10. The disposition to be made of net earnings derived from the operation of the auxiliary organization, including earnings derived from facilities owned or leased by the auxiliary organization, and provisions for reserves.

11. The disposition to be made of net assets and liabilities on dissolution of the auxiliary organization or cessation of the operations under the agreement.
12. The covenant of the auxiliary organization to maintain its organization and to operate in accordance with Sections 72670 through 72682 of the Education Code and with the regulations contained in Title 5, Sections 59250 et seq., as well as District Board Policy.

13. The understanding that the auxiliary organization shall obtain the services and counsel of an attorney admitted to practice in the State of California whenever the need arises.

14. The understanding that the auxiliary organization shall not enter into any contract or other business arrangement involving real property either by lease involving payments of more than $25,000 per annum and duration terms of more than one year, or by purchase without prior notification and consultation with the CEO.

IX. Personnel

A. Each auxiliary organization shall develop general regulations to govern its operations, including policies and regulations concerning the salaries, working conditions and benefits of its employees.

B. The aforesaid regulations shall not conflict with the implementing policies adopted by the Board of Trustees or with these procedures.

C. Except as otherwise provided in any board rules, the board of directors of each auxiliary organization shall, pursuant to Education Code Section 72672, provide salaries, working conditions and benefits for its full-time employees that are comparable to those provided District employees performing substantially similar services. For those full-time employees who perform services that are not substantially similar to the services performed by District employees, the salaries established shall be comparable to the salaries prevailing in other educational institutions in the area or commercial operations of like nature in the area.

D. Regular District employees may be employed by the auxiliary organization. District employees must resign or request a personal leave of absence from the District in order to accept employment with the auxiliary organization. District officers and employees who are required by the district's Conflict of Interest Disclosure Regulation (AR 2711) to file disclosure of financial information are responsible to determine whether or not they are eligible to accept employment with the auxiliary organization immediately upon resignation from the district.

E. Academic Administrators or other Management Employees may be granted a personal leave of absence for two semesters, which may be extended to a maximum of ten consecutive semesters.

F. Classified management employees may be granted a personal leave of absence for up to one year. This leave may not be extended beyond one year without the employee first having returned to active duty.

G. Academic (faculty) employees may be granted personal leave of absence for two semesters. The leave may be extended for not more than six consecutive semesters.

H. Classified employees may be granted a personal leave of absence for up to one year. This leave may not be extended beyond one year without the employee first having returned to active duty.

I. The board of directors of each auxiliary organization may provide retirement benefits different from those provided comparable District employees and may withhold retirement benefits or permanent status benefits or both from temporary employees. For the purposes of this Procedure, a temporary employee is:

1. An employee employed for a specific research project, workshop, institute or other special project funded by any grant, contract or gift; or
2. An employee whose contract of employment is for a fixed term not exceeding three years.

3. The board of directors of each auxiliary organization may withhold permanent status benefits from executive employees. For the purposes of this procedure, an executive employee is any management employee with responsibility for the development and execution of the auxiliary organization's policies and includes, but is not limited to, general managers, managers, directors and the like, as determined by the board of directors of each auxiliary organization.

J. Should retirement benefits be provided, they may but need not be provided by the Public Employees' Retirement System. Any newly created auxiliary organization is exempted from the requirement of providing retirement benefits for a period not to exceed three years from the date on which the Board of Trustees recognizes the establishment of such auxiliary organization.

K. An auxiliary organization may contract with the District for the services of a District employee and reimburse the District for that portion of the employee's full-time assignment (and corresponding benefits) that is spent in providing said services.

X. Accounting and Reporting for Auxiliary Organizations

A. The fiscal year of the auxiliary organization shall coincide with that of the District.

B. Each auxiliary organization shall develop an accounting system that is in accordance with generally accepted accounting principles.

C. The auxiliary organization shall implement financial practices that will assure its fiscal viability. Such standards shall include professional management, adequate working capital, adequate reserve funds for current operations, capital replacements, contingencies and adequate provisions for new business requirements.

D. Each auxiliary organization serving the District shall submit its programs and budgets for review at a time and in a manner specified by the Chancellor.

E. Funds derived from indirect cost payments shall only be appropriated with the specific approval of the Chancellor. All uses of such funds shall be regularly reported to the district governing board.

F. Should the Chancellor determine that any program or appropriation planned by an auxiliary organization is not consistent with District policy, the program or appropriation shall not be implemented. Further, should a program or appropriation which has received approval, upon review, be determined by the Chancellor to be operating outside the acceptable policy of the Board of Governors or the District, then that program or appropriation shall be discontinued by direction of the Chancellor until further review is accomplished and an appropriate adjustment is made.

XI. Records and Annual Report of Auxiliary Organizations

A. Personnel and payroll records shall be maintained as permanent records by each auxiliary organization.

B. Adequate records of all other transactions of an auxiliary organization shall be maintained for a minimum of five years. Transactions of the organization include, but are not limited to, purchases, disbursements and investments.

C. An annual report shall be submitted to the Board of directors of the auxiliary organization and to the Chancellor by September 15. The report shall include, but is not limited to:
1. All financial statements required to be filed with the state Chancellor's Office.


3. A description of major accomplishments of the organization.

4. A description of improvements proposed for operation of the organization.

XII. Annual Audit

A. Each auxiliary organization shall have an annual fiscal audit of any and all funds. The audit shall be performed by a certified public accountant in accordance with procedures prescribed by the Chancellor. Copies of the annual audit report shall be submitted to the Board of Trustees and to the state Chancellor's Office within 30 days after it is received by the auxiliary organization. Thereafter, it shall be a public record, except as otherwise provided by law. Such audits may be conducted as part of a fiscal audit of the District itself.

B. Auxiliary organizations shall annually publish an audited statement of their financial condition, which shall be disseminated as widely as feasible and be available to any person on request. A reasonable fee may be charged to cover the costs of providing a copy. An auxiliary organization shall comply with this requirement by:

1. Publishing the audited financial statement in a campus newspaper;

2. Publishing a notice in a campus newspaper indicating the on-campus location where copies of the financial statement may be obtained or reviewed;

3. Publishing or noticing the audited statement in a campus bulletin or other appropriate medium if a campus newspaper is unavailable.

XIII. Insurance

A. An auxiliary organization shall secure and maintain insurance adequate to protect its operations from catastrophic losses and as required by law, including but not limited to, the following:

1. Comprehensive liability.

2. Property and extended coverage, when applicable; All risks, money and securities; fidelity and performance bonds covering its chief fiscal officer; automotive liability when applicable;

3. Workers' compensation.

B. In any insurance policy secured by the auxiliary organization, the District shall be named as additional insured.

C. A copy of each policy or endorsement or insurance certificates setting forth the coverage and limits shall be provided to the District within 30 days from the receipt of the document.

D. In obtaining the insurance coverage, the auxiliary organization may secure the insurance directly through its own broker or through the District.

XIV. Auxiliary Organizations: Use of Facilities

Facilities may be made available by the District to an auxiliary organization to perform the functions specified in these regulations or in an agreement, under the following circumstances:
A. The auxiliary organization may occupy, operate and use such District facilities as are mutually identified as appropriate for the functions and/or activities that have been undertaken by the auxiliary organization.

B. The auxiliary organization shall pay to the District a charge or rental for the District facilities to be used by it in connection with the performance of its function or functions.

C. The charge or rental to be paid by the auxiliary organization shall not require involved methods of computation, and shall be identified by the District and the auxiliary organization in sufficient time before it is incurred so that the auxiliary organization may determine to what extent it shall be liable.

D. The charge or rental to be incurred by an auxiliary organization for use of District facilities in excess of five days shall be incorporated into the agreement between the parties.

E. An auxiliary organization shall provide full reimbursement to the District for any services performed by District employees under the direction of the auxiliary organization. Methods of proration where services are performed by District employees for the auxiliary organization shall be simple and equitable.

XV. List of Auxiliary Organizations in Good Standing

A. Each year, the Chancellor shall provide to the Board of Trustees a list of all auxiliary organizations in good standing. All auxiliary organizations which, after periodic review in the manner specified hereinafter in these regulations, are found to be in compliance with applicable laws, policies and regulations shall be included in the list.

B. When the Chancellor has reason to believe that a particular organization should be removed from the list of auxiliary organizations in good standing, a conference shall be held to determine whether such grounds for removal do in fact exist. The board of directors of such organization shall be entitled to participate in this conference, and shall have a minimum of one month notice to prepare response to the issues which have been raised.

C. Based upon such conference, the Chancellor shall decide whether the particular organization shall be removed from the list of auxiliary organizations in good standing.

D. An organization so removed shall not be permitted to do any of the following:
   1. Use the name of the District;
   2. Have as a director any official in the District acting in his/her official capacity;
   3. Operate a commercial service for the benefit of the District or any of its Colleges;
   4. Receive gifts, property or funds to be used for the benefit of the District or any of its Colleges.

E. If the auxiliary organization is dissolved or ceases operations upon removal from the list of organizations in good standing, its net assets and liabilities shall be distributed according to the terms of the written agreement between the organization and the District.

XVI. Limitation on Transfer of Funds to Auxiliary Organizations

No funds or resources, other than funds or resources derived from gifts or bequests, shall be transferred by the District to any of its auxiliary organizations for the purpose of either avoiding laws or regulations which constrain community college districts or providing the District with an unfair advantage with respect to the application of any state funding mechanism. Such state funding
mechanisms include, but are not limited to, general apportionment funding, capital outlay funding, Extended Opportunity Programs and Services funding, and funding for programs and services for disabled students.

XVII. Compliance Review by Chancellor

A. All auxiliary organization procedures and practices shall be reviewed to determine compliance with Education Code Sections 72670 et seq., and the policies, rules and regulations of the Board of Governors, and of the District. The Chancellor shall designate the individual to conduct this review, which shall be conducted at the end of the first complete fiscal year after its establishment and at least once every three years thereafter.

B. When the Chancellor's designee determines, after inspection and review, that certain auxiliary organization procedures and practices are not in compliance with policies, rules and regulations of the Board of Governors and the District, a recommendation concerning the items of noncompliance shall be communicated in writing to the Chancellor and to the board of directors of the auxiliary organization. The board of directors shall reply in writing within one month, either describing the actions which will be taken, including time table, to bring said procedures and practices into compliance; or describing the reasons why the board considers the procedures already to be in compliance.

C. If the Chancellor's designee considers the proposed corrective actions to be acceptable, the auxiliary organization shall be so informed. A second compliance review shall be held at the end of the time agreed to and the results communicated in writing to the Chancellor and to the board of directors.

D. When the auxiliary organization fails to provide an acceptable proposal for corrective actions or fails to implement successful corrective actions within the agreed upon time, the Chancellor shall inform the board of directors of such further action as he/she considers appropriate, which may include a recommendation to the Board of Trustees for termination of the contract.

XVIII. Revision of Rules and Procedures and Reports to the CCC System Office

A. Rules and procedures for the administration of auxiliary organizations may be revised as necessary by the Chancellor or designee. The board of directors of each auxiliary organization in good standing shall be promptly notified in writing of such revisions and be informed of the date by which any changes in the organization's procedures must be accomplished.

B. Any such revisions shall be submitted to the state System Office for approval.

C. The District shall report, as may be required from time to time, on the operation of its auxiliary organizations.

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 technology. 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
BOARD POLICY 3810 LIABILITY CLAIMS AGAINST THE DISTRICT

Any claims against the District for money or damages, which are not governed by any other statutes or regulations expressly relating thereto, shall be presented and acted upon in accordance with Title I, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code.

Claims must be presented according to this policy and related procedures as a prerequisite to filing suit against the District.

Claims that are subject to the requirements of this policy include, but are not limited to, the following:

- Claims by public entities: claims by the state or by a state department or agency or by another public entity.
- Claims for fees, wages and allowances: claims for fees, salaries or wages, mileage, or other expenses and allowances.

Reference:

Educational Code Section 72502
Government Code Sections 900 et seq. and 910
Administrative Procedure 3810

Replaces:

Board Policy 2.35 Claims for Money or Damages
ADMINISTRATIVE PROCEDURE 3810 LIABILITY CLAIMS AGAINST THE DISTRICT

A Liability Claim is a claim for damages filed by a third party (student or visitor) for bodily injury or property damages to the claimant resulting from the premises or operations of the Peralta Community College District and its Colleges.

A. Claimant Procedure

1. A claim relating to a cause for action for death or for injury to a person or to personal property must be presented no later than six months after the accrual of the cause of action.

2. The Form “Accident Reporting and Claim Form” available from the “Risk Management” webpage shall be submitted along with substantiating documentation to:

   Risk Management Office
   Peralta Community College District
   333 – East 8th Street, Oakland CA 94606

B. Employee Procedure

1. It is essential in claims management that claims be reported to Risk Management within 24 hours of the Colleges’ knowledge of an injury, regardless of the severity of the claim. There are many situations in which early intervention in handling a claim can significantly reduce the cost.

2. If the injury is the result of an identified hazard, please take photographs of the area and take immediate steps to correct or remove the hazard.

3. In the event that a serious incident occurs at the College, please contact the Office of Risk Management immediately. If the serious incident occurs after normal working hours, please contact Police Services and request that they contact the Risk Manager.

4. When dealing with the media or potential claimants, always remain calm and courteous. Do not admit liability or commit to payment of medical or damage expenses.

5. Never withhold or delay reporting a loss if all the information is not yet available. Complete a “Medical incident Report” to the best of your ability immediately after the incident occurs. Forward this form to the Office of Risk Management immediately.

6. If a claimant or claimant’s attorney calls the College directly or requests an “Accident Reporting and Claim Form”, always refer them to the Office of Risk Management.

Approved by the Chancellor:
BOARD POLICY 3820 GIFTS

The Board shall consider all gifts, donations and bequests made to the District. The Board reserves the right to refuse to accept any gift which does not contribute toward the goals of the District, or the ownership of which would have the potential to deplete resources of the District.

The District shall assume no responsibility for appraising the value of gifts made to the District.

Acceptance of a gift shall not be considered endorsement by the District of a product, enterprise or entity.

In no event shall the District accept a donation from any donor who engages in practices or policies which discriminate against any person on the basis of nationality, religion, age, gender, gender identity, gender expression, race or ethnicity, medical condition, genetic information, ancestry, sexual orientation, marital status, or physical or mental disability; or when the stated purposes of the donation are to facilitate such discrimination in providing educational opportunity.

Reference:
   Educational Code Section 72122
   Administrative Procedure 3820

Replaces:
   Board Policy 6.35 Donations
   Board Policy 6.37 Loan of Equipment
ADMINISTRATIVE PROCEDURE 3820 GIFTS

A. Cash donations to the District, a college, or a program shall be received by, and processed through, the "Peralta Colleges Foundation" for the benefit of the Peralta Community College District. The Foundation, through its normal procedures, shall accept and acknowledge the donations.

In the case of a cash donation the donor specifically designates to be given to a college, the college President shall accept and acknowledge the gift using the district foundation as the fiscal agent.

B. Donations of equipment or supplies may be accepted by the college or district, if it is deemed the items have value and are useful to a particular program or will serve a college or district need. Acknowledgement of donations shall be made in a letter to the donor.

1. College Presidents have the authority to accept and acknowledge donations of equipment or supplies made to a college with a fair market value of up to $1,000.

2. The Chancellor has the authority to accept donations of equipment and supplies, with a fair market value of up to $50,000, made to a college, the District as a whole, or to the District office. Donations shall be acknowledged by the Chancellor or his designee.

3. Donations with a fair market value of $50,000 or over require Board approval prior to acceptance. If approved by the Board, the donation shall be accepted and acknowledged by the Chancellor.

Approved by the Chancellor:
BOARD POLICY 3910 ENVIRONMENTAL SUSTAINABILITY

Environmental Sustainability is defined as meeting our needs today while ensuring that future generations can continue to meet their needs. Sustainability means long-term cultural, ecological and economic health and vitality. Environmental Sustainability is a process that maintains and enhances economic opportunity and community well-being for every segment of society while protecting and restoring the natural and social environment upon which people and economies depend. Sustainability so defined calls for actions which are ecologically sound, economically viable, and socially just and humane.

As a public institution, the District has an ethical and civic obligation to safeguard a critical public resource – the natural environment. The District also has a duty to establish physical environments and organizational practices that are conducive to student learning and the health, well-being, and effectiveness of all people within the District. The Peralta Colleges can have an impact on environmental sustainability and environmental justice by insuring that principles and core concepts of environmental sustainability are a driving force in our partnerships with the community-at-large and a key factor in every aspect of our operations and implementations.

The Chancellor shall issue an Administrative Procedure implementing this policy.

Reference:
Administrative Procedure 3910

Replaces:
Board Policy 2.40 Environmental Sustainability adopted September 16, 1980 and revised December 11, 2007
ADMINISTRATIVE PROCEDURE 3910 ENVIRONMENTAL SUSTAINABILITY

This purpose of this administrative procedure is to implement responsible environmental sustainability consistent with the District’s primary educational mission.

I. Community

Peralta is committed to playing a constructive and collaborative role in the life of the surrounding community, including poor and working class communities and communities with barriers. We shall maintain a positive and proactive role in communicating with the communities that we serve, regarding our environmental activities and performance, including an annual report on efforts made by the District prepared by the Vice Chancellor of General Services. By modeling good environmental practices, providing forums for the community, and helping to prepare the workforce for an environmentally sustainable economy, we shall partner with the community towards an ecologically sound future. With sustainability in mind, we shall also partner with the business community (especially green businesses and green economy industries) and with organized labor and local small businesses in the District’s service areas, to help insure that:

A. We are training workers for the coming wave of green jobs through our career technical education programs;

B. These jobs will provide good pay, good benefits, and healthful working conditions.

II. Operations

The Peralta Community College District shall integrate the values of sustainability, stewardship, and resource conservation in the way we interact with our physical environment. We shall make decisions to improve the long-term quality and regenerative capacity of the environmental, social, and economic systems that support the District’s activities and needs. We shall engage in pollution prevention activities and develop and promote practices that maximize beneficial effects and minimize harmful effects of operations and activities on the communities we serve.

Where possible, these efforts shall be carried out in a way that saves significant financial resources through energy and other resource conservation efforts and that also enhances our working and learning environments, thereby improving productivity on many levels.

To this end, the District will establish the following:

A. Maximum resource efficiency and materials conservation:

1. The Peralta Community College District is committed to maximizing energy efficiency throughout the District, but particularly in heating, cooling, lighting, information technology, mechanical, and water systems. It is the goal of the District to reduce dramatically our energy consumption for existing buildings and for all new buildings to exceed the State of California Building Code current Title 24 energy efficiency requirements with a goal of no less than 35%.

2. The District is committed to the goal of maximum use of renewable-energy sources and the reduction of energy-related greenhouse gas emissions. To this end, the District will create a plan to reduce its current greenhouse gas emissions caused by energy consumption by 50% within ten (10) years of the adoption of this procedure. Within one year of the adoption of this policy, the District shall establish a plan and a timetable to meet these goals.

3. The District is committed to the reduction of water consumption for all uses, including for irrigation and domestic purposes. The District shall carry out a water-use audit within 6 months of the
establishment of this procedure and within one year establish appropriate but aggressive water reduction goals and measures.

4. The District is committed to waste source reduction, the reduction of consumption and the re-use of materials and shall establish and implement appropriate procedures consistent with these commitments.

5. The District is committed to comprehensive recycling as a last resort (when reduction and re-use are not effective) and as a means to transform waste into a resource. A comprehensive recycling plan (including a community education component) for paper, cardboard, bottles and cans shall be funded and implemented within three (3) years of the adoption of this policy.

6. The District is committed to the elimination of solid waste— primarily through reduction of consumption and waste source reduction, secondarily through reuse, and finally through recycling. It is the goal of the District to reduce our solid waste output from current levels by 40% within five (5) years.

7. The District is committed to composting food waste and biodegradable bio-mass material and shall establish and implement appropriate procedures consistent with these commitments.

B. Sustainable design principles in land-use, transportation, landscape and building planning and maintenance.

1. All bond, facilities and instructional equipment expenditures shall comply with this procedure.

2. The Peralta Community College District is committed to sustainable landscaping and grounds design, construction and maintenance practices which promote integrated pest management and use of drought tolerant, fire safe, and native vegetation types and shall establish and implement appropriate procedures consistent with these commitments.

3. The District is committed to pedestrian travel, bicycle use, public transportation and otherwise minimum environmental impact modes of transportation and shall implement procedures and practices promoting such.

4. The District is committed to utilizing LEED (Leadership in Energy and Environmental Design) or equivalent certification criteria in all of its renovation over 10,000 square feet and in all new-building construction. All new building projects shall qualify for at least LEED NC Silver certification and shall strive for higher levels of certification, especially where overall long-term building operations, student learning, and worker productivity savings can be realized through doing so. All renovation projects over 10,000 square feet shall meet basic "LEED Existing Building" certification standards. The District will within one (1) year of the adoption of this policy create a plan to meet a minimum of LEED EB Basic certification for all existing buildings within the District within twelve (12) years, except those buildings primarily used for storage or other structures with minimal energy and environmental impacts. The District goal is to maintain the integrity of its buildings and its systems, in furtherance of reducing its energy use.

5. The District will maintain an environmentally friendly and healthful campus environment, including the maintenance of well-ventilated, chemical-free indoor airspaces that take into consideration and mitigate the adverse sensitivity experienced by students, employees and members of the community to chemicals, perfumes, colognes, soaps, and other artificial scents and strong odors. Procedures and practices consistent with this commitment shall be established dealing both with institutional practices (e.g., use of low and no VOC paints and low-toxicity cleaning supplies, establishing clear construction protocols with contractors, etc.) as well as the personal behavior of individuals (e.g., discouraging instructor or student use of strongly scented products, implementation and enforcement of no-smoking policies).
6. The District shall establish a system to promote environmental sustainability in our contracts and purchasing by including environmental sustainability as a criterion for the point evaluation of vendors and contractors doing business with Peralta and including environmental sustainability criteria in all of our RFP/bidding processes.

7. Operations and Facilities planning shall be tightly coordinated with Educational Master Planning in general and with sustainable educational programming in particular so as to maximize both apprenticeship and job training opportunities for our students as well as to maximize environmental sustainability teaching and learning opportunities in our educational programs.

C. Environmentally Responsible Procurement:

1. The Peralta Community College District recognizes that environmentally responsible purchasing will help create and sustain markets for environmentally sustainable products.

2. The District is committed to and encourages the procurement of products and services that have a lesser or reduced adverse effect on human health and the environment when compared to other products and services that serve the same purpose with comparable efficacy. The long-term goal of this policy is to purchase products with zero waste, high recycled content, produced and delivered in an environmentally sustainable manner, and which demonstrate, through lifecycle accounting, maximum durability or biodegradability, reparability, energy-efficiency, non-toxicity, and recyclability.

3. The District shall purchase remanufactured products such as toner cartridges, tires, furniture, equipment and automotive parts whenever practicable, but without reducing safety, quality or effectiveness.

4. To reduce its paper consumption, the District will continue moving toward electronic content sharing and management. Tools like tablet computers and commonly accessed networked document storage will be employed. All paper procured for use in the Peralta publications, promotional materials, copies, classroom and office reproduction shall have a minimum of 30% Post-Consumer Waste or of comparably sustainable alternative fiber sources. Bulk copy paper for black-and-white document reproduction (e.g., printing and photocopying) shall be of 100% Post-Consumer Waste content or of comparably sustainable alternative fiber sources. Further, all bulk copy paper purchases shall minimize environmentally harmful bleaching agents. Within one year of the adoption of this policy, the District shall have a plan to reduce or eliminate the use of petroleum-based inks in all contracted printing for Peralta.

5. Because the District does not have the resources independently to verify the environmental merits of many products purchases, the District will grant preference to products that are certified by independent, third-party environmental auditing and certification organizations (e.g., FSC certified lumber, Energy Star rated equipment and Green Seal approved chemicals).

6. The District is committed to making available locally sourced, organic and/or sustainably grown food to students, employees and community members in food-services establishments throughout the District.

7. Food services programs, caterers, vendors, departments and programs in the Peralta Community College District are:
   a. required to use compostable utensils and serving containers unless such are not available for the purposes for which they are required;
   b. prohibited from spending District funds to procure or use polystyrene food containers, plates, and cups or glasses unless required for emergency response purposes.

8. The District shall within one year of the adoption of this procedure develop and implement procedures consistent with these procedures relating to environmentally sustainable purchasing.
III. Implementation

A. Integration. The District shall develop relevant sustainability criteria for processes of budgeting, facilities and land use practices, and administrative staff reviews and promotion. Such criteria, when appropriate, shall be reflected in reports and materials prepared for Board consideration.

B. Budgeting. In designing implementing procedures for this policy, the District shall look comprehensively at the project of creating an ecologically sustainable environment rather than treating it as a series of piecemeal projects. The District shall without delay prioritize such sustainability projects that promise more large-impact financial and environmental benefits. The types of long- and short-term savings shall be reflected in the overall budget for each project. As a matter of policy, we are committed to reviewing the entire long-term program and dedicating a minimum of one-third (1/3) of the savings generated from long and short term cost efficiencies to pay for aspects of the program that either do not generate savings or require net expenditures by the District.

C. Participation. Consistent with the spirit of shared governance, the District recognizes that the highest quality environmental policy decisions are also the most participatory. Therefore, the District will encourage community, student, faculty, staff and administration participation in Sustainable Peralta with convenient meeting scheduling, course credit, staffing, stipends, and other incentives as can be funded.

D. Review. The District is committed to the assessment and review of the implementation of this policy and we will develop and track measures of our progress. The Chancellor, working in concert with affected stakeholders, shall establish appropriate working committees to develop and implement strategies to further District sustainability goals. These policies shall be reviewed and updated every three years after adoption.

E. Reporting. An annual report on the implementation of environmental programs shall be presented to the Board by the end of the first calendar quarter of each year by the Chancellor or his/her designee. This report shall include quantifiable measures of major sustainability goals including but not limited to electricity and gas use, water conservation, solid waste reduction and diversion, recycling implementation, LEED building and renovation certification, greenhouse gas reductions, environmentally preferred purchasing, community relations, and the provision of environmentally sustainable food services within the District.

Approved by the Chancellor.
BOARD POLICY 4210 STUDENT LEARNING OUTCOMES

The Peralta Community College District affirms that student learning outcomes represent the knowledge, skills, abilities, attitudes, values, and behaviors that a student has attained at the end (or as a result) of his or her engagement in a particular set of collegiate experiences. The use of learning outcomes assessment results stimulates discussion and directs activities that can improve instructional delivery, curricula, programs, and/or services and will be used in institutional planning and resource allocation.

The Chancellor shall issue an administrative procedure to address learning outcomes and the assessment of those outcomes.

References:
Accreditation Standard I.B.
Accreditation Standard II.A.1;
Accreditation Standard II.A.8;
Accreditation Standard II.B.
Accreditation Standard II.C
Accreditation Standard III.B.
Accreditation Standard III.C.
Accreditation Standard III.D.
Accreditation Standard IV.A.2.b.
Accreditation Standard IV.B.1.b.
Accreditation Standard IV.B.2.b.
Accreditation Standard IV.B.3.b.
Accreditation Standard IV.B.3.c.
Administrative Procedure 4210.

New policy

Approved by the Board of Trustees:
ADMINISTRATIVE PROCEDURE 4210 STUDENT LEARNING OUTCOMES

Each College President is delegated responsibility from the Chancellor to have a college-wide process for developing student learning outcomes and service area outcomes, and in an ongoing manner to have outcomes assessment in every course, program, student services program, and administrative unit for his or her college.

The process should include the following components:

A. Evidence from the outcomes assessment is included in program review and annual unit plan updates in order to drive institutional planning, resource allocation, and budgeting decisions, address student needs, improve student services, and help students, administration, faculty, and staff to seek sustainable continuous quality improvement.

B. Outcomes and assessment, that benefit student learning, shall focus on the dynamic roles of faculty and on the teaching-learning interface, emphasizing pedagogical techniques and observable student learning using assessment as a tool to improve teaching and learning.

C. Faculty, as discipline experts, shall be the primary participants in the assessment process.

D. Student Learning Outcomes (SLO's) and assessment design and development are a responsibility for the college faculty and academic senates.

E. Each college shall appoint a Student Learning Outcomes and Assessment Coordinator.

F. Each college shall prepare documentation and evidence of progress in the establishment and assessment of student learning outcomes at the course, program, and institutional level in both the accreditation institutional self-evaluation and annual reports.

G. Each college shall meet the requirement to be at "Proficiency Level" as of March 15, 2013 and to work toward a "Sustainable Continuous Quality Improvement Level" as defined below:

1. "Proficiency Level", per the Accrediting Commission for Community and Junior Colleges rubric, means:
   a. Student learning outcomes and authentic assessment are in place for courses, programs, support services, certificates, and degrees.
   b. There is widespread institutional dialogue about the results of assessment and identification of gaps.
   c. Decision making includes dialogue on the results of assessment and is purposefully directed toward aligning institution-wide practices to support and improve student learning.
   d. Appropriate resources continue to be allocated and fine-tuned.
   e. Comprehensive assessment reports exist and are completed and updated on a regular basis.
   f. Course student learning outcomes are aligned with degree student learning outcomes.
   g. Students demonstrate awareness of goals and purposes of courses and programs in which they are enrolled.

2. "Sustainable Continuous Quality Improvement Level", per the Accrediting Commission for Community and Junior Colleges rubric, means:
   a. Student learning outcomes and assessment are ongoing, systematic, and used for continuous quality improvement.
   b. Dialogue about student learning is ongoing, pervasive, and robust.
   c. Evaluation of student learning outcomes processes.
   d. Evaluation and fine-tuning of organizational structures to support student learning is ongoing.
   e. Student learning improvement is a visible priority in all practices and structures across the college.
   f. Learning outcomes are specifically linked to program reviews.
Approved by the Chancellor:
BOARD POLICY 5020 NONRESIDENT TUITION

Nonresident students shall be charged nonresident tuition for all units enrolled, unless specifically required otherwise by law.

Not later than February 1 of each year, the Chancellor shall bring to the Board for approval an action to establish nonresident tuition for the following fiscal year. The fee shall be calculated in accordance with guidelines contained in applicable state regulations and/or the California Community College Attendance Accounting Manual.

The Chancellor shall establish a procedure regarding collection, waiver, and refunds of nonresident tuition.

The Chancellor is authorized to implement a fee of $6/unit not to exceed $144 to be charged only to persons who are both citizens and residents of foreign countries. The Board finds and declares that this fee does not exceed the amount expended by the district for capital outlay in the preceding year divided by the total FTES in the preceding fiscal year.

Students who would otherwise be charged this fee shall be exempt if they demonstrate that they are a victim of persecution or discrimination in the county of which they are a citizen and resident, or if they demonstrate economic hardship.

Students shall be deemed victims of persecution or discrimination if they present evidence that they are citizens and residents of a foreign country and that they have been admitted to the United States under federal regulations permitting such persons to remain in the United States. Students shall be deemed to have demonstrated economic hardship if they present evidence that they are citizens and residents of a foreign country and that they are receiving Temporary Assistance for Needy Families Program, Supplemental Income/State Supplementary benefits, or general assistance.

Reference:
Education Code Sections 68050, 68051, 68130, 68130.5, and 76141;
Title 5 Section 54045.5
Administrative Procedure 5030

Replaces:
Board Policy 4.80 International Education Program
ADMINISTRATIVE PROCEDURE 5035 WITHHOLDING OF STUDENT RECORDS

The District may withhold grades, transcripts, diplomas, and registration privileges from any student or former student who fails to pay a proper financial obligation to the District. These privileges shall be withheld until such time as the obligation is satisfied. The student shall be given notification and the opportunity to explain if the financial obligation is in error.

The definition of proper financial obligation shall include, but is not limited to:
1. enrollment fee;
2. non-resident tuition;
3. international student tuition;
4. AC Transit fee
5. Campus Center use fee
6. Capital Outlay fee
7. Health Fee
8. Payment Plan debt (deferred enrollment or non-resident tuition, not paid timely)
9. obligations incurred through the use of facilities, equipment or materials;
10. library fines;
11. unreturned library books;
12. materials remaining improperly in the possession of the student; and/or
13. any other unpaid obligation a student or former student owes to the District.

A proper financial obligation does not include any unpaid obligation to a student organization.

Students may access their account detail and financial obligations through their student portal in PASSPORT.

Reference:
Title 5 Section 59410

Approved by the Chancellor:
Administrative Procedure 5140  Disabled Students Programs and Services

Under federal and State laws, the District and Colleges are required to ensure that academic requirements and practices, facilities, electronic information technology, printed materials, and College services and activities are reasonably accessible to individuals with disabilities. The College will make modifications as necessary in order to provide equal access.

The Disabled Student Programs and Services (DSP&S) program is the primary provider for support programs and services that facilitate equal educational opportunities for students with disabilities who can benefit from instruction as required by federal and State laws.

No student with disabilities is required to participate in the DSP&S program.
if a student requests accommodations and does not want to register with DSP&S, he/she will need to submit documentation to the College 504/ADA Coordinator. DSP&S will evaluate the disability documentation and discuss the request for accommodations with the student.

Each College maintains a plan for the provision of programs and services to students with disabilities designed to assure that they have equal access to College classes and programs. The yearly DPS&P Plan, as required by the State Chancellor’s Office, describes the processes, procedures, and requirements, as well as a full description of the program. Other information regarding the goals and objectives of DSP&S can be found in the DSP&S Program Review document.

Academic Accommodations Procedures for Students with Disabilities

Pursuant to Section 504 of the Rehabilitation Act of 1973, Title 5, Section 56027, and Board Policy 5.24, the Peralta Community College District has developed the following procedures to respond in a timely manner to requests by students with disabilities for academic accommodations. Pursuant to Title 5, Sections 56000-56088 the District has developed DSP&S at each college to assist students with disabilities in accessing appropriate instruction, programs, academic accommodations and auxiliary aids.

The goal of all academic accommodations and auxiliary aids is to minimize the effects of the disability or the educational process. The student with a disability shall be given the opportunity both to acquire information and to be evaluated in a way that allows the student to fully demonstrate his/her knowledge of the subject. The goal is to maintain academic standards by giving the student assignments that are comparable in content, complexity, and quantity.

1. When a student requests disability-related services, the student's disability is verified by the DSP&S professional, according to state-mandated criteria. If the student is deemed ineligible for services, DSP&S shall provide the student with written notice of the denial stating both the reasons for the denial and that the student has a right to appeal the denial through the District Discrimination and Complaint Procedures. Pending the resolution of any dispute regarding an accommodation, the accommodation will be provided.

2. The DSP&S professional (as defined in Title 5 Section 56006, 56048, 56060, 56064 and 56066), in consultation with the student, determines educational limitations based on documentation of the disability and functional limitations and authorizes the use of any appropriate auxiliary aids and/or academic accommodations. These may include but are not limited to:
   a. Auxiliary aids such as a tape recorder, assistive listening device, calculator, computer, taped text or spelling checker used in the classroom and/or in completing class assignments;
   b. The use in the classroom of a reader, American Sign Language interpreter, note taker, or scribe, or real-time captioner for students who are deaf or hard of hearing or the presence of service animals, mobility assistants, or attendants in the classroom;
   c. Testing accommodations such as extended time for test taking and distraction-reduced test setting;
   d. Extending the length of time permitted for course or degree requirements and flexibility in the manner in which specific course content is accessed, based on individual disability.
   e. Substitution for specific courses required for the completion of general education degree requirements, or substitutions or waivers of major or certificate requirements.
f. Access to Alternate Media such as Braille, large print, and electronic text (e-text).

3. With the consent of the student, instructors are informed of authorized auxiliary aids and academic accommodations. It is the responsibility of the instructor to allow auxiliary aids to be used in the classroom or to coordinate with the DSP&S professional for the delivery of academic accommodations. It is the responsibility of the DSP&S professional to make arrangements for and facilitate the delivery of academic accommodations with the disabled student in coordination with faculty, as appropriate. The DSP&S professional will assist with providing the appropriate accommodations and appropriate follow up for DSP&S students. An example of appropriate follow up might be a DSP&S Counselor contacting an instructor and DSP&S student to inquire about the effectiveness of an accommodation.

4. Instructors cannot unilaterally deny approved accommodations and students may not be asked or required to negotiate with instructors or staff about the provisions of adjustments or aids that have been approved by the DSP&S. If an instructor receives an accommodation form and does not understand it or disagrees with the accommodation, it is the instructor’s responsibility to contact DSP&S to discuss the issue.

Grievance Procedures

If a student is denied academic accommodations or the use of auxiliary aids by an instructor and wishes to appeal, she/he should contact the DSP&S professional who will schedule a meeting with the instructor to discuss and resolve the issue. The student may invite the DSP&S professional (i.e., a DSP&S Coordinator, Counselor, Instructor, Acquired Brain Injury ((ABI) Specialist, Learning Disability (LD) Specialist etc.) to attend this meeting. In the case where an unresolved issue becomes a dispute (i.e., an issue that is not resolved informally between the student and the instructor with the assistance of the DSP&S professional), the student may file a complaint through the District's Harassment and Discrimination Complaint Procedures. Pending the resolution of any dispute regarding an accommodation, the accommodation will be provided.

The disability non-discrimination provisions listed here-in also apply to non-student participants in College programs, such as volunteers, who may also file complaints of discrimination through the District’s Harassment and Complaint Procedures.

Meeting General Education Degree Requirements:

When the severity of the disability of an otherwise qualified student precludes successful completion of a course required for graduation from a college within the Peralta Community College District, despite an earnest effort on the part of the student to complete the course or its prerequisite—if appropriate for the disability as determined by a qualified DSP&S Specialist and despite the provision of academic adjustments and/or auxiliary aids, the student may request a substitution of the course as an alternative method of meeting general education degree requirements. The Evaluation Team will consist of the DSP&S Coordinator, the Department chair or instructor from the discipline of the course or major for which a substitution is being requested, and the appropriate Dean of Instruction. The team may consult, as appropriate, with DSP&S professionals, Associate Vice Chancellor for Admissions and Records and Student Services, and the College Vice President of Instruction in order to make a decision. In assessing requests, the Evaluation Team should consider the anticipated exit skills from the course that can be substituted for comparable exit skills in another course. These comparable skills may be found in a discipline different from the discipline of the original course.

Meeting Major or Certificate Requirements

The process for evaluating requests for major or certificate requirements is the same as stated in the section above except that the student may request a substitution or a waiver of the course as an alternative method of meeting major or certificate requirements.

A course substitution maintains the standards of academic rigor of degree programs because the student is required to demonstrate comparable skills (when a student completes a comparable course as
established by an Evaluation Team). Therefore, requesting a course substitution is the preferred option to meet general education degree requirements. For major or certificate course requirements, course substitutions and/or waivers may be considered.

Course substitutions are applicable for Peralta Community College District and may not be recognized by a transfer college.

**Evaluation of Substitution/ Waiver Request**

**Part A. Documentation**

The student will complete the *Request for Change of Graduation Requirements Form* (available in the DSP&S office) and submit it to the DSP&S professional with the following attachments:

1. **Petition** for Substitution/Waiver (obtained from the Admissions Office).

2. **Letter** (written by the student) addressing the criteria listed in Part B.

3. **Evidence from the DSP&S Professional** (DSP&S Coordinator, Counselor, Instructor, Acquired Brain Injury (ABI) Specialist, Learning Disability (LD) Specialist, etc.) verifying the disability and how it relates to the student's request.

4. **Documentation** of the student’s academic record, the degree requirements for graduation and information about the course in question regarding whether or not it is essential to the student’s course of study, major, transfer goals and/or employment goals as appropriate.

5. **Additional Supporting Documentation** can be provided by students.

**Part B. Evaluation of Request**

The DSP&S professional will review all documents, outline evidence of the use of all appropriate and available services and academic adjustments and indicate that, according to CRITERIA listed below, that the request is appropriate. The DSP&S professional then signs the *Request for Change of Graduation Requirements Form* and forwards the packet to the DSP&S Coordinator, who will convene an Evaluation Team.

The Evaluation Team consists of the DSP&S Coordinator, the Department Chair (or an Instructor) from the discipline of the course or major for which a substitution is being requested and the Dean of Instruction with responsibility for the Division, which includes the discipline of the course substitution. The Evaluation Team meeting is to be chaired by the Dean of Instruction and should consult with the Associate Vice Chancellor for Admissions and Records and Student Services, DSP&S professionals, and the College Vice President of Instruction as appropriate.

The Evaluation Team will assess student requests based on the following criteria:

- **Documentation** of the student’s disability with specific test scores, when appropriate, and a description of educationally related functional limitations in the academic area under discussion.

- **Evidence of the student’s earnest efforts to meet the graduation requirement**, which may include:
  - Consistent and persistent efforts in attempting to meet all graduation requirements.
  - Evidence that the student has attempted to take the course in question or its prerequisite with accommodations and has been unable to successfully complete course requirements.
  - Regular attendance (i.e., meeting the attendance requirements of the course);
  - Completion of all course assignments.
  - Use of all appropriate and available services such as tutorial assistance or instructional support classes.
  - Use of all appropriate and available academic accommodations such as test
accommodations.
- Agreement among the student, DSP&S Counselor and the appropriate Disabilities Specialist that, due to the severity of the disability, the student would not be able to successfully complete the course requirements, even with accommodations.

- Evidence that the student is otherwise qualified such as:
  - The student's success in completing other course work requirements for the degree/certificate as indicated by a grade point average of 2.0 or greater in degree applicable classes.
  - Information about the course in question regarding whether or not it is essential to the student's Course of Study, Major, Transfer Goals or Employment Goals.
  - Information about alternatives to the course in question based on the learning/academic goals of that course.

Meeting General Education Degree Requirements
The Evaluation Team's decision will be made by majority vote. If the Team recommends a course substitution, the Team will request the department in which the student is asking for course substitution to provide a list of previously identified appropriate course substitutions. If the department cannot identify an appropriate course substitution or if the Team concludes that a substitute course is inappropriate due to the severity of the disability, as documented by the Verification of disability and Educational Limitations Form, then the College Vice President of Instruction and the Associate Vice Chancellor for Admissions and Records and Student Services shall be included in the evaluation process to assist with the identification of an appropriate course substitution. To approve recommendations for course substitutions, the Evaluation Team will forward its recommendation to the Vice President of Instruction and then to the Associate Vice Chancellor for Admissions and Records and Student Services. The District Office of Admissions and Records will verify, implement and notify the student.

Meeting Major/Certificate Requirements
The process for evaluating request for major/certificate requirement is the same as those stated above except that the student may request a substitution or a waiver of a course as an alternative method of meeting major or certificate requirement.

Grievance Procedure
If the student is dissatisfied with the decision of the Evaluation Team, she/he may follow the District's Harassment and Discrimination Complaint Procedures. The finding of the grievance committee may be appealed directly to the District Affirmative Officer. Students can obtain the assistance of the District Affirmative Action Office at any point during this process.

Equal Access to Electronic and Information Technology
Federal and State laws require that all electronic and information technology purchased or used by federal agencies must be accessible for use by persons with disabilities. This regulation applies to the development, procurement, maintenance and/or use of all electronic and information technologies.

1. The Information Technology Department will ensure that College employees who purchase or request recommendations about information technology products are informed of the accessibility requirements of Section 508.
2. Grant recipients will be informed of their obligations under Section 508 requirements.
3. The Purchasing Department will ensure that vendors and other contract recipients are informed of their obligations under section 508 requirements.
4. The Colleges and District will ensure that web pages and related links are accessible to individuals with disabilities as defined by World Wide Web Consortium (W3C).
5. The Colleges will ensure that video and multimedia products developed by the College and/or housed at the College are equally accessible to individuals with disabilities and comply with Section 508.

6. The Colleges will ensure that faculty who develop web pages, online learning, and other distance learning options for students are informed of their obligations under section 508.

7. The College will ensure that faculty and staff are informed of their obligations under Section 508 requirements as they pertain to enrolled and prospective students.

8. The Colleges will ensure that all staff members are informed of their obligations under Section 508 requirements as they pertain to visitors and events on campus.

9. The Office of Instruction will ensure that all library staff members are informed of their obligations under Section 508 as they pertain to library patrons.

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
BOARD POLICY 5400 ASSOCIATED STUDENTS ORGANIZATION

The Associated Students Organization at each college and the District are recognized by the District as an integral part of a community college's governance and total program.

The District recognizes the importance of student input in the decision-making processes of the District, and of allowing students to expand their college learning experiences through actively participating in the democratic process of student government.

The President of each college, and the Chancellor of the District are authorized to provide adequate facilities, to allow time for individuals and groups to participate in such activities and to provide assistance for planning and supervision of these activities.

Reference:
Education Code Section 76080
Administrative Procedure 5400

Replaces:
Board Policy 4.45 Student Activities (and Student Election Code) first approved March 1, 1976 and last revised May 12, 2009.
ADMINISTRATIVE PROCEDURE 5400 ASSOCIATED STUDENTS ORGANIZATIONS

Each college in the District shall have an Associated Students Organization. Each College shall be governed by the following:

A. Associated Students Organization. An official organization of the student body shall be established at each College subject to the regulations of the Board of Trustees. Such organization shall be known as the Associated Students of [name of college] College. This student association shall develop a governance mechanism and operational procedures necessary to conduct its business. The Associated students shall keep an account of its meetings, expenditures, authorizations, and policies established.

B. Associated Students of the Peralta Community College District. An official organization may be established at the district level to represent the collective interest of the students of the Peralta Community College District in District-wide and multi-college decision-making, and to provide a platform for dialog to guide the Student Trustees of the District.

C. Student Activities. All student activities conducted by College groups shall comply with State statutes, District and College regulations. Use of College or District facilities and resources for such activities shall be subject to the approval of the College or District administration. College regulations shall provide for faculty or staff sponsorship and supervision of student activities.

D. Student Association Membership. Neither the College administration nor the Student Association shall require the purchase of student association membership as a condition of enrollment in the institution. The colleges may, however, encourage the sale of such membership.

E. Off-Campus Activities. The District, College or the Student Association will assume no responsibility for off-campus activities that do not have official College approval.

F. Auxiliary Enterprises. Auxiliary enterprises operated by the Student Association shall comply with Items 1 through 4 above, as well as any other applicable policies or regulations, and shall be subject to the approval of the College President, the Chancellor, and the Board of Trustees.

G. Student Representation. To the extent possible, each College and the District shall provide for student representation on appropriate College-wide and District-wide committees.

Reference:
Education Code Section 76060

Replaces:
Board Policy 4.45 Student Activities (and Student Election Code) first approved March 1, 1976 and last revised May 12, 2009.

Reference:
Education Code Section 76080

Approved by the Chancellor:
BOARD POLICY 5410 ASSOCIATED STUDENTS ELECTIONS

The Associated Student's shall conduct annual elections to elect officers. The elections shall be conducted in accordance with the established procedures in District Administrative Procedure 5410, Associated Students Elections.

Any student elected as an officer in the Associated Students shall continuously meet the requirements set forth in the California Education Code section 76061.

Reference:
   Education Code Section 76061
   Administrative Procedure 5410

New Policy
ADMINISTRATIVE PROCEDURE 5410 ASSOCIATED STUDENTS ELECTIONS

The following Student Election Code manual, originally approved in May 2009, is the Administrative Procedure for Board Policy 5410 Associated Students Elections.

PERALTA COMMUNITY COLLEGE DISTRICT

STUDENT ACTIVITIES:
STUDENT ELECTIONS' CODE

ADMINISTRATIVE PROCEDURE 5410

(Pursuant to Education Code § 75060)

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Section I. Elections

A. The Associated Students shall conduct annual elections to elect officers and propositions.

B. Propositions include, but are not limited to, amendments to each Associated Students' Constitution, initiatives as allowed by the Education Code, referendums, recalls, and resolutions.

C. The Associated Students shall conduct annual elections to elect two (2) Student Trustees from the consolidated Peralta Community College District Colleges.

Section II. The Elections Committee

A. The election process shall be overseen by an Elections Committee which includes:

- The Elections Committee Chairperson;
- Four Elections Council members; and
- The Student Activities Advisor or an administrator designated by the College President (hereinafter referred to as "Advisor")

B. The Elections Committee Chairperson shall be appointed by the Associated Student Body President at each College. The Chairperson, in turn, shall appoint four members to the Elections Committee.

C. The Appointments of the Elections Committee shall occur no later than eleven weeks before Election Day as delineated in the Section III of this Code (Timeline for Elections).

D. Elections shall be under the administrative charge of the Elections Committee Chairperson and be conducted under the guidelines that comply with this Code and the specific Constitution and By-Laws of each College. Election procedures are subject to review by the Advisor.

E. The Advisor is a non-voting member of the Election Committee. The Advisor may only vote in order to break a tie vote within the Election Committee. The Advisor may veto a decision of the Election Committee. The Committee may override the Advisor's veto with a two-thirds (2/3) vote.

F. Members of the Election Committee must not be seeking an Associated Students' office in the upcoming General or Special Elections. If any member of the Election Committee plans to seek re-election or declines to sit on the committee, the Election Committee Chairperson shall select a replacement.

G. Guidelines must be established to ensure that the Elections Chairperson and Elections Committee members are neutral and impartial with regard to candidacy, candidates, and issues involved in the election. No member of the Election Committee shall assist nor endorse or oppose any candidate and/or ballot measure either in writing, verbally, or financially.

Section III. Timeline for Elections

A. General Elections shall be held annually on the second Tuesday of April and shall include the Wednesday of the same week. Special elections, which may be held in the fall semester, shall conform to similar timeline and procedures outlined in this Election Code.

B. The following is the timeline for elections.
<table>
<thead>
<tr>
<th>Event(s)</th>
<th>Date(s)</th>
<th>Length of Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Election Committee must have been formed</td>
<td>Eleven weeks before Election Day</td>
<td>Anytime before</td>
</tr>
<tr>
<td>Announcement of Election Timeline</td>
<td>Ten weeks before Election Day</td>
<td></td>
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<tr>
<td>Application Filing Open</td>
<td>Ten weeks before Election Day</td>
<td>For three weeks</td>
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<tr>
<td>Application Filing Deadline for All</td>
<td>Seven weeks before Election Day</td>
<td></td>
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<tr>
<td>Official Announcement of Candidates and</td>
<td>Six weeks before Election Day</td>
<td></td>
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<tr>
<td>Propositions</td>
<td></td>
<td></td>
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<tr>
<td>Candidates meetings</td>
<td>Five weeks before Election Day</td>
<td>For one week</td>
</tr>
<tr>
<td>Campaign period</td>
<td>Four weeks before Election Day</td>
<td>For four full weeks</td>
</tr>
<tr>
<td>Ballots must be printed</td>
<td>One week before Election Day</td>
<td></td>
</tr>
<tr>
<td>Election Days (Tuesday/Wednesday)</td>
<td>Second Tuesday of April and the accompanying Wednesday of</td>
<td>For two days</td>
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<td></td>
<td>the same week.</td>
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<td></td>
<td>Elections scheduled to occur during Spring Break will</td>
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<td></td>
<td>be rescheduled to occur on the Tuesday and Wednesday that</td>
<td></td>
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<tr>
<td></td>
<td>immediately follow the week of Spring Break.</td>
<td></td>
</tr>
<tr>
<td>Announcement of election results</td>
<td>The following Monday after Election Day(s) by 5 p.m.</td>
<td></td>
</tr>
<tr>
<td>Turn in Student Protest Form to challenge election results</td>
<td>Third Tuesday of April by 5 p.m.</td>
<td></td>
</tr>
<tr>
<td>Certification of Election Results</td>
<td>One week following announcement of election results (the</td>
<td></td>
</tr>
<tr>
<td></td>
<td>following Monday by 5 p.m.)</td>
<td></td>
</tr>
</tbody>
</table>

C. The Elections Committee, by the time it announces the official start date for filing applications, shall announce the official timeline for that election cycle. The timeline outlined in this Code is intended as the ideal. Extenuating circumstances could require a change in these timelines, but all changes should conform as close as possible to the timeline in this Code.

D. Candidates must file for official election candidacy with the proper forms available in the Advisor’s office during the established filing period.

Section IV. Candidate and Proposition Eligibility for Elections

A. Each candidate may campaign for only one Associated Students office at no more than one college.

B. Pursuant to California Education Code Section 76081, a student who is elected to serve as an officer in Associated Students government shall meet both of the following requirements:

1. The student shall be enrolled at the college in which the candidate intends to run for office at the time of election, and throughout his/her term, with a minimum of five (5) semester units.

2. The student shall meet and maintain a minimum G.P.A. of 2.0 on a four (4) point scale prior to qualifying for the ballot, at the time of occupying office, and for every term that the student occupies office.

C. To qualify for the ballot, a candidate must meet the above requirements. A candidate must also meet the following requirements:
1. Candidate must collect a minimum of 50 valid signatures of current students and submit these to the Student Activities Office or a location designated by the Election Committee.

2. Candidate shall be a student in good standing, and not on academic probation, disciplinary probation, financial aid probation, and/or library hold.

3. Candidate must attend the mandatory candidates' meeting.

D. Write-in candidates must also meet the minimum qualifications in Section IV.A-C in order to be declared a winner of an Associated Students' election.

E. Candidates shall be given a signed receipt by the Elections Committee Chair or his/her designee, at the time of the submission of an election petition, this following a review of the submitted candidacy petitions for legibility and accuracy of petition signatures.

F. Each candidate is solely responsible for complying with all the requirements for candidacy. Should an issue arise that the candidate did not fully comply with the application requirements, the candidate has the burden of proving full compliance to the Election Committee.

G. Propositions

1. In order to appear on the ballot, all propositions must be signed by no less than one hundred (100) registered students, unless the proposition is an amendment to the Associated Students' Constitution.

2. If the proposition is an amendment to the Associated Students' Constitution, the proposition shall only need to meet the requirements set forth in the respective Associated Students' Constitution or By-Laws.

3. The students must submit the last four digits of their social security numbers or student identification numbers with the petition, and the Election Committee must verify that the petitioners are current Peralta Community College District students.

4. The proposition must be presented to the Elections Committee before the official announcement of election candidates and propositions.

Section V. Publicity for Elections

A. The student body must be informed of an upcoming election by the beginning of the tenth week during the semester in which an election is to be held. Publicity should be widespread, including communication to students by publication in the Laney Tower and other information literature at each college and by communication to faculty and staff at each college.

B. The campus community should be informed about the time and place, the offices and candidates, and the propositions and initiatives that will be on the election ballot.

C. The Elections Committee may make a Voter's Guide available to the campus community four weeks before Election Day. This guide shall include party and candidate statements, the full text of all propositions and initiatives, pro and con statements regarding propositions and initiatives, and an explanation of voting procedures.

Section VI. The Elections Process
A. **Candidates’ Meeting**

1. The Election Committee or Advisor shall conduct a minimum of two mandatory candidates’ meetings following the official announcement of the candidates, but before the official campaign period in accordance with Section III of this Code. Candidates will be given the option to attend one these two meetings.

2. If a candidate fails to attend the mandatory candidates’ meeting, unless due to extenuating circumstances as determined by the Election Committee, the candidate shall be disqualified from the General Election.

3. At the mandatory candidates meetings, the Election Committee or Advisor shall explain campaign procedures, dates, rules, and laws and provide each candidate with a copy of the Peralta Community College District Student Elections Code.

B. **Campaign Period**

1. The Election Committee or Advisor may coordinate open forum, speech events, and any other events deemed necessary during the campaign period. The Election Committee Chairperson will draw numbers from a container to determine the order of those speaking at the event(s).

2. Candidates may seek prior approval from faculty to enter and speak to students in the classroom.

C. **Ballots**

1. The ballot for the election must be printed by the Elections Committee or Advisor a minimum of one week prior to Election Day.

2. In case of a proposition that is an amendment to the Associated Students’ Constitution, any part(s) to be added, subtracted, or changed, shall be included on the ballot with the old sections affected.

3. No candidates shall be placed on the ballot as a slate.

4. The Election Committee chairperson shall draw numbers from a container in order to determine ballot placement without showing bias. This should be done during the first mandatory candidates’ meeting.

D. **Write-In Candidates**

1. There shall be one space for write-ins for each vacant office in the General Election.

2. A write-in candidate must be verified of eligibility by the Chairperson before campaigning. Any individual campaigning for an office without approval by the Election Committee or Advisor shall be subject to disqualification.

3. There shall be no write-ins eligible or counted in a run-off election.

E. **Political Parties**

1. All candidates have the right to campaign in association with other candidates.
2. Two (2) or more persons who wish to band together for an election as a political party must be registered with Election Committee if not already a member of the Inter-Club Council (ICC) as a political organization. No such organization may use the name of any existing organization or past organization.

F. Conduct

1. Candidates may begin campaigning on the official start date as determined by the Election Committee. Campaigning at any other times may be grounds for disqualification. Campaigning may consist of flyers, posters, giveaways, any other form of public advertising, or public speaking regarding a candidate's run in an election.

2. Campaigning shall conform to the Student Code of Conduct and to the established guidelines contained within the Elections Code, Constitution and By-Laws of each of the Peralta Colleges.

3. Any action of a candidate that impedes a member of the Election Committee or a poll watcher in the discharge of his/her duties shall be grounds for disqualification.

G. Campaign Posting

1. The Election Committee will designate the areas used for campaigning.

2. The Student Bulletin and Student Newspaper shall present adequate space for candidates in a non-partisan manner.

3. The Election Committee shall designate the maximums of campaign materials that may be distributed by each candidate.

4. All candidate campaign material must contain the candidates' name and the position in which he/she is running.

5. No candidate shall interfere with the campaigning of any other candidate, nor shall he/she interfere with the dissemination of information by any student publication. Failure to obey this provision shall be grounds for disqualification.

6. No candidate shall publish or post campaign materials featuring factually inaccurate information about any Associated Students candidate or their endorsements. Failure to obey this provision shall be grounds for disqualification.

7. Candidates shall remove all signs, posters and/or displays within forty-eight (48) hours of notification of the official closing of the General Election. Failure to do so may result in the college imposing fines for clean up and a hold on candidates' records.

8. Violations of these provisions may be grounds for disqualification.

H. Campaign Expense Limits

1. Each Candidate shall not spend more than $150.00 on campaign activities for the General Election. Any donated materials must be assessed at full retail value and clearly itemized as part of the $150.00 limit.
2. Each candidate shall submit an expenditure report, which must include receipts clearly itemizing any personal funds and donations to be used in the General Election.

3. Expenditure reports shall include all sources of gifts, donations, and/or other services to be used in the General Election.

4. Each candidate shall submit an expenditure report to an Election Committee co-chair no later than the end of the last day of the General Election. Failure to submit a report may be grounds for disqualification.

5. The Election Committee shall review all candidates’ expenditure reports prior to official certification of the General Election results. Any substantial inaccuracies in an expenditure report may be grounds for disqualification.

6. All candidates who campaign in association with other candidates must still turn in individual expenditure reports.

Section VII. Election Day

A. The elections shall be held under the auspices of the Elections Committee, with the assistance of neutral elections observers/workers, e.g., Student Activities’ staff and League of Women Voters.

B. The elections shall be held on no less than two consecutive days and for a minimum of seven hours each day, with specific poll-opening times dictated by each college. Every opportunity to vote must be made available to evening students.

C. There shall be at least one polling place on each campus.

D. Each polling place shall be staffed by no less than two neutral poll workers.

E. Twenty copies of the official Voter’s Guide must be available at the polling location for review by potential voters.

F. Prior to the opening of each poll site the poll workers shall remove all campaign materials, all student publications containing endorsements, and any campaign materials that are clearly visible and legible from within one hundred (100) feet of the polling site.

G. Any campaigning, or any distribution of student publications within one hundred (100) feet of an open polling site shall be grounds for disqualification. This shall include the posting of any literature related to the campaign.

H. Upon presentation of either a student identification card or valid state identification, any currently registered student at the college at which the elections are held may vote. The voter must sign an official voter registration list available at the polling location.

I. Ballots shall be maintained in a locked ballot box and in a secure location during the election.

J. No student shall vote at more than one college. Students enrolled in more than one college may select their home college, as long as they are taking at least one unit at their home college.

Section VIII. Election Results
A. **Tallying the Votes**

1. Ballots shall be counted by the Elections Committee Chairperson, representatives from the college administration (which may include the Student Advisor), elections workers, or neutral observers, e.g. League of Women Voters. The counting of ballots shall occur immediately following the completion of the voting process. All ballots by students who voted at more than one college shall not be counted.

2. A candidate for President or Vice-President must receive a majority of the valid votes cast. If no one receives a majority, a run-off will be held between the top two (2) candidates.

3. The candidate who receives the highest number of votes in the runoff election shall be the winner of the contested position.

4. In a case where someone is running unopposed, the unopposed candidate shall be declared the winner.

5. Propositions shall be approved only if a majority of the votes cast on the issue support the proposal unless otherwise required by California State Law, District policy, or the respective Associated Students Constitution and By-Laws. In the case of a proposed Constitutional amendment, the amendment shall be approved only if two-thirds (2/3) of the votes cast on the issue support the amendment unless otherwise required by the Associated Students Constitution and By-Laws.

B. **Announcing the Results**

1. Election results shall be announced twenty-four hours following an election in accordance with Section III (Timeline).

C. **Protesting the Results**

1. Any and all alleged violation(s) of the Associated Students Election Code must be submitted, in writing, using the appropriate General Election protest form, to the Election Committee within three days of the announcement of election results in accordance with Section III (Timeline). Any and all alleged violation(s) of the Peralta Community College District Student Elections Code submitted afterwards may be considered by the Election Committee as invalid.

2. The General Election protest form must contain a clause stating that the signature(s) of the griever(s) on the form constitute(s) an acceptance of any decision made by the Election Committee regarding the specified grievance.

3. The griever must state whether the alleged violation(s) of the Associated Students Elections Code require a specific remedy. If a specific remedy is necessary, the griever must specify both the nature and provisions of the remedy.

4. The Election Committee shall review all alleged violation(s) of the Peralta Community College District Student Elections Code.

5. Any decision made by the Election Committee to disqualify any candidate shall require a two-thirds (2/3) vote of the entire Election Committee.

6. All decisions made by the Election Committee regarding the alleged violation(s) of the Peralta Community College District Student Elections Code by any candidate shall be final and binding to any and all parties involved.
7. The Election Committee may refer to the appropriate College office for possible disciplinary action for any candidate found in violation of campaign rules and regulations.

D. Violations

1. Any attempt by a candidate to violate the Student Elections Code and directives by the Election Committee shall be grounds for disqualification as determined by the Election Committee.

2. Violations of campaign procedures shall be subject to review and censure by the Elections Committee of each College. Violation of campaign rules shall be subject to review and adjudication by the Elections Committee of each College. Violations of campaign rules may lead to disqualification from the election.

3. Any deliberate violation of any ruling of the Election Committee shall be grounds for disqualification.

4. A plea of ignorance shall not be considered a valid defense to an infraction of the Peralta Community College District Student Elections Code or any ruling of the Election Committee.

5. Disqualification may only be based on violation of rules specified in the Peralta Community College District Student Elections Code and/or rulings of the Election Committee. The Election Committee shall have the discretion to determine the applicability or enforceability of any reported or discovered violations.

E. Certifying the Results

1. Following review and deliberation of any protests to the election results, the Elections Committee and the Administration of the College (which may include the Student Advisor) shall certify election results as official.

F. Swearing In/Affirming of All Newly Elected Officers

1. All newly elected officers must be sworn/affirmed into office by the Associated Students Chief Justice in accordance with Associated Students Constitution and By-Laws of each College.

References:
Education Code Section 78081

Approved by the Chancellor:
ADMINISTRATIVE PROCEDURE 5420 ASSOCIATED STUDENTS FINANCE

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

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

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

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

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

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

References:
Education Code Sections 76063-76065

Approved by the Chancellor:
BOARD POLICY 6100 DELEGATION OF AUTHORITY FOR BUSINESS

The Board delegates to the Chancellor the authority to supervise the general business procedures of the District to assure the proper administration of the following: property and contracts; the budget; audit and accounting of funds; the acquisition of supplies, equipment and property; the protection of assets and persons; the construction, maintenance and use of facilities. All transactions shall comply with applicable laws and regulations, and with the California Community Colleges Budget and Accounting Manual.

The Chancellor shall make appropriate periodic reports to the Board and shall keep the Board fully advised regarding the financial status of the District.

Reference:
   Education Code Sections 70902(d), 81655, 81656
   Administrative Procedure 6100

New Policy
ADMINISTRATIVE PROCEDURE 6100 DELEGATION OF AUTHORITY FOR BUSINESS SERVICES

The Vice Chancellor for Finance & Administration is delegated authority from the Chancellor to supervise budget preparation and management; oversee fiscal management of the District; supervise information technology services, and contract for, purchase, sell, lease, or license real and personal property, in accordance with Board policy and law. Responsibility for the development, implementation, and administration of policies and procedures consistent with the provision of this regulation remains with the Vice Chancellor for Finance & Administration. This delegated authority is subject to the condition that certain of these transactions be submitted to the Chancellor for review and approval from time to time as determined by the Chancellor.

The Vice-Chancellor for General Services is delegated authority from the Chancellor to supervise police services, security, capital construction planning, the emergency response plan, civic center and other facilities use, construction, and the maintenance of facilities in accordance with Board policy and law. Responsibility for the development, implementation, and administration of policies and procedures consistent with the provision of this regulation remains with the Vice Chancellor for General Services.

Approved by the Chancellor:

Draft September 25, 2022
BOARD POLICY 6150 DESIGNATION OF AUTHORIZED SIGNATURES

Authority to sign orders and other transactions on behalf of the Board is delegated to the Chancellor and other officers appointed by the Chancellor.

Reference:
   Education Code Sections 85232 and 85233
   Administrative Procedure 6150

New Policy
ADMINISTRATIVE PROCEDURE 6150 DESIGNATION OF AUTHORIZED SIGNATURES

A. The Vice Chancellor Finance and Administration is hereby designated as the District officer authorized to sign warrants on behalf of the District.

B. Proper documentation regarding signing District warrants shall be filed with the county superintendent of schools.

C. The Vice Chancellor Finance and Administration will withhold approval of District warrants when:
   1. Disbursement of the funds will result in the total amounts expended in any major account classification to exceed the amount budgeted.
   2. Established procedures have not been followed to permit verification of authenticity of the expenditure.

Approved by the Chancellor:
BOARD POLICY 6550 DISPOSAL OF PROPERTY

The Chancellor is delegated authority by the Board to declare as surplus such personal property of the District as is no longer useful for District purposes, and shall establish procedures to dispose of such property in accordance with applicable law. All sales of surplus personal property shall be reported to the Board on a periodic basis. This policy shall not be construed as authorizing any representative of the District to dispose of surplus real property at any time.

Reference:
Education Code Sections 70902(b)(6), 81384, and 81452
Administrative Procedure 6550

Replaces:
Board Policy 6.33 Sale of Equipment or Materials adopted May 14, 1991
ADMINISTRATIVE PROCEDURE 6550 DISPOSAL OF PROPERTY

A. The District may sell for cash any district personal property if the property is not required for District purposes, or if it should be disposed of for the purpose of replacement, or if it is unsatisfactory or not suitable for use.

B. Property cannot be sold until notice has been given. Notice must be posted in at least three public places in the district for not less than two weeks; notice can also be by publication for at least once a week for a period of not less than two weeks in a newspaper published in the district and having a general circulation. If there is no such newspaper, then notice can be published in a newspaper having a general circulation in the District; or if there is no such newspaper, then in a newspaper having a general circulation in the county in which the District or any part thereof is situated.

C. The Vice Chancellor, Finance and Administration shall sell the property to the highest responsible bidder, or shall reject all bids.

D. Personal property authorized for sale as surplus may also be disposed of by means of a public auction conducted by employees of the District, or by other public agencies, or by contract with a private auction firm. The personal property shall be sold or transferred to the highest responsible bidder upon completion of the auction and after payment has been received by the District.

E. The District can also exchange for value, sell for cash, or donate any personal property belonging to the District without complying with the preceding procedures if all of the following criteria are met:

1. The District determines that the property is not required for District purposes, that it should be disposed of for the purpose of replacement, or that it is unsatisfactory or not suitable for school use.
2. The property is exchanged with, or sold or donated to, a school district, community college district, or other public entity that has had an opportunity to examine the property proposed to be exchanged, sold, or donated.
3. The receipt of the property by a school district or community college district will not be inconsistent with any applicable district wide or school site technology plan of the recipient district.

F. In addition, the District can sell or lease real property belonging to the community college district if both of the following conditions are met:

1. The property is sold or leased to another local governmental agency, or to a nonprofit corporation that is organized for the purpose of assisting one or more local governmental agencies in obtaining financing for a qualified community college facility; and
2. The financial proceeds are expended solely for capital outlay purposes relating to a qualified community college facility.

G. If the Board, by a unanimous vote of those members present, finds that the property, whether one or more items, does not exceed in value the sum of $5,000, the property may be sold by the Vice Chancellor Finance and Administration at private sale without advertising.

H. Any item or items of property having previously been offered for sale as provided in Education Code Section 81450, but for which no qualified bid was received, may be sold by the Vice Chancellor, Administration at private sale without advertising.

Approved by the Chancellor:
BOARD POLICY 6750 PARKING

The Chancellor shall establish such administrative procedures regarding vehicles and parking on campus as are necessary for the orderly operation of the instructional program. No person shall drive any vehicle or leave any vehicle unattended on the campus except in accordance with such procedures.

Parking fees are established in accordance with these BP 5030 Fees.

Reference:
   Education Code Sections 76360
   Vehicle Code Section 21113
   Administrative Procedure 6750

New Policy
ADMINISTRATIVE PROCEDURE 7123
HIRING PROCEDURES FOR REGULAR ACADEMIC ADMINISTRATORS AND CLASSIFIED MANAGERS

These procedures apply to hiring all full-time regular status management personnel except the Chancellor. Separate procedures apply for the selection of an interim/acting appointment.

I. Selecting the Hiring Committee

A. The hiring manager appoints the chair of the hiring committee. The hiring manager is normally the person who directly supervises the position where the vacancy exists, except as otherwise specifically stated below. The chair convenes the hiring committee.

B. All committees include at least one voting member of a historically underrepresented group; however, the committee shall be balanced by diversity to the extent possible. The Vice Chancellor for Human Resources or designee may request changes in appointments to provide diversity.

1. "Historically underrepresented" group means ethnic minorities, women and persons with disabilities. The Board of Governors recognizes that ethnic minorities, women, and persons with disabilities have historically faced discrimination and other obstacles that limited their opportunities for education, and academic success.

2. "Ethnic minorities" means American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks, and Hispanics.

C. Each committee also includes at least one employee from the program, unit or area for which the management position is responsible, and at least one employee from other areas of the College/District Office with whom s/he will work regularly. The representative groups selecting appointees in these procedures are requested to appoint members who meet these requirements.

D. If additional expertise is desired, the Chancellor may appoint a person from inside or outside the District to augment any hiring committee.

II. Hiring Committee Membership

Following is a list of the required members of the hiring committees for the various categories of management positions.

A. College President

1. Three administrators appointed by the Chancellor, one to act as the chair of the committee. The chair will be selected by the Chancellor. One administrator should be a College President.

2. Three faculty appointees: one being the college Academic Senate President or designee, one being appointed by the College Academic Senate President, and one being appointed by the PFT.

3. Two classified appointments: one selected jointly by SEIU Local 1021 and Local 39, and the other by the College Classified Senate President.

4. One associated student appointee may be selected by the Chancellor.

5. One community representative will be selected by the Chancellor.

B. All college management positions below the level of College President:

1. Three managers appointed by the College President, one to act as the chair of the committee. One manager should have expertise in the area.
2. Three faculty appointees; two by the College Academic Senate President and one by the PFT

3. Two classified appointments: one selected jointly by SEIU Local 1021 and Local 39, and the other by the College Classified Senate President.

4. One associated student appointee may be selected by the College President at the college.

C. All district office management positions Vice Chancellors and below:

1. Three managers appointed by the Chancellor, or supervising Vice Chancellor, one to act as the chair of the committee. One manager should have expertise in the area.

2. Three faculty appointees, two by the District Academic Senate President and one by the PF

3. Two classified appointments: one selected jointly by SEIU 1021 and local 39, and the other by the District Classified Senate President.

III. Appointing Bodies Responsibilities

Upon notification, the appointing bodies are responsible for making recommendations for committee appointment(s) within 7 business days. An additional three (3) business days may be granted, upon request, if additional time is needed beyond the initial 7 business days. If the appointing body fails to make a recommendation for the committee appointment(s) within the prescribed time, the Chancellor, the President or the supervising Vice Chancellor shall either directly appoint a replacement from the constituency or instruct the committee to proceed without representation from the body that failed to make an appointment.

IV. Preparing the Job Description

A. Once a position is authorized, the Chancellor or College President, in consultation with the Human Resources office, will prepare a job description. The college or district senate has five working days in which to review and provide input before job description is finalized.

B. The recommended job description is forwarded to the Vice Chancellor of Human Resources and Employee Relations or designee, for action.

All job announcements will state the following:

"The District is strongly committed to achieving staff diversity and the principles of equal opportunity employment. The District encourages a diverse pool of applicants and does not discriminate on the basis of race, color, national origin, ancestry, sex, age, religion, marital status, disability, sexual orientation, in any of its policies, procedures or practices."

V. Advertising the Position

A. The Office of Human Resources shall develop a recruitment plan to recruit a diverse pool of qualified applicants.

B. After the posting deadline date, the Vice Chancellor of Human Resources or designee will review the applicant pool to determine if the applicant pool is adequate. If not, the posting period may be extended and the position re-advertised, as appropriate.

C. The position will be advertised for at least 30 days or until filled.

VI. Reviewing the Hiring Procedures and Developing Evaluation Criteria and Questions
A. The committee chair reviews the Management Hiring Procedures with the hiring committee. Part of the review is to include agreement by all participants that the entire process is confidential.

B. In consultation with a Human Resources representative, the hiring committee formulates criteria and method of evaluating the applications to select the candidates to be interviewed. The hiring committee may consider only qualifications and requirements related to the duties and responsibilities of the position in the method of evaluation.

C. The hiring committee develops interview questions that relate to the duties and responsibilities of the position. The Vice Chancellor of Human Resources and Employee Relations or designee reviews these questions to ensure compliance with equal employment opportunity laws.

VII. Reviewing and Screening the Applications

A. The Vice Chancellor for Human Resources and Employee Relations or designee, reviews the composition of the pool of applicant to determine if legal requirements relating to Equal Employment and non-discrimination have been met. The Office of Human Resources will review applications for minimum qualifications or the equivalent to determine the eligibility pool.

B. All applications received on or before the closing date and meeting the published minimum qualification or having qualifications that are at least equivalent, will be made available to members of the hiring committee. Committee members rate each candidate on a district-approved form.

VIII. Preparing for the First-level Interviews

A. After screening all applications, the hiring committee, decides those candidates to be invited for an interview.

B. The Vice Chancellor for Human Resources and Employee Relations or designee reviews the list of candidates selected for an interview to determine if legal requirements relating to Nondiscrimination and Equal Employment Opportunity has been met. If the Vice Chancellor for Human Resources and Employee Relations or designee determines that legal requirements have not been met, s/he shall assist the hiring committee in addressing the problem(s).

C. The first-level interview process requires the hiring committee to do the following:

1. Determine if writing samples, portfolios, and/or other supplementary materials and tasks are required for the first-level interview; Human Resources will review and approve all interview questions, writing samples, and other supplementary materials and tasks to be used in the interview. The hiring committee chair will ensure that candidates have appropriate notice for these requirements when scheduling the interviews.

2. Develop the rating system for evaluating the candidates to be interviewed.

3. Provide candidates to be interviewed with at least five business days advance notice.

D. The Vice Chancellor for Human Resources and Employee Relations or designee communicates any recommended changes in questions, topics, supplementary materials, or the evaluation system to the hiring committee.

IX. Conducting the First-Level Interviews

A. The hiring committee, with all members present, interviews and evaluates each candidate. In the event a committee member, due to extenuating circumstances, is unable to participate in the entire interview process, h/er rating shall be eliminated, and, the committee member shall not participate in the deliberation of candidate(s). If any member feels that h/she is unable to maintain objectivity through the process, that individual shall resign from that committee immediately. All committee
members are to keep their deliberation, decision, written materials, names of candidates, interview and testing criteria, and all other parts of the selection process completely confidential.

B. After all candidates have been interviewed, the committee deliberates and prepares its recommendation of 0-6 finalists to the Vice Chancellor for Human Resources and Employee Relations or designee, without ranking. Strengths and Weaknesses of the finalists shall be prepared under separate memorandum.

C. When it is not possible to submit at least two names, the committee chairperson shall prepare a written explanation to be submitted with the committee’s recommendation. The Chancellor/President, in conjunction with the Committee, will decide on a course of action which may include forwarding names of additional candidates from the pool of applicants interviewed.

X. Community Forums For College President

A community forum will be conducted for College President. Community forums are not conducted for any other position covered under this administrative procedure.

XI. Conducting Final Interviews

A. The College President/Chancellor and/or designee conducts the final interviews.

B. The Chancellor/College President or designee may:
   1. Make a recommendation for further consideration, OR
   2. Reject all candidates; AND
   3. Reopen the process

XII. Approval is by the Board of Trustees upon the recommendation of the Chancellor.

XIII. Upon final approval by the Board of Trustees, all candidates shall be notified within (5) working days of the final selection and acceptance.
I. Minimum Qualifications

Faculty shall meet minimum qualifications established by the Board of Governors and listed in the most current edition of the “Minimum Qualifications for Faculty and Administrators in California Community Colleges”, or shall possess qualifications that are equivalent to the minimum qualifications set out in the Board of Governors' regulations. Equivalent minimum qualifications are determined through an equivalency process.

II. Equivalencies

A. Equivalency Process

Equivalency is the process whereby an applicant applies for a faculty position in a discipline and lacks the exact degree or experience specified as minimum qualifications in the most current edition of the “Minimum Qualifications for Faculty and Administrators in California Community Colleges” (approved by the Board of Governors and published by the California Community College Chancellors Office).

The equivalency process is neither intended to raise standards nor to lower them from the minimum qualifications. It is not a process to waive the minimum qualifications.

Minimum Qualifications and equivalency procedures are for disciplines. By State regulation, there is no "single course" equivalency.

It shall be the responsibility of the applicant, who claims equivalency, to provide conclusive evidence, as clear and reliable as the official college transcripts being submitted by all applicants, that s/he has qualifications that are equivalent to what is required by the minimum qualifications (standards for equivalency are provided below).

When an applicant seeks equivalency review, the District Academic Senate President appoints an Equivalency Committee to evaluate the applicant's academic qualifications, pertinent experience, and relevant coursework in determining whether the applicant meets equivalency to the minimum qualifications. The work of each Equivalency Committee is subject to the oversight of the District Academic Senate President and the DAS President can choose to request the District Academic Senate Educational Policy Committee (comprised of the four DAS officers – President, Vice President, Secretary, and Treasurer) to assist in providing oversight. It should be noted that in some instances when there are not sufficient full-time faculty in a discipline or aligned discipline or when there is past precedent for a specific equivalency request, the DAS President may elect to act on the equivalency and not form a committee.

Denial of equivalency by the Equivalency Committee is final and cannot be re-opened unless the applicant provides new and additional information.

Each member of an Equivalency Committee shall make an independent assessment of the materials submitted by the applicant. Materials to be submitted are outlined in sections C, D, and E below. Each committee member shall record the rationale for his/her decision in writing which will be placed in the equivalency review file; this information is confidential. The decision of an Equivalency Committee shall be by majority vote.

An equivalency request which has been evaluated by an Equivalency Committee shall be forwarded to the District Academic Senate President for final sign off and forwarding of the decision to the Office of Human Resources. As noted previously, the District Academic Senate
President may enlist the service of the District Academic Senate Educational Policy Committee as necessary.

B. District Equivalency Committee Composition

A District Equivalency Committee shall be convened by the District Academic Senate (DAS) President for review and determination of any applicant claiming equivalent minimum qualifications.

The composition of a District Equivalency Committee shall consist of three contract faculty members in the discipline from different colleges (if possible) and not from the college where the applicant is applying for employment. If necessary, faculty may be appointed from a related discipline. In some instances, at the discretion of the DAS President, a committee may be comprised of only two contract faculty and a third faculty member would only be necessary if the two disagree on whether to grant equivalency or not to grant equivalency.

Those appointed to a District Equivalency Committee is confidential. The names of Equivalency Committee members shall not be shared.

C. Equivalency Criteria for a Master's Degree Discipline

Only formal education shall be considered the equivalent in a discipline which requires a Master's degree.

In the "Minimum Qualifications for Faculty and Administrators in California Community Colleges", there are often two options provided for meeting minimum qualifications for a Master's degree discipline:

- **Option 1** meeting minimum qualifications through a Master's degree as listed or
- **Option 2** meeting minimum qualifications through a specified Bachelor's degree and a specified Master's degree (both required in this pattern option).

**Option 1** If the applicant is seeking equivalency for the required Master's degree, the applicant must provide transcripts and provide a memo listing 24 graduate level semester units of coursework that would typically be required for that Master's degree. The applicant must have completed a Master's degree in some discipline.

Applicants, who are completing a Master's degree or are in the last semester of their Master's degree program, are not eligible for equivalency review. Applicants must complete their Master's Program requirements and be awarded the degree. In instances where the university delays posting of degree, the applicant can seek a letter from the university stating that the degree has been awarded and when the degree will be posted on the transcript.

There are instances wherein the applicant has completed a Master's degree from an accredited university in the discipline under a different name than what is listed in the "Minimum Qualifications for Faculty and Administrators in California Community Colleges". The Office of Human resources will ask the District Academic Senate President to request discipline faculty to make a determination in such an instance or information can be requested from the university which granted the degree.

**Option 2** If the applicant is seeking equivalency through Option 2 listed above and has the required Master's but seeks equivalency for the Bachelor's degree, then the applicant must provide a memo listing 30 upper division semester units that would typically be required for that specific Bachelor's degree.
D. Eminence

In special cases, applicants can request Eminence in the discipline as partial fulfillment of the coursework required in Option 1 or Option 2 above. Eminence, if established, would fulfill 12 of the 24 graduate semester units or 15 of the 30 upper-division semester units. An Eminence request is applicable when the applicant is nationally or internationally known to be prominent in the discipline. That prominence is demonstrated through documented experience, work, independent education, academic/artistic/vocational products, recognition by a non-governmental agency, scholarly research, publications, or performance in the discipline. Appropriate licensure from professional state or national boards (e.g., CPA, BRN) also may be deemed partial evidence for equivalency.

E. Equivalency Criteria for Non-Master's Degree Discipline

Disciplines in this area are typically Career Technical Education disciplines. The minimum qualifications in this area shall be –

1. an AA/AS degree for an accredited institution plus six [6] years of documented experience in the subject matter/discipline area or
2. a BA/BS degree plus four [4] years of documented experience in the subject matter/discipline area or
3. a fully satisfied lifetime California Community College Instructor Credential authorizing service to teach in the subject matter area (no longer granted after 1990) and four [4] years of documented experience in the subject matter/discipline area.

The equivalent of an awarded Bachelor's degree is 120 undergraduate semester units from an accredited institution and which include the depth and breadth of general education and upper-division coursework in a major and a 2.0 GPA. There is no equivalency for the required four [4] years of work experience.

The equivalent of an Associate degree is 60 undergraduate semester units from an accredited institution and which include the depth and breadth of general education and coursework in a major and a 2.0 GPA. There is no equivalency for the required six [6] years of work experience.

F. District Office of Human Resources

The faculty employment application process shall inform applicants about the equivalency process and the documents required to pursue this process. All equivalency requests will be forwarded to the District Academic Senate President to establish an Equivalency Committee as necessary in order to determine whether an equivalency should be granted or not granted.

Any applicant who seeks equivalency to the Minimum Qualifications cannot be hired and cannot assume the responsibilities of a faculty position until the equivalency process is completed and equivalency has been granted.

The Office of Human Resources will inform all appropriate administrators regarding the "Minimum Qualifications for Faculty and Administrators in California Community Colleges" and the necessity for equivalency review if an intended faculty hire does not meet minimum qualifications as specified in the minimum qualifications document.

The Office of Human Resources will ensure that careful records are kept of all equivalency determinations.

References:
Education Code Sections 87001, 87003, and 87743.2;
Title 5 Sections 53400 et seq.
Minimum Qualifications for Faculty and Administrators in California Community Colleges

Replaces sections of BP 3.26, Faculty Hiring including Determination of Equivalency, last revised/approved, October 10, 2000.

Chancellor approval:
BOARD POLICY 7240 CONFIDENTIAL EMPLOYEES

Confidential employees are those who are required to develop or represent management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. The fact that an employee has access to confidential or sensitive information shall not in and of itself make the employee a confidential employee.

A determination whether a position is a confidential one shall be made by the Board in accordance with applicable law and with the regulations of the California Public Employment Relations Board.

Confidential employees are not eligible for inclusion in a bargaining unit represented by an exclusive representative and the terms and conditions of their employment are not controlled by any collective bargaining agreement.

The terms and conditions of employment for confidential employees shall be provided for by procedures developed by the Chancellor. Such terms and conditions of employment shall include, but not be limited to, procedures for evaluation and rules regarding leaves, transfers and reassignments.

Reference:
  Government Code Sections 3540.1(c)
  Administrative Procedures 7241, 7340, 7341, 7342, 7343, 7344, 7345, 7346, 7349, 7381, 7382

Replaces:
  Board Policy 3.15 Overtime
  Board Policy 3.53 Probationary Status (Confidential Employees)
  Board Policy 3.54 Eligibility for Benefits (Confidential Employees)
  Board Policy 3.55 Suspension (Confidential Employees)
  Board Policy 3.56 Dismissal (Confidential Employees)
  Board Policy 3.57 (Confidential Employees)
  Board Policy 3.63 Confidential Employees
BOARD POLICY 7250 ACADEMIC ADMINISTRATORS

An administrator is a person employed by the Board in a supervisory or management position as defined in Government Code Sections 3540 et seq.

Academic administrators are those who exercise direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services programs of the District.

An academic administrator who has not previously acquired tenure as a faculty member in the District shall have the right to become a first year probationary faculty member once his/her administrative assignment expires or is terminated, if the following criteria are met:

- The administrator meets the criteria established by the District for minimum qualifications for a faculty position, in accordance with procedures developed jointly by the Chancellor and the Academic Senate and approved by the Board. The Board shall rely primarily on the advice and judgment of the Academic Senate to determine that an administrator possesses minimum qualifications for employment as a faculty member.

- The requirements of Education Code Section 87458(c) and (d), or any successor statute, are met with respect to prior satisfactory service and reason for termination of the administrative assignment.

Educational administrators shall be compensated in the manner provided for by the appointment or contract of employment. Compensation shall be set by the Board upon recommendation by the Chancellor. Academic Administrators shall further be entitled to health and welfare benefits made available by action of the Board upon recommendation by the Chancellor.

Academic administrators shall be entitled to vacation leave, sick leave, and other leaves as provided by law, these policies, and administrative procedures adopted by the Chancellor.

The terms and conditions of employment for Academic Administrators shall be provided for by procedures developed by the Chancellor. Such terms and conditions of employment shall include, but not be limited to, procedures for evaluation and rules regarding leaves, transfers and reassignments.

Reference:
Education Code Sections 72411 et seq., 87002(b), and 87457-87460;
Government Code Section 3540.1(a) and (m)
Administrative Procedures 7340, 7341, 7342, 7343, 7344, 7345, 7346, 7347, 7348, 7349, 7381, 7382

Replaces:
Board Policy 3.59 Management Promotion Policy for Academic and Non-Academic Administrators
Board Policy 3.60 Administrative and Executive Positions and Personnel
Board Policy 3.61 Management Salaries
Board Policy 3.62 Temporary Administrative Assignments
Board Policy 3.75 Medical Examinations (Management and Confidential Employees)
Board Policy 3.85 Evaluation of Administrator/Management Personnel
Board Policy 3.155 Grievance Procedure – Management and Confidential Employees
Board Policy 3.88 Vacation Leave (Management and Confidential Employees
Board Policy 3.70 Personal Illness or Accident
Board Policy 3.71 Leave for Illness of Family Member
Board Policy 3.72 Bereavement Leave
Board Policy 3.73 Leave for Required Court Appearance
Board Policy 3.74 Leave of Absence without Pay
Board Policy 3.76 Occupational Disability Leave
Board Policy 3.82 Sabbatical Leave Policy
Board Policy 3.85 Administrators Leave
Board Policy 3.86 Health & Welfare Benefits
Board Policy 3.90 Re-Employment of Former Employee
BOARD POLICY 7260 CLASSIFIED MANAGERS

Classified managers are managers who are not employed as academic administrators.

Classified managers, regardless of job description, have authority to hire, transfer, suspend, recall, promote, discharge, assign, reward, or discipline other employees, or have the responsibility to assign work to and direct them, adjust their grievances, or effectively recommend such action.

Classified managers, regardless of job description, have significant responsibility for formulating District policies or administering District programs other than the educational programs of the District.

Classified managers may be employed in the same manner as the other members of the classified service. If a classified manager is employed as a regular member of the classified service, employment shall be consistent with other provisions of these policies regarding employment of classified employees.

An classified manager is a person employed by the Board in a position defined as an administrator in Government Code Sections 3540 et seq.

Reference:
Education Code Section 72411;
Government Code Section 3540.1(g) and (m)
Administrative Procedures 7241, 7340, 7341, 7342, 7343, 7344, 7345, 7346, 7349, 7381, 7382

Replaces:
Board Policy 3.59 Management Promotion Policy for Academic and Non-Academic Administrators
Board Policy 3.60 Administrative and Executive Positions and Personnel
Board Policy 3.61 Management Salaries
Board Policy 3.62 Temporary Administrative Assignments
Board Policy 3.63 Medical Examinations (Management and Confidential Employees)
Board Policy 3.65 Evaluation of Administrator/Management Personnel
Board Policy 3.66 Grievance Procedure—Management and Confidential Employees
Board Policy 3.68 Vacation Leave (Management and Confidential Employees)
Board Policy 3.70 Personal Illness or Accident
Board Policy 3.71 Leave for Illness of Family Member
Board Policy 3.72 Bereavement Leave
Board Policy 3.73 Leave for Required Court Appearance
Board Policy 3.74 Leave of Absence without Pay
Board Policy 3.76 Occupational Disability Leave
Board Policy 3.82 Sabbatical Leave Policy
Board Policy 3.85 Administrators Leave
Board Policy 3.86 Health & Welfare Benefits
Board Policy 3.90 Re-Employment of Former Employee
BOARD POLICY 7280 VOLUNTEERS

Peralta Community College District recognizes the value of volunteer service for programs, projects, and activities at the Colleges and District. Volunteers not only help improve the quality of service delivery for Peralta students and employees, but also help build strong relationships between the District and the community at large.

Volunteers are individuals or groups of individuals who provide non-compensated services. Volunteers shall be pre-determined and District-managed in accordance with the law, collective bargaining agreements, and District policies. As helpers, volunteers shall supplement, but not supplant the employment of regular District employees. The Chancellor shall establish an Administrative Procedure to provide for appropriate documentation and supervision of volunteers.

Reference:
Administrative Procedure 7280

Replaces:
Board Policy 3.02 Volunteerism adopted October 26, 2004
BOARD POLICY 7310 NEPOTISM

The District does not prohibit the employment of relative in the same department or division, with the exception that they shall not be assigned to a regular position within the same department, division or site that has a relative who is in a position to recommend or influence personnel decisions.

Personnel decisions include appointment, retention, evaluation, tenure, work assignment, promotion, demotion, or salary of the relative. Employees are prohibited from engaging in any act to use the authority, discretionary power, or the influence of his/her position to obtain or secure their employment or promotion of a relative.

Relative means spouse, parents, grandparents, siblings, children, nieces, nephews, grandchildren and in-laws or any other person living in the same household.

The District will make reasonable efforts to assign job duties to minimize the potential for creating an adverse impact on supervision, safety, security, or morale, or creating other potential conflicts of interest.

Notwithstanding the above, the District retains the right where such placement has the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest, to refuse to place relatives in the same department, division or facility. The District retains the right to reassign or transfer any person to eliminate the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest.

Reference:
Family Code Sections 297 et seq.;
Government Code Sections 1090 et seq. and 12940 et seq.

Replaces:
Board Policy 3.05 Nepotism adopted June 5, 2001
BOARD POLICY 7330 COMMUNICABLE DISEASE

All newly hired academic employees shall have on file a medical certificate indicating freedom from communicable diseases, including tuberculosis. No academic employee shall commence service until such medical certificate has been provided to the District.

All newly hired employees must show that they have been examined within the past 60 days to determine that they are free from active tuberculosis.

All employees shall be required to undergo an examination within every four years thereafter to determine if they are free from tuberculosis.

Reference:
Education Code Sections 87408, 87408.6, and 88021

Replaces:
Board Policy 3.17 Aids Policy
Board Policy 3.63 Examination for Communicable Disease
BOARD POLICY 7335 HEALTH EXAMINATIONS

The Chancellor shall establish administrative procedures related to medical examinations of candidates for appropriate positions prior to assuming the duties of the position. Such pre-employment medical examinations shall be required only after a conditional job offer has been made, and shall be required of any candidate for a position for which a pre-employment medical examination has been deemed appropriate. No candidate shall be required to participate in such an examination solely on the basis of the candidate's age or disability.

The procedures may require any employee to undergo a physical or mental examination where such a fitness for duty exam is job related and consistent with business necessity. Such medical examinations shall be at the District's expense and shall be conducted by a physician chosen by the District.

All newly hired academic employees shall have on file a medical certificate indicating freedom from communicable diseases, including tuberculosis. No academic employee shall commence service until such medical certificate has been provided to the District.

All newly hired employees must show that they have been examined within the past 60 days to determine that they are free from active tuberculosis.

All employees shall be required to undergo an examination within every four years thereafter to determine if they are free from tuberculosis.

Reference:
- Government Code Section 12940;
- 42 U.S. Code Section 12112;
- 29 Code of Federal Regulations, Part 1630

Replaces:
- Board Policy 3.83 Medical Examinations
BOARD POLICY 7340 LEAVES

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

- illness leaves for all classes of permanent employees;
- vacation leave for members of the classified service, administrators, supervisors and managers;
- leave for service as an elected official of a community college District public employee organization, or of any statewide or national employee organization with which the local organization is affiliated; Education Code Sections 87763.5 and 88210
- leave of absence to serve as an elected member of the legislature; Education Code Section 87701
- pregnancy leave; Education Code Sections 87766 and 88193; Government Code Section 12945
- use of illness leave for personal necessity; Education Code Sections 87784, 88207
- industrial accident leave;
- bereavement leave;
- jury service or appearance as a witness in court; Education Code Sections 87036 and 87037
- military service Education Code Section 87700
- voting (up to two hours); Education Code Section 44000
- sabbatical leaves for permanent faculty, academic employees, administrators and managers.
- Vacation leave for members of the classified service, educational administrators and classified supervisors and managers. Employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation.
- Unpaid Leaves in accordance with collective bargaining agreements or administrative procedures for unrepresented employees.

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

Reference:
Education Code Sections 87763 et seq. and 88190 set seq. and cites above.
Administrative Procedures 7340, 7341, 7342, 7343, 7344, 7345, 7346, 7347, 7348, 7349

Replaces:
Board Policy 3.25 Leaves Without Pay -- Certificated Employees adopted May 10, 1988
Board Policy 3.68 Vacation Management and Confidential (M&C) adopted July 17, 1979 and last revised April 28, 1992
Board Policy 3.70 Personal Illness or Accident (M&C) last revised April 28, 1992
Board Policy 3.71 Leave for Illness of Family member (M&C) last revised April 28, 1992
Board Policy 3.72 Bereavement leave (M&C) last revised April 28, 1992
Board Policy 3.73 Leave for Required Court Appearance (M&C) adopted April 28, 1992
Board Policy 3.74 Leaves of Absence Without Pay (M&C)
Board Policy 3.76 Occupational Disability Leave (M&C)
Board Policy 3.82 Sabbatical Leave Policy (Certificated Managers) adopted July 17, 1979
Board Policy 3.85 Administrative Leave (M&C) adopted July 17, 1979 and last revised October 22, 1985
Board Policy 3.92 Catastrophic Leave (M&C) adopted May 9, 2006
BOARD POLICY 7350 RESIGNATIONS

The Board delegates to the Chancellor the authority to accept resignations on its behalf at any time. Resignations shall be deemed accepted by the Board when accepted in writing by the Chancellor. When accepted by the Chancellor, the resignation will be final. In the event the provisions of this policy and the provisions of any operative collective bargaining agreement conflict, the collective bargaining agreement shall take precedence. Resignations shall not be later than the close of the academic year during which the resignation has been accepted.

Reference:
Education Code Sections 87730 and 88201
Administrative Procedures 7350

Replaces:
Board Policies 1.07 & 3.01 Emeritus Status – Trustees and Administrators adopted October 26, 2004 and last revised July 12, 2005
Board Policy 3.90 Reemployment of Former Employees
Board Policy 3.91 Retirement last revised December 20, 1983
BOARD POLICY 7360 DISCIPLINE AND DISMISSAL
ACADEMIC EMPLOYEES

A contract or regular employee may be dismissed or penalized for one or more of the grounds set forth in Education Code Section 87732. If the employee is to be penalized, the Board shall determine the nature of the penalties. If the Board decides to dismiss or penalize a contract or regular employee, it shall assure that each of the following has been satisfied:

- The employee has been evaluated in accordance with standards and procedures established in accordance with the provisions of Education Code Sections 87660 et seq., and any administrative procedure for evaluation contained in a collective bargaining agreement;
- The Board has received all statements of evaluation which considers the events for which dismissal or suspension may be imposed;
- The Board has received a recommendation from the Chancellor.
- The Board has considered the statements of evaluation and the recommendations in a lawful meeting.
- If the Board decides it intends to dismiss or suspend a contract or regular employee, it shall take the actions required by the Education Code, and the Chancellor or designee shall thereafter assure that the employee is afforded the full post-termination due process required by the Education Code Sections 87666-87681 and 87740.

The Chancellor shall establish procedures that define the conditions and processes for dismissal, discipline, and due process and ensure they are available to employees.

Reference:
- Education Code Sections 87669 and 87732
- Administrative Procedure 7360

Replaces:
- Board Policies 1.07 & 3.01 Emeritus Status – Trustees and Administrators adopted October 26, 2004 and last revised July 12, 2005
- Board Policy 3.90 Reemployment of Former Employees
- Board Policy 3.91 Retirement last revised December 20, 1983
 BOARD POLICY 7365 DISCIPLINE AND DISMISSAL – CLASSIFIED EMPLOYEES

The Chancellor shall enact procedures for the disciplinary proceedings applicable to permanent classified employees of the District. Such procedures shall conform to the requirements of the Education Code.

The Board’s determination of the sufficiency of the cause for disciplinary action of a classified employee shall be conclusive.

No disciplinary action shall be taken for any cause that arose prior to the employee becoming permanent, or for any cause that arose more than two years preceding the date of the filing of any charge against the employee, unless the cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee should have disclosed the facts to the District.

A permanent member of the classified service shall be subject to disciplinary action, including, but not limited to, oral reprimand, written reprimand, reduction in pay, demotion, suspension, or discharge, for any of the following grounds:

- Fraud in securing employment or making a false statement on an application for employment.
- Incompetence, i.e., inability to comply with the minimum standard of an employee’s position for a significant period of time.
- Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee in the position.
- Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision, conform to duly established orders or directions of, or insulting or demeaning the authority of a supervisor or manager.
- Dishonesty involving employment.
- Being impaired by or under the influence of alcohol or illegal drugs or narcotics while on duty, which could impact the ability to do the job.
- Excessive absenteeism.
- Unexcused absence without leave.
- Abandonment of Position, absence for three consecutive work days without authorized leave or without notifying the appropriate supervisor.
- Abuse or misuse of sick leave.
- The conviction of either a misdemeanor or a felony involving moral turpitude shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere made to charge a felony or any offense involving moral turpitude, is deemed to be a conviction within the meaning of this Section.
- Discourteous treatment of the public or other employees.
- Improper or unauthorized use of District property.
• Refusal to subscribe to any oath or affirmation which is required by law in connection with District employment.

• Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the District, the employee's department or division.

• Inattention to duty, tardiness, indolence, carelessness, or negligence in the care and handling of District property.

• Mental or physical impairment which renders the employee unable to perform the essential functions of the job without reasonable accommodation or without presenting a direct threat to the health and safety of self or others

• Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his or her official duties.

• The refusal of any officer or employee of the District to testify under oath before any court, grand jury, or administrative officer having jurisdiction over any then pending cause of inquiry in which the District is involved. Violation of this provision may constitute of itself sufficient ground for the immediate discharge of such officer or employee.

• Willful violation of policies, procedures and other rules which may be prescribed by the District, colleges, or departments.

• Working overtime without authorization.

Reference:
Education Code Section 88013
Government Code Sections 3300 et seq.
Administrative Procedure 7365

Replaces:
Board Policies 1.07 & 3.01 Emeritus Status – Trustees and Administrators adopted October 26, 2004 and last revised July 12, 2005
Board Policy 3.90 Reemployment of Former Employees
Board Policy 3.91 Retirement last revised December 20, 1983
BOARD POLICY 7370 POLITICAL ACTIVITY

Employees shall not use District funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the Governing Board. This policy prohibits political activity during an employee's working hours, but shall not be construed to prohibit an employee from urging the support or defeat of a ballot measure or candidate during nonworking time.

Reference:
Education Code Sections 7054 and 7056
Administrative Procedure 7056

Replaces:
Board Policy 3.07 Policy concerning Political Activities on district premises
Board Policy 3.08 Civil Rights of Employees
BOARD POLICY 7380 ETHICS, CIVILITY AND MUTUAL RESPECT

It is the policy of the Peralta Community College District to foster an environment which maximizes student learning and employee performance, and a climate of ethics, civility and mutual respect among faculty, staff, students, and members of the Board of Trustees of the District.

As members of the Peralta Community College District community, we are expected to treat other community members with ethics, civility and respect, recognizing that disagreement and informed debate are valued in an academic community. Behaviors that affect the ability to learn or work in the college environment depart from the standard for ethics, civility and respect and are unacceptable.

Individuals covered by this policy include faculty, staff, managers, supervisors, students, and members of the Board of Trustees. The Chancellor shall issue an administrative procedure detailing this policy.

Reference:
- Education Code Section 70902
- Accreditation Standard III.A.1.d
- Administrative Procedure 7380

Replaces:
- Board Policy 3.12 Civility and Mutual Respect adopted July 13, 2004
- Board Policy 3.16 Institutional Code of Ethics for Employees
BOARD POLICY 7381 CASH IN-LIEU OF A PAID MEDICAL BENEFITS OPTION

The Peralta Community College District offers a Cash In-Lieu of a Paid Medical Benefits Option, which provides a cash benefit to active employees who meet and sustain the eligibility criteria for district paid medical benefits and/or dental coverage. The cash payment is dependent upon submission of documentation of alternative coverage in accordance with administrative procedures issued by the Chancellor, Federal Health and Welfare Regulations, and the applicable Collective Bargaining Agreement. In the event the provisions of this policy and/or the applicable administrative procedure and the provisions of any operative collective bargaining agreement conflict, the collective bargaining agreement shall take precedence provided the agreement is in accordance with Federal Health and Welfare Regulations.

Reference:

Administrative Procedures 7381

Replaces:

Board Policy 3.13 Election of Cash In Lieu of Participation in Group Medical Insurance Policy
I. Vacation leave may not be taken during the first six months of employment.

A. A probationary employee leaving the District before attaining permanent status will not be paid for vacation time accrued.

B. Upon separation from employment with the District, permanent employees will be paid for vacation time accrued, but not used. Such reimbursement will be made at the regular salary rate of the employee at the time of separation.

II. Academic Administrators and Classified Managers

A. Management employees on 12-month assignment shall be entitled to 22 vacation days per year. Part-time management employees and management employees on less than 12-month assignment shall be entitled to vacation leave on a pro-rated basis.

B. Management employees may accumulate these days to a limit of 44 days. Managers who accumulated more than 44 days prior to the imposition of this limit (June 1990) retain their accumulated days, but may not accumulate further days until and unless their balance drops below the 44-day limit.

III. Confidential Employees

A. Confidential employees on 12-month assignment and part-time confidential employees shall be entitled to 4 floating holidays per year in addition to vacation days earned and accumulated on a monthly basis in accordance with the following schedule:

1. 1 - 5 years - 15 vacation days
2. 6 - 10 years – 20 vacation days
3. 11 & over - 20 vacation days, plus 1 additional day of vacation for each additional year of service after 10 years, not to exceed a maximum of 25 days at the completion of 15 years of service.

B. Confidential employees on less than 12-month assignment, and part-time confidential employees, shall be entitled to vacation leave on a pro-rated basis.
ADMINISTRATIVE PROCEDURE 7341 PERSONAL ILLNESS OF ACCIDENT LEAVE
(Academic Administrators, Classified Managers and Confidential Employees)

I. Full-time, 12-month academic administrators, classified managers and confidential employees shall be entitled to 12 days leave of absence for illness or injury with full pay earned at the rate of one day per month, or major portion thereof, for each fiscal year of service.

II. Part-time and 10- or 11-month academic administrators, classified managers and confidential employees shall be entitled to the same rate of sick leave pro-rated according to the number of hours the working day bears to an eight-hour day and the number of months of their assignments.

A. Such earned sick leave, if not used, shall have unlimited accumulation.

B. Upon separation from the District, no remuneration will be paid for unused sick leave.

C. Upon separation from the District, any absence due to illness or injury beyond earned sick leave time will be subject to deduction from the final warrant of the employee.

III. In accordance with the Education Code, additional personal illness days are provided confidential or management employees for use when absent due to accident or illness, whether or not the absence arises out of or in the course of employment, under the following conditions:

A. All academic administrators, classified managers and confidential employees shall receive salaries in full when quarantined by city or county health offices because of another's illness. Such absence from employment shall not be deducted from the employee's sick leave account.

B. Academic administrators, classified managers, and confidential employees may use up to 6 days per year of their accumulated sick leave for any reason or personal necessity the employee deems appropriate.

IV. Absences under this section will be reported on the regular absence form, and approved by the appropriate administrator. A full explanation of the reason for the absence may be required from the employee. If absence is due to court appearance as a litigant, party, or witness under official order, a copy of such order must be attached. Employees will verify any absence, and upon return from such absence shall complete the required absence reports. Any absence due to illness or injury which exceeds 5 consecutive business days shall be required to be supported by a written release to return to work from a licensed physician.

V. Terms for absences due to illness for represented faculty and classified employees are detailed in the respective collective bargaining agreement.

VI. All employees, represented and unrepresented, must provide a written release to return to work from a licensed physician if their absence exceeds 5 consecutive business days.

VII. All employees, represented and unrepresented, must report absences due to illness in the prescribed District format, which may be on paper or in an online reporting format.

Absence will be reported by the employee to the immediate supervisor as soon as possible.
ADMINISTRATIVE PROCEDURE 7342 LEAVE FOR ILLNESS OF FAMILY MEMBER
Academic Administrators, Classified Managers and Confidential Employees

Subject to the approval of the President, an academic administrator, classified manager or confidential employee may be granted up to 5 days leave per college year without loss of pay in the event of a serious illness of his/her spouse, child, parent or sibling, or any person living in the immediate household of the employee. Leave taken under this provision is to be drawn from the employee's existing sick leave balance.
ADMINISTRATIVE PROCEDURE 7343 BEREAVEMENT LEAVE
(Academic Administrators, Classified Managers and Confidential Employees)

Bereavement leave, not to exceed four days, or six days if out of state travel (or more than 200 miles intra-state) is required, with pay, will be permitted for death in the immediate family. Immediate family means the spouse, domestic partner; mother, father, mother-in-law, father-in-law, grandmother, grandfather, grandchild, child, stepchild, son-in-law, daughter-in-law, or sibling of the employee or spouse; or aunt, uncle, nephew, niece of the employee; or any person(s) living in the household of the employee (except paying tenants).
ADMINISTRATIVE PROCEDURE 7344 LEAVE FOR REQUIRED COURT APPEARANCE
(Academic Administrators, Classified Managers and Confidential Employees)

No deduction in salary will be made for any academic administrator, classified manager, or confidential employee ordered to appear in court as a witness or as a member of a jury. Any compensation for such court appearance shall accrue to the Peralta Community College District.

Any leave due to appearance as a defendant in a criminal proceeding will be granted in accordance with applicable statutes.
ADMINISTRATIVE PROCEDURE 7345 LEAVES OF ABSENCE WITHOUT PAY
(Academic Administrators, Classified Managers and Confidential Employees)

I. A leave of absence for professional improvement such as study, travel, or other activities leading to professional improvement may be recommended by a President or Vice Chancellor to the Chancellor. In addition, health leaves, military leaves, and personal leaves may be granted upon recommendation of the President or Vice Chancellor, approval of the Chancellor, and approval of the Board of Trustees. All the above leaves are without pay. No combination of leaves of any type may exceed two consecutive years.

II. Leaves of absence will not be approved for personnel who are accepting permanent paid employment elsewhere or employment on a trial basis which will probably result in permanent employment.

III. Health Leaves
A management or confidential employee may, with a doctor's certificate or other proof of illness, request a leave of absence for health reasons for a period not to exceed one year after all accumulated sick leave has been used. Such a leave normally would not be extended. Extension of such leave beyond one year will require the submission of a new request along with supporting documentation and approval as in the case of the original submission.

Application for health leaves is made through the College President, approved by the Chancellor and approved by the Board of Trustees.

IV. Maternity Leave
A. Child Care Leave shall relate to that period of time in which a management or confidential employee requests to receive leave without pay in excess of that period of time surrounding the birth of the child which has been certified as a temporary disability by the attending physician. Such leaves may be granted for a period not to exceed two years. Such leaves will be recommended by the President and approved by the Chancellor and the Board of Trustees.

B. Sick or Disability Leave: Leaves of absence for disabilities caused or contributed to by pregnancy, miscarriage or childbirth shall be treated the same as leaves for illness or disability. This means that absence "necessitated" by pregnancy, miscarriage, childbirth, or recovery therefrom shall be treated the same as absence by reason of sickness or injury.

V. Military Leave
Military leave is permitted under the Military and Veteran's Code which shall apply in granting such leaves.

VI. Leaves for Personal Reasons
A management or confidential employee may find it necessary to request a leave for personal reasons other than those listed previously, including family dislocations (divorce, etc.) and illness in the immediate family. If the application is accepted by the College President or Vice Chancellor, it will be forwarded to the Chancellor for approval and then to the Board of Trustees for final approval. Such leave normally will not exceed one year and may not normally be renewed. Extension of such leave beyond one year will require the submission of a new request and approval as in the case of the original submission.
VII. Family Care Leave
A management or confidential employee may be granted a leave of absence not to exceed a total of four (4) months in any 24-month period for family care pursuant to California State Law (Family Rights Act of 1991). The request for such leave must be accompanied by a health care provider's written certification:

A. that a serious health condition of a spouse, child or parent exists,
B. the probable duration of the condition, and
C. that the condition warrants the participation of a family member to provide care during a period of treatment or supervision of the individual requiring care.
ADMINISTRATIVE PROCEDURE 7346 OCCUPATIONAL DISABILITY LEAVE
(Academic Administrators, Classified Managers and Confidential Employees)

I. An academic administrator, classified manager or confidential employee (except temporary, substitute or hourly employees) absent from duty because of illness or injury resulting from an accident or condition incurred on duty which qualifies under Workmen's Compensation Insurance shall be granted an occupational disability leave for each such accident. The total number of days of such leave granted for each such illness or injury shall not exceed a total of 60 days.

II. Occupational disability leave shall be granted from the first day of disability but shall not extend beyond the last day for which temporary indemnity is received from Alameda County Schools Insurance Group.

III. Only absences which are supported by a doctor's certificate and have been verified by the Alameda County Schools Insurance Group to be the result of a duty-connected injury or illness can be paid under the occupational disability leave policy. Any absence that cannot be so verified shall be charged against the employee's personal illness leave or other appropriate leaves.

IV. Should the employee's absence due to an occupational injury or illness extend beyond sixty days, the employee shall be permitted to use accrued personal illness leave until temporary disability payments cease, until he returns to duty, or until personal illness leave credits have been used up, whichever is sooner.

V. During any period the employee is receiving his regular salary from the District, he is required to endorse over to the District all temporary disability payments received from the Alameda County Schools Insurance Group in accordance with the Education Code. Charges to the employee's leave balances shall be as follows:

A. Occupational disability leave shall be reduced by one day for each day of authorized absence regardless of temporary disability payments paid by the Alameda County Schools Insurance Group.

B. Personal illness leave and/or vacation leave shall be reduced only by that amount necessary to provide a full day's wage or salary when added to temporary disability benefits.

VI. Any academic administrator, classified manager or confidential employee who is absent because of a work connected illness shall NOT be entitled to receive wages or salary from the District which, when added to temporary disability benefits, will exceed his full salary during the period of his absence.

VII. Any academic administrator, classified manager or confidential employee receiving occupational disability benefits must remain within the State of California unless the Board of Trustees authorizes travel outside the State.
A. Eligibility. All academic administrators shall be eligible for one year of sabbatical leave after six years of service to the District. Such employees shall be eligible thereafter for one year of sabbatical leave upon the completion of each additional six years of service. Normally such sabbatical leave will be restricted to one semester.

B. Salary for those on administrative sabbatical leave. An academic administrator on sabbatical leave shall be entitled to full salary for one semester and two-thirds salary for a full year.

C. Employment status. During sabbatical leave, an employee shall receive all benefits normally accruing to him/her, just as if s/he were performing his/her full duties on campus. Sabbatical leave time shall be credited as regular administrative time in advancement on the salary schedule and in all other respects as permitted by the Education Code.

D. Implementation. Recommendations for sabbatical leaves of this type are to be made by the President of the College to the Chancellor.

E. Administrative sabbatical leaves, as in the case of sabbaticals for other academic personnel, must be awarded on the basis of the contribution they will make to the College and to the educational program of the District.
ADMINISTRATIVE PROCEDURE 7349 CATASTROPHIC LEAVE
(Academic Administrators, Classified Managers and Confidential Employees)

A voluntary sick leave contribution program may be established to meet the needs of an administrator or confidential employee experiencing catastrophic illness or injury. Catastrophic illness or injury means an illness or injury that is expected to incapacitate the employee for an extended period of time, and taking extended time off work creates a financial hardship for the employee because he or she has exhausted all of his or her sick leave and other paid time off (Education Code 87045a1). The Program shall be administered according to the provisions below.

I. Contributions

When a need is identified and verified, a voluntary call for contributions of accrued sick leave days/hours will be requested among managers and confidential employees. Individual contributions may be made under the following conditions:

A. The minimum contribution per call is one day (8 hours).
B. The maximum contribution per call is five (5) days.
C. The minimum Sick Leave balance after the contribution is at least five (5) days.
D. Transfer of contributions shall be limited to the number of days used subject to the maximums provided in this article.

II. Eligibility

A. A recipient of sick leave contributions must be an employee at the time the request is made.
B. All other paid leave accounts of the manager or confidential employee must be exhausted prior to receiving donated sick leave benefits.

III. Benefits

A. The Program may contribute up to 50 days at 100% of pay but no more than necessary for an employee to be eligible for long-term disability.
B. No employee may receive benefits from the Program more than two times in his/her life.
C. Employees receiving sick leave donations shall be covered by the District for medical, dental, life and disability they would otherwise be qualified to receive.
D. Benefit recipients shall be solely responsible for any state and federal taxes on the donated time. Such taxes shall be withheld at the normal rate for the recipient employee. In the event that the state or federal governments rule that a tax liability is due other than as taxed, the recipient shall be solely liable for such liabilities.

IV. Request Procedures

A. Request for benefits shall be submitted to the Vice Chancellor for Human Resources and Employee Relations. The vice chancellor shall receive the request and supporting medical documentation and certification to determine whether the manager or confidential employee meets eligibility requirements. Such requests must include a physician’s certification that the employee is unable, as a result of a catastrophic illness or injury, to perform the material duties of his/her occupation.

B. At its discretion, the District may require additional medical information or require examination by a second physician of the District’s choosing and at the District’s expense. After reviewing the application and supporting documentation, the vice chancellor shall notify the manager or confidential employee indicating whether he/she has met the criteria and furnished all documentation and number of days needed to bridge to eligibility for long-term disability benefits. At this time, the vice chancellor will request the call for sick leave contributions.

C. Contributors may not contribute more days/hours than needed.
ADMINISTRATIVE PROCEDURE 7380 ETHICS, CIVILITY, AND MUTUAL RESPECT

Members of the Peralta Community College District community are expected to treat other community members with civility and respect:

A. Unacceptable behaviors. Demeaning, intimidating, threatening, or physically or emotionally violent behaviors that affect the ability to learn or work in the college environment depart from the standard for civility and respect and are unacceptable.

B. Retaliation. Retaliation for reporting violations of this policy, for seeking to have prohibited conduct corrected, or for participating in an investigation is prohibited.

C. Violation. A District community member who has violated this procedure is subject to disciplinary action in accordance with established disciplinary procedures. A member of the Board of Trustees who has violated this procedure is subject to public censure by the Board.

D. Restraining Order. Any District community member who has obtained a restraining order against another District community member is encouraged to provide a copy of the order to Peralta Police Services for enforcement.

E. Visitors. Visitors, other people, vendors and families of students, staff, and faculty are expected to comply with the provisions of this procedure. Noncompliant behavior may lead to removal from district property.

Approved by the Chancellor: