Administrative Procedure 2430 Delegation of Authority to the Chancellor's Staff

A. Delegation of Authority

The Chancellor delegates the overall administration of the district to the following positions listed. The employees assigned are responsible to the Chancellor for successful performance. With respect to the Board of Trustees Policies and the Chancellor's Administrative Procedures, the following specific assignments apply:

B. Presidents

Administer compliance of all their assigned college personnel with all Board Policies and Administrative Procedures. The Presidents shall provide leadership to their campus community shared governance process in a systematic annual review of Board of Trustees Policies, District Administrative Procedures, and college operating procedures with the expectation that recommendations for improvement will be made.

C. Deputy Chancellor

Serves as the principal management support to the Chancellor in handling a range of operational matters related the district service centers, and faculty, staff, students and public affairs issues; directly handles matters of institutional importance on behalf of the Chancellor, as appropriate. Oversees all facets of the daily operations of the District, and develop findings and makes recommendations to the Chancellor to ensure compliance with all relevant national, state, and local policies and regulations. Coordinates and integrates the activities of the Chancellor's Cabinet in the development and implementation of established core initiatives for the Office of the Chancellor. Directly oversees the Vice Chancellor of Finance and Administration, the Vice Chancellor of General Services, the Vice Chancellor of Human Resources and Employee Relations, the Associate Vice Chancellor of Information Technology, General Counsel and Risk Management.

D. Vice Chancellor, Finance and Administration

Represent the Chancellor and the Deputy Chancellor for the financial affairs of the district. Administers compliance with all financial laws, regulations, and chapter 6 board policies and administrative procedures. Supervises the Bond Legal Counsel contract(s) and administers the appropriate financial controls over the bond construction funds and the OPEB bond funds. Responsible for the following General Institution policies and procedure: Gifts, Foundation and Information Technology.

E. Vice- Chancellor, Educational Services

Represent the Chancellor for the academic affairs and student affairs of the district. For academic affairs administer compliance with all academic laws, regulations, and chapter 4 board policies and administrative procedures. Responsible for the following General Institution policies and procedures; Accreditation, Admissions and Records, Institutional Planning, and Grants.

For student affairs administer compliance with all student services laws, regulations, and chapter 5 board policies and administrative procedures including: financial aid, international and out-of-state students (residency), concurrent-enrollment, student grievances, health services, student discipline, and district-wide student government.

Page 1 of 2
F. Vice-Chancellor, Human Resources

Represent the Chancellor and the Deputy Chancellor for the human resources function of the district. Administer compliance with all human resources laws, regulations, and chapter 7 board policies and administrative procedures. Serves as Chief Negotiator. Supervise the Human Resources Legal Counsel contract(s). Responsible for the following General Institution policies and procedures: Nondiscrimination, Equal Employment Opportunity, and Prohibition of Harassment.

G. Vice-Chancellor, General Services

Represent the Chancellor and the Deputy Chancellor for the general services function of the district. Administer compliance with all general services and construction laws, regulations, board policies and administrative procedures. Administer the safety, security, construction and maintenance of facilities. Responsible for the following General Institution policies and procedures: Capital Construction Planning, Citizens Oversight Committee, Use of Facilities, Campus Safety, Campus Security and Access, Emergency Response Plan, Workplace Violence Plan, Reporting of Crimes, Child Abuse Reporting, Local Law Enforcement, Weapons on Campus, Sexual and other Assaults on Campus, Drug Free Environment and Drug Prevention Program, and Alcoholic Beverages.

G. General Counsel

Within the parameters of California Rules of Professional Conduct, including but not limited to, Rule 3-600, represent the Chancellor for the legal services function of the district. Advises the Chancellor with respect to the legal issues. Responsible for the following General Institution policies and procedures: District Records Access and Conflict of Interest.

H. Other Policies and Administrative Procedures

The Chancellor will administer the other policies and administrative procedures not enumerated above.

References:
- Education Code Section 70902
- ACCJC Accreditation Standards IV.B.5, IV.C.12, IV.D.1 (formerly IV.B.1.j and IV.B.2)

Approved by the Chancellor: March 13, 2012

Revised by the Chancellor: February 7, 2014
ADMINISTRATIVE PROCEDURE 3430 PROHIBITION OF UNLAWFUL HARASSMENT

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

I. Definitions

A. General Harassment

Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation of any person, or military or veteran status, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive, persistent, or severe that a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment or resource.

Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition:

B. Verbal

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

C. Physical

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

D. Visual or Written

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

E. Environmental

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

F. Sexual Harassment
In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from, or in, the workplace or educational setting when:

1. submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress;
2. submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
3. the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment (as more fully described below); or
4. submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.
5. This definition encompasses two kinds of sexual harassment:

   a. "Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

   b. "Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile.

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

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

A. Verbal
Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's protected status, including but not limited to sex. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation, unwelcome flirting or propositions, demands for sexual favors, verbal abuse, threats or intimidation of a sexual nature, or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.
B. Physical
Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, petting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.

C. Visual or Written
The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

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

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

IV. Academic Freedom
No provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom are, however, not limitless and this procedure will not protect speech or expressive conduct that violates federal or California anti-discrimination laws.

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

Reference:
Education Code Sections 212.5, 44100, and 66281.5;
Title IX, Education Amendments of 1972; Title 5, Sections 59320 et seq.;
Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e
ADMINISTRATIVE PROCEDURE 3540 SEXUAL AND OTHER ASSAULTS ON CAMPUS

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

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

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

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

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

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

G. It is the responsibility of each person involved in sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

“Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity.

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

I. All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the Peralta Police Services, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until Peralta Police Services is authorized to release such information.
J. Peralta Police Services shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with a copy of the District's policy and administrative procedure regarding domestic violence, dating violence, sexual assault, or stalking upon request, and the importance of preserving evidence and the identification and location of witnesses.

References:
- Education Code Sections 67385 and 67386
- 20 U.S. Code Section 1092 (f)
- 34 Code of Federal Regulations Section 668.48 (b) (11)

Approved by the Chancellor: January 30, 2013
Revised and approved by the Chancellor: January 21, 2014
ADMINISTRATIVE PROCEDURE 3560 ALCOHOLIC BEVERAGES

A. The possession, sale or the furnishing of alcohol on campus is governed by California state law and these procedures. The possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control. However, the enforcement of alcohol laws on-campus is the primary responsibility of the District's campus police or responsible security officers. The campus has been designated "Drug free" and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the District's campus police or responsible security officers. Violators are subject to disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of this policy for anyone to consume or possess alcohol in any public or private area of campus without prior District approval. Organizations or groups violating alcohol or substance policies or laws may be subject to sanctions by the District.

B. Alcoholic beverages on campus are permitted if:

1. The alcoholic beverage is beer or wine for use in connection with a course of instruction, sponsored dinner, or meal demonstration given as part of a culinary arts program at a community college campus, and the instructor or individual has been authorized to acquire, possess, use, sell, or consume it by the College President.

2. A student of at least 18 years of age tastes, but does not swallow or consume, beer or wine for educational purposes as part of the instruction in an enology or brewing degree program, and the beer or wine remains in the control of the instructor.

3. The alcoholic beverage is for use during a non-college event at a performing arts facility built on District property and leased to a nonprofit public benefit corporation.

4. The alcoholic beverage is wine produced by a bonded winery owned or operated as part of an instructional program in viticulture and enology.

5. The alcoholic beverage is wine that is for use during an event sponsored by the District or the Peralta Colleges Foundation in connection with the District's instructional program in viticulture or the District's instructional program in enology.

6. The alcoholic beverage is possessed, consumed, or sold, pursuant to a license or permit obtained for special events held at the facilities of a public community college during the special event. "Special event" means events that are held with the permission of the governing board of the community college district as delegated for approval by the College President (if the special event is held at the college) or by the Chancellor (if the special event is held at the district office) that are festivals, shows, private parties, concerts, theatrical productions, and other events held on the premises of the public community college and for which the principal attendees are members of the general public or invited guests and not students of the public community college.

7. The alcoholic beverage is acquired, possessed, or used during an event sponsored by the District or the Peralta Colleges Foundation at a community college-owned facility in which any grade from kindergarten to grade 12, inclusive, is taught, if the event is held at a time when students in any grades from kindergarten to grade 12, inclusive, are not present at the facility.

C. The alcoholic beverage is for use during a fundraiser held to benefit a nonprofit organization that has obtained a license under the Business and Professions Code to do so provided that no alcoholic beverage can be acquired, possessed or used at a football game or other athletic contest sponsored by the District.

Reference:
- Business and Professions Code Sections 24045.4, 24045.6, 25608 and 25658;
- 34 Code of Federal Regulations Section 668.46(b)

Approved by the Chancellor: October 25, 2014
I. Regulations

A. The instructor of the course shall determine the grade to be awarded to each student. The determination of the student’s grade by the instructor is final in the absence of mistake, fraud, bad faith, or incompetency (per Education Code Section 76224). "Mistake" may include, but is not limited to, errors made by an instructor in calculating a student’s grade and clerical errors. "Fraud" may include, but is not limited to, intentional inaccurate recording or the change of a grade by any person who gains access to grade records without authorization.

B. No grade can be changed without the consent, in writing, by the instructor who assigned the grade except under the conditions of clerical errors, bad faith, fraud, and incompetency.

C. Grades are not subject to change by reason of a revision of judgment on the instructor's part.

D. No grade except "Incomplete" may be revised by the instructor on the basis of a new examination or additional work undertaken or completed after submission of final grades.

E. No grade will be changed later than two years after the calendar date ending the semester (including intersession and summer session) in which the grade was assigned.

F. Only the instructor is required to sign grade changes from "I" to a grade.

II. Procedural Steps

A. Instructor completes the “Request for Record Correction Form” and submits it to the Divisional Dean of Instruction with a copy of the Class Rollbook. The "Request for Record Correction Form" is available online at: [http://web.peralta.edu/admissions/files/2011/06/Request-for-Record-Correction-12-23-2014.pdf](http://web.peralta.edu/admissions/files/2011/06/Request-for-Record-Correction-12-23-2014.pdf)

B. Divisional Dean of Instruction, after discussion with the instructor, makes a recommendation and submits the form to the Associate Vice Chancellor of Student Services, the Vice President of Instruction either approves or denies the request.

C. Upon approval, the request is then reviewed and approved or denied by the Vice Chancellor of Educational Services Associate Vice Chancellor of Student Services and processed by the Admissions and Records Office.

D. Upon acceptance, the request will be processed by Admissions and Records.

III. Student Grievance

If a student alleges mistake, fraud, bad faith, or incompetence in the academic evaluation of the student’s performance, the grievance procedure is as follows:

Both the informal and formal grievance procedure for "Academic (Grade) Grievance" is contained in the "Student Grievance Procedure" (also in AP 5530, Student Rights and Grievances) which was last revised and approved by the Board of Trustees on March 15, 2011.

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. This procedure shall be available to any student who reasonably believes an experience or decision has adversely affected his or her status, rights or privileges as a student. A grievance may be
ADMINISTRATIVE PROCEDURE 5013 STUDENTS IN THE MILITARY

A. Residence Determinations for Military Personnel and Dependents

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

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

3. A veteran who was discharged or released from at least 90 days of active service less than three years before the date of enrollment in a course commencing on or after July 1, 2015, and his/her dependents, regardless of the veteran’s state of residence is entitled to resident classification. A student who was a member of the armed forces of the United States stationed in California on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he or she lives in California after being discharged up to the minimum time necessary to become a resident.

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

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

B. Withdrawal Procedure for Members of the Military

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

References:
Education Code Sections 68074, 68075, and 68075.5;
Title 5 Sections 55023, 55024 54041, 54042, 54050, and 58620
Military and Veterans Code Section 824
ADMINISTRATIVE PROCEDURE 5015 RESIDENCE DETERMINATION

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

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

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

B. **Definition of Residence.**

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

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

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

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

2. A person may have only one residence.

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

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

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

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

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

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

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

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

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

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

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

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

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

8. A veteran who was discharged or released from at least 90 days of active service less than three years before the date of enrollment in a course commencing on or after July 1, 2015, and his/her dependents, regardless of the veteran's state of residence is entitled to resident classification. A student who was a member of the armed forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he/she lives in this state after being discharged up to the minimum time necessary to become a resident.

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

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

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

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

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

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

15. A student demonstrates financial need, has a parent who has been deported or was permitted to depart voluntarily, moved abroad as a result of that deportation or voluntary departure, lived in California immediately before moving abroad, attended a public or private secondary school in the state for three or more years, and upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District saying that he or she intends to establish residency in California as soon as possible.
E. **Right To Appeal.** Students who have been classified as non-residents have the right to a review of their classification (Title 5 Section 54010 (a)). Any student, following a final decision of residence classification by the Office of Admissions and Records, may make written appeal to the Vice Chancellor of Student Services within 30 calendar days of notification of final decision by the college regarding classification.

F. **Appeal Procedure.**

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

2. The appeal will be forwarded to the Vice Chancellor of Student Services within five working days of receipt by the office.

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

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

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

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

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

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

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

5. A student shall be considered financially independent for purposes of residence reclassification if the applicant meets all of the following requirements:
   a. Has not and will not be claimed as an exemption for state and federal tax purposes by his/her parent in the calendar year prior to the year the reclassification application is made;
   b. Has not lived and will not live for more than six weeks in the home of his/her parent during the calendar year the reclassification application is made.

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

7. Failure to satisfy all of the financial independence criteria listed above does not necessarily result in denial of residence status if the one year requirement is met and demonstration of intent is sufficiently strong.
8. Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state.

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

10. Students have the right to appeal according to the procedures above.

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

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

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

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

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

Approved by the Chancellor: November 1, 2012
ADMINISTRATION PROCEDURE 6700 CIVIC CENTER AND OTHER FACILITIES USE

I. Responsibilities

Each President is responsible for the Civic Center Program at their college and the Vice Chancellor of General Services is responsible for the Civic Center Program at the District Administrative Center (DAC) by:

A. Identifying those Civic Center Facilities which may be used by the public when such use does not conflict with District programs and operations.

B. Directing public use of those facilities

C. Administering appropriate charges as defined in District policy. At the close of each academic year, the college presidents shall review the facility use rate schedule and provide recommended revisions for the next school year to the Chancellor.

II. Delegation

Each president shall designate the business manager to administer the facility use program under his or her authority. The business manager (or the Vice Chancellor of General Services at the DAC) so designated shall:

A. Provide information to prospective users of the facilities;

B. Review applications, establish all related costs and maintain financial records for accountability purposes for each facility use;

C. Obtain all necessary documentation related to each facility use;

D. Coordinate scheduled uses of facilities with other appropriate campus/District offices involved;

E. Prepare annual reports of all campus facilities uses.

III. Regulations

A. The College and District reserves the right to deny an application or revoke any agreement at any time if actions resulting from such application or permission may be harmful to the best interest of the District/College or if there is a conflict with any previously scheduled event. The District/College, at its discretion, has the right to cancel and terminate an agreement immediately and without notice upon its discovery of a violation of any term, condition, or provision of the agreement on the part of the applicant. Should any such violation occur, the District/College, at its discretion, shall have the right to deny any future requests by the applicant for the use of any other District/College property or facilities.

B. Except as provided by Board Policy or Administrative Procedure, or as authorized by law, no organizations shall be denied the use of District facilities because of the content of the speech to be undertaken.

C. Alcoholic beverages and controlled substances are prohibited on all Peralta Community Colleges District property and within the District’s facilities. Alcoholic beverages and controlled substances are prohibited on all Peralta Community College District property and within the District’s facilities. As provided by state law and pursuant to Administrative Procedures 3560, permission may be requested for an exemption to the prohibition against alcoholic beverages if authorized by the Chancellor or College President.