

District Policies and Procedures

The district and college policies in this section were developed to protect your interests while you are a student at College of Alameda. Read through them carefully to become familiar with your student rights and responsibilities.

Policies and procedures are subject to revision to comply with laws, requirements, and best practices. For a comprehensive list of all board and administrative policies, please visit: <http://web.peralta.edu/trustees/bps-aps/>.

Key:

BP - Board Policy

AP - Administrative Procedure

Student Right-To-Know Disclosure (Completion and Transfer Rates)

In compliance with the Higher Education Act of 1965, as amended, completion and transfer rates for students attending College of Alameda can be found on the Peralta Community Colleges web site at:

<http://web.peralta.edu/indev/fact-books/>.

Information can also be found at <http://nces.ed.gov/collegenavigator/>

Family Education Rights and Privacy Act of 1974 (Access to Educational Records)

In compliance with requirements established by the Family Educational Rights and Privacy Act of 1974 (Public Law 93-380, as amended) and regulations in Title 5, College of Alameda hereby provides notice of procedures and policies regarding student access to education records maintained by and at the college. The college's procedures and policies must, of course, remain subject to any further modification made necessary or appropriate as a result of subsequent legislation or regulations. Questions regarding the legislation and College of Alameda's guidelines should be addressed to the Vice President of Student Services. Copies of the act and the regulations are available for review in that office.

The purpose of the Act, as it applies to College of Alameda is two-fold:

1. To give presently or formerly enrolled College of Alameda students access to their individual education records maintained at the college;
2. To protect such students' rights to privacy by limiting the transfer of their records without their consent.

The legislation states that an institution is not required to grant students access to certain materials which includes the following:

1. Information provided by a student's parents relating to applications for financial aid or scholarships;
2. Information related to a student compiled by a College of Alameda employee;
 - a. that is appropriate for such officer or employee's performance of his or her responsibility,
 - b. that remains in the sole possession of the maker thereof.
 - c. that cites medical, psychiatric, or similar reports which are used solely in connection with treatment purposes and only available to recognized professionals or paraprofessionals in connection with such treatment (provided, however, that a physician or other professional of the student's choice may review such records),
 - d. that is maintained by a law enforcement unit; that is necessary and appropriate to enable such law enforcement unit to carry out its duties and responsibilities as required by law or which may be assigned by the district, and that such law enforcement unit personnel do not have access to other student records, and that such information is kept apart from other student records, and that it is maintained solely for law enforcement purposes, and that is available only to other law enforcement officials of the same jurisdiction.

As required by the Act, the college reserves the right to publish at its discretion the following categories of information with respect to each student who is presently or has previously attended the college: participation in officially recognized activities and sports, weight and height of members of athletic teams, high school of graduation of athletic teams and degrees and awards received, including honors, scholarship awards, athletic awards and other types of recognition. Students have a right to inform the college within a reasonable period of time that any or all of this so-called "directory information" should not be released without their prior consent. College of Alameda has not published an "Information Directory" and should one be compiled in the future, a public notice of intent will be provided.

The legislation further identifies exceptions to the written consent of release of records. "Access" shall be permitted to the following:

1. School officials with legitimate educational interest to inspect a record;
2. Schools to which a student is transferring in connection with a student's application for, or receipt of, financial aid;

3. Specified officials for audit or evaluation purposes;
4. Appropriate parties in connection with financial aid to a student;
5. Organizations conducting certain studies for or on behalf of the school provided;
 - a) such studies are conducted in such a manner as will not permit personal identification of students or their parents by persons other than representatives of such organizations; and
 - b) Such information will be destroyed when no longer needed for the purpose for which it is conducted.
6. Accrediting organizations carrying out accrediting functions;
7. To comply with a judicial order or lawfully issued subpoena;
8. Appropriate officials in cases of health and safety emergencies if the knowledge of such information is necessary to protect the health or safety of a student or other persons;
9. State and local authorities, within a juvenile justice system, pursuant to specific State law.

Finally, it should be noted that the scope of records maintained for students may vary greatly depending on individual circumstances. In some cases, student files do not contain many of the types of records listed above

Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act, codified at 20 USC 1092(f) as part of Higher Education Act of 1965, is a federal law that requires all colleges and universities to keep and disclose information timely and annually about certain crime on and near their respective campuses.

These crime statistics can be found in the Peralta Community College Personal Safety Handbook, on the Peralta Community College District website: www.peralta.edu, and on the Alameda County Sheriff's Office website: www.alamedacountysheriff.org.

In compliance with the Clery Act, PCCD publishes and updated every year an Annual Security Report (ASR) with contains three years of campus crime statistics and information on college security. The ASR available online at <http://web.peralta.edu/police-services/> and emailed annually to students at their registered Peralta email account by Oct 1st.

Title IX

College of Alameda complies with Title IX policies and regulations and provides students with resources to understand, prevent, and take action when a violation occurs. For more information about Title IX policy and reporting, services, and resources available at College of Alameda, please visit: <http://alameda.peralta.edu/title9/>.

BP/AP 3410 NONDISCRIMINATION

BP 3410 Nondiscrimination

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

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

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

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

Reference:

Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.;
 Title 5 Sections 53000 et seq. and 59300 et seq.;
 Penal Code Section 422.55;
 Government Code Sections 12926.1 and 12940 et seq.
 Title 2 Sections 10500 et seq.
 Labor Code Section 1197.5
 ACCJC Accreditation Eligibility Requirement 20 and
 ACCJC Accreditation Standard Catalog Requirements (formerly
 Accreditation Standard IIB.2.c)
 California Fair Employment and Housing Act
 Administrative Procedure 3410

Approved by the Board of Trustees: June 26, 2012

Updated and approved by the Board of Trustees: January 21, 2014

Updated and approved by the Board of Trustees: June 24, 2014

Updated and approved by the Board of Trustees: April 14, 2015

Updated and approved by the Board of Trustees: March 14, 2017

Updated and approved by the Board of Trustees: February 26, 2019

AP 3410 Nondiscrimination

I. Educational Programs and other Services

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

- A. All classes, including credit, noncredit and not-for-credit, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, “gender” means sex, and includes a person’s gender identity and gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.
- B. The District shall not prohibit any student from enrolling in any class or course on the basis of gender.
- C. Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.
- D. Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

II. Employment

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

- A. All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District’s needs.
- B. The District shall provide timely professional and staff development activities and training to promote understanding of diversity.
- C. It is unlawful to discriminate against a person who serves in an unpaid internship or any other limited-duration program to provide unpaid work experience in the selection, termination, training, or other terms and treatment of that person on any the basis of their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

References:

Nondiscrimination References for Education Programs:

Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.;
 Penal Code Sections 422.55 et seq.;
 Title 5 Sections 59300 et seq.;
 ACCJC Accreditation Eligibility Requirement 20 and ACCJC
 Accreditation Standard Catalog Requirements

Nondiscrimination References for Employment:

Education Code Sections 87100 et seq.;
 Title 5 Sections 53000 et seq.;
 Government Code Sections 11135 et seq. and 12940 et seq.;
 Title 2 Sections 10500 et seq.
 Labor Code Section 11997.5

Approved by the Chancellor: July 18, 2012

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Revised and approved by the Chancellor: July 25, 2014

Revised and approved by the Chancellor: January 9, 2017

Revised and approved by the Chancellor: November 16, 2018

AP 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 or unpaid interns and volunteers 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, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status.

D. Visual or Written

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

E. Environmental

A hostile academic or work environment 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 work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

F. Sexual Harassment

In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from, or in, the work 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, progress, internship, or volunteer activity;
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. 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.

III. 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.

Reference:

Education Code Sections 212.5, 44100, and 66281.5;
Government Code section 12940
Title 2 Sections 10500 et seq.
Title IX, Education Amendments of 1972; Title 5, Sections 59320 et seq.;
Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

Approved by the Chancellor: July 25, 2014

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Revised and approved by the Chancellor: January 9, 2017

AP 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.
- K. Victims will be provided the option to:
- (1) notify proper law enforcement authorities, including on-campus and local police;
 - (2) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - (3) decline to notify such authorities;
 - (4) the rights of victims and the institution’s responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court;
 - (5) information about how the district will protect the confidentiality of victims, and
 - (6) written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to Peralta Police Services or local law enforcement.
- L. The victim will be provided a description of the following procedures:
- (1) criminal prosecution;
 - (2) civil prosecution (i.e., lawsuit);
 - (3) District disciplinary procedures, both student and employee;
 - (4) modification of class schedules; and
 - (5) tutoring, if necessary.
- M. The District will investigate all complaints alleging sexual assault regardless of whether a complaint is filed with local law enforcement. All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through Peralta Police Services, of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights of confidentiality.
- N. A complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District’s student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.
- O. In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to allege lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:
- (1) The accused’s belief in affirmative consent arose from the intoxication or recklessness of the accused.
 - (2) The accused did not take reasonable steps in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.
- P. In the evaluation of the complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:
- (1) The complainant was asleep or unconscious.
 - (2) The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant was unable to communicate due to a mental or physical condition.

- Q. The District shall maintain the identity of any alleged victim or witness of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim or witness specifically waives the right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to the District's Public Information Office, which shall work with Peralta Police Services to assure that all confidentiality rights are maintained.
- R. Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after an incident of domestic violence, dating violence, and stalking has been reported, including a statement of the standard of evidence (preponderance of evidence) that will be used during any district proceeding arising from such a report. The statement must include the following:
- (1) A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
 - (2) Procedures to follow if a domestic violence, dating violence, sex offense or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported.
 - (3) Responses to stranger and non-stranger sexual assault;
 - (4) The preliminary victim interview, including the development of a victim interview protocol, and a comprehensive follow-up victim interview, as appropriate;
 - (5) Contacting and interviewing the accused;
 - (6) Seeking the identification and location of witnesses;
 - (7) Information on a student's right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities;
 - (8) Written information and notification for students about existing on- and off- campus counseling, mental health, victim advocacy, legal assistance, or other services for victims and contact information;
 - (9) Participation of victim advocates and other supporting people;
 - (10) Investigating allegations that alcohol or drugs were involved in the incident;
 - (11) The role of the institutional staff supervision;
 - (12) A comprehensive trauma-informed training program for campus officials involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases;
 - (13) Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to Peralta Police Services or local law enforcement.
 - (14) Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking, including a clear statement that:
 - a. Such proceedings shall provide a prompt, fair, and impartial resolution;
 - b. Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability;
 - c. The accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged domestic violence, dating violence, sexual assault or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any changes to the results that occur prior to the time that such results become final, and when such results become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.
 - (15) A description of the sanction the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, date rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence or stalking

Education and Prevention Information

Peralta Police Services shall:

- A. Provide, as part of each campus' established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault, and stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations, and shall include the District's sexual assault policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.
- B. Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

Please note:

For additional information and resources on sexual assault, domestic violence, dating violence, and stalking in the educational/campus environment, the Department of Justice has established a clearinghouse of resources geared towards colleges and universities, which can be accessed at the California Attorney General's website.

References:

- Education Code Sections 67385, 67385.7 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
 Revised and approved by the Chancellor: June 15, 2015
 Revised by the Chancellor: February 11, 2016

AP 3435 Discrimination and Harassment Complaints and Investigations**I. Complaints**

Any person who has suffered harassment, discrimination, or retaliation may file a formal or informal complaint of harassment, discrimination, or retaliation.

A formal complaint is a written and signed statement filed with the District or the State Chancellor's office that alleges harassment, discrimination, or retaliation in violation of the District's Board Policies, Administrative Procedures or in violation of state or federal law. An informal complaint is any of the following:

- (1) An unwritten allegation of harassment, discrimination, or retaliation;
- (2) A written allegation of harassment, discrimination, or retaliation that falls outside the timelines for a formal complaint; or
- (3) A written complaint alleging harassment, discrimination, or retaliation filed by an individual who expressly indicates that he/she does not want to file a formal complaint.

II. Informal Complaints

Any person may submit an informal complaint to the college Vice President of Student Services (students) or the college Vice President of Instruction (employees) of or any other District or college administrator. Administrators receiving an informal complaint shall immediately notify the Vice Chancellor of Human Resources and Employee Relations in writing of all pertinent information and facts alleged in the informal complaint.

Upon receipt of an informal complaint, the Vice Chancellor of Human Resources and Employee Relations will notify the person bringing the informal complaint of his/her right to file a formal complaint, if the incident falls within the timeline for a formal complaint, and explain the procedure for doing so. The complainant may later decide to file a formal complaint, if within the timelines to do so. If the individual chooses not to file a formal complaint, or if the alleged conduct falls outside the timeline to file a formal complaint, the Vice Chancellor of Human Resources and Employee Relations shall consider the allegations contained in the informal complaint and determine the appropriate course of action. This may include efforts to informally resolve the matter, or a fact-finding investigation.

Investigation of an informal complaint will be appropriate if the Vice Chancellor of Human Resources and Employee Relations determines that the allegation(s), if proven true, would constitute a violation of the District policy prohibiting harassment, discrimination, or retaliation. The Vice Chancellor of Human Resources and Employee Relations will explain to any individual bringing an informal complaint that the Vice Chancellor of Human Resources and Employee Relations may decide to initiate an investigation, even if the individual does not wish the District to do so. The Vice Chancellor of Human Resources and Employee Relations shall not disregard any allegations of harassment, discrimination, or retaliation solely on the basis that the alleged conduct falls outside the deadline to file a formal complaint.

III. Formal Complaints

Formal Complaints must be filed with the State Chancellor or the Vice Chancellor of Human Resources and Employee Relations unless the party submitting the Formal Complaint alleges discrimination, harassment, or retaliation against the responsible District Officer, in which case it should be submitted directly to the Chancellor or the State Chancellor.

Formal Complaints should be submitted on the form prescribed by the State Chancellor. A copy of the form will be available at the college Office of Student Services, District Office of Human Resources, and the District/college web sites.

If any party submits a written allegation of harassment, discrimination, or retaliation not on the form described above, the District will seek to have the individual complete and submit the form. However, if the individual chooses not to do so, the District will attach the written allegation(s) to the form and treat it as a Formal Complaint. In no instance will the District reject a written allegation of harassment, discrimination, or retaliation on the basis that it was not submitted on the proper form.

A Formal Complaint must meet each of the following criteria:

- It must allege facts with enough specificity to show that the allegations, if true, would constitute a violation of District policies or procedures prohibiting discrimination, harassment, or retaliation;
- The complainant must sign and date the Formal Complaint;
- The complainant must file any Formal Complaint not involving employment within one year of the date of the alleged discriminatory, harassing, or retaliatory conduct or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation(s) of discrimination, harassment, or retaliation.

- The complainant must file any Formal Complaint alleging discrimination, harassment, or retaliation in employment within 180 days of the date of the alleged discriminatory, harassing, or retaliatory conduct, except that this period shall be extended by no more than 90 days following the expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

If the Formal Complaint does not meet the requirements set forth above, the District Office of Employee Relations will promptly return it to the complainant and specify the defect. If the sole defect is that the Formal Complaint was filed outside the applicable proscribed timeline, the Vice Chancellor of Human Resources and Employee Relations will handle the matter as an informal complaint.

IV. Oversight of Complaint Procedure

The Vice Chancellor of Human Resources and Employee Relations is the "responsible District Officer" charged with receiving complaints of discrimination or harassment, and coordinating their investigation.

The actual investigation of complaints may be assigned by the Vice Chancellor of Human Resources and Employee Relations to other staff or to outside persons or organizations under contract with the District. This shall occur whenever the Vice Chancellor of Human Resources and Employee Relations is named in the complaint or implicated by the allegations in the complaint.

Who May File a Complaint: Any student, employee, or third party who believes he/she has been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy.

Where to File a Complaint: A student, employee, or third party who believes he/she has been discriminated against or harassed in violation of these policy and procedures may make a complaint orally or in writing.

If a complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, he/she must file the complaint on a form prescribed by the State Chancellor's Office. These approved forms are available from the District Office of Employee Relations, the District's Human Resources website, and at the State Chancellor's website.

The completed form must be filed with any of the following:

- The Vice Chancellor of Human Resources and Employee Relations;
- College Vice President of Student Services (students), the College Vice President of Instruction (employees), or the College President; or
- the State Chancellor's Office.

V. Employment-Related Complaints

Complainants filing employment-related complaints shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH).

Complaints filed with the EEOC or the DFEH should be forwarded to the State Chancellor's Office.

Any District employee who receives a harassment or discrimination complaint shall notify the Vice Chancellor of Human Resources and Employee Relations immediately.

VI. Filing a Timely Complaint

Since failure to report harassment and discrimination impedes the District's ability to stop the behavior, the District strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. The District also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination; the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

The District will investigate complaints involving acts that occur off campus if they are related to an academic or work activity or if the harassing conduct interferes with or limits a student's or employee's ability to participate in or benefit from the college's programs or activities.

VII. Communicating that the Conduct is Unwelcome

The District further encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste or inappropriate.

VIII. Intake and Processing of the Complaint

Upon receiving notification of a harassment or discrimination complaint, the Vice Chancellor of Human Resources and Employee Relations shall:

- Undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing informal counseling, training, etc.
- Advise the complainant that he/she need not participate in an informal resolution of the complaint, as described above, and has the right to end the informal resolution process at any time. Note: the OCR September 2017 Interim Guidance now permits mediation in all cases as long as all parties agree. Districts should exercise care in using mediation in cases of sexual violence.
- Advise a student complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education and employee complainants may file a complaint with the Department of Fair Employment and Housing. All complainants should be advised that they have a right to file a complaint with local law enforcement, if the act complained of is also a criminal act. The District must investigate even if the complainant files a complaint with local law enforcement. In addition, the District should ensure that complainants are aware of any available resources, such as counseling, health, and mental health services. The Vice Chancellor of Human Resources and Employee Relations shall also notify the State Chancellor's Office of the complaint.
- Take interim steps to protect a complainant from coming into contact with an accused individual, especially if the complainant is a victim of sexual violence. The Vice Chancellor of Human Resources and Employee Relations should notify the complainant of his/her options to avoid contact with the accused individual and allow students to change academic situations as appropriate. For instance, the District may prohibit the accused individual from having any contact with the complainant pending the results of the investigation. When taking steps to separate the complainant and accused individual, the District shall minimize the burden on the complainant. For example, it is not appropriate to remove complainants from classes or housing while allowing accused individuals to remain.

IX. Investigation

The Vice Chancellor of Human Resources and Employee Relations shall:

- Authorize the investigation of the complaint, and supervise or conduct a thorough, prompt and impartial investigation of the complaint, as set forth below. Where complainants opt for informal resolution, the designated officer will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. In the case of a formal complaint, the investigation will include interviews with the complainant, the accused, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.
- Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.

X. Investigation of the Complaint

The District shall promptly investigate every complaint and claim of harassment or discrimination. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and 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, on a District bus, or at a class or training program sponsored by the District at another location. The District shall promptly investigate complaints of harassment or discrimination that occur off campus if the alleged conduct creates a hostile environment on campus.

As set forth above, where the complainant opts for an informal resolution, the Vice Chancellor of Human Resources and Employee Relations may limit the scope of the investigation, as appropriate. The District will keep the investigation confidential to the extent possible, but cannot guarantee absolute confidentiality because release of some information on a "need-to-know basis" is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the accused individual's rights to receive information about the allegations if the information is maintained by

the District as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15. The District will inform the complainant if it cannot maintain confidentiality.

XI. Investigation Steps

The District will fairly and objectively investigate harassment and discrimination complaints.

Employees designated to serve as investigators under this policy shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the District's grievance procedures operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

Investigators will use the following steps: interviewing the complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of the District's no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved parties; reach a conclusion as to the allegations and any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion. When the District evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred.

XII. Timeline for Completion

The District will undertake its investigation promptly and swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report within 90 days of the District receiving the complaint.

XIII. Cooperation Encouraged

All employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.

XVIII. Written Report

The results of the investigation of a complaint shall be set forth in a written report that will include at least all of the following information:

- A description of the circumstances giving rise to the Formal Complaint;
- A summary of the testimony provided by each witness interviewed by the investigator;
- An analysis of relevant evidence collected during the course of the investigation;
- A specific finding as to whether there is probable cause to believe that discrimination, harassment, or retaliation occurred with respect to each allegation in the complaint; and
- Any other information deemed appropriate by the District.

XV. Confidentiality of the Process

Investigations are best conducted within a confidential climate. Therefore, the District does not reveal information about ongoing investigations except as necessary to fulfill its legal obligations. The District will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation and to protect the rights of Accused students and employees during the investigation process and any ensuing discipline.

XVI. Administrative Determination

1. In any case not involving employment discrimination, within 90 days of receiving a formal complaint, the District shall complete its investigation and forward a copy of the investigative report to the State Chancellor, a copy or summary of the report to the complainant, and written notice setting forth all of the following to both the complainant and the Chancellor:
 - (a) The determination of the Chancellor or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
 - (b) A description of actions taken, if any, to prevent similar problems from occurring in the future;
 - (c) The proposed resolution of the complaint; and
 - (d) The complainant's right to appeal to the District governing board and the Chancellor.
2. In any case involving employment discrimination, within 90 days of receiving a formal complaint, the District shall complete its investigation and forward a copy or summary of the report to the complainant, and written notice setting forth all the following to the complainant:

- (a) The determination of the Chancellor or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
- (b) A description of actions taken, if any, to prevent similar problems from occurring in the future;
- (c) The proposed resolution of the complaint; and
- (d) The complainant's right to appeal to the District governing board and to file a complaint with Department of Fair Employment and Housing or the U.S Equal Employment Opportunity Commission.

XVII. Discipline and Corrective Action

If harassment, discrimination or retaliation occurred in violation of the policy or procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense. Remedies for the complainant might include, but are not limited to:

1. providing an escort to ensure that the complainant can move safely between classes and activities;
2. ensuring that the complainant and alleged perpetrator do not attend the same classes or work in the same work area;
3. preventing offending third parties from entering campus;
4. providing counseling services or a referral to counseling services;
5. providing medical services or a referral to medical services;
6. providing academic support services, such as tutoring;
7. arranging for a student-complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record; and
8. reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined.

If the District imposes discipline, the nature of the discipline will not be communicated to the complainant. However, the District may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the complainant; for example, the District may inform the complainant that the harasser must stay away from the complainant.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to protect the complainant from further harassment, or discrimination, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint or assisting in the investigation.

The District will ensure that complainants and witnesses know how to report any subsequent problems, and should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.

If the District cannot take disciplinary action against the accused individual because the complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

XVIII. Appeals

If the District imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary decision.

If the complainant is not satisfied with the results of the administrative determination, he/she may, within fifteen days, submit a written appeal to the Board of Trustees. The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the complainant and to the State Chancellor's Office. The complainant shall also be notified of his/her right to appeal this decision.

If the Board does not act within 45 days the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.

In any case not involving workplace discrimination, harassment, or retaliation, the complainant shall have the right to file a written appeal with the State Chancellor's Office within thirty days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Title 5 Section 59350.

In any case involving employment discrimination, including workplace harassment, the complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the Department of Fair Employment and Housing.

XIX. Extension of Time

Within 150 days of receiving a formal complaint, the District shall forward to the State Chancellor's Office the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Board or indicating the date upon which the decision became final, and a copy of the notification to the complainant of his/her appeal rights. If, due to circumstances beyond its control, the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.

XX. File Retention

The District will retain on file for a period of at least three years after closing the case copies of:

1. the original complaint;
2. the investigatory report;
3. the summary of the report if one is prepared;
4. the notice provided to the complainant, of the District's administrative determination and his/her right to appeal;
5. any appeal; and
6. the District's final decision.

The District will make such documents available to the State Chancellor upon request.

XXI. Dissemination of Policy and Procedures

District Policy and Procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, faculty members, members of the administrative staff and members of the support staff, and will be posted on campus and on the District's website.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file. In addition, these policies and procedures are incorporated into the District's course catalogs and orientation materials for new students.

XXII. Training

By January 1, 2006, the District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees who are employed as of July 1, 2005. All new supervisory employees must be provided with the training and education within six months of their assumption of a supervisory position. After January 1, 2006, the District shall provide sexual harassment training and education to each supervisory employee once every two years.

The training and education required by this procedure shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

Training of all staff will be conducted. This includes counselors, faculty, health personnel, law enforcement officers, coaches, and all staff who regularly interact with students. Training for academic staff should emphasize environmental harassment in the classroom. The District will also provide training to students who lead student organizations. The District should provide copies of the sexual harassment policies and training to all District law enforcement unit employees regarding the grievance procedures and any other procedures used for investigating reports of sexual violence. Participation of faculty in such training is strongly encouraged, but is not mandatory, except when required by law.

In years in which a substantive policy or procedural change has occurred, all District employees will attend a training update or receive a copy of the revised policies and procedures.

Participants in training programs will be required to sign a statement that they have either understood the policies and procedures, their responsibilities, and their own and the District's potential liability, or that they did not understand the policy and desire further training.

XXIII. Education and Prevention for Students

In order to take proactive measures to prevent sexual harassment and violence toward students, the District will provide preventive education programs and make victim resources, including comprehensive victim services, available. The District will include such programs in their orientation programs for new students, and in training for student athletes and coaches. These programs will include discussion of what constitutes sexual harassment and sexual violence, the District's policies and disciplinary procedures, and the consequences of violating these policies. A training program or informational services will be made available to all students at least once annually.

The education programs will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate District and law enforcement authorities. Since victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform students that the primary concern is for student safety and that use of alcohol or drugs never makes the victim at fault for sexual violence. If other rules are violated, the District will address such violations separately from an allegation of sexual violence.

Reference:

20 U.S.C. Section 1681 et seq.;
Education Code Section 66281.5;
Government Code Section 12950.1;
Title 5 Sections 59320, 59324, 59326, 59328, and 59300 et seq.;
34 Code of Federal Regulations Section 106.8(b)

Approved by the Chancellor: June 14, 2016
Revised and approved by the Chancellor: March 28, 2018

PROHIBITION OF HARASSMENT AND DISCRIMINATION AND SEXUAL ASSAULT PROCEDURES

I. Statement regarding Discrimination

- A. In keeping with Board Policy 3410: Nondiscrimination, the Peralta Community College District, as a public institution, prohibits discrimination in any and all of its activities, including: employment; procuring of goods and services; availability of its educational offerings; and other programs and activities such as financial aid and special services. In order to accomplish these tasks, the District Office of Equal Opportunity is assigned the responsibilities of overseeing and investigating any charges of discrimination or other complaints. A discrimination complaint log will be maintained as well as complete records of complaints and resolutions. The Office of Equal Opportunity will handle both student and employee complaints by working with the Vice Presidents of Student Services for student complaints and with the Vice President of Instruction for employee complaints.
- B. The Peralta Community College District, in accordance with applicable Federal and State laws and Board Policy, prohibits unlawful discrimination towards students on the basis of race, creed, color, ancestry, religion, sex, national origin, age (40 and over), marital status, medical condition (cancer related), disability, political views and affiliations, sexual orientation/preference, and transgender status at any stage in any and all of its programs and activities, including availability of its educational offerings; and other programs and activities such as financial aid and special services. To that end, the District will take immediate, appropriate steps to investigate complaints of discrimination to eliminate current discrimination and prevent further discrimination. The District prohibits retaliation against any individual who files a complaint or who participates in a discrimination or discriminatory harassment inquiry.
- C. The Peralta District is subject to Title IX of the Educational Amendments of 1972, Titles VI and VII of the Civil Rights Act of 1964 and 1972, Age Discrimination in Employment Act of 1967, Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA).
- D. The Title IX, Section 504 and ADA Coordinator for the Peralta District is the District Equal Opportunity Officer (who is the Vice Chancellor of Human Resources and Employee Relations whose office is located at 333 E. 8th Street, Oakland, California 94606; telephone (510) 466-7252.
- E. Each college has an ADA Coordinator who can be reached by calling the main number of the college.

- F. Students, faculty, employees, and applicants for employment who believe they have been discriminated against may file a discrimination complaint with the President of the college, Vice President of Student Services (for students), Vice President of Instruction (for faculty or employees) or the District Equal Opportunity Officer. Complaint forms and procedures are available in the offices of the President, Vice Presidents, and Equal Opportunity Officer.
- G. The Peralta Colleges encourage "mainstreaming" students with disabilities into regular classes. The colleges offer support services to make education accessible. Each main campus has a Coordinator who coordinates the Disabled Students Program. Students who find that a class is not accessible should contact the Disabled Students Programs and Services Office for assistance. Services provided include classroom interpreters, note takers, readers, special counseling on disability management, peer counseling groups, and special adaptive equipment.
- H. The lack of English language skills will not be a barrier to admission and participation in the colleges' vocational education programs.

II. Discrimination Complaint Procedures

- A. To insure that students and employees of the District are aware of the provisions of this procedure, a general statement will be published in each class schedule and a bulletin will be circulated to each District employee.
- B. The following procedures are in compliance with the guidelines of state law:
 1. Student discrimination complaints may be filed with the Office of Student Services at each college.
 2. Employee complaints may be filed with the Office of Instruction at each college.
 3. All complaints should be forwarded to the District Equal Opportunity Officer on the approved district form.
 - A. Upon receipt of a complaint, a copy will be forwarded to the State Chancellor's Office on the appropriate form.
 - B. Defective complaints will be returned to the complainant with an explanation of the deficiencies and how they may be corrected if the complaint is to be considered.
 4. Within fourteen (14) days of the complaint, an investigation will commence with notification to the complainant of the initiation of the investigation.
 5. If the complaint proves to be accurate, a resolution of the problem will be proposed and corrective actions taken to ensure that the act is not repeated.

6. After a proposed resolution is developed and approved, the complainant will be notified of the resolution. Should the complainant not be satisfied, he/she may object to the proposed resolution through the State Chancellor's Office within thirty (30) days. The District Office of Equal Opportunity will furnish the complainant with necessary information regarding where and how to file the objection with the State.
7. After the resolution proposal is sent to the complainant, the District will forward the complete file of the complaint; findings of the investigation; the District's proposed resolution; the letter to the complainant informing him/her of the proposal; and any relevant material to the State Chancellor's Office.

III. Procedures Prohibiting Sexual, Racial, and Disability Harassment and Discrimination Toward Students

A. Dissemination

1. The procedures shall be published in all student, faculty and staff handbooks, each college's catalog and schedule of classes, and other printed material deemed appropriate by each college's Vice President of Student Services.
2. The procedures will also be disseminated to students at each college's new student orientation and at periodic workshops to be scheduled by each college's Vice President of Student Services.
3. The procedures will also be disseminated to each faculty member, all members of the administrative staff, and all members of the support staff both at time of hire and at the beginning of each school year.
4. The procedures shall also be displayed in a prominent location at each college along with the other notices regarding the college's procedures and standards of conduct. A copy of the procedures shall be made available to any person expressing a verbal complaint about such matters.

B. Sexual, Racial, and Disability Harassment and Discrimination Defined

1. The Peralta Community College District expressly forbids sexual, racial, and disability harassment of its students by faculty, administrators, supervisors, District employees, other students, vendors or members of the general public. The District also prohibits discrimination of its students by subjecting any student to adverse or differential treatment, or depriving that student of any benefits of the District because of that student's sex, race, or disability. Furthermore, the District prohibits retaliation against any individual who files a complaint or participates in a discrimination inquiry.

2. Sexual harassment includes, but is not limited to, 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 educational setting, under any of the following conditions:
 - (a) Submission to the conduct is explicitly or implicitly made a term or a condition of a student's academic status, or progress.
 - (b) Submission to, or rejection of, the conduct by a student is used as the basis of academic decisions affecting the student.
 - (c) The conduct has the purpose or effect of having a negative impact upon a student's academic performance, or of creating an intimidating, hostile, or offensive educational environment.
 - (d) Submission to, or rejection of, the conduct by a student is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.
 - (e) Any other such conduct that may have an effect on a student's learning environment or his or her ability to enjoy any privileges or benefits provided by the District.
3. The prohibition of racial harassment similarly enjoins conduct or incidents based on race that may interfere with or limit the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the District.
4. The prohibition of disability harassment similarly enjoins conduct or incidents based on disability that may exclude an individual from participation in or be denied the benefit of the services, programs, or activities provided by the District to other non-disabled students.
5. A harassing environment is created if conduct of a sexual or racial nature or conduct based on student's disability is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the education program by the District or to create a hostile or abusive educational environment.

C. Examples of Prohibited Harassment

Sexual, racial, disability harassment includes, but is not limited to, the following examples of conduct that is undertaken because of the sex, race, or disability of the student victim:

1. Unwanted physical touching (beyond normal greetings).
2. Displays of offensive materials, objects, photos, etc., with a sexual, racial, or disabled theme.
3. Situations affecting a student's studying and learning conditions and making the learning environment unpleasant and uncomfortable, whether the actions are purposeful or not.
4. Verbal insults (in reference to gender, race, sexual orientation, or disability).

5. Rumors designed to cause the individual emotional distress or place him or her in a bad light.
6. Physical assault.
7. Unwelcome direct propositions of a sexual nature.
8. Subtle pressures for unwelcome sexual activity, an element of which may be conduct such as repeated and unwanted staring.
9. A pattern of conduct not legitimately related to the subject matter of a course, which is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the education program or to create a hostile or abusive educational environment, that includes one or more of the following:
 - (a) Comments of a sexual/racial nature or which are demeaning or derogatory based on a disability, or
 - (b) Sexually explicit statements, questions, jokes, or anecdotes.
10. Unwanted attempts to establish a personal relationship.
11. A pattern of conduct that would cause discomfort or humiliate, or both, a reasonable person at whom the conduct was directed that may include one or more of the following:
 - (a) Unnecessary touching, patting, hugging, or brushing against a person's body,
 - (b) Remarks of a sexual nature about a person's anatomy or clothing, or
 - (c) Remarks about sexual activity or speculations about a previous sexual experience.

All persons should be aware that conduct towards a student that is not specifically identified in this procedure may nonetheless constitute impermissible sexual, racial or disability harassment.

D. Academic Freedom and Freedom of Speech

1. As participants in a public institution, the faculty and staff of the Peralta Community College District enjoy significant free speech protections found in the First Amendment of the United States Constitution and Article I Section I of the California Constitution. The right of academic freedom includes a special area of protected speech. Consistent with the principles of academic freedom, course content and teaching methods remain the province of individual faculty members. Academic freedom, however, is not limitless. Academic freedom does not protect classroom speech that is unrelated to the subject matter of the course or in violation of federal or state anti-discrimination laws. Some speech may constitute environmental sexual harassment, harassment based on another impermissible characteristic or discrimination. If a faculty member engages in unwelcome sexual behavior or other improper behavior based on a characteristic protected by this procedure that has the purpose or effect of unreasonably interfering with an employee's work environment or a student's academic performance or creates a hostile and intimidating

work or academic environment, then it may constitute environmental harassment or discrimination, as outlined in Board Policy and these implementing procedures.

2. The District must balance these two significant interests: the right of academic freedom and the right to be free from discrimination and harassment. The First Amendment protections, including those of academic freedom, are not absolute. When a faculty member raises academic freedom as a defense against charges of discrimination or discriminatory harassment, the District must examine the nature and context of the faculty member's behavior. A key to this examination is determining whether the behavior of the faculty member is related to his or her legitimate academic judgments within the context of furthering the institution's legitimate mission.
3. Nothing in the District's Discrimination and Discriminatory Harassment Policy should be construed to prevent faculty members from rigorously challenging fundamental beliefs held by students and society. These challenges should be done in a manner that, in the professional judgment of the faculty member, is most pedagogically advisable. Indeed, this is at the core of academic freedom; however, faculty members may not interject into the academic setting an element of discrimination or discriminatory harassment that is unrelated to any legitimate educational objective. Nor, may a faculty member create, or allow, the educational setting to be so charged with discrimination or discriminatory harassment, that our students are prevented from effectively participating in the academic environment. As such, faculty members must be aware that the District will investigate and respond to employee or student complaints that involve course content in accordance with its general discrimination and discriminatory harassment policy and faculty members may be subject to discipline for egregious conduct, in the same manner as provided in Board Policy and any implementing procedures for all other District employees.
4. The Peralta Community College District is committed to insuring that the academic freedom rights of our faculty are secure, and to insuring our students an academic environment free of discrimination and harassment. Nothing in this section is intended to abrogate rights of Academic Freedom stated in the collective bargaining agreement with the Peralta Federation of Teachers.

E. Consensual Relationships

1. Definitions:

- (a) The terms “instructors” and “faculty member” are defined as any person who teaches in the District, is in an academic position, or by virtue of their position has control or influence on student performance, behavior, or academic career.
- (b) A “District employee” is defined as any person who is employed by the Peralta Community College District, or acts as its agent and operates within the District’s control.

Professionalism is fostered by an atmosphere of mutual trust and respect. Actions of faculty members and supervisors that harm this atmosphere undermine professionalism and hinder fulfillment of the educational mission. Trust and respect are diminished when those in positions of authority abuse their power in such a context as to violate their duty to the educational community and undermine the trust placed in the District as a public employer and an educational institution.

2. Rationale:

The District’s educational mission is promoted by professionalism in faculty/student, as well as supervisor/subordinate, relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Actions of faculty members and supervisors that harm this atmosphere undermine professionalism and hinder fulfillment of the educational mission. Trust and respect are diminished when those in positions of authority abuse their power in such a context as to violate their duty to the educational community and undermine the trust placed in the District as a public employer and an educational institution.

3. Ethical Violation:

Recognizing that the unequal power of adult consenting parties is inherent in consensual relationships between supervisor and employee or student and teacher, the District will view it as unethical behavior if faculty members or supervisors engage in romantic relations with students enrolled in their classes or employees under their supervision even though both parties appear to have consented to the relationship.

4. Presumption of a Policy Violation:

The faculty member or supervisor who contemplates a romantic relationship with a student or employee must realize the complexity of the situation and its potential negative consequences. Regardless of consent or mutual attraction, the faculty member or supervisor generally will be judged guilty of sexual harassment if any complaint eventually emerges, either from the partner in the relationship or from his or her fellow students or coworkers. A romantic relationship between any minor employee or student and an adult employee is presumptively deemed not to be a consensual relationship and constitutes sexual harassment.

5. Voluntary Consent Not a Defense:

Faculty members and supervisors exercise power over students and their subordinates, whether in giving or failing to give praise, criticism, performance evaluations, promotions or other similar actions. Romantic relationships between faculty members and students, or between supervisors and subordinates, can destroy necessary professional relationships. Voluntary consent by the student or subordinate is always suspect, given the asymmetric nature of the relationship. Moreover, such unprofessional behavior, or even the appearance of such may affect other students, faculty, and staff, because it gives one student or subordinate the appearance, correctly or incorrectly, of power or favor at the expense of others.

F. Harassment and Discrimination Complaint Procedures

1. In order to accomplish the task of prohibiting discrimination and harassment, the District’s Equal Opportunity Officer is assigned the responsibilities of overseeing and investigating any charges or complaints of discrimination or harassment. The District’s Equal Opportunity Officer will maintain a discrimination and harassment complaint log and complete records of complaints, investigations and resolutions.
2. The District’s Equal Opportunity Officer will work with the Vice President of Student Services of each college for processing all discrimination and harassment complaints.
3. In compliance with the guidelines established by state and federal law, the following procedures will be implemented to investigate and resolve complaints of unlawful discrimination and harassment:
 - (a) Complaints of unlawful discrimination may be filed by a student who has personally suffered discrimination or by a person who has knowledge of such discrimination, within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation of unlawful discrimination or harassment.
 - (b) Student discrimination or harassment complaints may be filed with the District’s Equal Opportunity Officer (at 333 East Eighth Street, Oakland, CA 94606; (510) 466-7252).
 - (c) Student discrimination and harassment complaints may also be filed with the Vice President of Student Services as follows:

Berkeley City College, 2050 Center St., Berkeley, 2nd Floor, (510) 981-2820

College of Alameda, Building A, Room 111, (510) 748 2204

Laney College, Tower Building, Room 412, (510) 464-3162

Merritt College, Building P, Room 311, (510) 436-2478

- (d) All complaints not filed directly with the District's Equal Opportunity Officer should be immediately forwarded to that Officer on the approved District form.
- (e) Whenever any person brings charges of unlawful discrimination to the District Equal Opportunity Officer's attention, that Officer shall:
- i. Inform the complainant that he or she may, but is not required to, informally resolve the charges and that s/he has the right to end the informal resolution effort and begin the formal stage at any time;
 - ii. Notify the complainant of the procedures for filing a complaint;
 - iii. Discuss with the complainant what actions he or she is seeking in response to the alleged discrimination; and
 - iv. Advise the complainant that he or she may file a complaint with the Office for Civil Rights of the United States Department of Education.
 - v. Immediately upon receipt of a complaint, the District's Equal Opportunity Officer will forward a copy to the State Chancellor's Office on the appropriate form.
 - vi. The District's Equal Opportunity Officer will return defective complaints to the complainant with an explanation of the deficiencies and how they may be corrected if the complaint is to be considered.
 - vii. Upon receipt of the complaint, the District Equal Opportunity Officer will review the complaint and determine the need for any interim measures of relief pending completion of the investigation.
- (f) Within fourteen (14) days of receiving the complaint, a thorough and impartial investigation will commence with notification to the complainant and the Chancellor of the initiation of the investigation. Complaints will be investigated and resolved in accordance with the District's unlawful discrimination complaint procedures. To ensure a prompt and equitable investigation of complaints, the investigation shall include an opportunity for the complainant and the accused to present witnesses and other evidence on their behalf. Thus, the investigation shall include private interviews with the complainant, the accused individual and each of the witnesses identified by both parties. Sufficient information about the allegations of the complaint shall be disclosed to the accused to provide him/her with an opportunity to respond to the allegations of the complaint and provide additional information. To the extent appropriate, the District will keep the complainant apprised of the progress of the investigation.
- (g) Complaints will be handled promptly in an appropriately confidential manner — that is, the District's Equal Opportunity Officer will disclose the identities of the parties only to the extent necessary to carry out an investigation. The results of the investigation shall be set forth in a written report which shall include at least all of the following:
- i. Description of the circumstances giving rise to the complaint;
 - ii. A summary of the testimony provided by each witness, including the complainant and any witnesses identified by the complainant;
 - iii. An analysis of any relevant data or other evidence collected during the course of the investigation; and
 - iv. A specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint.
- (h) Within ninety (90) days of receiving a complaint, the District shall complete its investigation and provide the complainant with the following information: A written notice setting forth:
- i. A copy or summary of the District's investigative report;
 - ii. The District's determination on the merits of the complaint; the proposed resolution of the complaints, to the extent that disclosure does not invade any person's privacy rights; and
 - iii. The complainant's right to appeal to the District governing board and the Chancellor. Likewise, the accused individual shall be notified of the outcome of the investigation.
- (i) If the allegation of sexual, racial, or disability harassment is substantiated, the District will take reasonable, timely and effective steps to end the harassment. Depending upon the severity of a given case and/or prior incidents of harassment, a violation of this rule shall lead to disciplinary action including the possibility of expulsion or termination from the District. Remedial measures will be offered if appropriate to correct the discriminatory effects on any individual who has experienced harassment. The District's policy against discriminatory harassment will be interpreted consistently with any federally guaranteed rights involved in a complaint proceeding, including student's First Amendment rights to free speech and the accused individual's right to due process.

- (j) Should the Complainant not be satisfied, he or she may appeal the proposed resolution within ten (10) days of the date of the proposed resolution to the Chancellor. The Chancellor may request an additional investigation, sustain the administrative determination, reverse the administrative determination or take any other appropriate action. If the Chancellor makes the administrative determination, the Complainant may appeal directly to the Board of Trustees within the same time periods set forth above. If the Chancellor sustains the administrative determination or the Complainant is not otherwise satisfied with the Chancellor's decision, the Complainant may appeal to the Board of Trustees within fifteen (15) days of the Chancellor's decision. All appeals shall be filed with the Chancellor's Office at 333 East 8th Street, Oakland, CA 94606. Should the complainant not be satisfied, he or she may appeal the proposed resolution to the District governing board within fifteen (15) days. The District board shall review the original complaint, the investigative report, the determination and the appeal and may issue a final District decision within forty-five (45) days of receiving the appeal. The decision of the Administration will become final if the Board does not act within forty-five (45) days. The student may then appeal the final District decision to the State Chancellor's Office within thirty (30) days. The Office of Equal Opportunity will furnish the complainant with necessary information regarding where and how to file the objection with the State Chancellor's Office.
- (k) Within 150 days of receiving the complaint, and after the resolution proposal is sent to the complainant, the District will forward the complete file of the complaint, findings of the investigation, the District's proposed resolution, the letter to the complainant informing him or her of the proposal, and any relevant material to the State Chancellor's Office.

IV. Sexual Assault Procedure

(see also AP 3540: Sexual and Other Assaults on Campus)

A. Statement regarding Sexual Assault

1. Unlawful sexual assault is a criminal activity prohibited in all employee and student areas, buildings, properties, facilities, service areas, satellite centers of the PCCD and all non-District areas where Peralta classes/instruction are conducted. It is the policy of the PCCD to ensure, to the extent possible, that students, faculty and staff who are victims of a sexual assault committed at or upon the grounds of or upon off-campus grounds or facilities maintained by the District or its colleges, shall receive information, follow-up services, and referrals to local community treatment centers.
2. Each college, through the Office of the Vice President of Student Services, shall make available sexual assault awareness information to students and employees.

B. Definition of Sexual Assault (Education Code 67365)

"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.

C. Procedure

1. The Office of the Vice President of Student Services shall have full responsibility, except for public information, for the administration and follow-up of the sexual assault program required. This includes:
 - (a) Making available to students and staff the District policy on sexual assault.
 - (b) Meeting legal reporting requirements.
 - (c) Identifying available services for the victim.
 - (d) Developing and updating a description of campus resources available to victims as well as appropriate off-campus services.
 - (e) Implementing procedures for keeping the victim informed of the status of any student disciplinary proceedings in connection with the sexual assault.
 - (f) Providing confidentiality.
2. It shall be the responsibility of the Vice President of Student Services to see to it that victims of sexual assault committed at or upon the grounds of, or upon off-campus grounds or facilities maintained by the District, shall receive information and referral for treatment. Services available include immediate short-term crisis counseling, and long-term counseling referral to agencies in the community. This information shall be provided with sensitivity and in consideration of the personal needs of the victim.

3. Any student, faculty, or staff member who is a victim of sexual assault at a District facility referred to in Section 1.1 of this policy is encouraged to notify the Vice President of Student Services. The Vice President of Student Services, with the consent of the victim, shall notify the Campus/District Police Services.
4. Pursuant to legal requirements, the Campus/District Police will notify the appropriate local law enforcement agency of the reported sexual assault, and obtain an ambulance to transport the victim to the hospital, as necessary.
5. In accordance with the Campus Crime Awareness and Security Act of 1990, the District, on an annual basis, shall notify students and employees of statistics concerning specific types of crime, including sexual assault. This notice shall be made through appropriate publication/mailings. The names of the victims will not be reported in the statistics.
6. In cases of violent crimes considered to be a threat to other students and employees, each college's President or the Chancellor of the District shall make timely reports, respecting the confidentiality of the victim, to the college community in a manner that will aid in the prevention of similar occurrences.
7. Upon notification of a sexual assault, the Campus/District Police Services will distribute to the victim a description of campus resources and services available to the victim, as well as appropriate off-campus services. Each student or employee should have a copy of this procedure.
8. The listing of resources and services shall be available through the Campus/District Police Services, each college's Counseling Department, and Health Services Unit.
9. A victim of sexual assault shall be provided with information about pursuing the following remedies or actions against the perpetrator:
 - (a) Employees: Criminal Prosecution/Civil Prosecution:
District disciplinary process: Violation of this procedure will cause disciplinary action which may include termination of employment or may require an employee to participate in a rehabilitation program.
 - (b) Students: Criminal Prosecution/Civil Prosecution:
District disciplinary process: Students are required to comply with this policy to remain in good standing and as a condition of continued attendance at any of the District's colleges. Violation of this policy will be cause for disciplinary action against the student, up to and including expulsion, and/or may require the student to participate in a rehabilitation program. Student discipline shall be accomplished in accordance with provisions of Article 3 of the Title 3, Division 7, Part 47, of the California Education Code.

(c) Non-Student/Employer: Criminal Prosecution/Civil Prosecution:

- i. A victim of sexual assault shall be kept informed by the college President/designee or the Chancellor of the status of and disposition of any District/College disciplinary proceedings in connection with the sexual assault
- ii. The Counseling Department and Health Services shall assist, upon request, the victim of sexual assault in dealing with academic difficulties that may arise because of the victimization and its impact.
- iii. The identity of a victim of sexual assault shall remain confidential unless otherwise prescribed by law. Requests for information regarding the sexual assault from the press, concerned students, parents, and Peralta employees not involved in the assault or its investigation, will be handled by the college's Public Information Office or the District's Office of Marketing in accordance with these regulations: the Family Educational Right and Privacy Act, applicable California Education and Administrative Code sections, and Peralta Community College District Policy and Procedures.

D. Dissemination

1. These procedures shall be published in all student, faculty and staff handbooks, each college's catalog and schedule of classes and other printed material deemed appropriate by each college's Vice President of Student Services
2. These procedures will also be disseminated at each college's orientation and at periodic workshops to be scheduled by each college's Vice President of Student Services

Note: Volunteers and student workers are included in relevant board policies and their related administrative procedures, including but not limited to BP 3410 (Nondiscrimination), BP 3420 (Equal Employment Opportunity), BP 3430 (Prohibition of Harassment), and BP 7280 (Volunteers).

References:

Education Code Sections 212.5; 44100; 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
Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.;
Penal Code Sections 422.55 et seq.;
Title 5 Sections 59300 et seq.;
Accreditation Standard II.B.2.c

AP 5500 STUDENT STANDARDS OF CONDUCT, DISCIPLINE PROCEDURES AND DUE PROCESS

- I. The purpose of this procedure is to provide a prompt and equitable means to address violations of the Student Standards of Conduct, which ensures to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.
- II. These procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, Education Code Section 76120, and will not be used to punish expression that is protected.
- III. A student excluded for disciplinary reasons from one college in the Peralta Community College District may be denied enrollment into other colleges in the District, depending on the specific form of discipline. The President of a college may also deny admission to a student suspended or excluded for disciplinary reasons from other colleges or universities.
- IV. **Standards of Conduct.** Students are responsible for complying with all laws and college regulations and for maintaining appropriate course requirements as established by the instructors.
 - A. Disciplinary action may be imposed on a student for violation of college rules and regulations, the California Education Code, California Penal Code, and the California Administrative Code. Student misconduct may result in disciplinary action by the college and prosecution by civil authorities. Student misconduct may also result in disciplinary action that is applicable to other college campuses and central administrative offices at the Peralta Community College District. The college may require restitution as part of the discipline to ensure the return of items or compensation for any loss to the college or district. Misconduct that may result in disciplinary action includes, but is not limited to, the following violations:
 1. Violation of District policies or regulations including parking and traffic regulations (subject to Education Code Section 76036), policies regulating student organizations, and time, place and manner regulations in regard to public expression.
 2. Willful misconduct which results in injury or death of any person on college-owned or -controlled property, or college-sponsored or supervised functions; or causing, attempting to cause, or threatening to cause physical injury to another person.
 3. Conduct which results in cutting, defacing, damaging, or other injury to any real or personal property owned by the college or to private property on campus.
 4. Stealing or attempting to steal college property or private property on campus; or knowingly receiving stolen college property or private property on campus.
 5. Sexual assault or sexual exploitation regardless of the victim's affiliation with the district.
 6. Unauthorized entry to or use of college facilities.
 7. Committing or attempting to commit robbery or extortion.
 8. Dishonesty such as cheating, plagiarism (including plagiarism in a student publication), forgery, alteration or misuse of college documents, records, or identification documents, or furnishing false information to the college.
 9. The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code or any controlled substance listed in California Health and Safety Code Section 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
 10. Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from an authorized college employee.
 11. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the governing board.
 12. Lewd, indecent, or obscene conduct or expression on college-owned or -controlled property, or at college sponsored or supervised functions; or engaging in libelous or slanderous expression; or expression or conduct which so incites students as to create a clear and present danger of the commission of unlawful acts on college premises, or substantial disruption of the orderly operation of the college.
 13. Disruptive or insulting behavior, willful disobedience, habitual profanity or vulgarity; or the open and persistent defiance of the authority of, refusal to comply with directions of, or persistent abuse of, college employees in the performance of their duty on or near the school premises or public sidewalks adjacent to school premises.
 14. Obstruction or disruption of teaching, research, administrative procedures or other college activities.
 15. Committing sexual harassment as defined by law or by college policies and procedures; or engaging in harassing or discriminatory behavior based on race, sex, religion, age, national origin, disability, or any other status protected by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. The President who may recommend "expulsion" to the Chancellor.

D. The Board of Trustees who may terminate a student's privilege to attend any college of the District.

VII. Due Process for Discipline, Suspensions and Expulsions

A. Definitions:

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

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

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

4. Written Notice/Written Decision. Notice sent by personal service or by registered or certified mail with return receipt requested via the United States Postal Service.
- B. Procedure. . Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply
 1. Notice. The Vice President of Student Services (or designee) will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - a. The specific section of the Code of Student Conduct that the student is accused of violating.
 - b. A short statement of the facts (such as the date, time, and location) supporting the accusation.
 - c. The right of the student to meet with the Vice President of Student Services (or designee) to discuss the accusation, or to respond in writing.
 - d. The nature of the discipline that is being considered.
 2. Time limits. The notice must be provided to the student within 5 days of the date on which the conduct took place or became known to the Vice President of Student Services (or designee); in the case of continuous, repeated or ongoing conduct, the notice must be provided within 5 days of the date on which conduct occurred or became known to the Vice President of Student Services (or designee) which led to the decision to take disciplinary action.
 3. Conference Meeting. A student charged with misconduct must meet with the Vice President of Student Services (or designee) for a conference regarding the basis of the charge and the possible disciplinary action that may arise as a consequence. If the student fails to respond within 5 days after receipt of the written notice, the Vice President may proceed on the assumption that the charge(s) is (are) valid.

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

- a. Reviewing the written statement of the charge(s) as presented to the student;
 - b. Providing a reasonable opportunity at the meeting for the student to answer the charge(s) verbally or in writing to the accusation;
 - c. Informing the student in writing of possible disciplinary action that might be taken;
 - d. Presenting to the student the College Due Process Procedures.
4. Meeting Results. One of the following scenarios will occur:
 - a. The matter is dismissed, in which case no public record of this incident shall be retained; however, an annual confidential report is required to be submitted to the Peralta Board of Trustees.
 - b. A disciplinary action is imposed, and the student accepts the disciplinary action.

- c. A disciplinary action is imposed, and the decision of the Vice President of Student Services (or designee) is final due to the form of the discipline.
 - d. A disciplinary action of a long-term suspension is imposed and the student does not accept the long-term suspension. The student must file at the Office of the President a written notice of intent to appeal to the Student Disciplinary Hearing Panel within 5 days of the written decision from the Vice President of Student Services (or designee).
 - e. A recommendation for expulsion is made by the Vice President of Student Services (or designee) to the College President
5. Short-term Suspension. Within 5 days after the meeting described above, the Vice President of Student Services (or designee) shall decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the Vice President of Student Services' (or designee's) decision shall be provided to the student. The written notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The Vice President of Student Services' (or designee) decision on a short-term suspension shall be final.
 6. Long-term Suspension. Within 5 days after the meeting described above, the Vice President of Student Services (or designee) may decide to impose a long-term suspension. Written notice of the Vice President of Student Services' (or designee) decision shall be provided to the student. The written notice will include the right of the student to request a formal hearing and a copy of the College Student Discipline (Due Process) Procedures describing the procedures for a hearing.
 7. Expulsion. Within 5 days after the meeting described above, the Vice President of Student Services (or designee) may decide to recommend expulsion to the President. The Student Disciplinary Hearing Panel shall be convened to provide a recommendation to the President. The President shall then decide whether to make a recommendation of expulsion to the Chancellor and Board of Trustees. Written notice of the President's (or designee) decision to recommend expulsion shall be provided to the student. The written notice will include the right of the student to a formal hearing with the Board of Trustees before expulsion is imposed, and a copy of the College Student Discipline (Due Process) Procedures describing the procedures for a hearing.

VIII. Hearing Procedures:

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

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

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

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

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

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

E. Conduct of the Hearing.

1. The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.
2. The facts supporting the accusation shall be presented by a college representative who shall be the Vice President of Student Services.
3. The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
4. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

5. Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by the preponderance of evidence that the facts alleged are true.
6. The student may represent himself or herself, and may also have the right to be represented by a person of his or her choice, except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than 5 days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.
7. Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than 5 days prior to the date of the hearing.
8. In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.
9. The hearing shall be recorded by the District either by tape recording or stenographic recording. The official recording shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify himself or herself by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.
10. All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape-recorded is not unavailable.

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

IX. President's (or designee's) Decision

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

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

X. Chancellor's Decision

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

XI. Board of Trustees' Decision:

A. Long-Term Suspension Appeal:

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

B. Expulsion:

1. The Board of Trustees shall consider any recommendation from the President for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.
2. The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures. (Education Code Section 72122)
3. The student shall receive written notice by certified mail to the address last on file with the District at least three days prior to the meeting of the date, time, and place of the Board's meeting.
4. The student may, within 48 hours after receipt of the notice, request that the hearing be held as a public meeting.
5. Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.
6. The Board may accept, modify or reject the findings, decisions and recommendations of the President (or designee) and Chancellor (or designee). If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a written decision that contains specific factual findings and conclusions. The decision of the Board shall be final.
7. The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.

XII. Time Limits

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

XIII. Student Grievance:

- A. Students who believe that they have been improperly subjected to any of the disciplinary measures stated in this policy may file a Student Grievance with the Vice President of Student Services in accordance with Board Policy 5530 Student Rights and Grievance.
- B. Students in Allied Health Programs:
Board Policy 5531 (Allied Health: Student Appeal of Dismissal for Clinical Performance) may apply in lieu of this Board Policy to students who are enrolled in the Allied Health program for clinical performances.

References:

Education Code Sections 66017, 66300, 66301, 72122, and 76030, et seq.
Penal Code Section 626.4
ACCJC Accreditation Standards I.C.8 and 10 (formerly II.A.7.b)

Approved by the Chancellor: December 5, 2012

Revised and Approved by the Chancellor: January 3, 2014

Revised and approved by the Chancellor: June 15, 2015

Revised and approved by the Chancellor: August 13, 2015

Revised and approved by the Chancellor: February 11, 2016

Revised and approved by the Chancellor: September 28, 2016

AP 4100 GRADUATION REQUIREMENTS FOR DEGREES AND CERTIFICATES

I. Statement of Philosophy

The Associate Degree signifies successful completion of a program of organized study and learning experiences designed to impart knowledge and to develop skills, appreciations, attitudes, and values which will be useful to its recipients and to the society in which they live.

A. General

1. Each Peralta College shall publish a list of courses meeting graduation requirements. These lists shall be maintained and approved at each college.
2. Degree requirements fulfilled by a student attending one Peralta College shall be accepted as fulfillment of requirements at another Peralta College.

B. Associate Degree Requirements (general)

To award an Associate Degree in any of the Peralta Colleges, the college must certify that the following requirements have been met:

1. Satisfactory completion of at least 60 semester units in a curriculum accepted by the college toward a degree, as shown in its catalogs.
2. Twelve (12) semester units successfully completed in residence at the college awarding the degree (also applies to the Associate Degrees for Transfer, section D but not to Certificates of Achievement, in section III or Certificates of Proficiency in section IV, below).
3. Completion of at least 18 semester units of study in a discipline or from related disciplines as per the requirements listed in the college catalogs.

C. Associate Degree Requirements (not AA-T or AS-T)

All courses fulfilling the foregoing requirements are to be indicated by the individual colleges in their catalogs. Some requirements may be met through credit by examination. The final transcript must show credit received in each of the first four categories listed in #3 below, and the credit received in these first four categories must add up to at least 19 semester units.

1. A minimum grade point average of 2.0 is required in each of the following.
 - a. Overall grade point average
 - b. General education requirements
2. A "C" grade or better is required in each course in the major and in Area 4.a., English Composition, and Area 4.b., Mathematics.
3. Satisfaction of the following General Education distribution requirements:

A minimum of 3 semester units is required in all areas except computer literacy (Area 4.c) for which a minimum of 1 semester unit is required.

- | | |
|--|-----------------------------------|
| a. Natural Sciences | one (1) course 3 semester units |
| b. Social & Behavioral Sciences | one (1) course 3 semester units |
| c. Humanities | one (1) course 3 semester units |
| d. Language and Rationality | four (4) courses |
| (1) English Composition* | one (1) course 3-4 semester units |
| (2) Mathematics* | one (1) course 3-4 semester units |
| (3) Computer Literacy | one (1) course 1 semester unit |
| (4) Oral or Written Communication, or Literature | one (1) course 3 semester units |
| (5) Ethnic Studies | one (1) course 3 semester units |
- May simultaneously satisfy any one of the above four requirements if it is offered within that discipline, Ethnic Studies will be offered in at least one of the required areas

* *English Composition and Mathematics require a grade of "C" or better.*

D. Associate Degree Requirements (AA-T and AS-T)

The following is required for the AA-T or AS-T degrees:

1. A minimum of 60 CSU-transferable courses semester units.
2. A minimum grade point average (GPA) of at least 2.0 in all CSU-transferable coursework. While a minimum of 2.0 is required for admission, some majors require a higher GPA.
3. Completion of a minimum of 18 semester units in an "AA-T" or "AS-T" major. All course in the major must be completed with a grade of "C" or better or a "P" if the course is taken on a "pass-no-pass" basis (Title 5 Section 55063).
4. Certified completion of the California State University General Education-Breadth pattern (CSUGE Breadth); OR the Intersegmental General Education Transfer Curriculum (IGETC) pattern. Per Education Code there are no local general education requirements.

5. Double counting of courses is recommended by California Education Code and Title 5, section 55063. Double-counting refers to use of a course to fulfill both a general education requirement and a major requirement.

The AA-T or AS-T is intended for students who plan to complete a bachelor's degree in a similar major at a CSU campus. Students completing these degrees are guaranteed admission to the CSU system, but not to a particular CSU campus or to a university or college that is not part of the CSU system.

II. General Education Requirements for the Associate Degree (Peralta degrees)

A. Natural Sciences

Courses in the natural sciences are those which examine the physical universe, its life forms, and its natural phenomena. To satisfy the general education requirement in natural sciences, a course should help the student develop an appreciation and understanding of the scientific method, and encourage an understanding of the relationships between science and other human activities. This category would include introductory or integrative courses in astronomy, biology chemistry, general physical science, geology, meteorology, oceanography, physics, and other scientific disciplines.

B. Social and Behavioral Sciences

Courses in the social and behavioral sciences are those which focus on people as members of society. To satisfy the general education requirement in social and behavioral sciences, a course should help the student develop an awareness of the method of inquiry used by the social and behavioral science. It should stimulate critical thinking about the ways people act and have acted in response to their societies and should promote appreciation of how societies and social subgroups operate. This category would include introductory or integrative survey courses in anthropology, economics, history, political science, psychology, sociology, and related disciplines.

C. Humanities

Courses in the humanities are those which study the cultural activities and artistic expressions of human beings. To satisfy the general education requirement in the humanities, a course should help the student develop an awareness of the ways in which people throughout the ages and in different cultures have responded to themselves and the world around them in artistic and cultural creation and help the student develop aesthetic understanding and an ability to make value judgments. Such courses could include introductory or integrative courses in the arts, foreign languages, literature, philosophy, and religion.

D. Language and Rationality

Courses in language and rationality are those which develop for the student the principles and applications of language toward logical thought, clear and precise expression, and critical evaluation of communication in whatever symbol system the student uses.

1. English Composition: Minimum level of English 1A, Freshman Composition, or an equivalent course.
2. Mathematics: Minimum level of intermediate algebra or an equivalent course.
3. Computer Literacy: A broad understanding of computer concepts
4. Oral or Written Communication, or Literature: Requirement shall include written communication, literature, or selected English for Speakers of Other Languages courses.

E. Ethnic Studies

Ethnic Studies is an intensive and scholarly study of African-American, Hispanic, Asian, and/or Native American experiences in the United States involving an examination of these cultures and the history, social, economic, and political influences on them.

III. Certificate of Achievement Requirements

To award a Certificate of Achievement (approved by the State Chancellor's Office) in any of the Peralta Colleges, the college shall certify that the following requirements have been met:

- A. Minimum of 18 semester units in the major; and completion of a specified program of courses with a "C" grade or better in each course; OR
- B. Completion of 12-17.5 units in a specified program of courses with a "C" grade or better in each course.

IV. Certificate of Proficiency Requirements:

To award a Certificate of Proficiency (approved locally) in any of the Peralta Colleges, the college shall certify that the following requirements have been met:

- A. Up to and including 17.5 semester units
- B. Completion of specified courses with a "C" grade

Certificates of Proficiency will **not** appear on student transcripts.

V. Certificate of Competency (Noncredit):

A Certificate of Competency is awarded when a student completes noncredit coursework in a prescribed pathway that prepares a student to take credit coursework, including basic skills and ESL and is approved by the State Chancellor's Office. A noncredit Certificate of Competency is a document certifying that a student enrolled in a noncredit educational program of noncredit courses and has attained a set of competencies that prepares the student to progress in a career path or to undertake degree-applicable or non-degree-applicable credit courses.

VI. Certificate of Completion (Noncredit):

A Certificate of Completion is awarded when a student has completed noncredit courses in a prescribed pathway leading to improved employability or job opportunities and is approved by the State Chancellor's Office. A noncredit Certificate of Competency is a document certifying that a student has completed a noncredit educational program of noncredit courses that prepares the student to progress in a career path or to take degree-applicable credit courses.

VII. Use of Coursework From Another Accredited Institution

A. Students may use lower and upper division coursework from a regionally accredited institution to fulfill subject requirements of a comparable PCCD course upon approval by the appropriate department chair(s) and administrator(s). Upper division coursework cannot be used to fulfill unit requirements.

Students may also use lower division coursework from a nationally accredited institution for local (PCCD) associate degrees and certificates. However, these courses are not accepted by many four-year institutions and shall not be used to certify CSU General Education and/or IGETC (Intersegmental General Education Transfer Curriculum) requirements.

B. Students may use lower division coursework completed at another regionally or nationally accredited institution to fulfill program, general education, and/or elective unit requirements for the associate degree or certificate programs. Specifically, students may use lower division coursework from another regionally or nationally accredited institution to fulfill any or all of the following :

1. Course or program requirements for a certificate or for the major in an associate degree;

2. General Education graduation requirements, including approved course(s) in the same or similar general education area(s) at another California Community College ; and
3. Elective units to meet the 60 semester unit requirement for an associate degree.

Although PCCD may receive and apply lower division coursework students earned at another regionally or nationally accredited institution towards specified program, general education, and/or elective unit requirements for the PCCD degree, PCCD cannot guarantee the same lower division coursework will transfer and be used for the same requirements at another institution. However, students may not use coursework from a nationally accredited institution to satisfy program, general education, or elective requirements for an AS-T or AA-T degree (see section I.D. above).

Note: Students may NOT use outside coursework to satisfy the 12 unit Residency requirement.

C. Students who have already earned a Bachelor's degree from a regionally accredited institution will not be required to complete Peralta Community Colleges general education requirements. NOTE: Some Peralta Community College degrees require specific general education coursework that may not be waived even if a student has earned a Bachelor's degree.

D. Students who have earned a degree(s) from a foreign institution(s) must have a foreign transcript evaluation service evaluate their degree(s). If the service certifies that the student's degree is the equivalent of a regionally accredited U.S. Bachelor's degree, the student will not be required to complete Peralta Community College District's associate degree general education requirements.

Note: Some Peralta Community College degrees require specific general education coursework that may not be waived even if a student has earned a Bachelor's degree.

VI. Credit for Military Experience

Completion of a minimum of one year's active duty with the Armed Forces of the United States, including completion of a basic or recruit training program and receipt of an honorable discharge, provides six semester units of elective credit toward the associate degree. The credit is given once 12 semester units have been completed at the Peralta Colleges.

To receive credit for military service, students must provide an original DD-214 or an official unopened JST (Joint Services Transcript) for scanning or photocopying by a Peralta staff or faculty member.

A DD-214 may also be used to satisfy the subject and unit requirements for CSU GE Area E, Lifelong Learning and Self-Development.

VII. Catalog Rights:

Students completing the requirements for the Associate degree (local), the Associate Degree for Transfer, Certificate of Achievement, Certificate of Proficiency, Certificate of Completion, and Certificate of Competency have catalog rights. A student's catalog rights are preserved by maintaining enrollment in at least one semester per academic year, in any of the four Peralta Colleges, excluding summer sessions. The "withdrawal" symbol (W) constitutes enrollment. A student's catalog rights include:

- A. The regulations in effect at the time the student entered the college, provided the student has been in continuing enrollment until the requirements for the Degree/Certificate are completed; or
- B. The regulations current at the time the student re-enters the major program and remains in continuing enrollment until the requirements for the Degree/Certificate are completed; or
- C. The regulations current at the time the student files and receives the degree/certificate.

References:

Education Code Sections 70902(b)(3), Sections 66745 et seq.;
Title 5 Sections 55060 et seq.;
Accreditation Standard II.A.3

Approved by the Chancellor: March 13, 2012
Revised and approved by the Chancellor: May 24, 2013
Revised and approved by the Chancellor: December 15, 2014
Revised and approved by the Chancellor: October 21, 2015
Revised and approved by the Chancellor: January 9, 2017
Revised and approved by the Chancellor: September 29, 2017
Revised and approved by the Chancellor: March 28, 2018

AP 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. The application or implementation of Student Learning Outcomes should not abrogate academic freedom.
- C. 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.
- D. Faculty, as discipline experts, shall be the primary participants in the assessment process.
- E. Student Learning Outcomes (SLO's) and assessment design and development are a responsibility for the college faculty and academic senates.
- F. Each college shall appoint a Student Learning Outcomes and Assessment Coordinator using a standard job description.
- G. 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.
- H. 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: January 30, 2013

AP 4250 PROBATION

I. Standards for Probation

1. **Academic Probation:** A Peralta student who has attempted at least 12 semester units and has a cumulative GPA of less than 2.0 as shown by the total academic record for coursework at all Peralta Colleges shall be placed on Academic Probation. The student shall be placed on academic probation during the following term of attendance and shall remain on probation until his/her cumulative grade point average is 2.0 or higher (in accordance with provisions of Title 5).
2. **Progress Probation:** A Peralta student who has enrolled in a total of at least 12 semester units as indicated on the total academic record for all coursework at the Peralta Colleges shall be placed on Progress Probation when the percentage of all units in which the student has enrolled and for which entries of "W", "I", and "NP" are recorded reaches at least 50% of all grades.

II. Removal from Probation

1. **Academic Probation:** A student on Academic Probation for a grade point deficiency shall be removed from academic probation when the student's cumulative grade point average is 2.0 or higher.
2. **Progress Probation:** A student on Progress Probation shall be removed from probation when the percentage of units with entries of "W", "I", and "NP" drops below 50% of all grades.

III. Units Attempted

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

IV. Notification of Probation and Dismissal

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

Reference:

Title 5 Section 55031- 55032, 55033, and 55034

Approved by the Chancellor: April 12, 2012

Revised and approved by the Chancellor: January 3, 2014

Revised and approved by the Chancellor: November 16, 2018

AP 4255 DISMISSAL AND READMISSION

I. Standards for Dismissal

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

- A. **Academic Dismissal:** A Peralta student on academic probation shall be subject to dismissal after three consecutive semesters in which such student has earned a cumulative grade point average of less than 1.75 in all units attempted.
- B. **Progress Dismissal:** A Peralta student who is on progress probation is subject to dismissal after the third consecutive semesters in which the recorded entries of "W", "I", and "NP" exceeds 50% of enrolled units.
- C. **Reinstatement from Dismissal:** Appeals of dismissal and requests for reinstatement are handled by the Vice President of Student Services. A student may appeal for reinstatement if unusual circumstances prevailed. Such circumstances will be evaluated by petition and could be, but not limited to, health and financial strain. Readmission will be conditional and on a semester review basis with the student subject to the continued probation dismissal procedure.

II. Units Attempted

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

III. Notification of Probation and Dismissal

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

Reference:

Title 5 Section 55033 and 55034

Approved by the Chancellor: April 12, 2012

Revised and approved by the Chancellor: January 3, 2014

AP 4231 GRADE CHANGES AND STUDENT GRIEVANCE PROCEDURE

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>
- B. The Divisional Dean of Instruction, after discussion with the instructor, makes a recommendation and submits the form to the Associate Vice Chancellor of Student Services.
- C. The request is then reviewed and approved or denied by the Associate Vice Chancellor of Student Services and processed by the Admissions and Records Office.

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 initiated by a student against an instructor, an administrator, or a member of the classified staff. A grievance may also be initiated against another student. That procedure (in full) is as follows:

A. Grounds for Filing Student Grievances

The Student Grievance Procedure shall apply only to grievances involving:

1. Academic (Grade) Grievance: a complaint alleging mistake, fraud, bad faith or incompetence in the academic (grade) evaluation of student performance.
2. Violation of Law, Policy, and Procedures:
 - a. Violation of rights which a student is entitled to by law or District policy, including financial aid, exercise of free expression, rules for student conduct, admission, probation, or suspension or dismissal policies.
 - b. Act or threat of physical aggression
 - c. Act or threat of intimidation or harassment

B. The Student Grievance Procedure does not apply to:

1. *Police citations (i.e. "tickets")*. Complaints about citations must be directed to the Campus Police in the same way as any traffic violation.
2. *Discrimination, Sexual Assault or Sexual Harassment*. Any student who feels he/she has been or is presently an alleged victim of sexual harassment, may first contact the Vice President of Student Services to file a complaint verbally or in writing, or may directly contact the District's Equal Opportunity Coordinator at 333 East Eighth Street, Oakland, CA 94606, (510) 466-7220. At the time a complaint is made known, a copy of the complaint procedures and a complaint form shall be made available to the complainant. For additional information regarding reporting of discrimination, sexual assault or sexual harassment, please refer to Discrimination Complaint Procedures in this catalog..

C. Definitions

1. *Party*. The student or any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. "Party" shall not include the Grievance Hearing Committee.
2. *Student*. A currently enrolled student, a person who has filed an application for admission to the college, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).
3. *Respondent*. Any person claimed by a grievant to be responsible for the alleged grievance.

4. *Observer*. An individual who is present at a hearing to observe the proceeding, but shall not be allowed to speak and address the committee.
5. *Written Notice/Written Decision*. Notice sent by personal service or by registered or certified mail with return receipt requested via the U.S. Postal Service.
6. *Day*. Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays, Sundays, and District holidays.

D. Grievance Process

1. Informal Resolution

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

- a. For an academic (grade) grievance, the student shall make an appointment with the faculty against whom he/she has a grievance during the faculty member's posted office hours or at a mutually-agreed-upon time, in order to discuss the student's complaint. Should the faculty against whom the student has an academic complaint fail to meet with the student in a timely manner, the student may meet with the Division Dean of Instruction of the faculty member.
- b. For a grievance based on an alleged violation of law, policy, and procedures, the student shall attempt to solve the problem with the person with whom the student has the grievance, that person's immediate supervisor, or the Vice President of Student Services (or designee).

2. Formal Complaint Procedures

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

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

- a. *Complaint.* The complaint must include the following:
- The exact nature of the complaint (grounds).
 - The specific details of the complaint (e.g., chronology of the event and an explicit description of the alleged violation).
 - A description of the informal meeting and attempted resolution, if any.
 - The specific resolution/remedy sought.
- b. *Submission.* The complaint should be submitted to the Vice President of Student Services.
- c. *Meeting with Vice President of Student Services (or designee)*

The Vice President of Student Services (or designee) shall provide to the person against whom the grievance has been filed a copy of the grievance and a copy of the procedure.

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

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

c. Request for Grievance Hearing

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

- i. For academic (grade) grievance, the Chair shall request records and documents from the faculty member against whom the complaint has been filed.
- ii. For grievance based on an alleged violation of law, policy, and procedures, the Chair shall request records and documents from the party against whom the complaint has been filed.

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

d. Grievance Hearing Committee

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

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

Additional committee member:

- For academic (grade) grievances, one faculty member (and one alternate) jointly appointed by the PFT and the Faculty Senate; or
- For other grievances, one classified employee (and one alternate) jointly appointed by Local 790 and the Classified Senate.

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

e. Hearing Procedure

1. The Vice President of Instruction, as Chair, shall provide written notice, including the date, time and place of the hearing to both parties at least ten days prior to the hearing. The notice shall be hand-delivered or sent by certified mail and shall include a copy of the complaint.
2. The Chair shall provide the involved complainant with a written summary of rights he/she may be entitled to by law or contract at least 10 days before the hearing. For academic (grade) grievance, the Chair of the committee shall provide the involved faculty member with a written summary of rights he/she may be entitled to by law or contract at least 10 days before the hearing. Both parties shall be given adequate time (at least 10 days) to read and review all documents, consistent with privacy laws. This right may be waived by either party. Both parties shall be informed that all relevant evidence presented to the hearing committee, whether written or oral, may be used against them in this or any other proceeding unless otherwise prohibited by law. The written notice shall inform the parties of this fact. The Chair of the committee shall inform both parties orally of this fact at the commencement of the hearing

3. The decision of the Chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by a majority of the other members of the panel to the contrary. The Chair may do whatever is necessary, so long as it is legally permissible, to ensure that the hearing is conducted in a fair, dignified and orderly manner.
5. The Chair of the committee may exclude a witness from the hearing when the witness is not giving testimony.
6. Anyone who disrupts the proceeding or interferes shall be excluded from the proceeding.
7. All information derived from the complaint is confidential. Information may not be made public nor discussed with anyone except those with a legitimate need to know.
8. The hearing shall be open only to persons directly involved in the matters to be heard. The bargaining agent representing the respondent may send an observer to any hearing.
9. The committee may call in "expert witnesses" if the subject of the grievance is beyond their expertise.
10. The committee shall inform the witnesses (other than the accused) in writing that they are sought for interview purposes and their participation in the process is requested by the committee. Witnesses shall also be informed as to the purpose of the interview, the general subject of the interview, and their right to request representation by anyone of their choosing prior to and during said interview.
11. Any member of the committee may ask questions of any witness.
12. The hearing shall be conducted so as to bring all of the relevant information and evidence to the members of the committee in an orderly and intelligible form. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted, if it is the sort of evidence on which responsible persons are accustomed to rely upon in the conduct of serious affairs. Accusations not specifically related to the alleged violation shall not be considered relevant. The rules of privilege shall apply to the same extent that they are recognized in civil actions.
13. At all steps of the process, both the student filing and the other party have the right to be accompanied, advised and represented by a person or counsel of their choosing. If either party wishes to be represented by an attorney, a request must be presented not less than 10 days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing committee may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.
14. If the respondent or his/her representative, or both, are absent from all or a part of the hearing, the committee shall make its recommendations on the basis of whatever evidence is submitted before the hearing and on whatever evidence and testimony is presented to the committee during the hearing.
15. The committee shall make all evidence, written or oral, part of the record.
16. The committee shall judge the relevancy and weight of testimony and evidence and make its findings of fact, limiting its investigation to the formal charge. The decision shall be based only on the record of the hearing, and not on matter outside of that record.
17. The burden shall be on the grievant to prove by a preponderance of the evidence that the facts alleged are true and a grievance has been sufficiently established.
18. The hearing date may be postponed or continued at the discretion of the Chair of the committee. Both parties shall be given notice of the new or continued hearing date.
19. The votes of the majority of the members present (at least 3 votes) are necessary in order for the committee to make a recommendation to the Vice President of Student Services.
20. The Chair of the committee shall notify the Vice President of Student Services of the committee's recommendation within 10 days.
21. A summary record of the proceedings held in a closed session shall be kept in a confidential file by the Vice President of Student Services and shall be available at all times to the accused person. The Vice President of Student Services has the responsibility to ensure that a proper record is maintained and available at all times.

f. Final Decision by Vice President of Student Services

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

- i. The committee's recommendation;
- ii. The final decision by Vice President of Student Services; and
- iii. Appeals procedure

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

3. Appeals**a. President's Decision**

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

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

b. Chancellor's Decision

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

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

c. Board of Trustees' Decision

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

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

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

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

4. Time Limits

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

Security of Grade Records

The District has implemented security measures for student records that assure no one without proper authorization may obtain access to student grade records. These measures are installed as part of the computerized grade data storage system in the enterprise management system, PeopleSoft.

The measures implemented by the District include, but are not necessarily limited to, password protection for all student grade data bases, locking mechanisms for computer stations from which grade data bases can be viewed, and strict limits on the number of persons who are authorized to change student grades.

Persons authorized to change grades shall be designated by the Vice Chancellor of Educational Services. No more than six (6) [one at each college in A&R and two at district office A&R] District employees may be authorized to change student grades. Only full-time employees of the District may be authorized to change grades. Student workers shall not have access to or change grades at any time.

Any person who discovers that grades have been changed by someone other than the persons authorized to do so shall notify the Vice Chancellor of Educational Services immediately. The Vice Chancellor of Educational Services immediately shall take steps to lock the grade storage system entirely while an investigation is conducted.

If any student's grade record is found to have been changed without proper authorization, the District will notify (1) the student; (2) the instructor who originally awarded the grade; (3) any known educational institution to which the student has transferred; (4) the accrediting agency; and (5) local law enforcement authorities.

Whenever a grade is changed for any reason, corrected transcripts will be sent to any known educational institution to which the student has transferred.

Any student or employee who is found to have gained access to grade recording systems without proper authorization or who is found to have changed any grade without proper authority to do so, shall be subject to discipline in accordance with the District's policies and procedures.

Any person who is found to have gained access to grade recording systems without proper authorization or who is found to have changed any grade without proper authority to do so, shall be reported to the appropriate law enforcement agency.

The correction of an awarded grade shall only be allowed for a student-initiated request brought under the provisions of this procedure.

References:

Education Code Sections 76224 and 76232
Title 5 Section 55025

Approved by the Chancellor: January 31, 2012

Revised: April 28, 2013

Revised: June 15, 2015

AP 5530 STUDENT RIGHTS AND GRIEVANCE PROCEDURE

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

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

- A. Academic (Grade) Grievance: a complaint alleging mistake, fraud, bad faith or incompetence in the academic (grade) evaluation of student performance.
- B. Violation of Law, Policy, and Procedures:
 1. Violation of rights which a student is entitled to by law or District policy, including financial aid, exercise of free expression, rules for student conduct, admission, probation, or suspension or dismissal policies.
 2. Act or threat of physical aggression
 3. Act or threat of intimidation or harassment
- C. This Student Grievance Procedure does not apply to:
 1. Police citations (i.e. "tickets"). Complaints about citations must be directed to the Campus Police in the same way as any traffic violation.
 2. Discrimination, Sexual Assault or Sexual Harassment. Any student who feels he/she has been or is presently an alleged victim of sexual harassment, may first contact the Vice President of Student Services to file a complaint verbally or in writing, or may directly contact the District's Equal Opportunity Coordinator at 333 East Eighth Street, Oakland, CA 94606, (510) 466-7220. At the time a complaint is made known, a copy of the complaint procedures and a complaint form shall be made available to the complainant. For additional information regarding reporting of discrimination, sexual assault or sexual harassment, please refer to Discrimination Complaint Procedures in this catalog.

II. Definitions

- A. Party: The student or any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. "Party" shall not include the Grievance Hearing Committee.
- B. Student: A currently enrolled student, a person who has filed an application for admission to the college, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).
- C. Respondent: Any person claimed by a grievant to be responsible for the alleged grievance.
- D. Observer: An individual who is present at a hearing to observe the proceeding, but shall not be allowed to speak and address the committee.
- E. Written Notice/Written Decision: Notice sent by personal service or by registered or certified mail with return receipt requested via the U.S. Postal Service.
- F. Day. Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays, Sundays, and District holidays.

III. Grievance Process

A. Informal Resolution

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

1. For an academic (grade) grievance, the student shall make an appointment with the faculty against whom he/she has a grievance during the faculty member's posted office hours or at a mutually-agreed-upon time, in order to discuss the student's complaint. Should the faculty against whom the student has an academic complaint fail to meet with the student in a timely manner, the student may meet with the Division Dean of Instruction of the faculty member.
2. For a grievance based on an alleged violation of law, policy, and procedures, the student shall attempt to solve the problem with the person with whom the student has the grievance, that person's immediate supervisor, or the Vice President of Student Services (or designee).

B. Formal Complaint Procedures

Any student who believes he/she has a grievance must file an approved grievance complaint form with the Vice President of Student Services (or designee). The student may obtain the form from the Office of the Vice President of Student Services. The student must file within 90 days of the incident on which the grievance is based; or after the student knew or should have known of the basis for the grievance, whichever is later. The grievance complaint must be filed whether

or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Failure to file a formal complaint within such ninety (90) day period constitutes waiver of the student's right to appeal.

1. Filing Complaint

The complaint must include the following:

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

Complaint should be filed with Vice President of Student Services.

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

The Vice President of Student Services (or designee) shall provide to the person against whom the grievance has been filed a copy of the grievance and a copy of the procedure.

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

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

3. Request for Grievance Hearing

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

- a. For academic (grade) grievance, the Chair shall request records and documents from the faculty member against whom the complaint has been filed
- b. For grievance based on an alleged violation of law, policy, and procedures, the Chair shall request records and documents from the party against whom the complaint has been filed.

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

4. Grievance Hearing Committee

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

- a. The Vice President of Instruction, who shall Chair the committee;
 - b. One faculty member (and one alternate) jointly appointed by the PFT and the Faculty Senate;
 - c. One administrator (and one alternate) appointed by the College President;
 - d. One student (and one alternate) appointed by the President of the Associated Students
- Additional committee member:
- e. For academic (grade) grievances, one faculty member (and one alternate) jointly appointed by the PFT and the Faculty Senate; or
 - f. For other grievances, one classified employee (and one alternate) jointly appointed by Local 790 and the Classified Senate.

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

5. Hearing Procedure

- a. The Vice President of Instruction, as Chair, shall provide written notice, including the date, time and place of the hearing to both parties at least ten days prior to the hearing. The notice shall be hand-delivered or sent by certified mail and shall include a copy of the complaint.
- b. The Chair shall provide the involved complainant with a written summary of rights he/she may be entitled to by law or contract at least 10 days before the hearing. For academic (grade) grievance, the Chair of the committee shall provide the involved faculty member with a written summary of rights he/she may be entitled to by law or contract at least 10 days before the hearing. Both parties shall be given adequate time (at least 10 days) to read and review all documents, consistent with privacy laws. This right may be waived by either party. Both parties shall be informed that all relevant evidence presented to the hearing committee, whether written or oral, may be used against them in this or

any other proceeding unless otherwise prohibited by law. The written notice shall inform the parties of this fact. The Chair of the committee shall inform both parties orally of this fact at the commencement of the hearing.

- c. The decision of the Chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by a majority of the other members of the panel to the contrary. The Chair may do whatever is necessary, so long as it is legally permissible, to ensure that the hearing is conducted in a fair, dignified and orderly manner.
 - d. The Chair of the committee may exclude a witness from the hearing when the witness is not giving testimony.
 - e. Anyone who disrupts the proceeding or interferes shall be excluded from the proceeding.
 - f. All information derived from the complaint is confidential. Information may not be made public nor discussed with anyone except those with a legitimate need to know.
 - g. The hearing shall be open only to persons directly involved in the matters to be heard. The bargaining agent representing the respondent may send an observer to any hearing.
 - h. The committee may call in "expert witnesses" if the subject of the grievance is beyond their expertise.
 - i. The committee shall inform the witnesses (other than the accused) in writing that they are sought for interview purposes and their participation in the process is requested by the committee. Witnesses shall also be informed as to the purpose of the interview, the general subject of the interview, and their right to request representation by anyone of their choosing prior to and during said interview.
 - j. Any member of the committee may ask questions of any witness.
 - k. The hearing shall be conducted so as to bring all of the relevant information and evidence to the members of the committee in an orderly and intelligible form. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted, if it is the sort of evidence on which responsible persons are accustomed to rely upon in the conduct of serious affairs. Accusations not specifically related to the alleged violation shall not be considered relevant. The rules of privilege shall apply to the same extent that they are recognized in civil actions.
 - l. At all steps of the process, both the student filing and the other party have the right to be accompanied, advised and represented by a person or counsel of their choosing. If either party wishes to be represented by an attorney, a request must be presented not less than 10 days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing committee may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it..
 - m. If the respondent or his/her representative, or both, are absent from all or a part of the hearing, the committee shall make its recommendations on the basis of whatever evidence is submitted before the hearing and on whatever evidence and testimony is presented to the committee during the hearing.
 - n. The committee shall make all evidence, written or oral, part of the record.
 - o. The committee shall judge the relevancy and weight of testimony and evidence and make its findings of fact, limiting its investigation to the formal charge. The decision shall be based only on the record of the hearing, and not on matter outside of that record.
 - p. The burden shall be on the grievant to prove by a preponderance of the evidence that the facts alleged are true and a grievance has been sufficiently established.
 - q. The hearing date may be postponed or continued at the discretion of the Chair of the committee. Both parties shall be given notice of the new or continued hearing date.
 - r. The votes of the majority of the members present (at least 3 votes) are necessary in order for the committee to make a recommendation to the Vice President of Student Services.
 - s. The Chair of the committee shall notify the Vice President of Student Services of the committee's recommendation within 10 days.
 - t. A summary record of the proceedings held in a closed session shall be kept in a confidential file by the Vice President of Student Services and shall be available at all times to the accused person. The Vice President of Student Services has the responsibility to ensure that a proper record is maintained and available at all times.
6. Final Decision by Vice President of Student Services
- Based on the grievance hearing committee's recommendations, the Vice President of Student Services (or designee) may accept the recommendation, return it to the committee for further review, or reject it. Within 10 days of receipt of the committee's recommendation, the Vice President of Student Services (or designee) shall send written notification to the parties and committee informing them of:
- a. The committee's recommendation;
 - b. The final decision by Vice President of Student Services; and
 - c. Appeals procedure
- Any decision to reject findings of the committee must be supported by a summary finding of fact. The decision to recommend a grade change must be supported by a summary finding of fact, establishing mistake, fraud, bad faith or incompetence.

7. Appeals

a. President's Decision

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

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

b. Chancellor's Decision

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

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

c. Board of Trustees' Decision

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

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

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

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

4. Time Limits

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

References:

Education Code Section 76224(a)
Title IX, Education Amendments of 1972
ACCJC Accreditation Eligibility Requirement 20
ACCJC Accreditation Standard IV.D.

Approved by the Chancellor: December 7, 2012

Revised and approved by the Chancellor: August 13, 2015

Revised and approved by the Chancellor: March 28, 2018

AP 3551 PRESERVING A DRUG FREE ENVIRONMENT FOR STUDENTS

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

- A. For purposes of this administrative procedure, campus shall mean those places where a student is engaged in an authorized college activity. The campus includes property owned or leased by the District; property used by the District for student participation in field trips, field study, athletic competition, or study travel programs; and District or private vehicles while being used for official District business.
- B. All students are required to comply with this procedure to remain in good standing and as a condition of continued attendance in any of the District's colleges. Any violation of this procedure will be cause for disciplinary action against the student, up to and including expulsion, and/or may require the student to participate satisfactorily in a substance abuse assistance or rehabilitation program. Student discipline shall be accomplished in accordance with the provisions of AP 5520 Student Discipline Procedures.
- C. Any student who needs information about substance abuse treatment may consult a counselor, who can provide the student with information about available treatment resources. The District does not provide substance abuse treatment.
- D. The Vice Chancellor of Academic Affairs (or designee), will ensure that the District's Drug Abuse and Alcohol Prevention Program (DAAPP) will be emailed to all students following the census deadlines for each term, each academic year to ensure all students receive the notification regardless of when they enroll. The notification will include the consequences of illicit drug and alcohol abuse violations on campus, including possible criminal sanctions and student disciplinary action up to and including expulsion pursuant to applicable state/federal law and District policy and administrative regulations. The purpose of such sanctions and discipline is to urge students to begin the personal process of rehabilitation. The notification will provide a list of campus and community resources available to all students, such as counseling and rehabilitation for persons with alcohol or drug-related problems.

E. A review of the District's Drug Abuse and Alcohol Prevention Program (DAAPP) will occur biennially. The Vice Chancellor of Academic (or designee), in coordination with the college Vice Presidents of Student Services, will be responsible for conducting the District's biennial review. The review will consist of an assessment from several sources, including, but not limited to, surveys of District students and employees and data-related to reports including alcohol and drug incidents that resulted in a criminal or disciplinary investigation.

Approved by the Chancellor: May 11, 2012
Revised and approved by the Chancellor: May 8, 2018

AP 3570 SMOKING ON CAMPUS

I. Smoking: Definition

"Smoke or Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form.

"Electronic Smoking Device" means any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor. Delivery or nicotine delivery systems not approved by the FDA as a proven method for cessation are prohibited where smoking and tobacco use are prohibited

II. Applicability

Smoking is prohibited in all indoor and outdoor Peralta Community College District's ("PCCD") campus locations and District Administrative Centers, except for the following areas:

- A. Berkeley City College: No exceptions designated.
- B. College of Alameda:
 1. The area immediately outside the southwest corner of parking lot B;
 2. The grass area immediately to the east of the southernmost parking lot which is near buildings A and L.
- C. Laney College: No exceptions designated.
- D. Merritt College: No exceptions designated.
- E. District Administrative Center Offices: 50 feet away from all buildings in the parking lot behind the main Administrative Office building.

F. Per Health and Safety Code Section 104495, tobacco products, including cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, and an electronic device that delivers nicotine or other vaporized liquids to a person inhaling from the device (e.g., e-cigarettes and vaporizers) may not be used within 250 feet of a youth sports event. A youth sports event is any practice, game, or related activity organized by any entity at which athletes up to 18 years of age are present.

III. Notices and Publications

- A. Notification of this Smoking Procedure will be published in appropriate District and College publications and in notices distributed to students, faculty, staff, administrators, and those renting District/College facilities.
- B. Appropriate signage will be placed throughout the college campuses and district office.

IV. Penalties

- A. Violations of the smoking procedures of PCCD are subject to a fine equal to the current fee for parking violations. However, smoking fines shall be limited to a maximum fine of \$100. Persistent offenders, 3 offenses or more, shall be fined \$100.
- B. If payment is not received within 21 calendar days the offenders will be notified of the consequences of failure to pay.
- C. Payment must be sent to: Parking Enforcement Center, PO Box 6010, Inglewood, CA 90312. *Check or money order shall be made payable to the "Peralta Community College District".*

V. Enforcement Procedure

- A. Citation Enforcement
 1. Peralta Police Services and other security entities (collectively, "Security Personnel") shall have authority to issue citations for violations of PCCD's smoking policy using the procedures established herein.
 2. Citations shall be issued using the Peralta Police Services Notice of Parking Violations.
 3. All Security Personnel who issue smoking citations shall complete all sections of the citation and shall include personally identifiable information, based on information required and available.
 4. Security Personnel will leave a copy of the citation with the individual being cited.
- B. Voiding Citations
 1. A citation shall only be voided if it is determined that the citation was written in error, prior to the citation being issued. Once the citation has been issued, the citation may only be dismissed through the administrative review process.

2. Security Personnel voiding smoking citations shall:
 - a. Write void on all copies of the citation; and
 - b. Submit all voided copies to the Peralta Police Services office.
 3. All copies of each voided citation will be filed and maintained for one year.
- C. Citation Correction Notice
1. If an error was written on a smoking citation, but the citation is valid on its face, the Security Personnel who issued the citation shall complete a Citation Correction Notice.
 2. If the error is discovered by a person other than the issuing Security Personnel, the citation will be returned to the issuing Security Personnel.
 3. Once the error is confirmed, the issuing Security Personnel will complete a Notice of Correction and forward it to Peralta Police Services Administrative Sergeant for review.
 4. Once the Notice of Correction has been reviewed, it will be mailed to the individual cited on the citation.
 5. A copy of the Notice of Correction will be attached to the original citation and filed.

VI. Appeals (3 Levels)

- A. Request for Citation Cancellation (Level 1)
1. An individual may request a Citation Cancellation **within 21 calendar days** of the citation issuance date.
 2. Requests for cancellation must be done in writing, on the Citation Cancellation form. Forms are located at the Peralta Police Services Office, 333 E. 8th Street, Oakland, CA 94606.
 3. Upon submittal of the Citation Cancellation form, the validity of the appeal shall be evaluated. Any decision made shall be based on the facts as represented on the face of the citation, the review request, and applicable laws and regulations.
 - a. For citations issued by Peralta Police Services, their Administrative Sergeant shall evaluate the validity of the appeal.
 - b. For citations issued by Security Personnel other than Peralta Police Services, the Vice Chancellor of General Services shall evaluate the validity of the appeal.
 4. The evaluating officer can:
 - a. Dismiss the violation and request PCCD to remit any payment made;
 - b. Find no grounds for dismissal;
 - c. Determine that an individual is not a persistent offender; or
 - d. Reduce any late fees.
 5. Decisions will be mailed to the individual who requested the Citation Cancellation. A copy of the decision will be kept on file until one year after the appeals process has been finalized.

- B. Administrative Hearing (Level 2)
1. Individuals dissatisfied with the findings of the Level 1 hearing may request an "Administrative Hearing" (Level 2 hearing).
 2. A request for an Administrative Hearing must be made to Peralta Police Services in writing **within 21 calendar days** from the date that the Level 1 hearing results were mailed.
 3. The individual requesting a hearing may provide the information for his/her Administrative Hearing in writing. Forms are located at Peralta Police Services office, 333 E. 8th Street, Oakland, CA 94606.

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

4. The Vice President, Student Services at the appropriate campus and a Peralta Police Services' hearing Officer will conduct an Administrative Hearing with the contesting party. Once a decision has been reached, the decision will be mailed to the individual.

C. Superior Court (Level 3)

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

VII. Allocation of Proceeds From Fines

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

VIII. Initial Implementation

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

References:

California Government Code Sections 53069.4, 7597, 7597.1, and 7598
 California Labor Code 6404.5
 Health and Safety Code Section 104495
 Title 8 Section 5148

Approved by the Chancellor: May 11, 2012

Revised and approved by the Chancellor: March 15, 2016

Revised and approved by the Chancellor: June 13, 2017

Revised and approved by the Chancellor: December 12, 2017

AP 3530 WEAPONS ON CAMPUS

Firearms, knives, explosives or other dangerous objects, including but not limited to any facsimile firearm, knife or explosive, are prohibited on any District campus or in any facility of the District except as detailed below. The prohibition of firearms on at any college in the district, at any district/college center, at district office, or in any district facility includes both loaded and unloaded firearms, and applies to persons holding a valid license to carry a concealed firearm.

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

Bringing or possessing any firearms, ammunition, explosives, air guns, slingshots, firecrackers, fireworks, cherry bombs, metal knuckles, billy clubs, dirks, daggers, ice picks, or knife having blade longer than 5 inches upon the grounds is prohibited, unless the person is authorized to possess such a weapon in the course of his/her employment, has been authorized by a District employee, or is a duly appointed peace officer, who is engaged in the performance of his/her duties.

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

I. Applicability

- A. These procedures apply to all employees and students of the Peralta Community College District; associates of the District; respective contractors; and guests
- B. These procedures apply to any and all District property, including all campuses, administrative facilities, parking areas, grounds and other publicly-accessible areas, and at all events and activities occurring on District property.
- C. These procedures are not applicable to online students unless such a student possesses or uses a weapon (1) while [s]he is physically present on a District campus or at a District-located event or, (2) in violation of federal, state or local law.

II. Definitions

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

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

1. Weapons may include, but are not limited to any offensive weapon; firearms of any kind such as pistols, revolvers, or other guns; BB or pellet guns, knives such as daggers, razors, stiletos, switchblade knives or knives with a blade exceeding five inches in length, tasers, stun guns, or other portable devices directing an electric current that are designed to immobilize a person; explosives or incendiaries such as bombs, grenades, or fireworks, poison gas; or simulations of any such items (devices that appear to be real such as a realistic toy, replica, paint-ball gun, etc.).
2. A weapon may also include an object of any sort whatsoever which is used in such a manner as to indicate that the person using the object intends to inflict death or serious injury upon another person, or which is threatened to be used in such a manner, and which, when so used, is capable of inflicting death upon a human being.

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

III. Personnel

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

- B. Authorized Personnel for all approvals noted herein are:
 1. Chancellor.
 2. Vice Chancellor of General Services.
 3. The Captain of Peralta Police Services
 4. The Lieutenant of Peralta Police Services
- C. College President of an impacted campus will participate in decision-making as appropriate.

IV. Operating Procedures

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

V. Incident Response

- A. Any person who observes a student, faculty, staff, or visitor violating this Policy shall immediately inform any or all of the College President's office, if on a campus, Peralta Police, Chancellor's office and Vice Chancellor for General Services.
- B. Alleged violations of this policy will be promptly investigated.
- C. Policy violations will result in appropriate disciplinary action and may result in referral to law enforcement.

VI. Violations

- A. Any person who violates this Administrative Procedure may be subject to:
1. An order to leave the immediate premises or property owned or controlled by the District
 2. Arrest for criminal trespass if a previous order to leave the immediate premises or property owned or controlled by the District is refused or disobeyed;
 3. Disciplinary proceedings, up to and including expulsion or termination, if the person is a student, employee, faculty member, or administrator.
 4. Prosecution by local, state, or federal authorities if the person is suspected of and/or in violation of local, state or federal law.
- B. Any vendor or contractor who violates the provisions of this policy shall be subject to the termination of his/her business relationship with the System Office and/or affected technical college, as well as possible criminal prosecution.
- C. If an individual believes he/she is not responsible for an alleged violation of the Weapons on Campus policy, appeal may be made to the chancellor or designee within ten (10) business days of receipt of the violation notification from the District.
- D. Failure to appeal in writing within the scheduled time period will result in ratification of the violation.

VIII. Notification

- A. Signage shall be publicly posted at each site that firearms, weapons, and unlawful explosive compounds are prohibited at each college campus, administrative building and other District-owned and controlled property or site.
- B. All employees, students, volunteers, visitors, vendors, and contractors must be informed of the following:
1. Legal implications of prohibiting firearms, weapons, and unlawful explosive compounds on District property or at District sanctioned functions.

2. Possible penalties associated with violations of this policy.
3. Reporting procedures to notify appropriate law enforcement agencies of a potential violation.

IX. Exceptions

- A. All requests for exception to this Policy must be made in writing to chancellor or designee prior to the requesting individual entering a District property in possession of a weapon.
- B. Statements must substantiate that requesting individual:
1. Is a current federal, state or local law enforcement officer or other person who is required by law to carry a weapon, member of the armed forces, campus public safety officer, or person required to carry a weapon by law or official rules of conduct applicable to such person
 2. Agrees to abide by all policies, procedures and instructions of the District with respect to the possession or use of weapons.
- C. Statement shall identify the specific weapon(s) to be carried.
- D. Authorizing Official, after verifying that request includes required information and gathering any additional information deemed appropriate, shall determine whether (and if so, to what extent) to grant the request.
- E. Determination shall be communicated in writing and considered final.
- F. Permission granted under this Policy shall be confirmed through a written and signed Agreement stating that grantee has read and understands this Policy; understands that the weapon is not to be visible or used, except to the extent required by applicable laws, regulations or rules of conduct; agrees to (a) follow all applicable laws, (b) take all appropriate precautions to secure the weapon, avoid injury or disruption to members of the District community, affiliated entities or unaffiliated third parties, and (c) unconditionally agrees to indemnify and hold harmless the District, its affiliates, respective trustees, employees, agents and representatives against any losses, liabilities and related expenses (including, but not limited to, reasonable attorney fees) that may be incurred in connection with such person's possession or use of a weapon, whether or not such possession or use is determined to be negligent or in violation of this Policy or any applicable law, regulation or rule of conduct.
- G. A person receiving such authorization, which shall only apply to the specific weapon(s) identified in the granted request, shall promptly notify chancellor or designee in writing of (a) any loss or theft of the weapon or (b) any material change in the facts or circumstances upon which permission was granted.

- H. Upon granting or revoking permission under this Policy, grantee shall immediately furnish written notice to the appropriate District Personnel for the campus or site at which the person to whom permission has been granted will be located.
- I. Except as otherwise set forth in writing by this procedure, permission granted under this Policy:
1. Shall be effective only for the specific time period for which it is granted unless renewed in writing
 2. May be revoked at any time, in writing
 3. Shall terminate automatically when the person to whom permission has been granted leaves the District, College or is suspended for any reason.
- J. Granting of permission applicable to a stated term does not guarantee that this Policy shall not be revised or that permission will remain in effect for the remainder of that term or for any subsequent terms.

X. Violations

- A. Any student or employee found to be in possession of a firearm or other weapon in violation of this policy is subject to immediate dismissal, termination, and/or prosecution in accordance with applicable statutes.
- B. Any other person in violation of this policy is, in addition to being subject to criminal prosecution under applicable statutes, subject to immediate expulsion from institutional facilities and prohibition against reentry.

Approved by the Chancellor: July 26, 2012

Revised and approved by the Chancellor: September 28, 2016

AP 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.

D. The alcoholic beverage is acquired, or consumed pursuant to a license or permit obtained for special events held at facilities of a community college district at a time when students are not on the grounds. "Facilities" includes, but are not limited to- office complexes, conference centers, or retreat facilities.

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

Revised and approved by the Chancellor: June 15, 2015

Revised by the Chancellor: February 11, 2016

Other Policies

Policies and procedures are subject to revision to comply with appropriate laws, requirements, and best practices. For a complete list of Board and Administrative Policies including regarding:

AP 2430: Delegation of Authority to the Chancellor's Staff

AP 3440: Service Animals

AP 3840: Students on Campus

AP 5013: Students in the Military

AP 5015: Residency Determination

AP 5030 Student Fees

AP 5040: Student Records and Directory Information

AP 5052: Open Enrollment

AP 5140: Disabled Students Programs and Services

AP 5400: Associated Students Organization

AP 5410: Associated Students Elections

AP 7500: Volunteers

Please visit: <http://web.peralta.edu/trustees/bps-aps/>.